

MAINE STATE LEGISLATURE

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NEW DRAFT

EIGHTY-SECOND LEGISLATURE

H. P. No. 1181

H. D. No. 406

House of Representatives, March 16, 1925.

Reported by Mr. Holmes of Lewiston from Committee on
Judiciary and laid on table to be printed under joint rules.

CLYDE R. CHAPMAN, Clerk.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND TWENTY-FIVE

AN ACT to Grant a New Charter to the City of Saco.

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

ARTICLE I

GRANT OF POWERS TO THE CITY

Corporate existence retained. The inhabitants of the city
2 of Saco shall continue to be a body politic and corporate
3 by the name of the city of Saco, and shall have, exercise
4 and enjoy all the rights, immunities, powers, privileges and
5 franchises and shall be subject to all the duties, liabilities
6 and obligations provided for herein, or otherwise pertain-
7 ing to or incumbent upon said city as a municipal corpo-
8 ration, or to the inhabitants or municipal authorities there-

9 of; and may enact reasonable by-laws, regulations and or-
10 dinances for municipal purposes, not inconsistent with the
11 constitution and laws of the state of Maine, and impose
12 penalties for the breach thereof, not exceeding one hun-
13 dred dollars in any one case, to be recovered for such uses
14 as said by-laws, regulations or ordinances shall provide.

ARTICLE II

CITY COUNCIL

Section 1. *Powers and duties.* The administration of all
2 the fiscal, prudential, and municipal affairs of said city,
3 with the government thereof, except the general manage-
4 ment, care, conduct and control of the schools of said city,
5 which shall be vested in a school committee as hereinafter
6 provided, and also except as otherwise provided by this
7 charter, shall be and are vested in one body of five mem-
8 bers, which shall constitute and be called the city council,
9 all of whom shall be inhabitants of said city, and shall be
10 sworn in the manner hereinafter prescribed. Said city
11 council shall exercise its powers in the manner hereinafter
12 provided.

The members of the city council shall be and constitute
2 the municipal officers of the city of Saco for all purposes
3 required by statute, and, except as otherwise herein spe-
4 cifically provided, shall have all powers and authority given
5 to and perform all duties required of municipal officers,
6 and mayors of cities under the laws of this state.

The city council is hereby constituted the overseers of the

2 poor of the city of Saco and shall perform all duties re-
3 quired of overseers of the poor for cities by statute or
4 otherwise. As such overseers of the poor they may au-
5 thorize a clerk or agent to sign in their name and send
6 written notices and the written answers referred to or re-
7 quired in sections thirty-five and thirty-six of chapter twen-
8 ty-nine of the revised statutes, and such written notices and
9 written answers, so signed, shall have the same effect as if
10 signed by one or more of said overseers and sent by a
11 member or members of said overseers personally.

All the powers of establishing a watch and ward, now
2 vested by the laws of the state in the justices of the peace
3 and municipal officers or inhabitants of towns, are vested
4 in the said city council so far as relates to said city; and
5 they are authorized to unite the watch and police depart-
6 ments into one department and establish suitable regulations
7 for the government of the same.

All other powers now or hereafter vested in the inhab-
2 itants of said city, and all powers granted by this act, ex-
3 cept as herein otherwise provided, shall be vested in said
4 city council.

Sect. 2. *Composition, election, tenure of office, etc.* The
2 city council shall be composed of five members elected at
3 large from the qualified voters of the city for a term of
4 three years and until their successors are elected and quali-
5 fied, except that at the first election of members of the city
6 council the two members elect who shall receive the largest

7 number of votes cast at such election shall hold office for
8 three years; the two members elect who shall receive the
9 second largest number of votes cast at such election shall
10 hold office for two years; the third member elect who shall
11 receive the third largest number of votes cast at such elec-
12 tion shall hold office for one year, and each shall hold office
13 until his successor is elected and qualified.

Each member shall serve without pay, and shall not be
2 eligible, while a member of the council, to any office of
3 emolument or profit under the city charter or ordinances,
4 nor to hold the office of city manager, nor to act as city
5 manager.

Sect. 3. *Chairman.* At the first meeting, or as soon
2 thereafter as possible, the city council shall elect one of its
3 members as chairman of the council for the ensuing year,
4 and until his successor is elected and qualified, and the city
5 council may fill for the unexpired term any vacancy as
6 chairman that may occur.

If the chairman shall fail from sickness, disability, absence
2 from the city or other cause to attend to and perform the
3 duties incumbent on him as such chairman, the remaining
4 members of the city council may by unanimous vote, after
5 notice and hearing, terminate the term of office of said
6 chairman and remove him therefrom and thereupon by ma-
7 jority vote may elect some other member of said city coun-
8 cil chairman and such newly elected member shall there-
9 upon and thereafter hold the office and perform the duties

10 of chairman for the balance of the year, and until his suc-
11 cessor is elected and qualified.

The chairman shall preside at all meetings of the council,
2 and shall perform such other duties, consistent with this
3 office, as the council may provide. He shall be entitled to
4 vote, and his vote shall be counted upon all matters and
5 things as a vote of other members of the council. The
6 chairman shall be recognized as the official head of the city
7 for ceremonial purposes, and shall have the powers and
8 authority given to and perform the duties required of may-
9 ors of cities for all purposes of military law, and shall act
10 in lieu of the mayor in so far as representation is provided
11 for the city by the mayor upon any board or commission
12 by any statute. In the temporary absence or disability of
13 the chairman the city council may select a chairman pro-
14 tempore from among its number and he shall exercise all
15 the powers of the chairman.

Sect. 4. *Vacancies, forfeiture of office.* In case of a va-
2 cancy caused by the death, resignation, removal from the
3 city, or removal from office, as hereinafter provided, of
4 any member of the city council more than six months prior
5 to the next regular city election, the vacancy shall be filled
6 by a special election, the warrant for which shall upon vote
7 of the city council be issued by a member of the city council
8 by vote designated for that duty.

Any member of the city council who shall be convicted
2 of a crime while in office shall, after due notice and hear-

3 ing before the city council and the production of the rec-
4 ords of such conviction, forfeit his office.

Sect. 5. *Regular meetings and qualifications.* The city
2 council shall meet at the usual place for holding meetings
3 at ten o'clock A. M. on the second Monday in December
4 following the regular city election, and at said meeting the
5 councilmen elect shall be sworn to the faithful discharge
6 of their duties by a justice of the peace, or by the city clerk.
7 The city council shall, at its first meeting, or as soon there-
8 after as possible, establish by ordinance or resolution a reg-
9 ular place and times for holding its meetings, and shall meet
10 regularly at least once a month.

Sect. 6. *Special meetings.* Special meetings may be called
2 by the chairman, and in case of his absence, disability or
3 refusal, may be called by a majority of the members of the
4 city council. Notice of such meeting shall be served in
5 person or left at the residence of each member of the city
6 council at least twenty-four hours before the time for hold-
7 ing said special meeting.

