

# MAINE STATE LEGISLATURE

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EIGHTY-FIFTH LEGISLATURE

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Legislative Document

No. 220

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H. P. 597                      House of Representatives, Jan. 28, 1931.

Referred to Committee on Legal Affairs and 500 copies ordered printed. Sent up for concurrence.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Sargent of Brewer.

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STATE OF MAINE

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

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

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

ARTICLE I

GRANT OF POWERS TO THE CITY

Section 1. The inhabitants of the City of Brewer shall continue to be a body politic and corporate by the name of the City of Brewer, and shall have, exercise and enjoy all the rights, immunities, powers, privileges and franchises and shall be subject to all the duties, liabilities and obligations provided for herein, or otherwise pertaining to or incumbent upon said city as a municipal corporation, or pertaining to or incumbent upon the inhabitants or municipal officers thereof; and may enact reasonable by-laws, regulations and ordinances for municipal purposes not inconsistent with the constitution and laws of the State of Maine and impose penalties for the breach thereof not exceeding one hundred dollars in any one case.

ARTICLE II

CITY COUNCIL

Section 1. The administration of all the fiscal, prudential and municipal affairs of said city, with the government thereof, except the general management, care, conduct and control of the schools of said city, which shall be vested in a school

committee as hereinafter provided, and also except as otherwise provided by this charter, shall be and hereby is vested in one body of five members, which body shall constitute and be called the City Council, all of whom shall be and remain during their term of office inhabitants of said city, and shall be sworn in the manner hereinafter prescribed. Said city council shall exercise its powers in the manner hereinafter provided.

The members of the city council shall be and constitute the municipal officers of the City of Brewer for all purposes required by law or ordinance and, except as otherwise herein specifically provided, shall have all powers and authority given to and perform all duties required of municipal officers and mayors of cities under the laws of this state, including all powers and authority given to the Mayor of the City of Brewer and also given to the aldermen of said city relative to the appointment and removal of policemen, patrolmen, and other officers, as provided in chapter one hundred twenty of the private and special laws of nineteen hundred seventeen, entitled "An Act Regulating the Appointment of the Members of the Police Force of the City of Brewer." When said city council shall act as municipal officers, it shall be sufficient and lawful for such vote to be passed or such action to be taken as "City Council" and any record of any such vote passed or action taken, by law required to be passed or taken by municipal officers, shall be sufficient if recorded as passed, or taken by "City Council."

The city council is hereby constituted the overseers of the poor of the City of Brewer and shall perform all duties required of overseers of the poor for cities by statute or otherwise. As such overseers of the poor they may authorize a clerk or agent to sign in their name and send written notices and the written answers referred to or required in sections thirty-one and thirty-two of chapter thirty-three of the revised statutes, and such written notices and written answers, so signed, shall have the same effect as if signed by one or more of said overseers and sent by a member of members of said overseers personally.

All the powers of establishing a watch and ward, now vested by the laws of the state in the justices of the peace and municipal officers or inhabitants of towns, are vested in the said city

council so far as relates to said city; and they are authorized to unite the watch and police departments into one department and establish suitable regulations for the government of the same.

All other powers now or hereafter vested in the inhabitants of said city, and all powers granted by this act, except as herein otherwise provided, shall be vested in said city council.

The said city shall continue to be divided for election purposes into five wards with the now existing boundaries; except that it shall be the duty of the city council, once in ten years, and not oftener than once in five years, to revise and, if alteration is deemed necessary, to alter the boundaries of said wards in such manner as to preserve as nearly as convenient an equal number of inhabitants in each ward.

Sect. 2. The city council shall consist of five members, who shall be elected at large by and from the qualified voters of the city for a term of two years from the second Monday in January next following the date of their election and until their successors are elected and qualified; except that at the first election after the adoption of this charter the three candidates having the largest number of votes shall serve for two years and the two candidates having the next largest number of votes shall serve for one year, and until their successors are elected and qualified. Thereafter at each annual municipal election there shall be chosen at large two or three members (as the case may be) of the city council to fill the office of the members of the city council whose terms of office expire that year. As the said first election of members of the city council, in the event that two or more candidates shall receive the same number of votes for member of the city council, the terms of office of said candidates shall be determined by lot by the city clerk after reasonable notice to said candidates by said city clerk of the time and place of said determination.

