

# **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.'