Sect. 7. *Quorum.* A majority of the members of the
2 city council shall constitute a quorum for the transaction
3 of business, but a smaller number may adjourn from time
4 to time. At least twenty-four hours' notice of the time and
5 place of holding such adjourned meeting shall be given to
6 all members who were not present at the meeting from which
7 adjournment was taken.

Sect. 8. *Procedure.* The city council shall keep a record

2 of its proceedings and shall determine its own rules of
3 procedure and make lawful regulations for enforcing the
4 same. The meetings of the city council shall be open to
5 the public. The city council shall act only by ordinance,
6 order or resolve; all ordinances, orders and resolves, ex-
7 cept orders or resolves making appropriations of money,
8 shall be confined to one subject which shall be clearly ex-
9 pressed in the title. The appropriation order or resolve
10 shall be confined to the subject of appropriations only. No
11 ordinance and no appropriation resolve shall be passed un-
12 til it has been read on two separate days, except when the
13 requirement of a reading on two separate days has been
14 dispensed with by a four-fifths vote of the members of the
15 city council. The yeas and nays shall be taken upon the
16 passage of all ordinances and entered on the record of the
17 proceedings of the city council by the clerk. The yeas and
18 nays shall be taken on the passage of any order or resolve
19 when called for by any member of the city council. Every
20 ordinance shall require on final passage the affirmative vote
21 of a majority of the members of the city council.

Every ordinance before final passage shall be published in
2 one or more daily papers in Saco or Biddeford, and shall
3 take effect and be in full force ten days from and after
4 it shall have received final passage by the city council and
5 have been approved by some justice of the supreme judi-
6 cial court. Within ten days after said approval by such
7 justice said ordinance shall be published in full in one or

8 more of the newspapers in said Saco or Biddeford, but the
9 failure to publish said ordinance, either before or after final
10 passage, shall not affect its validity or force.

No order or resolve shall take effect until ten days after
2 its passage, except that the city council may, by vote of
3 four-fifths of its members, pass emergency orders or re-
4 solves to take effect at the time indicated therein, but such
5 emergency orders or resolves shall contain a section in
6 which the emergency is set forth and defined.

ARTICLE III

INITIATIVE AND REFERENDUM

Section 1. *How invoked.* The submission to the vote of
2 the people of any proposed ordinance, order or resolve, ex-
3 cept an order granting a permission under the provisions of
4 revised statutes, chapter sixty, section twelve, thirteen or
5 twenty-seven, or of any such ordinance, order or resolve
6 enacted by the city council and which has not yet gone into
7 effect, may be accomplished by the presentation of a peti-
8 tion therefor to the city council in the manner hereinafter
9 provided. Any ten qualified voters of the city of Saco
10 may originate a petition putting in operation the initiative
11 or the referendum, by signing such petition at the office
12 of the city clerk. Whenever requested by ten such voters,
13 the city clerk shall prepare the proper petition with a copy
14 of the ordinance, order or resolve to be submitted attached
15 thereto and upon its being signed by said ten voters, the
16 city clerk shall file the petition and shall, during office hours

17 for thirty business days thereafter, keep the same open for
18 signature by qualified voters of the city, and no such peti-
19 tion shall be signed or presented for signature at any place
20 other than the clerk's office. At the expiration of said
21 thirty days, the city clerk shall declare the petition closed,
22 and shall, at the first regular meeting of the city council
23 thereafter, present to that body the petition with verifi-
24 cation of the number of valid signatures thereto attached.
25 If the number of valid signatures to said petition shall
26 amount to five hundred or more, the city council shall im-
27 mediately take the necessary steps to submit to the voters
28 of the city the question proposed in said petition; provided
29 that in case of the referendum the entire repeal of the or-
30 dinance, order or resolve sought to be referred, and in the
31 case of the initiative, the passage by the city council of the
32 desired ordinance, order or resolve, shall put an end to all
33 proceedings under said petition.

Sect. 2. *Form of petition.* The petition used to originate
2 the initiative or the referendum shall be substantially in the
3 following form:

PETITION TO THE CITY COUNCIL,

For the submission to the people of the question

Shall the proposed ordinance, order or resolve, a copy of
which is hereto attached, be adopted?

We, the undersigned, under oath, depose and say: That
2 we are fully qualified voters of the city of Saco, residing
3 respectively at the addresses placed opposite our names, and

8 sixty days after such presentation; provided, that if a peti-
9 tion shall be so presented within four months next pre-
10 ceding a regular municipal election, no special election shall
11 be called, but the question shall be submitted at said reg-
12 ular election.

Sect. 5. *Publication of ordinance.* Whenever any ordi-
2 nance, order or resolve is required by the provisions of this
3 charter to be submitted to the voters of the city at any
4 election, the city council must order one publication of the
5 complete text thereof to be made in one or more news-
6 papers of Saco or Biddeford, such publication to be made
7 not less than ten days nor more than fifteen days prior to
8 the election, or in lieu of such publication, the city council
9 may cause the ordinance, order or resolve to be printed
10 and mailed with a sample ballot to each voter at least five
11 days prior to the election.

Sect. 6. *Form of ballot.* The ballots used when voting
2 upon such proposed ordinance, order or resolve shall set
3 forth the title thereof in full and state its general nature,
4 and shall contain the words: "For the Ordinance, Order or
5 Resolve" and "Against the Ordinance, Order or Resolve."

Sect. 7. *Result of election.* If a majority of the quali-
2 fied voters voting on said proposed initiative ordinance, or-
3 der or resolve or said referred ordinance, order or resolve,
4 shall vote in favor thereof, such ordinance, order or resolve
5 shall take effect five days after the declaration of the offi-
6 cial canvass of the return of such election.

Sect. 8. *Conflicting ordinances, orders or resolves.* Any number of proposed or referred ordinances, orders or resolves may be voted upon at the same election. In the event that two or more ordinances, orders or resolves adopted at the same election shall contain conflicting provisions, the ordinance, order or resolve receiving the highest number of votes at such election shall be paramount and all questions of construction shall be determined accordingly.

Sect. 9. *Order upon the ballot.* In the event that two or more ordinances, orders or resolves are submitted at the same election, they shall be placed upon the ballot in order of the priority of the filing of the respective petitions and shall be given precedence upon the ballot over any and all questions submitted by the city council on its own initiative.

Sect. 10. *Repeal of popular ordinances, orders or resolves enacted by the people.* The city council may submit, on its own initiative, a proposition for the enactment, repeal or amendment of any ordinance, order or resolve (except as herein otherwise provided) to be voted upon at any municipal election and should such proposition receive a majority of the votes cast thereon at any election such ordinance, order or resolve shall be enacted, repealed, or amended accordingly. An ordinance, order or resolve proposed by petition or adopted by a vote of the people shall not be repealed or amended except by a vote of the people, unless

12 such ordinance, order or resolve shall otherwise expressly
13 provide.