Sect. 3. At the first meeting annually, or as soon thereafter as possible, the city council shall elect by majority vote of the entire council one of its members as chairman of the council for the ensuing year, and the city council may fill for the unexpired term any vacancy in the office of chairman that may occur. The chairman shall preside at all meetings of the city council and shall perform such other duties consistent with this office as the council may provide. He shall be entitled to

vote and his vote shall be counted upon all matters and things as a vote of other members of the council. The chairman shall be recognized as the official head of the city for ceremonial purposes and shall have the powers and authority given to and perform the duties required of mayors of cities for all purposes of military law, and shall act in lieu of the mayor in so far as representation is provided for the city by the mayor upon any board or commission or otherwise by any statute. In the temporary absence or disability of the chairman, the city council may select a chairman pro tempore from among its number and he shall exercise the powers of the chairman.

If the chairman shall fail from sickness, disability, continued absence from the city or other cause to attend to and perform the duties incumbent on him as such chairman, the remaining members of the city council may, by unanimous vote, after notice and hearing, terminate the term of office of said chairman and remove him therefrom and thereupon by majority vote of the entire council may elect some other member of said city council chairman, and such newly elected member shall thereupon and thereafter hold the office and perform the duties of the chairman for the balance of that year.

Sect. 4. In case of the death, resignation, or removal from office of any member of the city council and of a vacancy caused thereby more than six months prior to the next regular city election, the vacancy shall be filled by a special election, the warrant for which shall, upon vote of the city council, be issued by a member of the city council, by vote designated for that duty.

Sect. 5. The city council shall meet at the usual place for holding meetings at ten o'clock A. M. on the second Monday in January next following the regular city election, at which time the councilmen-elect shall be sworn to the faithful discharge of their duties by a justice of the peace or by the city clerk. At its first meeting, or as soon thereafter as may be, the city council shall establish by ordinance or resolve a time and place for holding its regular meetings, which shall be held at least once per month.

Sect. 6. Special meetings may be called by the chairman or by a majority of the members of the city council. Notice of such meeting shall be served in person upon, or left at the

usual dwelling place of each member of the council and of the city manager. A majority of the members of the city council shall be and constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time, or compel attendance of absent members.

Sect. 7. The city council shall keep a record of its proceedings and shall be the judge of the qualification and election of its own members. The council may determine its own rules and procedure, make lawful regulations for enforcing the same, and punish members for misconduct. The meetings of the council shall be open to the public. The city council shall act only by ordinance, order or resolve; all ordinances, orders and resolves, except general appropriation resolves shall be confined to one subject. The appropriation order or resolve shall be confined to the subject of appropriations only. The city council may provide, by ordinance, order or resolve, for all other rules and orders of a parliamentary character.

### ARTICLE III

#### SUPERINTENDING SCHOOL COMMITTEE

Section 1. The superintending school committee, hereinafter called the school committee, shall consist of three members who shall be elected at large by and from the qualified voters of the city for a term of three years and until their successors are elected and qualified, except that at the first election of members of the school committee after the adoption of this charter, the candidate receiving the largest number of votes cast at such election for member of the school committee shall hold office for three years from the second Monday in January, nineteen hundred and thirty-two. The candidate who shall receive the second largest number of votes cast at such election for member of the school committee shall hold office for two years from said date. The candidate who shall receive the third largest number of votes cast at such election for member of the school committee shall hold office for one year from said date; and each shall hold office until his successor is elected and qualified. At the said first election of members of the school committee, in the event that two or more candidates shall receive the same number of votes for member of the school committee, the terms of office of said

candidates shall be determined by lot by the city clerk after reasonable notice to said candidates by said city clerk of the time and place of said determination.

