

# MAINE STATE LEGISLATURE

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**Legislative Document**

**No. 1365**

H. P. 1984

House of Representatives, March 16, 1949.

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

HARVEY R. PEASE, Clerk.

Presented by Mr. Spring of Westbrook.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FORTY-NINE

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**AN ACT to Revise the Charter of the City of Westbrook.**

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

**P. & S. L., 1907, c. 257, revised.** For the purpose of bringing together in a more convenient and connected form chapter 257 of the private and special laws of 1907, entitled "An Act to Revise the Charter of the City of Westbrook", and acts additional thereto and amendatory thereof, and revising and further amending the same, said original act, after the enacting clause, is hereby so revised and further amended as to read as follows:

**'Sec. 1. Corporate name; rights, powers and privileges.** The inhabitants of the city of Westbrook, in the county of Cumberland, shall, in case of the acceptance of this act by the voters of said city, as hereinafter provided, continue to be a body politic and corporate under the name of the city of Westbrook, and as such shall have, exercise and enjoy all the rights, immunities, powers, privileges and franchises, and shall be subject to all the duties and obligations now appertaining to, or incumbent upon said city as a municipal corporation, or appertaining to, or incumbent upon the inhabitants or municipal officers thereof; and may ordain and publish such by-laws, ordinances and regulations, not inconsistent with the constitution and laws of this state, as shall be needful to the good order of said body

politic; and impose fines and penalties for the breach thereof not exceeding \$20 for any 1 offense, which may be recovered to the use of said city by action of debt, or on complaint before the municipal court of said city.

Sec. 2. Mayor and council; school committee, election, membership, etc. The government of said city, with the administration of all its fiscal, prudential and municipal affairs shall be vested in 1 principal magistrate, to be called the mayor, and in 1 council of 13, to be called the city council, the members whereof shall be called aldermen. The general management and control of the public schools and of the school property, including the school buildings and grounds, shall be vested in a school committee to consist of 7 members. The members of said school committee shall continue to be elected in the manner provided in section 2 of chapter 346 of the private and special laws of 1887, which is hereby kept in force for that purpose, except that each member so elected shall hold office for the term of 2 years from the 1st Monday of January succeeding the time when elected and until a successor is elected and qualified. All vacancies occurring in the school committee by death, resignation or removal from the city shall be filled for the unexpired term by the remaining members; and in case such vacancy is caused by the death, resignation or removal from the city, of a member elected by a ward, such vacancy shall be filled from the ward where it occurs. Said school committee may affect such insurance upon the school buildings and property as they may deem expedient, and shall have charge of all repairs on the same.

Sec. 3. Wards. For the purpose of holding elections, the territory of said city shall be divided by ordinance by the city council into 5 wards, to contain as near as may be consistently with well-defined limits, an equal number of legal voters; and it shall be the duty of the city council once in 10 years, and not oftener than once in 5 years, to review, and, if it be needful, to alter such wards in such a manner as to preserve, as nearly as may be, an equal number of legal voters in each ward.

Sec. 4. Mayor, city clerk, aldermen and other officers; how elected. The mayor, city clerk and 3 aldermen shall be elected from the citizens at large by the legal voters of the city voting in their respective wards, and each shall hold his office for 2 years from the 1st Monday in January and until others shall be elected and qualified in their places. Two aldermen, a warden, a ward clerk and 1 constable shall be elected by each ward, being residents in the ward where elected. All of said officers shall be elected by ballot by a plurality of the votes given, and shall hold their offices for 2 years from the 1st Monday in January, and until others shall be elected

and qualified in their places. All city and ward officers shall be held to discharge the duties of their respective offices, notwithstanding their removal after their election, into any other wards in the city; but they shall not be so held after they have taken up their permanent residence out of the city.

