

MAINE STATE LEGISLATURE

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E I G H T Y - E I G H T H L E G I S L A T U R E

Legislative Document

No. 912

S. P. 478

In Senate, March 31, 1937.

Reported by Senator Martin of Penobscot from Committee on Legal Affairs and laid on table to be printed under joint rules.

ROYDEN V. BROWN, Secretary.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-SEVEN

AN ACT Relating to the Charter of the City of Waterville.

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

ARTICLE I

Grant of Powers to the City

The inhabitants of the city of Waterville in the county of Kennebec shall continue to be a body politic and corporate by the name of the city of Waterville 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 encumbent upon said city as a municipal corporation or to the inhabitants or municipal authorities 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 breach thereof, not exceeding \$100 in any one case, to be recovered for such uses as said by-laws, regulations and ordinances shall provide.

ARTICLE II

Municipal Officers

Sec. 1. Powers and duties. The administration of all 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 the board of education as hereinafter provided, and also except as otherwise provided by this charter, shall be and are vested in one municipal magistrate, to be styled the mayor, and a board of 7 aldermen, designated as a board of aldermen, all of whom shall be inhabitants of said city and legal voters therein. Said mayor and board of aldermen shall, except as otherwise provided by this charter, be vested with all of the powers of the present city council of the city of Waterville and constitute the municipal officers of the city and all shall be sworn to the faithful performance of the duties of their respective offices.

Sec. 2. Watch and ward. 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 municipal officers so far as relates to said city; and they are authorized to unite the watch and police departments into one department.

Sec. 3. Overseers of the poor. The municipal officers are hereby constituted overseers of the poor of the city of Waterville 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 31 and 32 of chapter 33 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 or members of said overseers personally.

Sec. 4. Compensation of subordinate officers. The municipal officers shall fix the compensation of all subordinate city officers unless the compensation is expressly fixed by this charter and that compensation shall not be diminished during their term of office.

Sec. 5. Quorum. A majority of the members of the board of aldermen shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time. At least 24 hours' notice shall be given to all members who were not present at the meeting from which the adjournment was taken.

Sec. 6. Procedure. The board of aldermen shall keep a record of its proceedings and shall determine its own rule of procedure and make lawful regulations for enforcing the same. The meetings of the board shall be open to the public. The board of aldermen shall only act by ordinance, order or resolve. All ordinances, orders and resolves, except orders or re-

solves making appropriations of money shall be confined to one subject which shall be clearly expressed in the title.

Every law, act, ordinance, resolve or order, requiring the consent of the board of aldermen, excepting rules and orders of a parliamentary character, shall be presented to the mayor for approval. If not approved by him, he shall return it with his objections at the next regular session of the board of aldermen, which shall enter objections at large on its journal and proceed to reconsider the same. If, upon such reconsideration, it shall be passed by a vote of $\frac{2}{3}$ of all the members of the board of aldermen, it shall have the same effect as if signed by the mayor. In case of vacancy in the office of mayor when said law, act, ordinance, resolve or order be finally passed, the same shall be voted without approval.

Sec. 7. Municipal officers authorized to establish grades of streets. The municipal officers shall have exclusive authority to lay out, widen or otherwise alter, or discontinue any and all streets or public ways in the city of Waterville, without petition therefor, and to estimate all damage sustained by the owners of land taken for that purpose. A joint standing committee shall be appointed, whose duty it shall be to lay, alter, widen or discontinue any street or way in said city or establish a grade, first giving notice of the time and place of their proceedings to all parties interested as now required by law in case of town ways. The committee shall first hear all parties interested and then determine and adjudge whether the public convenience requires such street or way to be laid out, altered or discontinued, and shall make a written return of their proceedings, signed by a majority of them, containing the bounds and descriptions of the street or way, if laid out or altered, and the names of the owners of the land taken, when known, and the damages allowed therefor; the return shall be filed in the city clerk's office, at least 7 days previous to its acceptance by the municipal officers. The street or way shall not be altered or established until the report is accepted by the municipal officers and the report shall not be altered or amended before its acceptance. A street or way shall not be discontinued by the municipal officers excepting upon the report of said committee. The committee shall estimate and report the damages sustained by the owners of the lands adjoining that portion of the street or way which is so discontinued; their report shall be filed with the city clerk, 7 days at least before its acceptance. Any person aggrieved by the decision or judgment of the municipal officers in establishing, altering or discontinuing streets, may, so far as relates to damages, appeal therefrom as in case of town ways. If a street or way is discontinued before the damages are paid or recovered for the land taken, the

