

MAINE STATE LEGISLATURE

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Sixty-Second Legislature.

SENATE.

No. 3.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND
EIGHTY-FIVE.

At the annual town meeting for the town of Brunswick, held March 5th, 1883, the following vote was passed:

“Article 25th. Voted, That the selectmen be instructed to apply to the legislature for a city charter, for the whole town, or to revive the old charter and bring it before the town as soon as expedient.”

ATTEST:

B. R. JORDAN, *Town Clerk.*

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND
EIGHTY-FIVE.

AN ACT to incorporate the City of Brunswick.

*Be it enacted by the Senate and House of Representatives
in Legislature assembled, as follows:*

SECT. 1. The inhabitants of the town of Brunswick, in the county of Cumberland, shall continue to be a body politic and corporate by the name of the city of Brunswick, and as such shall have, exercise and enjoy all the rights, immunities, powers, privileges and franchises, and be subject to all the duties and obligations now appertaining to or incumbent upon said town as a municipal corporation, or appertaining to or incumbent upon the inhabitants or selectmen thereof; and may ordain and publish such acts, laws and regulations, not inconsistent with the constitution and laws of this state, as shall be needful to the good order of said body politic; and impose fines and penalties for the breach thereof not exceeding twenty dollars for any one offense, which may be recovered to the use of said city, by action of debt, or on complaint before the municipal court in said city.

SECT. 2. The administration of all the prudential and municipal affairs of said city, the government thereof, shall be vested in one principal magistrate, to be styled the mayor; and one council of seven, to be denominated the board of aldermen; all of whom shall be

inhabitants of said city ; all of whom shall be sworn to the faithful performance of the duties of their respective offices ; *provided*, the board of aldermen shall not vote, Proviso.

assess or appropriate any money for any object or purpose for which the town of Brunswick is not authorized to vote, assess and appropriate money, except for such purposes as are authorized by this act. *And provided further*, that

Authority of officers or agents to borrow money, limited. neither the board of aldermen nor any agent or officer for the city shall borrow or hire money for or on account of the city or inhabitants thereof, except for the purposes for which the town of Brunswick is now by law authorized to raise money ; and all notes, bonds, obligations, scrip or orders given by the city council or any officer or agent thereof, for money or property obtained for any other purpose, shall be void except those negotiable and in the hands of a bona-fide holder for value.

Duties and powers of mayor. SECT. 3. The mayor of said city shall be the chief executive magistrate thereof. He shall be vigilant in causing the laws and regulations of the city to be executed, and exercise a general supervision over the conduct of all subordinate officers, and cause their violations or neglect of duty to be punished. He may call special

Special meetings of aldermen. meetings of the board of aldermen when, in his opinion, the interest of the city requires it, by a notice in one or more of the papers printed in the city, or by causing a summons or notification to be given in hand or left at the usual dwelling place of each member of the board to be convened. He shall, from time to time, communicate to the board of aldermen such information and recommend such measures as the business and interests of the city may, in his opinion, require. He shall preside in the board of aldermen, Salary fixed. but shall have only a casting vote. The salary of the mayor shall be two hundred dollars per year, which shall not be increased or diminished during his continuance in office, unless by the vote of the qualified electors in ward meetings called for that purpose ; nor shall he receive from the city any other compensation for any services by him rendered in

any capacity or agency; *provided, however,* the Proviso.
 board of aldermen may elect the mayor to any city office,
 and allow him a reasonable compensation for services rendered
 in such office; but the aldermen shall not receive Aldermen not to
 receive compen-
 sation.
 any salary or compensation for any services by
 them performed as such, nor shall they be eligible to any
 other city office.

