

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-FIRST LEGISLATURE

OF THE

STATE OF MAINE.

1883.

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1883.

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1883.

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## Chapter 281.

## CHAP. 281

An Act to incorporate the city of Waterville.

*Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :*

SECT. 1. The inhabitants of the town 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 as such shall have, exercise and enjoy all the rights, immunities, powers, privileges and franchises, and be subject to all the duties and obligations now appertaining to or incumbent upon said town as a municipal corporation, or appertaining to or incumbent upon the inhabitants or selectmen thereof; and may ordain and publish such acts, laws 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 twenty dollars for any one offense, which may be recovered to the use of said city, by action of debt, or on complaint before the municipal court in said city.

Corporate name.  
Rights, powers  
and privileges.

May ordain laws  
and regulations.

SECT. 2. The administration of all the fiscal, prudential and municipal affairs of said city, with the government thereof, shall be vested in one principal magistrate, to be styled the mayor; and one council of seven, to be denominated the board of aldermen; all of whom shall be inhabitants of said city; which board shall constitute and be called the city council; all of whom shall be sworn to the faithful performance of the duties of their respective offices; *provided*, the board of aldermen shall not vote, assess or appropriate any money for any object or purpose for which the town of Waterville is not authorized to vote, assess and appropriate money, except for such purposes as are authorized by this act. *And provided further*, that neither the board of aldermen nor any agent or officer for the city shall borrow or hire money for or on account of the city or inhabitants thereof, except for the purposes for which the town of Waterville is now by law authorized to raise money; and all notes, bonds, obligations, scrip or orders given by the city council or any officer or agent thereof, for money or property obtained for any other purpose, shall be void except those negotiable and in the hands of a bona-fide holder for value.

Municipal affairs  
vested in mayor  
and aldermen.

Proviso.

Authority of  
officers or agents  
to borrow money,  
limited.

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Duties and powers of mayor.

SECT. 3. The mayor of 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 one 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 to be convened. He shall, from time to time, communicate to the board of aldermen such information and recommend such measures as the business and interests of the city may, in his opinion, 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 two hundred dollars 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; *provided, however*, the board of aldermen may elect the mayor to any city office, and allow him a reasonable compensation for services rendered in such office; but the aldermen shall not receive any salary or compensation for any services by them performed as such, nor shall they be eligible to any other city office.

Special meetings of aldermen.

Salary fixed.

Proviso.

Aldermen not to receive compensation.

Powers vested in mayor and aldermen.

Duties of aldermen.

Election, duties and compensation of subordinate officers.

SECT. 4. The executive powers of said city generally, and the administration of police, with all the powers of the selectmen of the town of Waterville, shall be vested in the mayor and aldermen as fully as if the same had been herein particularly enumerated; all other powers now vested in the inhabitants of said town, and all powers granted by this act, shall be vested in the mayor and aldermen of said city. The board of aldermen shall, annually, on the third Monday in March, or as soon thereafter as may be convenient, elect, and appoint for the ensuing year, all the subordinate officers and agents for the city, including a chief engineer, and other necessary engineers of the fire department, which chief engineer, and, in his absence, the subordinate engineers, shall have all the power and authority that firewards now have; shall define

their duties, fix their compensation, and may, by vote, remove officers when, in their opinion, sufficient cause for their removal exists. All officers shall be chosen and vacancies supplied, for the current year, except as herein otherwise provided. All the said subordinate officers and agents shall hold their offices during the ensuing year, and till others shall be elected and qualified in their stead, unless sooner removed by the board of aldermen; and all moneys received and collected for and on account of the city, by any officer or agent thereof, shall forthwith be paid into the city treasury. The board of aldermen shall take care that moneys shall not be paid from the treasury unless granted or appropriated; shall secure a prompt and just accountability by requiring bonds with sufficient penalties and sureties, from all persons trusted with the receipt or custody of the public money; shall have the care and superintendence of the city public buildings, and the custody and management of all the city property, with powers to let or sell what may be legally let or sold; and to purchase, in the name of the city, such real or personal property, not exceeding the sum of one hundred thousand dollars, including the property now owned by the town, as they may deem of public utility. And the board of aldermen shall, as often as once a year, cause to be published for the information of the inhabitants, an account of receipts and expenditures, and a schedule of the city property; and no money shall be paid from the treasury unless the same be appropriated by the board of aldermen, and upon a warrant signed by the mayor, which warrant shall state the appropriation under which the same is drawn.