Sect. 11. *Further regulations.* The city council shall by
2 ordinance, make such further regulations as may be neces-
3 sary to carry out the provisions of this article.

ARTICLE IV

SUPERINTENDING SCHOOL COMMITTEE

Section 1. *Composition, eligibility, election, tenure of
2 office, special provision.* The superintending school com-
3 mittee, hereinafter called the school committee, shall con-
4 sist of three members appointed by the city council. They
5 shall hold office for a term of three years, and until their
6 successors are appointed and qualified, except that at the
7 first appointment of members of the school committee, one
8 member shall be appointed for three years, one member
9 shall be appointed for two years, and the remaining mem-
10 ber appointed for one year, and each shall hold office until
11 his successor is appointed and qualified. If for any reason
12 a vacancy shall exist in the membership of the superin-
13 tending school committee the vacancy shall be filled forth-
14 with by appointment by the city council for the unexpired
15 term.

Sect. 2. *Organization, qualification, quorum.* The school
2 committee shall meet for organization within seven days
3 from date of appointment. The members appointed shall
4 be sworn to the faithful discharge of their duties by a jus-
5 tice of the peace or by the city clerk, and a record made

6 thereof. A majority of the whole number appointed shall
7 be a quorum, and they shall elect their own chairman.

Sect. 3. *Powers, duties.* The school committee shall have
2 all the powers, and perform all the duties in regard to the
3 care and management of the public schools of said city,
4 which are now conferred and imposed upon school commit-
5 tees by the laws of this state, except as otherwise provided
6 in this charter. They shall annually, and whenever there
7 is a vacancy, elect a superintendent of schools for the cur-
8 rent municipal year, who shall have the care and super-
9 vision of said public schools under their direction, and act
10 as secretary of their board; they shall fix his salary at the
11 time of his election. They shall annually, as soon after
12 the organization of their board as practicable, furnish to
13 the city council an estimate in detail of the several sums
14 required during the ensuing municipal year for the sup-
15 port of the public schools. On the basis of such estimates
16 the city council shall make one gross appropriation for the
17 support of public schools for the ensuing municipal year,
18 and such appropriation shall not be exceeded, except by
19 consent of the city council, but the expenditure of said
20 appropriation shall be under the direction and control of
21 the school committee.

ARTICLE V

NOMINATIONS AND ELECTIONS

Section 1. *Date of elections and procedure to determine*
2 *results.* At the first election after this charter is in force,

3 to be held on the first Monday in December, A. D. 1925,
4 the qualified voters of the city shall ballot for five coun-
5 cilmen, and the qualified voters of each ward shall, at the
6 same time, ballot for a warden and a ward clerk for his
7 ward; and thereafter, on the first Monday in December in
8 each year, a regular municipal election shall be held and
9 the qualified voters of the city shall ballot for a council-
10 man to fill the unexpired term of any councilman whose
11 office is then vacant, if any such vacancy then exists, but
12 whose term of office would not then have normally expired
13 and for a councilman or councilmen to fill the office of the
14 councilman or councilmen whose term or terms of office
15 expires that year, and the qualified voters of each ward
16 shall, at the same time, ballot for a warden and a ward
17 clerk for their ward.

All votes cast for the several officers shall be sorted, count-
2 ed, declared and registered in open ward meeting, as pro-
3 vided by statute. The ward clerk shall forthwith deliver
4 to each person elected warden or ward clerk a certificate
5 of his election and shall forthwith deliver to the city clerk
6 a certified copy of the record of such election.

After the first election held under this charter the then
2 municipal officers and thereafter the city council shall, as
3 soon as it conveniently can, examine the copies of the rec-
4 ords of the several wards, certified as aforesaid, and shall
5 cause the persons who shall have been elected councilmen
6 to be notified in writing of their election; if it shall appear

7 that at the first election five councilmen have not been
8 elected, or if, after the first election, it shall appear that
9 no person has been elected councilman, or if the person
10 elected shall refuse to accept the office, warrants for an-
11 other election to fill such vacancy shall be issued forth-
12 with.

If it shall appear that at the first election to be held under
2 this charter five councilmen have not been elected, the mu-
3 nicipal officers then in office shall continue to hold office
4 and perform their duties until five councilmen have been
5 duly elected, and qualified.

Sect. 2. *Warden and ward clerk, eligibility, tenure, quali-*
2 *fications, powers and duties, vacancies, ward meetings, and*
3 *how called.* The warden and ward clerk, chosen as pro-
4 vided in the preceding section, shall be residents of the ward
5 for which they are elected and shall hold office for one
6 year from the second Monday in December following their
7 election, and until others have been chosen and qualified
8 in their stead. The warden and the ward clerk shall be
9 sworn to the faithful performance of their duties by a per-
10 son qualified under the statutes of the state to administer
11 oaths, and a certificate of such oath shall be entered by the
12 clerk on the records of said ward. The warden shall pre-
13 side at all ward meetings, with the powers of moderators
14 of town meetings and if at any meeting the warden shall
15 not be present, the clerk of the ward shall call the meet-
16 ing to order and preside until a warden pro tempore shall

17 be chosen. The warden shall have all rights and powers
18 now held by the warden of such ward. If neither the
19 warden nor the ward clerk shall be present, any legal voter
20 in the ward may preside until a clerk pro tempore shall
21 be chosen and qualified.

Immediately following the election of a clerk pro tempore
2 a warden pro tempore shall be chosen. The clerk shall
3 record all the proceedings and certify the votes given and
4 deliver over to his successor in office all such records and
5 journals in his possession or under his control, together
6 with all documents and papers held by him in his capacity
7 as clerk. The ward clerk shall have and perform all rights
8 and duties now held and performed by the ward clerk of
9 such ward, so far as consistent with this charter. All ward
10 meetings shall be notified and called by the city council in
11 the manner provided by the laws of this state for notifying
12 and calling town meetings by the selectmen of the several
13 towns.

Sect. 2. *Nominations for elective officers to be made by*
2 *petition.* The nomination of all candidates for elective
3 offices provided for by this charter shall be by petition.
4 The petition of a candidate for councilman shall be signed
5 by not less than one hundred twenty-five nor more than
6 one hundred fifty qualified voters of the city. The petition
7 of candidates for warden and ward clerk shall be signed
8 by not less than twenty-five nor more than fifty qualified
9 voters of the ward wherein the candidate is to be elected.

10 No voter shall sign petitions for more than one candidate
 11 for each office to be filled at the election, and should any
 12 voter sign more than one such petition, his signature shall
 13 be counted only upon the first petition filed, and shall be
 14 held void upon all other petitions.