land owner shall not be entitled to recover such damages, but the committee in their report discontinuing the same, shall estimate and include all the damages sustained by the land owner, including those caused by the original location of the streets, and in such cases, if an appeal has been regularly taken, the appellant shall recover his costs. The city shall not be compelled to construct or open any street or way thus hereafter established, until in the opinion of the municipal officers, the public good requires it to be done; nor shall the city interfere with the possession of the land so taken, by removing therefrom materials, or otherwise, until they decide to open and construct said street. The municipal officers may regulate the height and width of sidewalks in any public square, places, streets, lanes or alleys in said city, and may authorize posts and trees to be placed along the edge of said sidewalks. Nor shall the city be answerable for damages occasioned by telegraph poles and wires erected in its streets. Whenever said municipal officers shall determine to lay out, widen or otherwise alter any public street or road, said municipal officers are authorized to levy an assessment upon the real estate fronting upon the line of said street and upon other land near said street and benefited thereby in proportion to the valuation and the benefits derived. The amount of said assessment shall be fixed by the committee of the municipal officers authorized to lay out, widen or alter said road, and in their report to the municipal officers said committee shall state definitely what amount they have assessed on each parcel of land or real estate, giving a description of the same. In proceeding to lay out, widen or alter such streets, such committee shall proceed in the same manner and give the same notices as are required by law in laying out other roads. The report of said committee shall be filed with the city clerk at least 7 days before action thereon by the municipal officers. The action of said committee shall be subject to revision and change by the municipal officers. The city clerk shall give to the person owning or in possession of said real estate at least 5 days' notice that such assessment has been made, stating the amount of same, before the action of the municipal officers upon the same, and a fair opportunity shall be given to all the parties interested to be heard on said assessment before the municipal officers, before action shall be taken thereon and any person aggrieved by the action of the municipal officers shall have the right to appeal, and be heard in court in the same manner as provided by law for appeals and hearings in cases of damages for land taken for highways; said assessment shall constitute a lien on said real estate, which shall continue in force for 1 year after final action on said assessment, either by municipal officers or by way of proceedings on appeal. The assessment so made shall within 3 months after said final

action thereon, be committed to the collector of taxes, and he shall proceed to collect the same in the same manner, and by the same means, as now provided by law for collection of taxes on real estate.

ARTICLE III

Nominations and Elections

Sec. 1. Date of elections and procedure to determine results. At the first election after this charter is in force, to be held on the 1st Monday of December following the approval of this charter by the qualified voters of the city of Waterville the city shall ballot for a mayor, and the qualified voters of each ward shall at the same time, ballot for an alderman, a member of the board of education, a warden and a clerk for his ward: wards 1, 2 and 3 shall each elect an alderman for a term of 4 years and a member of the board of education for a term of 2 years; wards 4, 5, 6 and 7 shall each elect an alderman for a term of 2 years and a member of the board of education for a term of 4 years and thereafter on the 1st Monday of December biennially a regular municipal election shall be held and the qualified voters of the city shall ballot for mayor for a term of 2 years, and the qualified voters of each ward shall ballot for alderman and a member of the board of education for terms of 4 years to fill the offices of aldermen and member of the board of education whose terms of office shall expire that year and for a warden and a ward clerk for their ward.

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 each person elected warden or ward clerk a certificate of his election and shall forthwith deliver to the city clerk a certified copy of such election.

After each election held under this charter the then municipal officers shall, as soon as they conveniently can, examine the copies of the records of the several wards, certified as aforesaid, and shall cause the persons who shall have been elected mayor, aldermen and members of the board of education to be notified in writing of their election; but if it shall appear that no person shall have been elected to any office, or if the person elected shall refuse to accept office, warrants for another election shall be issued forthwith. At any election the person receiving the highest number of votes for an office shall be deemed and declared elected to such office.