Sec. 5. Municipal elections, when held and how called. The municipal elections, after the first, shall take place biennially on the 2nd Monday in October. All meetings of the citizens for municipal purposes shall be notified and called in their respective wards, by the mayor and aldermen, in the manner provided by the laws of this state for notifying and calling town meetings by the selectmen of the several towns. The wardens shall preside at all ward meetings, with the powers of moderators at town meetings; and if at any ward meeting shall not be present, the clerk shall preside till a warden, pro tempore, shall be chosen. If neither the warden nor clerk is present, any legal voter in the ward shall preside till a clerk, pro tempore, shall be chosen and qualified. The legal voters in each ward may choose 2 persons to assist the warden in receiving, sorting and counting votes. If from any cause there shall be a vacancy in the office of warden or ward clerk in any of the wards of the city, the same shall be filled by appointment by the mayor for the unexpired term.

Sec. 6. Election, how determined; vacancies, how filled. Whenever two or more persons are to be elected to the same office, the several persons up to the number to be chosen, receiving the highest number of votes shall be deemed and declared to be elected. If it shall appear that there is no choice of mayor, or any of the other officers to be elected from the citizens at large, or from any of the several wards, or if the person elected mayor, or any person or persons elected to any other of the offices aforesaid, shall refuse to accept the office, or shall die before qualifying, or if a vacancy in the office of mayor shall occur subsequently, and more than 3 months previous to the expiration of his term, warrant shall forthwith be issued for a new election, and the same proceedings shall be had in all respects as hereinbefore provided, and shall be repeated until such election is completed. A vacancy occurring in the office of city clerk by death, resignation or removal from the city shall be filled for the unexpired term by election by the city council. A vacancy occurring in the city council by death, resignation or removal from the city, of any member thereof, shall be filled for the unexpired term by a plurality vote of the remaining members, voting by roll-call; and if such vacancy be occasioned by the death, resignation or removal from the city of a member elected by a ward, the same shall be filled from the ward where it occurs.

Sec. 7. Elections of national, state and county officers, how called. All

meetings for the election of national, state and county officers shall be notified, warned and conducted in the manner provided by the constitution and laws of the state.

Sec. 8. General meetings, how called. General meetings of the citizens qualified to vote may, from time to time, be held to consult upon the public good, to instruct their representatives and to take all lawful measures to obtain redress for any grievances according to the right secured to the people by the constitution of this state; and such meeting shall be duly warned by the mayor upon the request of 50 qualified voters.

Sec. 9. Mayor and aldermen to be sworn, how and by whom. The mayor-elect and the aldermen-elect shall, biennially on the 1st Monday of January, at 7.30 P. M., meet and be sworn to the faithful discharge of their duties. The oath shall be administered by the city clerk or any justice of the peace, and shall be duly certified on the journal of the city council. The city clerk shall be sworn by the city clerk of the previous year or any justice of the peace. In case of the absence of the mayor-elect on the 1st Monday in January, or if a mayor shall not then have been elected, the oath of office may at any time thereafter be administered to him in the presence of the city council; and at any time thereafter in like manner the oath of office may be administered to any member of the city council who has been previously absent, or has been subsequently elected; and every such oath shall be duly certified as aforesaid.

Sec. 10. Organization of city council; president and clerk of council; election, vacancies and duties. After the oath has been administered to the aldermen present, they shall be called to order by the city clerk, or in case of the absence of the clerk, by the oldest member present. The person so calling the city council to order shall proceed to call the roll of the members and each member shall declare his choice for president of the city council, who shall be a member thereof. If no quorum is present, an adjournment shall be taken to a later hour, or to the next day, and thereafter the same proceedings shall be had from day to day, until a quorum shall be present. If any person receives a majority of the votes of all the members of the city council present, such person shall be declared chosen president thereof. If, on the 1st day on which a quorum is present, no person receives such majority, the roll-call shall be repeated until some person receives the vote of such majority, or an adjournment is taken to the succeeding day, and on such succeeding day when a quorum is present, a plurality of those voting shall be sufficient for an election. The president may be removed from office by the affirmative vote of 10 members of the city council taken by roll-call. The city clerk shall be, ex officio, clerk

of the city council and shall keep a journal containing a record of the proceedings of the city council and a record at large of all votes taken by roll-call, and shall sign and attest all ordinances and resolutions of the city council. In case of a vacancy in the office of president of the city council by death, resignation or otherwise, the same shall be filled for the unexpired term by a plurality vote of the members voting by roll-call.