Sect. 2. Each year, the chairman of the school committee shall be that member whose term of office expires at the end of that municipal year. The chairman shall preside at all meetings of the school committee and shall have a vote as other members of said committee.

Sect. 3. The school committee shall meet and organize at eight o'clock P. M. on the second Monday in January, next following the regular city election. The members shall be sworn by a justice of the peace or by the city clerk to the faithful discharge of their duties. A majority of the whole number elected and serving shall be a quorum for the transaction of business.

Sect. 4. The school committee shall have all the powers and shall perform all the duties in regard to the care and management of the public schools of the city which are now conferred and imposed upon school committees by the laws of the state, except as otherwise provided in this charter.

Sect. 5. Whenever, from any cause, a vacancy in the school committee shall occur, said vacancy shall be filled at the next annual election, or the city council may call a special election.

Sect. 6. Chapter two hundred sixteen of the private and special laws of nineteen hundred three as amended by chapter seventy-two of the private and special laws of nineteen hundred twenty-five is hereby repealed.

#### ARTICLE IV NOMINATIONS AND ELECTIONS

Section 1. On the third Monday in December, nineteen hundred thirty-one, the qualified voters of the city shall ballot for five members of the city council and for three members of the school committee, and the qualified voters of each ward shall, at the same time, ballot for a warden and a ward clerk for their ward; and thereafter on the third Monday in December each year, a regular municipal election shall be held and the qualified voters of the city shall ballot for members of the city council and for member of the school committee to fill the offices of those whose terms of office expire that year,

and also to fill any vacancies in the above offices which then may exist, and the qualified voters of each ward shall, at the same time, ballot for a warden and a ward clerk.

All votes cast for the several officers shall be sorted, counted, declared and registered in open ward meeting as provided by statute. The ward clerk shall forthwith deliver to the persons elected warden and ward clerk certificates of their election, and shall forthwith deliver to the city clerk a certified copy of the records of such election.

As provided by law, after the first election held under this charter, the then municipal officers, and annually thereafter, following the regular city election, the city council shall examine the copies of the records of the several wards, certified as aforesaid, and shall cause the persons who shall have been elected members of the city council, and the persons who shall have been elected members of the school committee, to be notified in writing of their election. If it shall appear that at the first election, or at any subsequent election, one or more of the offices to be filled by said election has not been so filled, or if at any election the person elected shall refuse to accept the office for which he has been elected, warrants for another and special election to fill such vacancy or vacancies shall be issued forthwith.

At any election, the person or persons having the highest number of votes for an office, not exceeding the number to be chosen, shall be deemed and declared elected to such office.

Sect. 2. The warden and ward clerk, chosen as provided in the preceding section, shall be residents of the ward for which they are elected, and shall hold their office for one year from the second Monday in January following their election and until others have been chosen and qualified in their stead. The warden and the ward clerk shall be sworn to the faithful performance of their duties by a justice of the peace or by the clerk of the ward meeting or by any legal voter of said ward, and a certificate of such oath shall be entered by the clerk on the records of said ward. The warden shall preside at all 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 tempore shall be chosen. The warden shall have all rights and powers now held by the warden of



such ward. If neither the warden nor the ward clerk shall be present, any legal voter in the ward may preside until a clerk pro tempore shall be chosen and qualified. Immediately following the election of a clerk pro tempore a warden pro tempore shall be chosen. 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 in his possession or under his control, together with all documents and papers held by him in his capacity as clerk. The ward clerk shall have all rights and perform all duties now had and performed by the ward clerk of such ward so far as consistent with this charter. All ward meetings shall be notified and called by the city council in the manner provided by the laws of this state for notifying and calling ward meetings.

Sect. 3. The nomination of all candidates for elective offices provided for by this charter shall be by petition. The petition of candidates for warden and for ward clerk shall be signed by not less than ten nor more than thirty qualified voters of the ward in which said candidates are residents. The petition of each candidate for member of the city council, and member of the school committee shall be signed by not less than fifty nor more than seventy-five qualified voters of the city. No voter shall sign petitions for more than one candidate for each office to be filled at the election and should he do so his signature shall be counted only upon the first petition filed, and shall be void upon all other petitions.