Sec. 2. Warden and ward clerk; eligibility, tenure, qualifications, powers and duties, vacancies; ward meetings and how called. 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 office for 2 years from

the 1st day of January following their election, and until others have been elected and qualified in their stead. The warden and the ward clerk shall be sworn to the faithful performance of their duties by a person qualified under the statutes of the state to administer oaths, and a certificate of such oath shall be entered by the clerk upon the records of such ward. The warden shall preside at all ward meetings, with the powers of moderators of town meetings and if at any meeting the warden shall not be present, the ward clerk shall preside and 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 or 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 ward 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 and perform all rights and duties now held and performed by the ward clerk of such ward so far as consistent with the charter. All ward meetings shall be notified and called by the municipal officers in the manner provided by the laws of this state for notifying and calling town meetings by the selectmen of the several towns.

Sec. 3. Nominations for elective offices. All nominations for elective offices shall be made as provided by the laws of Maine for nominations of elective officers in towns.

Sec. 4. Nomination papers and acceptances of nomination must be filed. Nomination papers for any elective candidate shall be filed with the city clerk not earlier than 30 days, nor later than 14 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 14 days before the election, his consent, accepting the nomination, agreeing not to withdraw and if elected to qualify.

Sec. 5. Ballots to be prepared by the city clerk. Specimen ballots and official ballots for use in all city elections shall be prepared by the city clerk and furnished by the city.

Sec. 6. Specimen ballots. The city clerk shall cause specimen ballots to be posted in public places, including each polling place and advertised in the newspapers published in the city not later than 7 days prior to a city election. Such specimen ballots shall be printed on a different colored paper than that used for the printing of official ballots, and shall contain the

names of the certified candidates, printed thereon as indicated by the candidate in his acceptance paper but shall contain nothing other than family name and surnames of such candidates, with his residence, instructions to voters, and such measures as may be submitted to the voters.

Sec. 7. Vacancies, forfeiture of office. In case of vacancy by death, resignation or removal from the city of the mayor, any member of the board of aldermen or any member of the board of education more than 6 months prior to the next regular city election the vacancy shall be filled by a special election, the warrant for which shall upon the vote of the board of aldermen be issued by the mayor and in case of refusal or inability on the part of the mayor to call such special election the board of aldermen may designate one of its members to issue the call.

If any member of the board of aldermen or of the board of education should remove from the ward from which he is elected into another ward in the city he shall hold office as such aldermen or member of the board of education until the next biennial election and his unexpired term of office shall be filled at that election. In the event that there is a vacancy in the office of mayor within 6 months prior to the next regular city election the chairman of the board of aldermen shall serve as mayor until the next regular election.

Sec. 8. State election laws. The provisions of the laws of the state of Maine relating to qualification of electors, registration, the manner of voting, the counting of votes, the duties of election officers, and all other particulars in respect to the management of elections, so far as they may be applicable, shall govern all municipal elections except as otherwise provided in this charter.

ARTICLE IV

Administrative Officers

Sec. 1. The mayor; duties, tenure and salary. The mayor of the said city shall be the chief executive magistrate thereof. It shall be his duty to be vigilant and active in causing the laws and regulations of the city to be executed and enforced, to exercise a general supervision over the conduct of all subordinate officers, and to cause their violations or neglect of duty to be punished. He may call special meetings of the board of aldermen, when, in his opinion, the interest of the city requires it, by a notice in 1 or more of the papers printed in the city, or by causing a summons or notification to be given in hand, or left at the usual dwelling place of each member of the board within 24 hours of such writing. He shall monthly communicate to the board of aldermen such information and recommend such measures

as the business and interests of the city may require. He shall preside in the board of aldermen, but shall have only a casting vote.

The salary and compensation of the mayor shall be \$1500 per year, which shall not be increased or diminished during his continuance in office, unless by the vote of the qualified electors in ward meetings called for that purpose, nor shall he receive from the city any other compensation for any services by him rendered in any other capacity or agency.