SECT. 4. The executive powers of said city Powers vested in
 mayor and alder-
 men.
 generally, and the administration of police, with
 all the powers of the selectmen of the town of Brunswick,
 shall be vested in the mayor and aldermen as fully as if the
 same had been herein particularly enumerated; all other
 powers now vested in the inhabitants of said town, and all
 powers granted by this act, shall be vested in the mayor and
 aldermen of said city. The board of aldermen Duties of
 aldermen.
 shall, annually, on the third Monday in March,
 or as soon thereafter as may be convenient, elect, and appoint
 for the ensuing year, all the subordinate officers Election, duties
 and compensation
 of subordinate
 officers.
 and agents for the city, including a chief engineer,
 and other necessary engineers of the fire depart-
 ment, which chief engineer, and, in his absence, the subordi-
 nate engineers, shall have all the power and authority that
 firewards now have; shall define their duties, fix their com-
 pensation, and may, by vote, remove officers when, May be removed
 for cause.
 in their opinion, sufficient cause for their removal
 exists. All officers shall be chosen and vacancies supplied,
 for the current year, except as herein otherwise provided.
 All the said subordinate officers and agents shall Term of office.
 hold their offices during the ensuing year, and till others shall
 be elected and qualified in their stead, unless sooner removed
 by the board of aldermen; and all moneys received All moneys
 received to be
 paid into city
 treasury
 and collected for and on account of the city, by
 any officer or agent thereof, shall forthwith be paid
 into the city treasury. The board of aldermen shall take
 care that moneys shall not be paid from the treasury Payment of
 money from
 treasury.
 unless granted or appropriated; shall secure a
 prompt and just accountability by requiring bonds with

sufficient penalties and sureties, from all persons trusted with the receipt or custody of the public money; shall have the care and superintendence of the city public buildings, and the custody and management of all the city property, with powers to let or sell what may be legally let or sold; and to purchase, in the name of the city, such real or personal property, not exceeding the sum of one hundred thousand dollars, including the property now owned by the town, as they may deem of public utility. And the

Custody of public buildings and property.

Shall publish annually an account of receipts and expenditures.

Mayor to sign warrants for payment of money.

board of aldermen shall, as often as once a year, cause to be published for the information of the inhabitants, an account of receipts and expenditures, and a schedule of the city property; and no money shall be paid from the treasury unless the same be appropriated by the board of aldermen, and upon a warrant signed by the mayor, which warrant shall state the appropriation under which the same is drawn.

Laws, etc., to be approved by mayor.

SECT. 5. Every law, act, ordinance or bill appropriating money, having passed the board of aldermen, shall be presented to the mayor, and if he approve the same, he shall sign it; if not, he shall return it within seven days, with his objections, to the board of aldermen, which shall enter the objections at large on its journals, and proceed to reconsider said law, act, ordinance or bill. If, upon such reconsideration, a majority of the whole number of the board of aldermen shall agree to pass it, it shall have the same effect as if signed by the mayor.

Assessors, their appointment, powers, duties and liabilities.

Proviso.

SECT. 6. City assessors shall be annually appointed by the board of aldermen, who shall exercise and be subject to the same powers, duties and liabilities that the assessors in the several towns in this state may exercise and be subject to under existing laws; *provided, however,* that the board of aldermen may appoint one person in each ward, whose duty it shall be to furnish the assessors with all necessary information relative to persons and property taxable in his ward, and who shall be sworn to the faithful performance of his duty. All taxes

shall be assessed, apportioned and collected in the manner prescribed by the laws of this state relative to town taxes; *provided, however,* that it shall be lawful for the board of aldermen to establish further and additional provisions for the collection thereof.

SECT. 7. The board of aldermen shall have exclusive power and authority to lay out any new street or public way, or widen or otherwise alter or discontinue any street or way in said city, and to estimate the damage any person may sustain thereby, and shall in all other respects be governed by, and be subject to, such rules and restrictions as are by law provided in this state for regulating the laying out of public highways and repairing streets. And any person aggrieved by the decision or judgment of said board of aldermen, may, as far as relates to damages, have them assessed by a committee or jury, as is now by law provided; and any highway or town way, or bridge which has been, or may hereafter be located within said town or city, shall, nevertheless, be deemed to be legally located and established, provided that the county commissioners of Cumberland county, shall have power to lay out, widen, or otherwise alter or discontinue, within said city, any part of any county road that has been or shall be by them laid out in any adjoining town or towns, and passing thence into or through said city, according to the provisions of law; and any such county road which has been so laid out, altered, widened or discontinued within the limits of said city, shall be deemed to be legally laid out, altered, widened or discontinued, reserving, however, in all cases where the proceedings have not been fully closed and recorded, to all persons whose land has been taken, the same rights, and the same time after the passage of this act, that they would have had if the proceedings had been legal, to petition for an increase of damages, and the same may be determined in the manner now provided by law in other cases.

Assessment and collection of taxes.

Proviso.

Aldermen authorized to lay out streets.

Remedy in case any person is aggrieved.

County commissioners empowered to lay out, etc., roads within city.