Sect. 4. The signatures to nomination papers need not all be affixed to one petition, but to each separate petition there shall be attached an affidavit of the circulator thereof stating the number of signers on each petition and that each signature appended thereto was made in his presence and is the genuine signature of the person whose name it purports to be. With each signature shall be stated the place of residence of the signer, giving the street and number of the street or other description sufficient to identify the same. The form of the nomination petition shall be substantially as follows:

"To the City Clerk of the City of Brewer. We, the undersigned voters of the City of Brewer, hereby nominate  
   whose residence is   for the office  
of   , to be voted for at the election to be held in  
the City of Brewer on the   day of   19   ,"

and we individually certify that we are qualified to vote for a candidate for the above office and that we have not signed more nomination petitions of candidates for this office than there are persons to be elected thereto.

Name.....Street and Number.....  
being duly sworn deposes and says that he is the circulator of the foregoing nominating petition containing signatures and that the signatures appended thereto were made in his presence and are the signatures of the persons whose names they purport to be.

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

.....  
Justice of the Peace  
Notary Public

If this petition is deemed insufficient by the City Clerk he shall forthwith notify by mail.....  
at No. , St.”

Sect. 5. The nomination petitions for any one candidate shall be assembled and united into one petition and filed with the city clerk not earlier than thirty nor later than fourteen days before the day of election. No nomination shall be valid unless the candidate shall file with the city clerk in writing, not later than fourteen days before the day of election, his consent accepting the nomination, agreeing not to withdraw, and, if elected, to qualify.

Sect. 6. The city clerk shall certify a list of candidates and shall cause to be published, in one or more of the daily newspapers published in the county of Penobscot, the names, residences and offices to which nominated, of the candidates who have duly filed the above described petition and acceptances.

Sect. 7. Specimen ballots and official ballots for use in all city elections shall be prepared by the city clerk at the expense of the city.

Sect. 8. The position upon the ballot of the names of the candidates nominated, as hereinbefore provided, shall be determined by lot and said names shall be so placed upon said ballot under title of the office to be filled. Said determination of said position by lot shall be conducted by the city clerk at which said candidates or their representatives shall be entitled to be present. The ballot shall be without party mark or

designation. The name and residence of each candidate shall be given. At the right of each name shall be a square within which the voters shall place a cross (X) to designate his choice. A blank space shall be left at the end of the list of candidates for each office in which the voter may insert the name of any person not printed on the ballot for whom he desires to vote.

The ballot shall be printed substantially as follows:

(Back of the Ballot)

OFFICIAL BALLOT  
BREWER

Ward.....

Monday,.....A. D.

(Facsimile of Signature)

City Clerk

(Face of the Ballot)

To vote for a candidate mark a cross (X) in the square at the right of Name and Residence.

If you wrongly mark, tear or deface the ballot, return it and obtain another.

For Members of City Council. Vote for.....

Name of Candidate	Residence	
Name of Candidate	Residence	
Name of Candidate	Residence	
Name of Candidate	Residence	
Name of Candidate	Residence	

For Superintending School Committee. Vote for.....

Name of Candidate	Residence	
Name of Candidate	Residence	
Name of Candidate	Residence	

For Warden. Vote for One

Name of Candidate	Residence	
Name of Candidate	Residence	

For Ward Clerk. Vote for One

Name of Candidate	Residence	
Name of Candidate	Residence	
Mark a cross (X) in the square at the right of your answer.		
Shall.....	Yes	
.....	No	

Sect. 9. The provisions of the laws of the State of Maine relating to the qualifications of electors, registration, the manner of voting, the duties of election officers, and all other particulars in respect to preparation for, conducting, and management of elections, so far as they may be applicable, shall govern all municipal elections except as otherwise provided in this charter.