He shall be elected for a term of 2 years.

Sec. 2. The board of aldermen, duties, tenure and salary. One alderman shall be elected by each ward, being a resident in the ward where elected to hold office for a term as set out in this charter. At the first meeting after their election or as soon thereafter as possible the board of aldermen shall elect one of its members as chairman of the board for the ensuing year, and until his successor is elected and qualified and the board of aldermen may fill for the unexpired term any vacancy as chairman that may occur.

If the chairman shall fail from sickness, disability, 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 board of aldermen 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 may elect some other member of said board of aldermen chairman and such newly elected member shall thereupon and thereafter hold the office and perform the duties of chairman for the balance of that year, and until his successor is elected and qualified.

The members of the board of aldermen shall serve at a fixed salary of \$200 per year and for any absence from any regular or special meeting of the board there shall be deducted the sum of \$5 unless his absence is due to city business or within 24 hours after the meeting there shall be presented to the mayor a certificate signed by a duly licensed physician stating that the board member was unable to attend because of sickness. The certificate shall set out what the illness which prevented the member from attending was.

Regular meetings of the board shall be held on the 1st Monday of each month at 8 o'clock P. M.

Sec. 3. Titles and appointments of subordinate officers. In addition to the mayor there shall be the following administrative officers appointed by the mayor:

(a) City clerk, city auditor, board of assessors, consisting of 3 members, welfare director, superintendent of public works, corporation counsel, city physician, inspector of buildings and 1 constable from each ward, and all other department heads or officers whose position may, from time to time, be created by ordinance, and, except as herein otherwise provided, upon recommendation of the heads of their departments, all minor officers and employees.

(b) The following officers shall be appointed by ballot by a majority vote of the members of the board of aldermen: tax collector, city treasurer, and city purchasing agent.

1. The tax collector shall be elected on the 1st Monday of March following each biennial election and shall hold office for a term of 2 years or until his successor has been appointed and qualified.

Sec. 4. Power of municipal officers with regard to appointive officers and boards. The municipal officers shall have power by ordinance or resolve: (a) To create any new appointive office. (b) To authorize the appointment of assistants or deputies in any office.

Sec. 5. Term of service. All appointive officers whose terms of service are specified herein to be for a fixed term, shall be removable by the municipal officers upon written charges, notice, and hearing, if upon such hearing they are adjudged guilty of the charges preferred.

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

Sec. 6. Bonding. Municipal officers may require a bond from any appointive officer for the faithful performance of his duties and in all cases where an appointive officer has the duty of receiving money for the city or of disbursing money for the city a corporate bond shall be required in such amount as the municipal officers shall fix. The sureties upon any bond before its acceptance by the municipal officers must be approved by the corporation counsel. The premiums on these corporate bonds to be paid by the city.

Sec. 7. Duties of administrative officers. Except as herein specifically set out the duties of all subordinate officers may be prescribed by the municipal officers. Such duties shall not be inconsistent with the provisions of this charter.

Sec. 8. Board of education. The superintending school committee of the city of Waterville shall be called the board of education and shall con-

sist of 7 members, one elected by each ward in the city, being a resident in the ward where elected, to hold their offices for terms set out in this charter. The members of the board of education shall annually by majority vote designate one of its members to serve as chairman.

The board of education shall have all the powers and perform all the duties in regard to the care and management of the public schools of said city, which are now or may hereafter be conferred and imposed upon school committees by the laws of this state, except as otherwise provided in this charter. They shall whenever there is a vacancy, elect a superintendent of schools who shall have the care and supervision of said public schools under their direction, and act as secretary of their board; they shall fix his salary at the time of his election. They shall annually before December 1st furnish to the municipal officers an estimate in detail of the several sums required during the ensuing municipal year for the support of public schools. On the basis of such estimates the municipal officers shall make one gross appropriation for the support of public schools for the ensuing municipal year, and such appropriation shall not be exceeded except by consent of the municipal officers, but the expenditure of said appropriation shall be under the direction and control of the board of education, and all purchases be made by requisition upon the city purchasing agent.