SECT. 8. The board of aldermen may, by a committee by them appointed, or by instructions to the commissioners of streets, appropriate, set off and reserve as side-walks, such part of the several streets in said city, now or hereafter to be established, as to said board of aldermen may appear necessary for the safety, convenience and accommodation of foot passengers. The board of aldermen may permit or direct posts of stone, or wood, or trees to be placed along the edge of said side-walk next to the traveled part of the street, in such number and manner as they may deem necessary to protect said side-walks and the persons traveling thereon from damage or inconvenience from teams or carriages. So much of the several streets in said city as shall be appropriated and reserved as side-walks, agreeably to the provisions of this act, shall be taken and deemed to be reserved exclusively for the accommodation, convenience and use of persons traveling on foot; and said city shall not be liable to damages for any injury done or occasioned in consequence of any cart, carriage, wagon, or other vehicle, or any team or animal striking against any of said side-walks or the posts or trees set or placed to defend the same. The several side-walks on the streets in said city, as at present established and used, shall be taken and deemed to be the proper and lawful reservation for that purpose, until altered or otherwise established by the proper authority.

SECT. 9. The board of aldermen shall have power, on such terms and conditions as they may think proper, to authorize any person or corporation to place in any street, for such time as may be necessary, any materials for making or repairing any street, side-walk, cross-walk, bridge, water-course or drain, or for erecting, repairing or finishing any building or fences, *provided* that no more than one-third of the width of the street shall be so occupied; and such materials so placed by virtue of any license obtained as aforesaid, shall not be considered an incumbrance or nuisance in such street, and the city, or

Portions of streets reserved as side-walks.

Stone posts, etc., may be placed along the edge of side-walks.

Liability of city for damages.

Aldermen may authorize placing materials in streets for repair of same.

Proviso.

person or corporation so placing the same shall ^{Not liable for damage caused thereby.} not be liable for any damages occasioned by such materials.

SECT. 10. All the laws and regulations now in force in said town shall, notwithstanding this act, be and ^{Laws, etc., now in effect to remain in force till repealed, etc.} remain in force until they expire by their own limitations, or be revised or repealed by the board of aldermen; and prosecutions and suits may be commenced and proceeded thereon in the name of the city, by officers or other persons thereby empowered or directed to prosecute and sue; and the fines and penalties shall go to the uses in such laws or regulations named, and according to law.

SECT. 11. For the purpose of holding elections, ^{Wards.} said city shall, after the first election, be divided into not less than five nor more than seven wards, to contain, as near as conveniently may be, an equal number of inhabitants; and it shall be the duty of the board of aldermen, once in ten years and not oftener than five years, to review, and if it be needful, to alter said wards, in such manner as to preserve as nearly as may be an equal number of inhabitants in each ward. In each of said wards there shall, annually, ^{Warden and clerk, how chosen.} on the first Monday of March, be chosen by ballot, a warden and clerk, who shall hold their offices until Tuesday next after the first Monday of March of the succeeding year, and until others have been chosen and qualified in their stead. Said warden and clerk shall be sworn to the faithful performance of their duty, by any justice of the peace, or by the person presiding in said meeting, or by the clerk of said ward, and a certificate of such oath having been administered shall be entered by the clerk on the records of said ward. The wardens shall preside at all ^{Wardens shall preside at ward meetings.} ward meetings, with the powers of moderators of town meetings, and if at any meeting the warden shall not be present, the clerk of the ward shall call the meeting to order, and preside until a warden *pro tem.* shall be chosen. If neither the warden nor clerk shall be present, any legal voter in the ward may preside till a clerk *pro tem.* shall be

Duties of clerk chosen and qualified. The clerk shall record all the proceedings, and certify the votes given, and deliver over to his successor in office all such records and journals, together with other documents and papers held by him in said capacity. The inhabitants of each ward may choose two persons to assist the warden in receiving, sorting and counting the votes. The list of the names of the legal voters in each ward shall be prepared by the assessors and board of aldermen, assisted by the wardens, in the same manner and under the same restrictions as are imposed by the laws of this State on the assessors and selectmen of towns; and all regular ward meetings shall be notified and called by the mayor and aldermen in the manner provided in the laws of this State for notifying and calling town meetings by the selectmen of the several towns, excepting that ward meetings for the election of mayor, after the second trial, may be called within the time provided in such cases in this act.