SECT. 5. Every law, act, ordinance or bill appropriating money, having passed the board of aldermen, shall be presented to the mayor, and if he approve the same, he shall sign it; if not, he shall return it within seven days, with his objections, to the board of aldermen, which shall enter the objections at large on its journals, and proceed to reconsider said law, act, ordinance or bill. If, upon such reconsideration, a majority of the whole number of the board of aldermen shall agree to pass it, it shall have the same effect as if signed by the mayor.

SECT. 6. City assessors shall be annually appointed by the board of aldermen, who shall exercise and be subject to

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May be removed  
for cause

Term of office.

All moneys  
received to be  
paid into city  
treasury.Payment of  
money from  
treasury.Custody of pub-  
lic buildings and  
property.Shall publish  
annually an  
account of  
receipts and  
expenditures.Mayor to sign  
warrants for  
payment of  
money.Laws, etc., to be  
approved by  
mayor.Assessors, their  
appointment,  
powers, duties  
and liabilities.

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Proviso.

the same powers, duties and liabilities that the assessors in the several towns in this state may exercise and be subject to under existing laws; *provided, however,* that the board of aldermen may appoint one person in each ward, whose duty it shall be to furnish the assessors with all necessary information relative to persons and property taxable in his ward, and who shall be sworn to the faithful performance of his duty.

Assessment and collection of taxes.

All taxes shall be assessed, apportioned and collected in the manner prescribed by the laws of this state relative to town taxes; *provided, however,* that it shall be lawful for the board of aldermen to establish further and additional provisions for the collection thereof.

Proviso.

Aldermen authorized to lay out streets.

SECT. 7. The board of aldermen shall have exclusive power and authority to lay out any new street or public way, or widen or otherwise alter or discontinue any street or way in said city, and to estimate the damage any person may sustain thereby, and shall in all other respects be governed by, and be subject to, such rules and restrictions as are by law provided in this state for regulating the laying out of public highways and repairing streets. And any person aggrieved by the decision or judgment of said board of aldermen, may, as far as relates to damages, have them assessed by a committee or jury, as is now by law provided; and any highway or town way, or bridge which has been, or may hereafter be located within said town or city, shall, nevertheless, be deemed to be legally located and established, provided that

Remedy in case any person is aggrieved.

the county commissioners of Kennebec county, shall have power to lay out, widen, or otherwise alter or discontinue, within said city, any part of any county road that has been or shall be by them laid out in any adjoining town or towns, and passing thence into or through said city, according to the provisions of law; and any such county road which has been so laid out, altered, widened or discontinued within the limits of said city, shall be deemed to be legally laid out, altered, widened or discontinued, reserving, however, in all cases where the proceedings have not been fully closed and recorded, to all persons whose land has been taken, the same rights, and the same time after the passage of this act, that they would have had if the proceedings had been legal, to petition for an increase of damages, and the same may be determined in the manner now provided by law in other cases.

County commissioners empowered to lay out, etc., roads within city.

SECT. 8. It shall be lawful for the board of aldermen, by a committee by them appointed, or by instructions to the commissioners of streets, to appropriate, set off and reserve as side-walks, such part or portion of the several streets in said city, now or hereafter to be established, as to said board of aldermen may appear necessary for the safety, convenience and accommodation of foot passengers. It shall be lawful for the board of aldermen to permit or direct posts of stone, or wood, or trees to be placed along the edge of said side-walk next to the traveled part of the street, in such number and manner as they may deem necessary to protect said side-walks and the persons traveling thereon from damage or inconvenience from teams or carriages. So much of the several streets in said city as shall be appropriated and reserved as side-walks, agreeable to the provisions of this act, shall be taken and deemed to be reserved exclusively for the accommodation, convenience and use of persons traveling on foot; and said city shall not be liable to damages for any injury done or occasioned in consequence of any cart, carriages, wagon, or other vehicle, or any team or animal striking against any of said side-walks, or the posts or trees set or placed to defend the same. The several side-walks on the streets in said city, as at present established and used, shall be taken and deemed to be the proper and lawful reservation for that purpose, until altered or otherwise established by the proper authority.