Sec. 9. Assessors of taxes. There shall be 3 assessors of taxes appointed by the mayor each to serve for terms of 3 years and until their successors are appointed and qualified. The first appointment shall be made one member for 1 year, one member for 2 years and one member for 3 years; thereafter, each member will be appointed for a term of 3 years. If for any reason a vacancy shall exist in the membership of the board of assessors, the vacancy shall be filled forthwith by the mayor 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 mayor may appoint 1 assistant assessor in each ward 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 municipal officers, but such assistant assessors shall hold office during the pleasure of the mayor.

Sec. 10. Qualifications. Any applicant for appointment to any position must be a citizen of the United States and a legal voter in the city of Waterville.

Sec. 11. Pension provisions. The municipal officers are hereby empowered and authorized to establish a system of pensions for employees of the city, except school teachers, and appropriate money therefor, provided, however, that such pension system must first be approved by a majority of the qualified voters of the city voting in a regular or special election.

Sec. 12. Superintendent of public works. The superintendent of public works under direction of the mayor, shall have general supervision over all public works including streets, sidewalks, sewers, buildings and electrical appliances and systems excepting the fire signal system and the police signal system the care and maintenance of which are expressly placed herein under the respective commissioners of these departments. He shall have general supervision over the location of sewers, manholes, new streets and sidewalks and shall make a monthly report to the mayor which report shall include all matters pertinent to his department together with the expenditures of the department for the month and recommendations of work, together with estimates of its cost, for the following month.

Sec. 13. Welfare director. The welfare director under direction of the mayor, shall have general supervision over all the welfare activities of the city of Waterville and shall be by virtue of his office the clerk to the overseers of the poor.

Sec. 14. City clerk. The city clerk shall perform all of the duties and enjoy all the rights now performed and enjoyed by the city clerk of the city and shall by virtue of his office be the clerk of the board of aldermen.

Sec. 15. City treasurer. Except as otherwise provided, the city treasurer shall be the custodian of all funds of the city of Waterville.

Sec. 16. City auditor. The auditor shall be responsible for keeping of the books of all departments of the city of Waterville and shall make a monthly report to the mayor which report shall show all outstanding obligations, bonds, notes and accounts payable of the city, the condition of all departmental appropriations as to expenditures and balance unexpended.

Sec. 17. Corporation counsel. The corporation counsel shall pass upon all ordinances of the city of Waterville before they shall take effect.

Sec. 18. City purchasing agent. The city purchasing agent, upon requisition of department heads and subject to the supervision of the municipal officers, shall purchase all supplies, material, merchandise of all kinds, and he shall make a monthly report to the municipal officers, which

report shall show accounts payable and the names and amounts of all persons dealing with the city for the month.

The purchasing agent shall see to the delivery of supplies to each officer and department to which they belong and take and file receipts therefor. He shall conduct all sales of property belonging to the city which are unfit or unnecessary for the city's use, but only after such sale has been authorized by the municipal officers and subject to such restrictions as the municipal officers may, by ordinance, provide.

ARTICLE V

Financial Provisions

Sec. 1. Accounts and records. Accounts shall be kept by the auditor, showing the financial transactions of all departments of the city. Forms for all such accounts shall be prescribed by the auditor, with the approval of the mayor. Accounts shall be kept in such a manner as to show fully at all times the financial condition of the city. The auditor shall furnish to the mayor prior to the first regular meeting of the board of aldermen in each month, a report containing in detail the receipts and disbursements of the city on all accounts, the expenditures made and the obligations incurred during the preceding calendar month, and a balance sheet showing the financial condition of the city, of the several funds, and the total unexpended balance to the credit of each department.

Sec. 2. Reports. The auditor shall publish each month a statement of the financial condition of the city.

Each of the administrative officers and boards shall monthly, on such a date as may be fixed by the board of aldermen, render to the mayor a full report of the transactions of his or their department for the month. On the basis of these reports, the mayor 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 in the auditor's books.