ARTICLE V  
ADMINISTRATIVE OFFICERS

Section 1. There shall be the following administrative boards and officers:

(A) The following boards and officers shall be appointed by ballot by a majority vote of the members of the city council: city manager, city clerk, city treasurer, collector of taxes, assessors of taxes, auditor of accounts, city solicitor, chief of police, secretary to overseers of the poor, health officer, whose term of office and duties shall be as provided under chapter twenty-two, section eight of the revised statutes, and two members of the board of registration under chapter six, section eight of the revised statutes.

(B) The following officers shall be appointed by the city manager, subject to confirmation by the city council: chief of the fire department and inspector of fires, superintendent of fire alarms and inspector of electrical wiring, road commissioner, inspector of buildings, superintendent of sewers, inspector of plumbing, milk inspector, not more than six constables, and all other officers and employees the appointment of whom is not otherwise provided for by this charter or by ordinance.

Sect. 2. All appointive officers and boards, whose terms are not specified in this charter, shall hold office at the pleasure

of the appointing power; except that the tenure of office of policemen shall be as provided by section one of chapter one hundred twenty of the private and special laws of nineteen hundred seventeen. Appointive officers and boards whose terms are specified in this charter shall be removable by the city council upon written charges, notice and hearing, if upon such hearing they are adjudged guilty of the charges preferred.

Sect. 3. The city council shall have power, by ordinance or resolve (a) to create any new appointive office (b) to assign or to authorize the city manager to assign the duties of two or more offices to one officer (c) to divide the duties of any office between two or more officers (d) to authorize the appointment of assistants or deputies in any office.

Sect. 4. The city council shall fix by order or resolve the salaries of the appointees of the council. Salaries of the appointees of the city manager shall be fixed by the city manager subject to the approval of the council.

Sect. 5. The city manager shall be chosen by the city council, on the basis of his character, experience and ability, and of his executive and administrative qualifications. He need not be a resident of the City of Brewer, or of the State of Maine at the time of his appointment. If so required by the city council he shall give bond for the faithful discharge of his duties to the City of Brewer in such sum as the city council shall determine and with surety or sureties satisfactory to the city council and approved by it. The premium on said bond shall be paid by the city.

Sect. 6. The city manager shall be the administrative head of the city and shall be responsible to the city council for the administration of all departments. The powers and duties of the city manager shall be as follows:

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

(b) To exercise control over all departments and divisions created herein or that may hereafter be created.

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

(d) To attend meetings of the city council, except when his removal is being considered, and recommend for adoption such measures as he may deem expedient.

(e) To keep the city council fully advised as to the business and financial condition and future needs of the city and to furnish the city council with all available facts, figures and data connected therewith, when so requested.

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

Sect. 7. During any vacancy, in the office of city manager, and during the absence from the city, or disability of the city manager, the city council may designate some person properly qualified to perform the duties of city manager and said city council may fix the compensation of said person; while so acting, he shall have the same powers and duties as those given to and imposed on the city manager. If so required, he shall give bond to the City of Brewer in such sum as said city council shall approve and with surety or sureties which shall be approved by the city council. The premium on said bond shall be paid by the city.

Sect. 8. The city council shall, by ordinance, resolve or order, prescribe and determine the duties of administrative officers other than the city manager, except as said duties are prescribed herein or by general law. Such duties shall not be inconsistent with the provisions of this charter.

Sect. 9. When any vacancy occurs in any office, said vacancy shall be filled as soon as may be by the appointing power authorized to appoint to said office.

Sect. 10. The first city council to be elected under this charter shall appoint three assessors of taxes, for one, two and three years respectively from the second Monday in January, nineteen hundred thirty-two, and until their successors are appointed and qualified. Thereafter the city council shall annually appoint an assessor of taxes for a term of three years from the second Monday in January of the year of his appointment. 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.

## ARTICLE VI

## BUSINESS AND FINANCIAL PROVISIONS

Section 1. Full and accurate accounts of all the departments of the city shall be kept. The city manager shall prescribe the forms for such accounts. Said accounts, however, shall be kept in such manner as to show fully at all times the financial condition of the city and of each department thereof. The auditor of accounts shall furnish to the city manager prior to the regular monthly meeting of the city council in each month a detailed report showing receipts and disbursements of the city on all accounts and also showing expenditures made and obligations incurred during the preceding calendar month. Said auditor of accounts shall also furnish the city manager a balance sheet showing the financial condition of the city and of the several funds, together with the unexpended balance to the credit of each department.