Sect. 4. *Form of nomination paper.* The signatures to
 2 nomination papers need not all be affixed to one nomination
 3 petition, but to each separate petition there shall be attached
 4 an affidavit of the circulator thereof stating the number
 5 of signers on each petition, and that each signature ap-
 6 pended thereto was made in his presence and is the genuine
 7 signature of the person whose name it purports to be. With
 8 each signature shall be stated the place of residence of the
 9 signer, giving the street and number of the street, or their
 10 description sufficient to identify the same. The form of
 11 the nomination petition shall be substantially as follows:

To the City Clerk of the City of Saco:

We, the undersigned voters of the city of Saco, hereby
 2 nominate....., whose residence is.....,
 3 for the office of.....to be voted for at the elec-
 4 tion to be held in the city of Saco on the.....day
 5 of....., 19...; and we individually certify that we
 6 are qualified to vote for a candidate for the above office
 7 and that we have not signed more nomination petitions of
 8 candidates for this office than there are persons to be elected
 9 thereto.

Name....., street and number.....,

2 being duly sworn, deposes and says that he, the circulator
3 of the foregoing nominating petition containing.....
4 signatures, and that the signatures appended thereto were
5 made in his presence and are the signatures of the persons
6 whose names they purport to be.

(Signed)

Subscribed and sworn to before me this.....day
2 of....., 19 .

.....

Justice of the Peace

(or Notary Public)

If this petition is deemed insufficient by the city clerk he
2 shall forthwith notify by mail.....
3 at No..... street.

Sect. 5. *Filing nomination papers, acceptances of nomina-*
2 *tions must be filed.* The nomination petitions for any one
3 candidate shall be assembled and united into one petition,
4 and filed with the city clerk not earlier than thirty nor later
5 than sixteen days before the day of election. No nomi-
6 nation shall be valid unless the candidate shall file with the
7 city clerk in writing not later than sixteen days before the
8 day of election, his consent, accepting the nomination, agree-
9 ing not to withdraw, and if elected, to qualify.

Sect. 6. *List of candidates to be published.* The city
2 clerk shall certify the list of candidates and shall cause to
3 be published in one or more of the daily newspapers pub-
4 lished in Saco or Biddeford the names, residences and office

5 to which nominated of the candidates who have duly filed
6 the above described petitions and acceptances.

Sect. 7. *Ballots, etc., to be prepared by the city clerk.*
2 Specimen ballots and official ballots for use in all city elec-
3 tions shall be prepared by the city clerk and furnished by
4 the city.

Sect. 8. *Form of ballot.* Ballots for use in elections un-
2 der this charter shall contain the names of the various can-
3 didates, with their residence and the offices for which they
4 are candidates, and shall be furnished with four columns
5 for crosses at the right of the candidate's name and resi-
6 dence, and said columns shall be headed, respectively, "First
7 choice," "Second choice," "Third choice" and "Other
8 choices" and shall be of substantially the form provided
9 in the following section. Such ballots shall be without party
10 mark or designation.

Sect. 9. The face of the ballot shall be of the following
2 form:

CITY OF SACO
REGULAR (OR SPECIAL) CITY ELECTION
OFFICIAL BALLOT

Candidates for office in the city of Saco at an election
2 held on Monday, the.....day of.....A. D.....

Instructions:

To vote for any person, make a cross (X) in the square
2 at the right of the name voted for, and in the proper column
3 according to your choice.

Vote your first choice in the first column; vote your second choice in the second column; vote your third choice in the third column; vote in the fourth column for all the other candidates whom you wish to support.

Do not vote more than one choice for one person, as only one choice will count for any one candidate on this ballot.

For (Name of the office to be filled)	First Choice	Second Choice	Third Choice	Other Choices
() to be chosen				
Vote for () on each choice				

Name of candidate
and residence

Name of candidate
and residence

Name of candidate
and residence

Name of candidate
and residence

BACK OF BALLOT

Saco, Maine, Monday, , A. D. .

OFFICIAL BALLOT

Ward

(Facsimile of signature)

City Clerk.

Sect. 10. *Rotation of names of candidates.* The city clerk in preparing all ballots for election under this char-

3 ter shall arrange the names of all qualified candidates for
4 each office in alphabetical order according to surnames, ex-
5 cept as hereinafter provided. In any case where the names
6 of four or more persons appear on one ballot as candi-
7 dates for the city council, the city clerk shall have printed
8 as many sets of ballots as there are candidates for any
9 single office. Each set of ballots shall begin with the name
10 of a different candidate, the other names being arranged
11 thereafter in regular alphabetical order, commencing with
12 the name next in alphabetical order, after the one that
13 stands first on that set of ballots. When the last name is
14 reached in alphabetical order it shall be followed by the
15 name that begins with the first letter represented in the
16 list of names and by the others in regular order. The bal-
17 lots so printed shall then be combined in blocks of fifty so
18 as to have the fewest possible ballots having the same order
19 of names printed thereon together in the same block.

Sample ballots shall be printed from the arrangement of
2 the first group of ballots to be printed as above provided.

Sect. 11. *Count of ballots.* As soon as the polls are
2 closed, the warden shall immediately open the ballot boxes,
3 take therefrom the ballots and sort, count and declare them
4 in open meeting in the presence of the ward clerk; and the
5 ward clerk shall from a list of the persons voted for with
6 the number and character as to choice of the votes for each
7 person against his name, make a fair record thereof in the
8 presence of the warden, and in open ward meeting enter

9 the total number thereof on a tally sheet provided by the
10 city clerk. The ward clerk shall enter the number of the
11 first choice, second choice, third choice and other choice
12 votes, for each candidate opposite the name of such can-
13 didate on said tally sheet, and make return thereof to the
14 city clerk on a blank by said city clerk to be provided. Only
15 one vote shall be counted for any candidate on any one
16 ballot. If two or more choices are marked on one ballot
17 for one and the same candidate, the highest choice marked
18 shall be counted, except as otherwise herein provided, and
19 all other marks considered void. If a ballot contains either
20 first choice, second choice or third choice votes in excess
21 of the number of offices to be filled, no vote in the column
22 showing such excess shall be counted. Except as herein-
23 before provided, all choices shall be counted as marked on
24 the ballot.

Sect. 12. *Returns, canvass.* Upon receipt of the returns,
2 after the first election under this charter, the then munici-
3 pal officers and thereafter the city council shall determine
4 the successful candidates as hereinafter provided in this
5 section.

The person receiving a majority of first choice votes, cast
2 at an election for any office, shall be elected to that office;
3 if no candidate received such a majority of the first choice
4 votes for such office, then a canvass shall be made of the
5 second choice votes received by each candidate for the
6 office; all second choice votes received by any candidate

7 shall then be added to the first choice votes received by
8 said candidate for the office, and the candidate receiving
9 the largest number of first choice and second choice votes
10 combined, if such total votes constitute a majority, shall
11 be elected to said office. If no candidate shall receive a
12 majority of the first choice and second choice votes com-
13 bined, then a canvass shall be made of the third choice
14 votes received by each candidate for said office, and all
15 third choice votes received by any candidate shall then be
16 added to the total of the first choice and second choice
17 votes for such candidate, and the candidate receiving the
18 largest number of said total first choice, second choice and
19 third choice votes, if such total constitutes a majority, shall
20 be elected to said office; if no candidate shall have such a
21 majority after adding the first choice, second choice and
22 third choice votes, then a canvass shall be made of the
23 other choice votes received by each candidate for the office
24 and such other choice votes shall then be added to the total
25 of the first choice, second choice and third choice votes
26 received by such candidate, and the candidate having the
27 largest number of first choice, second choice, third choice
28 and other choice votes combined, shall be elected to such
29 office.