- (c) Balance sheet.
- (d) Such other financial information as may be required by the municipal officers.

Sec. 3. Annual budget. Not later than 1 month before the end of the fiscal year, the mayor shall submit to the municipal officers budget estimates for the ensuing fiscal year. This budget shall be compiled from detailed information furnished by the administrative officers and boards on blanks, the forms of which shall be designated by the mayor, and shall contain:

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

(b) Itemized statement of appropriations recommended for current expenses, and for permanent improvements; with comparative statements in parallel columns of expenditures for the elapsed part of the current and next preceding four fiscal years. All increase or decrease in any item as compared with the expenditures for the year next preceding shall be indicated.

(c) Itemized statement of estimated revenue from all sources, other than taxation; and a statement of taxes required, with comparative figures from the current and last preceding year.

(d) Such other information as may be required by the municipal officers.

The budget shall be published not later than 2 weeks after its submission to the municipal officers.

Sec. 4. Appropriation resolve. As early as practicable after the beginning of the fiscal year, but not later than January 31 thereof, the municipal officers shall pass an annual appropriation resolve, which shall be based on the budget submitted by the mayor, and after public hearings on each department budget estimates, such hearings shall be given 3 days published notice.

The total amount appropriated shall not exceed the estimated revenue of the city.

Before the annual appropriation resolve has been passed the municipal officers may make appropriations for current departmental expenses, chargeable to the appropriation for the year, when passed, to an amount sufficient to cover the necessary expenses of the various departments until the annual appropriation resolve is in force.

Sec. 5. Transfers. The municipal officers in the appropriation resolve shall provide for a reserve fund from which transfers shall be made only by vote of the municipal officers, and no transfer of any money shall be made from any fund other than this reserve fund until the end of the fiscal year, at which time after all warrants have been paid out of the various funds against which such warrants have been drawn, the auditor shall transfer to the reserve fund any balance or balances then remaining in the various

other funds, except balances in the school fund; the municipal officers shall then transfer the full balance then in the reserve fund to the surplus account of the city; provided however, that the municipal officers may, in special cases, continue any particular fund without transfer temporarily pending the completion of expenditures in process or in contemplation.

Sec. 6. Borrowing. The borrowing of money by and for the city shall be limited as to form and purpose by the provisions of sections 8 and 10 of article V of this charter. The credit of the city shall in no manner be loaned to any individual, association or corporation.

Sec. 7. Bond issues. Money may be borrowed, with the limits fixed by the constitution and statutes of the state now or hereafter applying to said Waterville, by the issue and sale of bonds or notes pledged on the credit of the city, the proceeds to be used for the payment of indebtedness of the city contracted for the acquisition of land, the construction and equipment of buildings and other permanent public improvements, and the payment or refunding of bonds, notes and certificates of indebtedness previously issued. No order providing for the issue of bonds shall be passed without public notice given by posting notice of the same in 2 public places in the city of Waterville, and publishing said notice in at least 1 daily newspaper published in said Waterville at least 2 weeks before final action by the municipal officers, and the approval of $\frac{2}{3}$ of all the members of the board of aldermen.

Sec. 8. Establishing an administration of a public debt amortization fund. (A) Public debt amortization fund. There is hereby established in the city of Waterville a fund separate and distinct from every other fund and designated as the public debt amortization fund. Sources of said fund shall be:

1. The municipal officers shall enter into each annual appropriation resolve an appropriation of not less than $\frac{1}{2}$ of 1% of the total income based upon the preceding fiscal year to the amortization fund and payable to the amortization commission set up to administer that fund.

2. All interest on moneys on hand in the city treasury or which may accrue to the city treasury of said city as interest earned on cash advanced for funding street improvements or delayed special assessments, and $\frac{1}{3}$ of all interest money received from time to time by the city treasury on any city funds whatsoever, and $\frac{1}{3}$ of all interest received by the city treasury on any other funds to the interest of which the city is entitled.

3. All such other moneys from any source whatsoever as the municipal officers may by resolution by a 2/3 vote from time to time direct to be paid into said fund.