Sec. 11. Special meetings of city council, now called. The mayor may at any time call a special meeting of the city council, by causing written notification thereof, together with a statement of the subjects to be considered thereat, to be left at the usual place of residence of each member of the city council, at least 24 hours before the time appointed for such meeting.

Sec. 12. City council, powers and duties; judge of election of its members, etc. The city council shall determine the rules of its own proceedings, and be judge of the election returns and qualifications of its own members. In case of the absence of the president, the city council shall choose a president, pro tempore, and a plurality of the votes cast shall be sufficient for a choice. The vote of the city council upon any question shall be taken by roll-call, when the same is requested by at least 3 members. A majority of all the members of the city council shall constitute a quorum, but a smaller number may adjourn from time to time. The city council shall, so far as not inconsistent with this act, have and exercise all the legislative powers of towns, and have all the powers and be subject to all the liabilities of city councils, and either branch thereof under the general laws of this state. The city council shall by ordinance determine the time of holding its stated or regular meetings, and may also, in like manner, determine the manner of calling special meetings of its members in addition to those which may be called by the mayor.

Sec. 13. Auditor of accounts; now chosen or removed. The city council shall, as soon as may be after its organization in each year, choose an auditor of accounts, who shall hold office for the term of 2 years, and until his successor is chosen and qualified. A majority of the votes of all the members of the city council, taken by roll-call, shall be necessary for the choice of such auditor; and he may be removed by an affirmative vote of a majority of all the city council taken by roll-call.

Sec. 14. Committee on streets and ways; powers and duties; assessments and damages. The city council shall, with the approval of the mayor, have exclusive authority to lay out, widen or otherwise alter or discontinue

any and all streets or public ways in said city with or without petition therefor, and to estimate all damages sustained by the owners of land taken for that purpose. A standing committee of 5 members of the city council shall be appointed by its president, and the commissioner of public works shall be a member ex officio of this committee, whose duty it shall be to lay out, alter, widen or discontinue any street or way in said city, first giving notice of the time and place of their proceedings to all parties interested, as 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 description 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 city council; and no street or way shall be altered, established or discontinued until the report is accepted by the city council. The committee shall estimate and report the damages sustained by the owners of the land 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 city council in establishing, altering or discontinuing any street or ways in said city, may, so far as relates to damages, appeal therefrom as in the case of town ways. The city council may lay out and construct sidewalks, and require the height and width thereof, in any public square, place, street, lane or alley in said city, whenever they may deem it needful, and may determine in what manner and of what material any such sidewalk shall be constructed; and shall assess 20% of the total cost thereof upon the abutting lot and other lots benefited thereby. As soon as any sidewalk is constructed, the city council shall give notice in some newspaper published in said city, or in the city of Portland, 7 days at least before the time appointed therefor, of a public hearing in respect to the amount of such assessment and the lots upon which the same shall be laid. All assessments so made shall constitute a lien upon the real estate assessed, to continue in force until paid, and shall be certified by the city council to the collector of taxes of said city, and, if not paid on or before the 1st day of June of the year next after the same is laid, shall be collected by said collector by any of the methods provided by law for the collection of taxes upon the real estate of resident owners. Any person aggrieved by the amount of any such assessment may appeal to either of the 2 terms of the superior court to be holden in the county of Cumberland next after the certification of such assessment by the city council to said

collector, and the same proceedings shall be had in said court as are provided in case of the raising or lowering of the grade of streets.