SECT. 9. The board of aldermen shall have power, on such terms and conditions as they may think proper, to authorize and empower any person or corporation to place in any street, for such time as may be necessary, any materials for making or repairing any street, side-walk, cross-walk, bridge, water-course or drain, or for erecting, repairing or finishing any building or fences, *provided* that no more than one-third of the width of the street shall be so occupied; and such materials so placed by virtue of any license obtained as aforesaid, shall not be considered an incumbrance or nuisance in such street, and the city, or person or corporation so placing the same, shall not be liable for any damages occasioned by such materials.

SECT. 10. All the laws and regulations now in force in said town shall, notwithstanding this act, be and remain in

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Portions of streets reserved as side-walks.

Stone posts, etc., may be placed along the edge of side-walks.

Liability of city for damages.

Aldermen may authorize placing materials in streets for repair of same.

Proviso.

Not liable for damage caused thereby.

Laws, etc., now in effect to remain in force till repealed, etc.



CHAP. 281 force until they expire by their own limitations, or be revised or repealed by the board of aldermen; and prosecutions and suits may be commenced and proceeded thereon in the name of the city, by officers or other persons thereby empowered or directed to prosecute and sue; and the fines and penalties shall go to the uses in such laws or regulations named, and according to law.

Wards.

SECT. 11. For the purpose of holding elections, said city shall, after the first election, be divided into not less than five nor more than seven wards, to contain, as near as conveniently may be, an equal number of inhabitants; and it shall be the duty of the board of aldermen, once in ten years and not oftener than five years, to review, and if it be needful, to alter said wards, in such manner as to preserve as nearly as may be an equal number of inhabitants in each ward. In each of said wards there shall annually, on the first Monday of March be chosen by ballot, a warden and clerk, who shall hold their offices until Tuesday next after the first Monday of March of the succeeding year, and until others have been chosen and qualified in their stead. Said warden and clerk shall be sworn to the faithful performance of their duty, by any justice of the peace or by the person presiding in said meeting or by the clerk of said ward, and a certificate of such oath having been administered, shall be entered by the clerk on the records of said ward. The wardens 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 clerk of the ward shall call the meeting to order and preside till a warden *pro tem.* shall be chosen. If neither the warden nor clerk shall be present, any legal voter in the ward may preside till a clerk *pro tem.* shall be chosen and qualified. 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, together with all other documents and papers held by him in said capacity. The inhabitants of each ward may choose two persons to assist the warden in receiving, sorting and counting the votes. The list of the names of the legal voters in each ward shall be prepared by the assessors and board of aldermen, assisted by the wardens, in the same manner and under the same restrictions, as are imposed by the laws of this state on the

Warden and clerk, how chosen.

Wardens shall preside at ward meetings.

Duties of clerk.

List of voters, how and by whom prepared.

assessors and selectmen of towns; and all regular ward meetings shall be notified and called by the mayor and aldermen in the manner provided in the laws of this state for notifying and calling town meetings by the selectmen of the several towns, excepting that ward meetings for the election of mayor, after the second trial, may be called within the time provided in such cases in this act.

SECT. 12. The mayor shall be elected from the citizens at large, by the inhabitants of the city voting in their respective wards. One alderman shall be elected by each ward, being a resident in the ward where elected. All said officers shall be elected by ballot, by a majority of the votes given, and shall hold their offices one year from the third Monday in March, and until others shall be elected in their places; *provided, however*, that if the city shall be divided into less than seven wards, then one or two, as the case may be, of the aldermen shall be elected at large by the inhabitants of the city, the whole number of aldermen in no case to be more than seven, as provided in section two of this act.

Mayor, how elected.