4. Moneys received by gift or bequest to such fund.

(B) Duties of city officers. The proper city officers shall segregate such moneys annually from the general fund and other funds of the city and credit the same to the public debt amortization fund.

(C) Not an offset to debt limit. Said fund shall not be considered an offset to the constitutional debt limit.

(D) Custodians of fund; public debt commission; officers. The custodians of said public debt amortization fund shall be a public debt commission consisting of 3 citizens appointed by the mayor with the approval of the board of aldermen on the 1st Monday of January, each to hold office for a term of 3 years providing that the present members of the amortization commission in office at the time of the approval of this act shall hold office until their terms expire. In case of vacancy, the mayor with the approval of the board of aldermen, shall appoint a successor to fill out the unexpired term. Said commission shall elect from its own members a chairman and a secretary.

(E) Chairman of commission to give bond. The chairman of the public debt amortization commission shall be the trust officer of the commission and shall before entering on the duties of his office give bond to the city of Waterville with sureties satisfactory to the municipal officers for the faithful discharge of his trust.

(F) City auditor's duties. All necessary work incident to the administration of said amortization fund shall be done by the city auditor's office.

(G) Expenses of administration. Expenses incident to the administration of said fund shall be paid from the public debt amortization fund.

(H) Duties of secretary of commission. The secretary of said commission shall keep books of record of all proceedings of said custodians relating to said fund, and an accurate account of the transactions, investments, earnings and expenditures and shall make a report annually on or before the 1st day of January each year to the municipal officers and shall permit examination of its accounts and records by the mayor, board of aldermen, the city treasurer and by any interested party.

(I) Jurisdiction of bank commissioner. The state bank commissioner is hereby empowered and directed to examine, invoice, check up and audit

the said public debt amortization fund at least once each year and report the condition of said fund to the municipal officers.

(J) Commission to enforce collection of funds. Said commission is hereby authorized and enjoined, when necessary, to demand and enforce by proper proceeding the appropriation, segregation and payment of any amortization moneys due under this act.

(K) Disbursement of funds; procedure. Disbursements, investments, sale or transfer of securities shall be by resolution of said custodians by majority vote on checks signed by the chairman of said public debt commission and the city treasurer and countersigned by the city auditor.

(L) Investment of funds. Said public debt amortization commission shall from time to time cause investment of said fund or part thereof as it accrues, to be made by the trust officer in the bonds or securities or other evidences of indebtedness of the United States, of any of the New England States and the state of New York, and in the bonds of the counties, cities and towns of any of the New England States, preferably in those of the city of Waterville.

When bonds are issued by the city of Waterville, either new issues under the provisions of this charter or refunding issues of bonds now outstanding they shall be first offered by the city to the public debt amortization fund commission of the city.

(M) Accrued interest added to fund. All interest earned by said fund on its investments shall, when it accrues, be added to said fund to augment the same for the purposes for which said fund is provided.

(N) Application of fund. When the total of principal and accrued interest in such fund is substantially equal to $\frac{1}{2}$ of the outstanding bond indebtedness of said city then $\frac{3}{4}$ of the principal and accrued interest on said fund shall be applied to cancel so much of the outstanding bond indebtedness or the public debt amortization commission may with the approval of the municipal officers apply this amount for any purpose for which municipal bonds may be legally issued.

Sec. 10. 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 80% 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 1 year and are subject to the provisions of laws of the state in relation thereto.

Sec. 11. Payments. Money shall be paid out only on warrants on the city treasury issued by the auditor and countersigned by the mayor and a member of the board of aldermen to be designated from time to time by said board of aldermen.

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.

Sec. 12. Collection and custody of city moneys. All moneys received by any officer, employee or agent of the city belonging to the city, or for or in connection with the business of the city, shall forthwith be paid by the officer, employee or agent receiving the same into the city treasury, and shall then be deposited by the city treasurer with a responsible banking institution or institutions to be chosen by said municipal officers. All interest from all deposits of money belonging to the city shall accrue to the benefit of the city.

Sec. 13. Fiscal year. The fiscal year for the city of Waterville shall begin January 1st of each year and end on December 31st of each year both days inclusive.