Sec. 15. Sewers; entrance fee, permits, etc. The city council may lay out, maintain and repair all main drains or common sewers in said city, and no person who has not previously paid a sewer assessment on the same property shall connect his private drain with any main drain or common sewer before paying to the city an entrance fee of \$20 and obtaining a written permit from the commissioner of public works to make such connection; and it shall be the duty of the commissioner of public works to keep a record of all such permits in a book kept for such purpose. Said connection shall be made under the direction and approval of the commissioner of public works and at the expense of the person making the connection; and it is hereby made the duty of the commissioner of public works to direct and superintend how all such connections shall be made, and determine the kind of pipe and materials to be used, and when made to report the same to the city treasurer; and thereafter no assessment or charge except such entrance fee shall be made upon the abutting lots, or other lots benefited thereby, on account of said main drains or common sewers.

Sec. 16. Ordinances involving expenditure of money or assessment of tax. In case any ordinance, order, resolution or vote involves the appropriation or expenditure of money to an amount which may exceed \$100, the laying of an assessment or the granting to a person or corporation of any right in, over or under any street or other public ground of said city, the affirmative votes of a majority of all the members of the city council shall be necessary for its passage. Every such ordinance, order, resolution or vote shall be read twice, with an interval of at least 3 days between the 2 readings, before being finally passed, and the vote upon its final passage shall be by roll-call.

Sec. 17. Ordinances to be approved by mayor; exceptions. Every ordinance, order, resolution or vote of the city council, except such as relates to its own internal affairs, to its own officers or employees, to the election or duties of the auditor of accounts, to the removal of the mayor, or to the declaration of a vacancy in the office of mayor, shall be presented to the mayor for approval. If not approved by him, he shall return it, with his objections, at the next session of the city council, and the city council shall cause such objections to be entered at large upon its journal, and shall proceed to reconsider the same. If upon such reconsideration, it shall be passed by a 2/3 vote of all the members of the city council, it shall have the same effect as if signed by the mayor. In case of a vacancy in the office of



mayor when such ordinance, order, resolution or vote is finally passed, it shall go into effect without approval, but must be passed by a roll-call of a majority of all the members of the city council. Whenever any ordinance, order, resolution or vote of the city council involves an appropriation or expenditure of money, the mayor may approve it as a whole, or he may approve or disapprove specific items thereof, and the portions approved shall then be in force in like manner as if no part thereof had been disapproved, and the items disapproved shall thereupon take the course herein provided for orders or ordinances disapproved as a whole. The city council shall have power, within said city, to make and establish ordinances and by-laws for the management of its fiscal, prudential and municipal affairs, as herein and by general law provided, without the sanction of any court or justice thereof; provided, however, that all ordinances of the city of Westbrook now in effect shall, until they expire by limitation, or be revised or repealed by the city council, remain in force.

Sec. 18. Schoolhouses; approval of plans by school committee before erection or appropriation. The city council shall not authorize the erection of a schoolhouse, or of any addition thereto, nor pass any appropriation for such purpose until plans for same have been approved by vote of the school committee, and such approval has been certified in writing to the city council by the chairman of said committee.

Sec. 19. Commissioner of public safety; police and fire departments. The city council shall establish the office of commissioner of public safety, who shall have control and supervision, subject to the approval of the mayor, of the fire and police departments of the city. The appointment of the commissioner of public safety shall be made by the mayor with the approval of a majority of the members of the city council. The fire and police departments shall consist of such officers and men as the commissioner of public safety, with the approval of the mayor and a majority of the members of the city council, may prescribe, and the commissioner of public safety, subject to the approval of the mayor and the majority of the members of the city council, may make regulations for the government of said departments.