Sect. 2. Accounts of the city shall be audited annually by a qualified accountant to be chosen by the city council.

Sect. 3. The auditor of accounts shall publish each month a statement of the financial condition of the city.

Each of the administrative officers and boards shall annually, on such date as may be fixed by the city council, render to the city manager a full report of the transactions of his or their department for the year. On the basis of these reports, the city manager shall prepare and publish an annual report for general distribution. In addition to a summary of the services rendered by the various departments, the report shall show:

(a) Receipts classified according to sources.

(b) Expenditures classified according to objects.

The classification of receipts and expenditures in the report shall conform in general to the classification employed in the city's accounting system.

(c) Balance sheets.

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

Sect. 4. On or before December twentieth of each year, the city manager shall submit to the city council budget estimates for the ensuing fiscal year. Said budget estimates shall contain:

- (a) A statement of the financial condition of the city.
- (b) An itemized statement of appropriations and amounts thereof recommended for current expenses, and also appropriations recommended for permanent improvements.
- (c) An itemized statement of revenue from sources other than taxation, together with a statement of the amount of money to be raised by taxation together with comparative figures from the current and the next preceding year.
- (d) Such other information, if any, as may be required by the city council.

Sect. 5. In the annual appropriation resolve, the city council shall provide for a reserve fund, and an appropriation for the same shall therein be made. Transfers from said fund shall be made only by vote of the city council, and no transfer of any money shall be made from any fund other than the reserve fund until the end of the year, at which time, after all warrants have been paid out of the various funds against which such warrants have been drawn, the treasurer shall transfer to said reserve fund any balance or balances then remaining in the various other funds, except balances in the school fund; the city council shall then apply the full balance in reserve fund to the reduction of the unfunded debt of the city, in case there is such debt, otherwise the city council shall transfer the full balance in the reserve fund to the sinking fund; provided, however, that before doing so the city council may authorize a transfer from the reserve fund to any other fund or account in which there is an overdraft created by an actual emergency.

Sect. 6. Until the funded indebtedness, not provided for by serial bonds, of the City of Brewer in force at the time of the adoption of this charter, together with any renewal thereof, is fully paid, the city council shall raise and set apart each year for a sinking fund a sum equal to not less than two per cent of the total of appropriations for that year, excluding the amount of the item of the appropriation resolve provided for by this section.

The sinking fund shall be invested as provided by the revised statutes of the State of Maine (chapter five, section ninety-three) and all acts in addition thereto and in amendment thereof.



Sect. 7. Temporary loans. Money may be borrowed in anticipation of receipts from taxes during any fiscal year, but the aggregate amount of such loans outstanding at any one time shall not exceed eighty per cent of the revenue received from taxes during the preceding fiscal year. All such loans shall be paid within the year out of receipts from taxes for the fiscal year in which said loans are made. Money may be borrowed in anticipation of money to be received from the sale of bonds to be issued, in case such bond issue has been authorized; all such loans shall be paid within one year and are subject to the provisions of laws of the State of Maine in relation thereto.

Sect. 8. Payments. Money shall be paid out only on warrants on the city treasury, issued by the auditor and countersigned by the city manager and a member of the city council to be designated from time to time by said city council.

The auditor shall examine all pay-rolls, bills, and other claims and demands against the city, and shall issue no warrant for payment until he finds that the claim is in proper form, correctly computed, duly certified and legally due and payable.

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

Sect. 9. The city council shall require bonds, with sufficient surety or sureties, from all persons trusted with the collection, custody, or disbursement of the public moneys, and all moneys received by any officer, employee or agent of the city belonging to the city, or in connection with the business thereof, shall forthwith be paid into the city treasury, and shall be deposited with such responsible banking institutions as the city council may determine. All interest from such deposits shall accrue to and belong to the city.