ARTICLE VI

Miscellaneous Provisions

Sec. 1. Members of the municipal officers ineligible for certain offices. No member of the municipal officers shall during the term for which he was chosen be eligible for any other office the salary of which is payable by the city, nor shall he during such term hold any such office. No elected or appointed official of the city of Waterville shall do business with any department of the city directly or indirectly.

Sec. 2. Referendum; date of meeting; form of question; procedure. This act shall take effect and be in full force when the same shall have been accepted by a majority of the inhabitants of the city, qualified to vote in legal affairs, at any legal meeting called for the purpose provided it shall be accepted before September 1, 1941. The vote shall be taken by ballot at said election in answer to the question: "Shall an act passed by the legislature in the year 1937 entitled 'An act relating to the charter of the city

of Waterville' be accepted"? which shall be printed on the official ballots and at said election the voters of said city in favor of accepting this act shall vote "yes" and those opposed shall vote "no".

Otherwise said ballot shall be in the 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 by law, and the results thereof shall be determined in the manner now provided by law for the determination of the election of mayor. If a majority of the valid ballots cast as aforesaid shall favor accepting the same, then this act shall forthwith take effect as herein provided.

Sec. 3. Date when effective. So much of this act as authorizes the submission of the acceptance of this charter to the voters of the city of Waterville shall take effect as provided in the constitution of the state, but it shall not take further effect unless adopted by the voters of the city of Waterville as hereinbefore provided. If adopted by the voters 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 voters.

Sec. 4. Ordinances not inconsistent continued in force. 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.

All rules and regulations of the municipal officers of the city of Waterville in force at the time when this charter takes effect, not inconsistent with the provisions thereof, shall continue in force until amended or repealed.

Sec. 5. Existing contracts not invalidated, unless inconsistent. All rights, actions, proceedings, prosecutions, and contracts of the city or any of its departments, pending or unexecuted 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.

Sec. 6. Term of office of present incumbents. The mayor, members of the board of aldermen, members of the common council, members of the board of education and all other officers, trustees, members of commissions, boards or departments in office, holding positions hereafter to be filled under the provisions of this act, when this act shall have been approved shall not serve out their terms but shall continue in office only until their successors are elected or appointed and qualified as provided in this act except as otherwise provided herein.

Sec. 7. Licenses; municipal officers of Waterville may enact certain ordinances. The municipal officers of the city of Waterville are hereby authorized to enact ordinances regulating the following classes of persons, businesses and purposes. It may authorize the city clerk of said city to grant licenses and permits therefor for such periods of time and in accordance with such rules and regulations not inconsistent with law, and upon payment by the licensee of such fees, and filing of such bonds as said municipal officers may establish and make provisions for by ordinance, to wit:

Auctioneers, the maintenance and operation of garages, filling stations, sidewalk tanks and pumps for the sale or distribution of gasoline and other volatile inflammable liquids for fuel or power, the manufacture, storage, sale, transportation, disposition and use of explosives and flammable liquids, billiard tables, pool tables, bowling alleys, roller skating rinks, junk dealers, dealers in second hand parts and salvage of automobiles, dealers in second hand merchandise, dealers in old gold, silver and precious metals, hawkers and peddlers, employment agencies, itinerant vendors, public automobiles, taxicabs and motor busses, public wagons and trucks, amusements, exhibitions and performances, theaters, moving picture houses, inns, victualers, pawn brokers, lodging houses of 10 lodging rooms or more, public shooting galleries, the manufacture, storage, sale, disposition and use of fireworks, dance halls, circuses, and the erection and maintenance of signs, flags, banners, awnings, marquees and all other things within the limits of the sidewalks, roads, ways and streets of said city, and no such objects placed within said limits in accordance with such ordinances shall be deemed defects in such sidewalks, roads, ways and streets.

Sec. 8. Acts repealed. Chapter 48 of the private and special laws of the state of Maine for the year 1933 and all acts and parts of acts inconsistent herewith upon the approval of this act by the legal voters of the city of Waterville as set out herein are at the time of the approval therewith and thereby repealed.