A tie vote between two or more candidates shall be de-
2 cided in favor of the one having the highest number of
3 first choice votes. If they each received an equal number
4 of first choice votes, then the one who received the high-

5 est number of second choice votes shall be deemed elected.
6 If they each received the same number of first choice and
7 second choice votes, then the candidate receiving the high-
8 est number of third choice votes shall be deemed elected.
9 If they each received the same number of first choice, sec-
10 ond choice, third choice and other choice votes, then the
11 tie shall be determined by lot under the direction of the
12 city clerk.

Wherever the word “majority” is used in this section it
2 shall mean more than one-half of the total number of valid
3 ballots cast at such election for the candidates whose elec-
4 tion is being canvassed.

Sect. 13. *Specimen ballots to be published and posted.*
2 The city clerk shall cause specimen ballots to be posted in
3 public places in each ward and voting precinct and adver-
4 tised in the newspapers of Saco or Biddeford not later
5 than ten days prior to the city election and advertised in
6 the newspapers at least twice more prior to the election.
7 Such specimen ballots shall be printed on colored paper
8 and marked “specimen ballots” and shall contain the names
9 of the certified candidates with the residence of each, in-
10 structions to voters, and such measures as may be sub-
11 mitted to the voters by the legislature or by the city coun-
12 cil. Such ballots shall be without party mark or desig-
13 nation.

Sect. 14. *Recall provisions.* Any member of the city

2 council may be recalled and removed therefrom by the
3 electors of the city as herein provided.

Procedure for filing recall petition. Any voter of the city
2 may make and file with the city clerk an affidavit contain-
3 ing the name or names of the member or members whose
4 removal is sought and a general statement of the reasons
5 why his removal is desired. The clerk shall thereupon de-
6 liver to the voter making such affidavit copies of petition
7 blanks for such removal printed forms of which he shall
8 keep on hand. Such blanks shall be issued by the clerk
9 with his signature and official seal thereto attached; they
10 shall be dated and addressed to the city council, shall con-
11 tain the name of the persons to whom issued, the number
12 of blanks so issued, and the name of the person or persons
13 whose removal is sought. A copy of the petition shall be
14 entered in a record book to be kept in the office of the city
15 clerk. The recall petition, to be effective, must be returned
16 and filed with the city clerk within forty-five days after
17 the filing of the affidavit. The petition before being re-
18 turned and filed shall be signed by voters of the city to the
19 number of at least ten per cent of the number of regis-
20 tered voters as determined at the time of the last preced-
21 ing regular municipal election and to every such signature
22 shall be added the place of residence of the signer, giving
23 the street and number or other description sufficient to iden-
24 tify the place. Such signatures need not all be on one paper
25 but the circulator of every such paper shall make an affi-

26 davit that each signature appended to the paper is the gen-
27 uine signature of the person whose name it purports to be.
28 All such recall papers shall be filed as one instrument, with
29 the endorsements thereon of the names and addresses of
30 three persons designated as filing the same.

Examination and amendment of recall petitions. Within
2 ten days after the filing of the petition the clerk shall ascer-
3 tain whether or not the petition is signed by the requisite
4 number of voters and shall attach thereto his certificate
5 showing the result of such examination. If his certificate
6 shows the petition to be insufficient, he shall forthwith so
7 notify in writing one or more of the persons designated on
8 the petition as filing the same; and the petition may be
9 amended at any time within the ten days after the giving
10 of said notice, by the filing of a supplementary petition
11 upon additional papers, issued, signed and filed as provided
12 herein for the original petition. The clerk shall, within
13 ten days after such amendment, make like examination of
14 the amended petition, and attach thereto his certificate of
15 the result. If then found to be insufficient, or if no amend-
16 ment was made, he shall file the petition in his office and
17 shall notify each of the persons designated thereon as filing
18 it of that fact. The final finding of the insufficiency of a
19 petition shall not prejudice the filing of a new petition for
20 the same purpose.

Calling of recall election. If the petition or amended peti-
2 tion shall be certified by the city clerk to be sufficient he

3 shall submit the same with his certificate to the city coun-
4 cil at its next meeting and shall notify the member or mem-
5 bers whose removal is sought of such action. The city
6 council shall thereupon, within ten days of the receipt of
7 the city clerk's certificate, order an election to be held not
8 less than forty nor more than sixty days thereafter; pro-
9 vided, that if a regular municipal election is to occur with-
10 in ninety days after the receipt of said certificate, the city
11 council may in its discretion provide for the holding of the
12 removal election on the date of such other municipal elec-
13 tion. The removal election shall be called and held and
14 nominations made as in other elections under this charter
15 except for the specific limitations of this section.

Form of ballot in recall election. Unless the member or
2 members whose removal is sought shall have resigned with-
3 in ten days after the receipt by the city council of the city
4 clerk's certificate, the form of the ballot at such election
5 shall be as nearly as may be: "Shall A be recalled? Shall
6 B be recalled?" etc., the name of the member or members
7 whose recall is sought being inserted in place of A, B, etc.,
8 and the ballot shall also contain the names of the candi-
9 dates nominated in place of the men recalled, as follows:
10 "Candidates for the place of A, if recalled; Candidates for
11 the place of B, if recalled," etc., but the men whose recall
12 is sought shall not themselves be candidates upon such a
13 ballot. The names shall be arranged as provided in sec-
14 tions nine and ten hereof.

In case a majority of those voting for and against the
2 recall of any official shall vote in favor of recalling such
3 official he shall be thereby removed, and in that event the
4 candidate to succeed him for the balance of the unexpired
5 term shall be determined as provided in sections eleven and
6 twelve hereof.

If the person or persons sought to be removed shall have
2 resigned within ten days after the receipt by the city coun-
3 cil of the city clerk's certificate referred to in this section
4 above, the form of ballot at the election shall be the same,
5 as nearly as may be, as the form in use at a regular municipi-
6 pal election and all other procedure shall be the same.

Procedure on refusal of city council. Should the city
2 council fail or refuse to order an election as herein pro-
3 vided, such election may be ordered by any justice of the
4 supreme judicial court.

Sect. 15. *State laws not inconsistent applicable.* The pro-
2 visions of the laws of the state of Maine relating to the
3 qualifications of electors, registration, the manner of voting,
4 the duties of election officers, and all other particulars in
5 respect to preparation for, conducting and management of
6 elections, so far as they may be applicable, shall govern all
7 municipal elections of Saco except as otherwise provided
8 in this charter.

