

MAINE STATE LEGISLATURE

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HOUSE AMENDMENT "A" TO HOUSE DOC. NO. 194.

SEVENTY-NINTH LEGISLATURE

SENATE

NO. 236

In Senate, March 21, 1919.

On motion by Mr. Davies, tabled and 500 copies ordered printed.

P. F. CRANE, Secretary.

Presented by Mr. Hinckley of South Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND
NINE HUNDRED AND NINETEEN

AN ACT to Amend the Charter of the City of South Portland.

Be it enacted by the People of the State of Maine, as follows:

Amendment A.—An Act to Amend the Charter of the
2 City of South Portland is hereby amended by striking out
3 the word "two" in the fourth line of the first paragraph
4 and substituting therefor the word 'five,' and also by strik-
5 ing out the word "two" in the thirteenth line of the second
6 paragraph and substituting therefor the word 'five,' so that
7 said act as amended shall read as follows:

Section seven of chapter two hundred forty-two of the
2 private and special laws of Maine of eighteen hundred and
3 ninety-five, is hereby amended by striking out the word

4 "one" in the twelfth line of said section and inserting in
5 the place thereof the word 'five,' so that said section as
6 amended shall read as follows:

'Sect. 7. The city council shall secure a prompt and just
2 accountability by requiring bonds with sufficient penalty
3 and surety or sureties, from all persons trusted with the
4 receipt, custody or disbursement of money; the city coun-
5 cil shall also have the care and superintendence of the city
6 buildings, and the custody and management of all city
7 property and trust funds for the benefit of schools, public
8 library, parks, cemeteries and for any other beneficial pur-
9 pose, whether acquired by purchase or legacy; with power
10 to let or sell what may be legally let or sold, and to pur-
11 chase and take, in the name of the city, real and personal
12 property for municipal purposes to an amount not exceed-
13 ing five hundred thousand dollars in addition to that now
14 held by the town, and shall, as often as once a year, cause
15 to be published for the information of the inhabitants, a
16 particular account of the receipts and expenditures and a
17 schedule of the city property and the city debt. The city
18 shall have the power to establish by ordinance such offi-
19 cers as may be necessary for municipal government not
20 provided for by this act, and to elect such subordinate offi-
21 cers as may be elected by towns under general laws of
22 the state for whose election or appointment other pro-
23 vision is not made; to define their duties and fix their com-
24 pensation; to act upon all matters in which authority is

25 now given to said town of South Portland, and to deter-
26 mine what streets, if any, shall be lighted and upon what
27 terms. The city council shall appropriate annually the
28 amount necessary to meet the expenditures of the city for
29 the current municipal year. The city council shall have
30 exclusive authority to lay out, widen or otherwise alter or
31 discontinue any and all streets or public ways in said city,
32 and as far as extreme low water mark, and to estimate
33 all damages sustained by owners of land taken for such
34 purpose. A committee of the council shall be appointed
35 whose duty shall be to lay out, alter, widen or discontinue
36 any street or way, first giving notice of the time and place
37 of their proceedings to all parties interested, by an adver-
38 tisement in two newspapers printed in South Portland or
39 Portland, for three weeks at least, next previous to the
40 time appointed. The committee shall first hear all parties
41 interested, and then determine and adjudge whether the
42 public convenience requires such street or way to be laid
43 out, altered or discontinued, and shall make a written re-
44 turn of their proceedings, signed by a majority of them,
45 containing the bounds and descriptions of the street or
46 way, if laid out or altered, and the names of the owners
47 of the land taken, when known, and the damages allowed
48 therefor; the return shall be filed in the city clerk's office
49 at least seven days previous to its acceptance by the city
50 council. The street or way shall not be altered or estab-
51 lished until the report is accepted by the city council. And

52 the report so filed shall not be altered or amended before
53 it comes up before the city council for action. A street
54 or way shall not be discontinued by the city council, ex-
55 cept upon the report of said committee. The committee
56 shall estimate and report the damages sustained by the
57 owners of the lands adjoining that portion of the street
58 or way which is so discontinued; their report shall be filed
59 with the city clerk seven days at least before its accept-
60 ance. Any party aggrieved by their decision may appeal
61 therefrom as provided by law in the case of town ways.
62 If a street or way is discontinued before the damages are
63 paid or recovered for the land taken, the land owners shall
64 not be entitled to recover such damages, but the committee
65 in their report discontinuing the same shall estimate and
66 include all the damages sustained by the land owner, in-
67 cluding those caused by the original location of the streets;
68 and in such cases, if any appeal has been regularly taken,
69 the appellant shall recover his costs. The city shall not
70 be compelled to construct or open any street or way thus
71 hereafter established, until in the opinion of the city coun-
72 cil, the public good requires it to be done; nor shall the
73 city interfere with possession of the land so taken by re-
74 moving therefrom materials or otherwise, until they decide
75 to open said street. The city council may regulate the
76 height and width of the sidewalks in any public square,
77 places, streets, lanes or alleys in said city; and may au-
78 thorize hydrants, drinking fountains, posts and trees to be

79 placed along the edge of the sidewalks, and may locate
80 and construct culverts and reservoirs, within the limits
81 of any street or way in said city whenever they deem it
82 needful. Every law, act, ordinance, resolve or order of
83 the city council excepting rules and orders of parliamentary
84 character, shall be presented to the mayor. If not ap-
85 proved by him he shall return it with his objections in
86 writing at the next stated session of the city council, which
87 shall enter the objections at large on its journal and pro-
88 ceed to reconsider the same. If, upon reconsideration, it
89 shall be passed by vote of two-thirds of all the members
90 of the board, it shall have the same force as if approved
91 by the mayor. In case of vacancy in the mayor's office,
92 this section shall not apply to any act of the council. In
93 case the mayor fails to either sign or return the bill at the
94 next session, then it becomes a law as though he had
95 signed it.'