Election of aldermen.

Tenure of office.

SECT. 13. The mayor and aldermen shall appoint a city marshal in the manner provided in section four of this act, who shall have all the powers and exercise all the duties that now appertain to constables of towns, and who shall be chief of the city police, and as such may enforce such ordinances and regulations under the direction of the mayor as may be adopted by the board of aldermen for the government of the city of Waterville.

City marshal, appointment, powers and duties.

SECT. 14. On the first Monday of March, annually, the qualified electors of each ward shall ballot for a mayor, one alderman, warden and clerk; all the votes given for the said several officers respectively shall be sorted, counted, declared and registered in open ward meeting by causing the names of persons voted for and the number of votes given for each to be written on the ward record at length. The ward clerk, within twenty-four hours after such election, shall deliver to the person elected alderman a certificate of his election, and shall forthwith deliver to the city clerk a certified copy of the record of such election; *provided, however*, that if the choice of an alderman cannot conveniently be effected on that day, the meeting may be adjourned from day to day to complete such election. If on the second balloting for any alderman,

Annual elections and proceedings.

Ward clerks to notify aldermen of election.

Proviso.

## CHAP. 281

Elections at subsequent meetings, how determined.

Aldermen to cause mayor to be notified of election.

Proceedings if mayor is not elected at first meeting.

Vacancy in office of mayor, how filled.

Oaths.

Duties of city clerk prescribed.

Ward meetings.

warden or clerk, a choice shall not be effected by a majority vote, then the persons receiving the highest number of votes for any of those offices at the subsequent trial shall be declared elected; if no one shall then have such highest number, the balloting shall be continued from day to day until a choice is thus effected. The board of aldermen shall, as soon as conveniently may be, examine the copies of the records of the several wards, certified as aforesaid, and shall cause the person who shall have been elected mayor, by a majority of votes given in all the wards, to be notified in writing of his election; but if it shall appear that no person shall have been elected, or if the person elected shall refuse to accept the office, the said board shall issue their warrants for another election; and in case the citizens should fail on a second ballot to elect a mayor, the said board shall again issue their warrants for a third election, to be held not less than three nor more than seven days thereafter, at which election the candidate having the greatest number of votes shall be declared elected and notified as aforesaid; if no one shall then have such number, further elections shall in the same manner be ordered, till a choice shall be made by some one having the highest number of votes; and in case of a vacancy in the office of mayor by death, resignation or otherwise, it shall be filled for the remainder of the term by a new election in the manner hereinbefore provided for the choice of said officer; and in the meantime the president *pro tempore* of the board of aldermen shall perform the duties of mayor. The oath prescribed by this act shall be administered to the mayor by the city clerk or any justice of the peace. The aldermen shall, on the third Monday of March, at ten o'clock in the forenoon, meet in convention, when the oath required by the second section of this act shall be administered to the members of the board of aldermen present, by the mayor or any justice of the peace.

SECT. 15. The city clerk shall be the clerk of the board of aldermen; he shall perform such duties as shall be prescribed by the board of aldermen, and shall perform all duties, and exercise all the powers, by law incumbent upon or vested in the town clerk of the town of Waterville; he shall give notice in one or more of the papers printed in said city, of the time and place of regular ward meetings; but the place of regular ward meetings, and also the day and hour, when

not fixed by law, shall be determined by the board of aldermen. The board of aldermen may, in the absence of the mayor, choose a president *pro tempore*, who shall preside at meetings of the board. The board shall keep a record of its proceedings, and judge of the election of its own members; and in case of failure of election, or vacancy by death, resignation or otherwise, may order new elections. A quorum for the transaction of business shall consist of a majority of the members thereof; all meetings of the aldermen shall be open and public, and the presiding officer shall have the power of moderators of town meetings. At any meeting, when any two members shall request it, the vote shall be taken by yeas and nays, which shall be recorded by the clerk.

President  
pro tem.

Record of proceedings of  
aldermen.

Quorum.

Power of presiding  
officer.