ARTICLE VI

ADMINISTRATIVE OFFICERS

Section 1. *Titles and appointment.* There shall be the
2 following administrative officers and boards:

(a) The following officers and boards shall be appointed
2 by ballot by a majority vote of the voting members of the
3 city council: city manager, city clerk, city solicitor, treas-
4 urer and tax collector, auditor, assessors of taxes, health
5 officer, two members of board of registration under sec-
6 tion six, chapter five of the revised statutes, and the super-
7 intending school committee, as provided in article four.

(b) The following officers shall be appointed by the city
2 manager, subject to confirmation by the city council: com-
3 missioner of public works, city electrician, chief of police,
4 patrolmen and special police, chief of fire department, en-
5 gineers and members of fire department, secretary to over-
6 seers of the poor, city physician, and inspector of buildings
7 who shall not have any interest, direct or indirect, in any
8 building or material concern, and all other department heads
9 whose position may from time to time be created by ordi-
10 nance; and, except as herein otherwise provided, all minor
11 officers and employees shall be appointed by the city man-
12 ager.

Sect. 2. *Power of council with regard to appointive offi-*
2 *cers and boards.* The council shall have power by ordi-
3 nance or resolve:

(a) To create any new appointive office.

(b) To authorize the appointment of assistants or depu-
2 ties in any office.

Sect. 3. *Civil service rules for police and fire department.*
2 The city council may provide by ordinance for a system
3 of civil service rules for the appointment, promotion, de-

4 motion, lay-off, reinstatement, suspension and removal of
5 the members of the police department and of the fire de-
6 partment, other than the chief of said departments, and
7 for a civil service commission to administer the same.

Sect. 4. *Term of service.* All appointive officers whose
2 terms of service are specified herein shall be removable by
3 the city council upon written charges, notice and hearing,
4 if upon such hearing they are adjudged guilty of the charges
5 preferred.

All other appointive officers shall hold office during the
2 pleasure of the appointing power.

The term of office of members of the board of registra-
2 tion of voters shall be as now provided by law.

Sect. 5. *Compensation of officers.* The city council shall
2 fix by order the salaries of the appointees of the city coun-
3 cil. Salaries of the appointees of the city manager shall
4 be fixed by the city manager, subject to the approval of the
5 city council.

Sect. 6. *Appointment and qualification of the city man-
2 ager.* The city manager shall be chosen by the city coun-
3 cil solely on the basis of his character and his executive
4 and administrative qualifications, and may or may not be
5 a resident of the city of Saco, or of the state of Maine, at
6 the time of his appointment.

Sect. 7. *Powers and duties of the city manager.* The
2 city manager shall be the executive and administrative head
3 of the city and shall be responsible to the city council for
4 the administration of all departments. The powers and
5 duties of the city manager shall be as follows:

(a) To see that the laws and ordinances are enforced,
2 but he shall delegate to the chief of the police department
3 the active duties connected therewith regarding criminal
4 misdemeanors.

(b) To exercise control over all departments and divi-
2 sions created herein or that may hereafter be created.

(c) To make appointments as provided in this charter.

(d) To assign the duties of two or more officers to one
2 officer.

(e) To divide the duties of any office between two or
2 more officers.

(f) To attend meetings of the city council, except when
2 his removal is being considered, and recommend for adop-
3 tion such measures as he may deem expedient.

(g) To keep the city council fully advised as to the busi-
2 ness and financial condition and future needs of the city
3 and to furnish the city council with all available facts, fig-
4 ures and data connected therewith, when requested.

(h) To perform such other duties as may be prescribed
2 by this charter or required by ordinance of the city council.

Sect. 8. *Substitute.* During any vacancy in the office of
2 city manager, and during the absence or disability of the
3 city manager, the city council may designate a properly
4 qualified person to perform the duties of manager and fix
5 his compensation; while so acting he shall have the same
6 powers and duties as those given to and imposed on the
7 city manager.

Sect. 9. *Duties of administrative officers other than manager.* Duties of administrative officers other than the city manager shall be those prescribed by the city manager. Such duties shall not be inconsistent with the provisions of this charter.

Sect. 10. *Assessors of taxes.* There shall be three assessors of taxes appointed for terms of three years by the city council, and until their successors are appointed and qualified, except that the first city council to be elected under this charter shall appoint three assessors for one, two and three years respectively, and until their successors are appointed and qualified. If for any reason a vacancy shall exist in the membership of the board of assessors, the vacancy shall be filled forthwith by the city council for the unexpired term. The assessors appointed as above provided shall exercise the same powers and be subject to the same duties and liabilities that similar officers of the several towns and cities in the state may exercise, and may now or hereafter be subject to under the laws of the state. The assessors may appoint one assistant assessor in each ward, if the city council shall so direct, whose duty it shall be to furnish the assessors with all the necessary information relative to persons and property taxable. The compensation of such assistant assessors shall be fixed by the city council but such assistant assessors shall hold office during the pleasure of the assessors.

Sect. 11. *Health officer.* The health officer is given the

2 same powers and authority and is subject to the same du-
3 ties and liabilities as are now held by or imposed upon the
4 health officer or board of health for the city of Saco, and
5 he shall perform such other duties, not inconsistent with
6 the law of the state, as the city council shall determine.

ARTICLE VII

BUSINESS AND FINANCIAL PROVISIONS

Section 1. *Accounts and records.* Accounts shall be kept
2 by the auditor, showing the financial transactions of all
3 departments of the city. Forms for all such accounts shall
4 be prescribed by the auditor, with the approval of the city
5 council. Accounts shall be kept in such a manner as to
6 show fully at all times the financial condition of the city.
7 The auditor shall furnish to the city manager, prior to the
8 first regular meeting of the city council in each month, a
9 report containing in detail the receipts and disbursements
10 of the city on all accounts, the expenditures made and the
11 obligations incurred during the preceding calendar month
12 and a balance sheet showing the financial condition of the
13 city, of the several funds, and the total unexpended balance
14 to the credit of each department.

Sect. 2. All the accounts of the city shall be audited an-
2 nually by a qualified accountant to be chosen by the city
3 council.

Sect. 3. *Reports.* The auditor shall publish each month
2 a statement of the financial condition of the city. Each
3 of the administrative officers and boards shall annually, on
4 such a date as may be fixed by the city council, render to

5 the city manager a full report of the transactions of his
6 or their department for the year. On the basis of these
7 reports, the city manager shall prepare and publish an an-
8 nual report for general distribution. In addition to a sum-
9 mary of the services rendered by the various departments,
10 the report shall show:

(a) Receipts classified according to sources.

(b) Expenditures classified according to objects. The
2 classification of receipts and expenditures in the report shall
3 conform in general to the classification in the auditor's
4 books.

(c) Balance sheets.

(d) Such other financial information as may be required
2 by the city council.