Mayor, how elected. **SECT. 12.** The mayor shall be elected from the citizens at large, by the inhabitants of the city voting in their respective wards. One alderman shall be elected by each ward, being a resident in the ward where elected. All said officers shall be elected by ballot, by a majority of the votes given, and shall hold their Election of aldermen. offices one year from the third Monday in March, and until others shall be elected in their places; *provided, however,* that if the city shall be divided into less than seven wards, then one or two, as the case may be, of the aldermen shall be elected at large by the inhabitants of the city, the whole number of aldermen in no case to be more than seven, as provided in section two of this act.

City marshal, appointment, powers and duties. **SECT. 13.** The mayor and aldermen shall appoint a city marshal in the manner provided in section four of this act, who shall have all the powers and exercise all the duties that now appertain to constables of towns, and who shall be chief of the city police, and as such may enforce such ordinances and regulations

under the direction of the mayor as may be adopted by the board of aldermen for the government of the city of Brunswick.

SECT. 14. On the first Monday of March, annually, the qualified electors of each ward shall Annual elections and proceedings. ballot for a mayor, one alderman, warden and clerk; all the votes given for the said several officers respectively shall be sorted, counted, declared and registered in open ward meeting by causing the names of persons voted for and the number of votes given for each to be written upon the ward record at length. The ward clerk, within twenty-four hours Ward clerks to notify aldermen of election. after such election, shall deliver to the person elected alderman a certificate of his election, and shall forthwith deliver to the city clerk a certified copy of the record of such election; *provided, however,* Proviso. that if the choice of an alderman cannot conveniently be effected on that day, the meeting may be adjourned from day to day to complete such election. If on the second balloting for any alderman, warden or clerk, a choice shall not be effected by a majority vote, then the persons receiving the Elections at subsequent meetings, how determined. highest number of votes for any of those offices at the subsequent trial shall be declared elected; if no one shall then have such highest number, the balloting shall be continued from day to day until a choice is thus effected. The board of aldermen shall, as soon as conveniently may be, examine the copies of the records Aldermen to cause mayor to be notified of election. of the several wards, certified as aforesaid, and shall cause the person who shall have been elected mayor, by a majority of votes given in all the wards, to be notified in writing of his election; but if it shall appear Proceedings if mayor is not elected at first meeting. that no person shall have been elected, or if the person elected shall refuse to accept the office, the said board shall issue their warrants for another election; and in case the citizens should fail on a second ballot to elect a mayor, the said board shall again issue their warrants for a third election, to be held not less than three nor more than seven days thereafter, at which election the candidate having

the greatest number of votes shall be declared elected and notified as aforesaid; if no one shall then have such number, further elections shall in the same manner be ordered, till a choice shall be made by some one having the highest number

Vacancy in office of mayor, how filled. Of votes; and in case of a vacancy in the office of mayor by death, resignation or otherwise, it shall

be filled for the remainder of the term by a new election in the manner hereinbefore provided for the choice of said officer; and in the meantime the president *pro tempore* of the board of aldermen shall perform the duties of mayor. The

Oaths. oath prescribed by this act shall be administered to the mayor by the city clerk or any justice of the peace. The aldermen shall, on the third Monday of March, at ten o'clock in the forenoon, meet in convention, when the oath required by the second section of this act shall be administered to the members of the board of aldermen present, by the mayor or any justice of the peace.

Duties of city clerk prescribed. **SECT. 15.** The city clerk shall be the clerk of the board of aldermen; he shall perform such

duties as shall be prescribed by the board of aldermen, and shall perform all duties, and exercise all the powers, by law incumbent upon or vested in the town clerk of the town of Brunswick; he shall give notice in one or more of the papers printed in said city, of the time and place of regular ward meetings; but the place of regular ward meetings, and also the day and hour, when not fixed by law, shall be determined by the board of aldermen. The board of alder-

President pro tem. men may, in the absence of the mayor, choose a president *pro tempore*, who shall preside at meetings of the board. The board shall keep a record of its

Record of proceedings of aldermen. proceedings, and judge of the election of its own members; and in case of failure of election, or

Quorum. vacancy by death, resignation or otherwise, may order new elections. A quorum for the transaction of business shall consist of a majority of the members thereof; all meetings of the aldermen shall be open and public, and the

presiding officer shall have the power of moderators Power of presiding officer. of town meetings. At any meeting, when any two members shall request it, the vote shall be taken by yeas and nays, which shall be recorded by the clerk.