Sec. 20. Civil service for police and fire departments; commission, appointment, etc. The city council shall provide by ordinance for a system of civil service rules for the appointment, promotion, demotion, lay-off, reinstatement, suspension and removal of the members of the police department and of the fire department, and for a civil service commission to administer the same. The civil service commission shall have the sole author-

ity to make recommendations for appointment and advancement in the police and fire departments and no member of either the fire or police departments shall be removed except upon presentation of charges and hearing before the civil service commission. No further or other physical examination shall be required of the present members of the police or fire departments other than that to which they are now subject. The civil service commission shall consist of 3 members appointed for a period of 6 years by the mayor, subject to the approval of a majority of the members of the city council, except that when first constituted 1 member shall be appointed for the period of 2 years only and 1 for a period of 4 years. All subsequent appointments shall be for a period of 6 years, except that a vacancy occurring by reason of death, resignation or removal from the city shall be filled for the remainder of the unexpired term.

Sec. 21. Removal of mayor; proceedings. At any meeting of the city council, it shall be in order for any number thereof to give written notice, seconded in writing by a majority at least of all the members of the city council, of his intention to move, at the next meeting thereof, occurring within not less than 10 days, a resolution that the mayor be removed for official misconduct or neglect of duty. Such notice shall specify as particularly as possible the acts of misconduct, or the instances of neglect of duty complained of, shall be entered at large by the clerk in the minutes of the city council, and the clerk shall within 2 days serve a copy thereof upon the mayor, and mail a copy to each of the members of the city council at his residence. At such next meeting of the city council, the mayor shall have the right to speak in his own defense, and to be heard by counsel. The vote on the resolution shall be by roll-call. If the resolution fails to receive the affirmative vote of  $\frac{3}{4}$  of all the members of the city council, it shall have no effect and shall not be reintroduced during that meeting of the city council. If it receive the affirmative vote of  $\frac{3}{4}$  of all the members of the city council, it shall, upon the service of a copy thereof upon the mayor personally or by leaving the same at his last and usual place of residence, take effect, and the office of mayor shall thereupon become vacant. The city council shall thereupon cause a warrant for a new election for mayor to be issued, and such further proceedings shall be had as are provided in section 6 hereof, for the case of a failure to elect a mayor.

Sec. 22. Members of council to receive no pay; to hold no other municipal office. The members of the city council shall receive no compensation for their services; nor shall any member, during the time for which he is elected, hold any other office in or under the city government, have the expenditure of any money appropriated by the city council, or act as

counsel in any matter before the city council or any committee thereof; and no person shall be eligible for appointment to any municipal office established by the city council during the period within which he was a member thereof until the expiration of 1 year from the day of the termination of his office.

Sec. 23. Mayor, chief executive officer; may make appointments, term of office. The executive powers of the city shall be vested wholly in the mayor and may be exercised by him either personally or through the several officers and boards of the city in their departments, under his general supervision and control. In case of a vacancy in any office to which appointment is made by the mayor, he may personally perform the duties thereof, but he shall not be entitled to receive any salary or pay attached thereto. The mayor shall hold office for the term of 2 years from the 1st Monday in January following his election, unless sooner removed, and until his successor is elected and qualified.

Sec. 24. Municipal officers; appointment of, removal, vacancies. The mayor shall have the sole power of appointment to all the municipal offices established by or under this act, unless herein otherwise provided; and he may remove from office, after his recommendation for removal has been approved by the city council by a majority of all its members by roll-call, any officer so appointed hereunder. Such office shall become and be vacant upon the filing with the city clerk of such recommendation for removal with the approval of the city council endorsed thereon, and the service of a copy thereof upon the officer so removed, either personally or by leaving the same at his last or usual place of residence. The city clerk shall keep such order of removal on file, where it shall be open to public inspection.

Sec. 25. Salary and compensation of mayor. The salary and compensation of the mayor shall be \$400 per year, and such additional sum as the city council may establish by ordinance, passed by vote of 2/3 of its members, such ordinance not to take effect, however, until the year succeeding that in which it is passed. During his term of office, the mayor shall receive no salary, compensation or perquisite for discharging the duties of any other office established by or under the provisions of this act.