Sect. 4. *Annual budget.* Not later than one month after
2 the beginning of the fiscal year, the city manager shall sub-
3 mit to the city council, budget estimates for the ensuing fis-
4 cal year. This budget shall be compiled from detailed in-
5 formation furnished by the administrative officers and
6 boards on blanks, the forms of which shall be designated
7 by the city manager, and shall contain:

(a) Exact statement of the financial condition of the
2 city.

(b) Itemized statement of appropriations recommended
2 for current expenses, and for permanent improvements;
3 with comparative statements in parallel columns of ex-
4 penditures for the current and next preceding fiscal year.
5 An increase or decrease in any item shall be indicated.

(c) Itemized statement of estimated revenue from all
2 sources, other than taxation; and a statement of taxes re-
3 quired, with comparative figures from the current and next
4 preceding year.

(d) Such other information as may be required by the
2 city council.

The budget shall be published not later than two weeks
2 after its submission to the city council. The city council
3 shall fix a time and place for holding a public hearing upon
4 the budget, and shall give a public notice of such hearing,
5 which shall be at least ten days before the final passage of
6 the appropriation resolve.

Sect. 5. *Appropriation resolve.* As early as practicable
2 after the beginning of the fiscal year, the city council shall
3 pass an annual appropriation resolve, which shall be based
4 on the budget submitted by the city manager. The total
5 amount appropriated shall not exceed the estimated revenue
6 of the city.

Before the annual appropriation resolve has been passed
2 the city council may make appropriations for current de-
3 partmental expenses, chargeable to the appropriation for
4 the year, when passed, to an amount sufficient to cover the
5 necessary expenses of the various departments until the
6 annual appropriation resolve is in force.

Sect. 6. *Transfers.* The city council in the appropria-
2 tion resolve shall provide for a reserve fund from which

3 transfers shall be made only by vote of the city council,
4 and no transfers of any money shall be made from any
5 fund other than this reserve fund until the end of the fis-
6 cal year, at which time after all warrants have been paid
7 out of the various funds against which such warrants have
8 been drawn, the auditor shall transfer to the reserve fund
9 any balance or balances then remaining in the various other
10 funds; the city council shall then transfer the full balance
11 then in the reserve fund to the sinking fund of the city;
12 provided, however, that the city council may, in special
13 cases, continue any particular fund without transfer tem-
14 porarily pending the completion of expenditures in process
15 or in contemplation.

Sect. 7. *Borrowing.* The borrowing of money by and
2 for the city shall be limited as to form and purpose by the
3 provisions of section eight and section nine of article seven
4 of this charter. The credit of the city shall in no manner
5 be loaned to any individual, association or corporation.

Sect. 8. *Bond issues.* Money may be borrowed, within
2 the limits fixed by the constitution and statutes of the state
3 now or hereafter applying to said Saco, by the issue and
4 sale of bonds or notes pledged on the credit of the city,
5 the proceeds to be used for the payment of indebtedness
6 of the city contracted for the acquisition of land, the con-
7 struction and equipment of buildings, the construction of
8 streets and roads, and other permanent public improve-
9 ments, and the payment or refunding of bonds, notes, and

10 certificates of indebtedness previously issued. No order
11 providing for the issue of bonds shall be passed without
12 public notice given by posting notice of the same in two
13 public places in the city of Saco, and publishing said no-
14 tice in at least two daily newspapers published in said Saco
15 or Biddeford at least two weeks before final action by the
16 city council, and the approval of four-fifths of all the mem-
17 bers of the city council. Every issue of bonds shall be
18 payable within a fixed term of years; if said bonds are
19 issued in payment of indebtedness incurred for a perma-
20 nent improvement the term of such bonds shall not exceed
21 the estimated period of utility of said improvement but the
22 declaration of the city council embodied in the order au-
23 thorizing the issue shall be a conclusive determination of
24 the estimated period of utility thereof; and the term with-
25 in which all bonds shall be made payable shall in no case
26 exceed thirty years. Bonds issued after the adoption of
27 this charter shall be made payable in equal, annual, serial
28 installments as pertains to principal, and interest shall be
29 made payable semi-annually. Every order for the issue of
30 bonds shall provide for a tax levy for each year of an
31 amount necessary to meet the payment of the annual, serial
32 installment of principal and interest; and such amounts
33 shall be included in the tax levy for each year until the
34 debt is extinguished; provided, however, that bonds issued
35 to refund any indebtedness of the city of Saco existing
36 prior to the adoption of this charter or bonds issued to

37 refund such bonds shall not be subject to the aforesaid
38 requirement of being made payable in equal, annual, serial
39 installments.

Sect. 9. *Temporary loans.* Money may be borrowed in
2 anticipation of receipts from taxes during any fiscal year
3 after said fiscal year begins, but the aggregate amount of
4 such loans outstanding at any one time shall not exceed
5 eighty per cent of the revenue received from taxes during
6 the preceding fiscal year. All such loans shall be paid with-
7 in the year out of receipts from taxes for the fiscal year
8 in which said loans are made. Money may be borrowed
9 in anticipation of money to be received from the sale of
10 bonds to be issued, in case such bond issue has been au-
11 thorized; all such loans shall be paid within one year and
12 are subject to the provisions of laws of the state of Maine
13 in relation thereto. This section shall not limit in any way
14 the power granted to towns and cities to borrow money
15 as contained in chapter four, section sixty-two of the revised
16 statutes and acts amendatory thereof and additional thereto.

Sect. 10. *Sinking fund.* Until the bonded indebtedness
2 of the city of Saco in force at the time of the adoption of
3 this charter together with any renewals thereof is fully
4 paid, the city council shall raise and set apart each year
5 for a sinking fund a fund not less than one and not more
6 than three per cent of the total amount of appropriations
7 for that year. The sinking fund shall be applied only to
8 the payment of that bonded indebtedness of the city, the

9 payment of which has not been provided for by payments
10 in serial installments. The sinking fund shall be invested
11 as provided by the revised statutes of the state of Maine
12 and all acts in addition thereto and in amendment thereof.

Sect. 11. *Payments.* Money shall be paid out only on
2 warrants on the city treasury issued by the auditor and
3 countersigned by the city manager and a member of the
4 city council to be designated from time to time by said
5 city council. The auditor shall examine all pay-rolls, bills
6 and other claims and demands against the city, and shall
7 issue no warrant for payment until he finds that the claim
8 is in proper form, correctly computed, duly certified and
9 legally due and payable.

The auditor may require any claimant to make oath to
2 the validity of his claim, may investigate any claim, and
3 for each purpose or purposes may examine witnesses under
4 oath.

Sect. 12. *Bonds of officers.* The city council shall re-
2 quire a bond with sufficient surety or sureties, satisfactory
3 to the city council, from all persons trusted with the col-
4 lection, custody or disbursements of any of the public mon-
5 eys; and may require such bond from such other officials
6 as it may deem advisable; the premium charges for said
7 bonds to be paid by the city.