SECT. 16. For the purpose of organizing the Proceedings for organizing city government. system of government hereby established, and putting the same in operation in the first instance, the selectmen of the town for the time being shall seasonably, before the third Monday of March next after the acceptance of this charter, issue their warrant for calling a meeting of the citizens at such place and hour upon said day as they shall think expedient, for the purpose of choosing a mayor and seven aldermen, to be taken from the city at large; and in case said elections shall not be completed at the first election, then to issue a new warrant until such election shall be New warrant to issue in case election is not completed. completed; and the town clerk for the time being shall give notice thereof to the several persons elected; and it shall be the duty of the board of aldermen, immediately after their first organization, to elect Election of city officers. by ballot a city clerk and all other necessary city officers, who shall hold their offices respectively until others are chosen and qualified in their places. And it shall be the duty of the mayor and aldermen first elected at large, as soon as may be, after their organization, to cause a Division into wards. division of said city to be made into not less than five, nor more than seven wards, in such manner as to include as nearly as conveniently may be, consistently with well defined limits to each ward, an equal number of inhabitants in each ward. And at the first meeting after such Who may preside at first meeting. division into wards, any inhabitant of said wards, being a legal voter, may call the citizens to order and preside until a warden shall have been chosen; and at said first meeting a list of voters in each ward, prepared and corrected by the board of aldermen, shall be delivered to the clerk of each ward when elected, to be used as provided by the laws in town meetings.

Aldermen authorized to make regulations for sale of wood and bark. SECT. 17. The board of aldermen shall have authority to establish and make regulations for the measurement and sale of wood and bark in said city, whether brought by teams or railroad, and may affix suitable penalties for the violations thereof, anything in the public laws of the state to the contrary notwithstanding.

May regulate the erection of wooden buildings. SECT. 18. The board of aldermen are hereby authorized and empowered to pass any ordinance or ordinances regulating or forbidding the erection of wooden buildings on any street or streets in said city, when they may deem it necessary or conducive to the public safety.

May regulate the use of carts, etc. SECT. 19. The board of aldermen may make and establish such ordinances or regulations as they may deem for the public good for the regulation of carts, drays or other teams in said city, and prescribing the width of tire that shall be used.

All powers relating to school districts, vested in aldermen. SECT. 20. All the power and authority vested in the inhabitants of any school district in the city of Brunswick, by virtue of chapter eleven of the revised statutes relating to the education of youth, shall be, and the same is hereby, invested in the board of aldermen of the city as aforesaid.

When to take effect. SECT. 21. This act shall take effect and be in full force when the same shall have been accepted by the inhabitants of said town qualified to vote in town affairs, at a legal meeting called for that purpose, *provided* it shall be accepted within five years from the passage of this act; but no more than one meeting for that purpose shall be

Proceedings at meetings for acceptance of charter. called in any one year. And at such meeting the inhabitants of said town shall vote by a written ballot, those in favor of accepting this act having on the ballot the word 'yes,' and those opposed having on the ballot the word 'no;' and if a majority of all the ballots received are in favor of accepting the same, it shall then become a law and take effect. And it shall be the duty of the clerk of said town to file a copy of the record of the vote of said

town accepting the same, with the clerk of the city of Brunswick, when elected, who shall transcribe such copy into the records of the city, and such record shall be conclusive evidence that this act has been accepted.

SECT. 22. All acts and parts of acts inconsistent with this act are hereby repealed from and after ^{Inconsistent acts repealed.} the time when this act shall have been accepted as aforesaid, and the government shall have been organized as herein provided.

SECT. 23. When the organization of the government shall be perfected as aforesaid, the title to all property of the town of Brunswick shall be transferred and vested in the city of Brunswick without any conveyance or ceremony; and thereupon the town of Brunswick shall be abolished.

SECT. 24. Nothing in this act shall affect the village school district of Brunswick; and all its rights and relations with and against said town shall be continued with and against the city; and the city is authorized, by its proper officers to do all things which the town might do for the benefit of said district; and the district, at its legal meeting called for the purpose may change its name by major vote without impairing any rights which it may hold by contract or otherwise, and subject to all its then existing duties and responsibilities.

SECT. 25. When the city of Brunswick shall be duly constituted, the title of the municipal court for said town shall be changed to the municipal court for the city of Brunswick; and said court shall remain otherwise unaffected by this act; and all the duties which the town owes to said court shall be due to it from the city.

STATE OF MAINE.

IN SENATE CHAMBER, }
January 21, 1885. }

Reported by Mr. MARBLE from Committee on Legal Affairs, and laid
on table to be printed under joint rules.

C. W. TILDEN, *Secretary.*