Sec. 26. Police and fire departments; control of. Until the office of commissioner of public safety shall be established in accordance with the provisions of this act, the mayor shall have the appointment, control and direction of the fire and police departments of the city.

Sec. 27. Mayor; vacancy or disability, procedure. Whenever there shall be a vacancy in the office of mayor, and whenever by reason of sickness, absence from the city or other cause the mayor shall be disabled from performing the duties of his office, the president of the city council shall act as mayor and possess all the rights and powers of mayor during such vacancy or disability, except that when so acting as mayor, he shall not have the power of appointment or removal unless thereto in any instance authorized by vote of the city council.

Sec. 28. School committee, powers and duties; superintendent of schools, appointment and salary. The school committee elected as hereinbefore provided shall, in addition to the powers conferred upon them by this act, be held to perform all the duties and be invested with all the rights and powers of school committees under the general laws of the state. On the 1st Monday of January, biennially, or as soon as may be thereafter, they shall meet, the newly elected members having been first duly sworn by the city clerk or a justice of the peace, and shall elect one of their number chairman and appoint some suitable person, not a member of the board, superintendent of schools, and may adopt such rules and regulations for the management of the schools as are not inconsistent with the laws of the state. The superintendent need not be an inhabitant of the city at the time of his appointment. He shall be secretary and executive agent of the board, which shall fix his salary, to be paid from the city treasury as salaries of teachers are paid. The members of the school committee shall receive no compensation for their services as such.

Sec. 29. Board of assessors; appointment; terms; salaries; duties. There shall be a board of 5 assessors, 1 from each ward, to be appointed on the 1st Monday in January, annually, or as soon as may be thereafter, by the city council by a majority of all its members by roll-call. The manner of their appointment and the term of their office shall be as follows: the first assessor appointed shall be from ward 1 and his term of office shall be for 5 years; the next assessor shall be from ward 2 and his term of office shall be for 4 years; the next assessor appointed shall be from ward 3 and his term of office shall be for 3 years; the next assessor appointed shall be from ward 4 and his term of office shall be for 2 years; and the next assessor appointed shall be from ward 5 and his term of office shall be for 1 year. After having completed 1 year in office, the assessor from ward 5 will be replaced by an assessor from the same ward whose term of office shall be for 5 years, and all future appointments to the board of assessors shall be made annually for a term of 5 years to fill the vacancy from the ward wherein the retiring member resides. The city coun-

cil shall set up a standard of the requirements and qualifications of those to be appointed assessors and no person may be appointed by them unless he fulfills these requirements and qualifications. The city council shall fix a salary for assessors and this salary shall not be increased or diminished until the year succeeding that in which it is passed. All taxes shall be assessed, apportioned and collected in the manner prescribed by the laws of this state relative to town taxes, and the city council shall direct the assessors to devise a just and equitable system for determining the valuation of all taxable property in the city to be submitted to the city council for its approval.

Sec. 30. Administrative officers: city treasurer and collector of taxes; commissioner of public works; overseers of the poor; commissioner of public safety; appointment, powers and duties. There shall be the following administrative officers appointed by the mayor with the approval of a majority of all the members of the city council, who shall perform the duties by law and herein prescribed for them respectively, and such other duties not inconsistent with the nature of their respective offices as the city council may prescribe:

I. A city treasurer and collector of taxes, who shall be the same person.

II. A commissioner of public works, who shall perform the duties of road commissioner, city engineer and building inspector.

III. Three overseers of the poor, who shall exercise the powers and be subject to the duties prescribed for the overseers of the poor for cities and towns by laws of the state, and who shall be appointed and serve in the manner hereinafter set forth. All shall be appointed to serve from the 1st Monday in January in the year after the acceptance of this act, 1 for 6 years, 1 for 4 years and 1 for 2 years, unless sooner removed, except when appointed to fill a vacancy, in which case the appointment shall be for the unexpired term; and thereafter 1 overseer shall be appointed biennially to serve 6 years as above.