Sect. 13. *Collection and custody of city moneys.* All
2 moneys received by an officer, employee or agent of the
3 city belonging to the city, or for or in connection with the

4 business of the city, shall forthwith be paid by the officer,
5 employee or agent receiving the same into the city treasury,
6 and shall then be deposited by the city treasurer with some
7 responsible banking institution or institutions to be chosen
8 by said city council. All interest from all deposits of money
9 belonging to the city shall accrue to the benefit of the city.

Sect. 14. *Purchasing of supplies.* The purchasing agent
2 shall purchase all supplies for the city and for the several
3 officers and boards thereof, excepting for supplies for the
4 city schools, which school supplies he shall purchase only
5 upon requisition by the superintending school committee.

The purchasing agent shall see to the delivery of supplies
2 to each officer and department to whom they belong, and
3 take and file receipts therefor. He shall conduct all sales
4 of property belonging to the city which are unfit or un-
5 necessary for the city's use, but only after such sale has
6 been authorized by the city council, and subject to such
7 restrictions as the city council may by ordinance provide.

The city manager shall act as purchasing agent until the
2 city council by ordinance shall provide for the appointment
3 of a purchasing agent.

ARTICLE VIII

PUBLIC UTILITIES

Section 1. *Franchises.* All public franchises, hereafter
2 granted, and all renewals, amendments, and extensions there-
3 of shall be granted or made only by a four-fifths vote of
4 the members of the council. No franchise and no renewal

5 or amendment thereof shall be granted or made within
6 three months after the application therefor is filed with the
7 city clerk nor within thirty days after the publication in
8 full of the proposed franchise in its final form, nor until
9 a public hearing has been held thereon. No public utility
10 franchise shall be transferable except with the approval of
11 the city council.

Sect. 2. *Right of regulation.* All orders providing for
2 grants, renewals, amendments or extensions of public utility
3 franchises shall retain to the city the following rights:

(a) To repeal the same by order at any time for non-
2 use, or for failure to begin construction within the time
3 prescribed, or for failure to otherwise comply with the
4 terms prescribed;

(b) To require proper and adequate extension of plant
2 and service, and the maintenance of the plant and fixtures
3 at the highest practicable standard of efficiency;

(c) To establish reasonable standards of service and
2 quality of products and prevent unjust discrimination in
3 service or rates;

(d) To impose such other regulations as may be con-
2 ducive to the safety, welfare, and accommodation of the
3 public.

ARTICLE IX

MISCELLANEOUS PROVISIONS

Section 1. *No personal interest.* No city manager, no
2 member of the city council, no subordinate city officer, no

3 member of any board or commission charged with the ex-
4 penditure of any money appropriated by the city council
5 or belonging to the city, no officer or employee of the city,
6 elected or appointed, shall be interested, directly or indi-
7 rectly in any contract entered into by or in behalf of the
8 city of Saco for work or material, or the purchase there-
9 of, to be furnished to or performed for the city, and all
10 contracts made in violation hereof are void and the city
11 treasurer is expressly forbidden to pay any money out of
12 the city treasury on account of any such contract. No
13 such officer or employee, except a policeman or fireman,
14 shall accept or receive from any person, firm or corpora-
15 tion acting under a franchise or license from the city, any
16 frank, free pass, free ticket, or free service, or accept di-
17 rectly or indirectly from any such person, firm or corpo-
18 ration, any service upon terms more favorable than those
19 granted to the public generally. This provision shall not
20 apply, however, to any free service now or hereafter pro-
21 vided for by contract, franchise or ordinance.

Sect. 2. *Referendum, date of meeting, form of question,*
2 *proccedure.* This act shall be submitted for approval or
3 rejection to the qualified voters of the city of Saco at an
4 election to be held the second Monday in September in the
5 year A. D. nineteen hundred and twenty-five and warrants
6 shall be issued for such election in the manner now pro-
7 vided by law for the holding of municipal elections, notify-
8 ing and warning the qualified voters of said city to meet:

9 in the several ward meetings of said city, there to cast their
10 ballot concerning a new charter for the city of Saco. The
11 vote shall be taken by ballot at said election in answer to
12 the question: "Shall an act passed by the legislature in the
13 year nineteen hundred and twenty-five, entitled 'An Act to
14 Grant a New Charter to the City of Saco,' be accepted?"
15 Which shall be printed on the official ballots and at said
16 election the voters of said city in favor of accepting this
17 act shall vote "Yes" and those opposed shall vote "No."

Otherwise said ballot shall be in the form provided by
2 law when a constitutional amendment is submitted to the
3 vote of the people. The provisions of law relating to the
4 preparation of voting lists for municipal elections shall ap-
5 ply to such election and said election shall in all other re-
6 spects be conducted by law, and the results thereof shall
7 be determined in the manner now provided by law for the
8 determination of the election of mayor. If a majority of
9 the valid ballots deposited as aforesaid shall favor accept-
10 ing the same, then this act shall forthwith take effect as
11 herein provided.

Sect. 3. *Date when effective.* So much of this act as au-
2 thorizes the submission of the acceptance of this charter
3 to the voters of the city of Saco shall take effect as provided
4 in the constitution of the state, but it shall not take further
5 effect unless adopted by the voters of the city of Saco as
6 hereinbefore provided. If adopted by the voters of the
7 city, then this act for the purpose of nomination and elect-

8 ing officers hereunder shall take effect on the date of its
9 adoption by the voters, and for all other purposes this act
10 shall take effect on the second Monday in December in the
11 year nineteen hundred and twenty-five.

All acts and parts of acts inconsistent herewith are hereby
2 repealed.

Sect. 4. *Ordinances not inconsistent continued in force.*
2 All ordinances in force at the time when this charter takes
3 effect, not inconsistent with the provisions of this charter,
4 shall continue in force until amended or repealed.

All rules and regulations of the municipal officers of the
2 city of Saco in force at the time when this charter takes
3 effect, not inconsistent with the provisions hereof, shall con-
4 tinue in force until amended or repealed.

Sect. 5. *Existing contracts not invalidated, unless incon-*
2 *sistent.* All rights, actions, proceedings, prosecutions, and
3 contracts of the city or any of its departments, pending or
4 unexecuted when this charter goes into effect and not in-
5 consistent therewith shall be enforced, continued or com-
6 pleted in all respects as though begun or executed here-
7 under.

Sect. 6. *Term of office, officers, boards.* All officials, offi-
2 cers, trustees, members of departments, hereafter to be
3 appointed or elected under the provisions of this charter by
4 the city council or city manager, whose term of office has
5 not been herein otherwise provided for, shall not serve
6 out their present terms, but shall continue in office only

7 until their successors are appointed or elected, and qualified
8 as provided in this act. The term of office of the present
9 members of the board of overseers of the poor, board of
10 health, and park commission shall terminate on the second
11 Monday in December, nineteen hundred and twenty-five.
12 The terms of the present members of the board of regis-
13 tration of voters shall not be affected by this act.