Sect. 10. The city manager shall purchase all supplies and equipment for the city and for the several officers and boards thereof, except educational supplies for the schools.

The city manager shall see to the delivery of supplies to each department and take and file receipts therefor. He shall conduct all sales of property unfit or unnecessary for the city's use, after such sales have been authorized by the council.

ARTICLE VII  
MISCELLANEOUS PROVISIONS

Section 1. No member of the city council, during the term for which he was chosen as such member, shall be eligible for any other office, the salary of which is payable by the city, nor shall he, during such term, hold such other office.

Sect. 2. No city manager, no member of the city council, no subordinate city officer, no member of any board or commission charged with the expenditure of any money appropriated by the city council or belonging to the city; no officer or employee of the city, elected or appointed, shall be interested, directly or indirectly, in any contract entered into by or in behalf of the City of Brewer, for work or material, or the purchase thereof, to be furnished to or performed for the city, and all contracts made in violation hereof are void, and the city treasurer is expressly forbidden to pay any money out of the city treasury on account of any such contract. No such officer or employee, except a policeman or fireman shall accept or receive from any person, firm or corporation acting under a franchise or license from the city, any frank, free pass, free ticket, or free service, or accept, directly or indirectly, from any such person, firm or corporation, any service upon terms more favorable than those granted to the public generally. This provision shall not apply, however, to any free service now or hereafter provided for by contract, franchise, statute, or ordinance.

Sect. 3. This act shall be submitted for approval or rejection to the qualified voters of the City of Brewer at an election to be held on the second Monday in September, nineteen hundred thirty-one, and warrants shall be issued for such election in the manner now provided by law for the holding of municipal elections, notifying and warning the qualified voters of said city to meet in the several ward meetings of said city, there to cast their ballots for the approval or rejection of this act. The question proposed on said ballot shall be substantially in the following form:

“Shall an act passed by the Legislature in the year nineteen hundred thirty-one approved (insert date) entitled ‘An Act to Grant a New Charter to the City of Brewer’ be accepted?” Otherwise said ballot shall be in form provided by law when a constitutional amendment is submitted to the vote of

the people. The provisions of law relating to the preparation of voting lists for municipal elections shall apply to such election and said election shall in all other respects be conducted as municipal elections in said city are now conducted by law, and the result thereof shall be determined in the manner now provided by law for the determination of the election of mayor. If a majority of the ballots deposited as aforesaid shall reject, this act shall not go into effect, but if a majority of the electors voting at said ward meetings shall approve, then this act shall take effect as herein provided.

Sect. 4. So much of this act as authorizes the submission of the acceptance of this charter to the electors of the City of Brewer shall take effect as provided in the Constitution of the State, but it shall not take further effect unless accepted by the electors of the City of Brewer as hereinbefore provided. If accepted by the electors of the city, then this act for the purpose of nominating and electing officers hereunder shall take effect on the date of its adoption by the electors, and for all other purposes this act shall take effect on the second Monday in January, nineteen hundred thirty-two.

Sect. 5. All ordinances in force at the time when this charter takes effect, not inconsistent with the provisions of this charter, shall continue in force until amended or repealed.

Sect. 6. All officers now in office holding positions hereafter to be filled under the provisions of this charter by the city council or city manager shall not serve out their terms but shall continue in office only until their successors are appointed and qualified; except that the members of the board of registration, the health officer, and all policemen and patrolmen appointed and holding office by virtue of the provisions of chapter one hundred twenty of the private and special laws of nineteen hundred seventeen shall serve out the terms for which they were appointed.

The members of the school board holding office when this charter goes into effect shall not serve out the terms for which they were appointed but shall serve only until the members of the school committee are elected and qualified as hereinbefore provided.

Sect. 7. All rights, actions, proceedings, prosecutions and contracts of the city or any of its departments, pending or un-

executed when this charter goes into effect and not inconsistent therewith, shall be enforced, continued or completed in all respects as though begun or executed hereunder.

Sect. 8. In case this act is approved in the manner hereinbefore provided, all acts and parts of acts inconsistent herewith are hereby repealed.