IV. A commissioner of public safety, whose duties shall be as hereinabove specified.

All officers whatsoever, elected or appointed by and under the provisions of this act, shall be sworn to the faithful discharge of the duties of their respective offices by the city clerk or a justice of the peace. The city council may, by ordinance, establish additional administrative offices and define the duties appertaining thereto, and such offices shall be subject to the provisions of this act.

Sec. 31. Bonds of officers. The city council shall require the auditor of accounts, the treasurer, the collector of taxes and such other officers as are intrusted with the receipt, care and disbursement of money to give bonds, with such security as it shall deem proper, for the faithful discharge of their respective duties.

Sec. 32. Eligibility to hold office; office vacated on removal from city. No person shall be eligible for election or appointment to any office established by this act, unless at the time of election he shall have been a citizen of the United States and a resident of the city for at least 3 months, except the office of superintendent of schools. Any office established by or under this act shall become vacant if the incumbent thereof ceases to be a resident of the city.

Sec. 33. Salaries; how established or changed. The city council shall establish by ordinance the regular salaries or remuneration of the offices established by this act, in case the same are not herein fixed or otherwise provided for, and of such other offices as may be hereafter established, and no ordinance of the city council changing any such salary or remuneration shall take effect until the biennium succeeding that in which the ordinance is passed.

Sec. 34. Appropriations and expenditures. No sum appropriated for a specific purpose shall be expended for any other purpose, and no expenditure shall be made nor liability incurred by or in behalf of the city until an appropriation has been duly voted by the city council sufficient to meet such expenditure or liability, together with all the prior unpaid liabilities which are payable out of such appropriation; provided, however, that after the expiration of the financial year, and until the passage of the regular annual appropriations, liabilities payable out of a regular appropriation to be contained therein may be incurred to an amount not exceeding  $\frac{1}{3}$  of the total of such appropriation for the preceding year.

Sec. 35. Inconsistent acts repealed. All acts and parts of acts inconsistent with this act are hereby repealed.

Sec. 36. Referendum; effective date. This act shall take effect 90 days after the adjournment of the legislature, only for the purpose of permitting its submission, together with such other acts as may be passed by the 94th legislature changing, amending or modifying the present charter of the city of Westbrook or granting a new charter to the city of Westbrook, for approval or rejection to the voters of the city of Westbrook qualified to vote in municipal elections, at an election to be held on the 2nd Monday in October in the year 1949, 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 ballot concerning forms of charter for the city of Westbrook, in substantially the following form:

**“FORM OF BALLOT**

Place an X in the square after the form of Charter which you select. Mark only 1 form or your ballot will not be counted.

**FORMS OF CHARTER**

- Plan 1. Present form of charter with mayor, and city council of 13 aldermen elected annually, with party designations, to serve for 1 year.
- Plan 2. Form providing that mayor and board of 13 aldermen be elected biennially with party designations to serve for 2 years.
- Plan 3. City manager form providing for a city council of 7 members, 2 elected from the city at large without regard to ward lines and 1 from each ward, all without party designation.  ”

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 such election shall in all and other respects be conducted as municipal elections 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. Due certificate of the result of such election shall be filed by the city clerk with the secretary of state.

If a plurality of the valid ballots deposited as aforesaid shall favor the adoption of Plan 2 so called on said ballot, this act shall take effect as herein provided and the mayor shall forthwith make proclamation of the fact. If adopted by the voters of the city, this act for the purpose of nominating and electing officers hereunder shall take effect on the date of its adoption by the voters, and for all other purposes this act shall take effect on the 1st Monday in January, 1950, except that the officers elected at the annual election in December, 1948, shall continue in office until the 1st Monday in January, 1950.