SECT. 16. For the purpose of organizing the system of government hereby established, and putting the same in operation in the first instance, the selectmen of the town for the time being shall seasonably, before the third Monday of March next after the acceptance of this charter, issue their warrant for calling a meeting of the citizens at such place and hour upon said day as they shall think expedient, for the purpose of choosing a mayor and seven aldermen, to be taken from the city at large; and in case said elections shall not be completed at the first election, then to issue a new warrant until such election shall be completed; and the town clerk for the time being shall give notice thereof to the several persons elected; and it shall be the duty of the board of aldermen, immediately after their first organization, to elect by ballot a city clerk and all other necessary city officers, who shall hold their offices respectively until others are chosen and qualified in their places. And it shall be the duty of the mayor and aldermen first elected at large, as soon as may be, after their organization, to cause a division of said city to be made into not less than five, nor more than seven wards, in such manner as to include as nearly as conveniently may be, consistently with well defined limits to each ward, an equal number of inhabitants in each ward. And at the first meeting after such division into wards, any inhabitant of said wards, being a legal voter, may call the citizens to order and preside until a warden shall have been chosen; and at said first meeting a list of voters in each ward, prepared and corrected by the board of aldermen, shall be delivered to the

Proceedings for  
organizing city  
government.

New warrant to  
issue in case  
election is not  
completed.

Election of city  
officers.

Division into  
wards.

Who may pre-  
side at first  
meeting.

CHAP. 281 clerk of each ward when elected, to be used as provided by the laws in town meetings.

Aldermen authorized to make regulations for sale of wood and bark.

SECT. 17. The board of aldermen shall have authority to establish and make regulations for the measurement and sale of wood and bark in said city, whether brought by teams or railroad, and may affix suitable penalties for the violations thereof, anything in the public laws of the state to the contrary notwithstanding.

May regulate the erection of wooden buildings.

SECT. 18. The board of aldermen are hereby authorized and empowered to pass any ordinance or ordinances regulating or forbidding the erection of wooden buildings on any street or streets in said city, when they may deem it necessary or conducive to the public safety.

May regulate the use of carts, etc.

SECT. 19. The board of aldermen may make and establish such ordinances or regulations as they may deem for the public good for the regulation of carts, drays or other teams in said city, and prescribing the width of tire that shall be used.

All powers relating to school districts, vested in aldermen.

SECT. 20. All the power and authority vested in the inhabitants of any school district in the city of Waterville, by virtue of chapter eleven of the revised statutes relating to the education of youth, and of the amendments thereof and acts additional thereto, shall be, and the same is hereby, invested in the board of aldermen of the city as aforesaid.

When to take effect.

SECT. 21. This act shall take effect and be in full force when the same shall have been accepted by the inhabitants of said town qualified to vote in town affairs, at a legal meeting called for that purpose, *provided* it shall be accepted within five years from the passage of this act; but no more than one meeting for that purpose shall be called in any one year. And at such meeting the inhabitants of said town shall vote by a written ballot, those in favor of accepting this act having on the ballot the word 'yes,' and those opposed having on the ballot the word 'no;' and if a majority of all the ballots received are in favor of accepting the same, it shall then become a law and take effect. And it shall be the duty of the clerk of said town to file a copy of the record of the vote of said town accepting the same, with the clerk of the city of Waterville, when elected, who shall transcribe such copy into the records of the city, and such record shall be conclusive evidence that this act has been accepted.

Proceedings at meetings for acceptance of charter.

SECT. 22. All acts and parts of acts inconsistent with this act are hereby repealed from and after the time when this act shall have been accepted as aforesaid, and the government shall have been organized as herein provided.

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Inconsistent acts repealed.

Approved February 28, 1883.

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### Chapter 282.

An Act to amend an act, entitled "An Act to establish a Municipal Court in the city of Auburn."

*Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:*

SECT. 1. Paragraph four of section two of an act entitled "An Act to establish a municipal court for the city of Auburn," approved February seventeen, eighteen hundred and seventy-five, is hereby amended by striking out all between the words "and" in the fourth line, and "within" in the fifth line, and inserting instead thereof the words, 'defendant resides,' so that said paragraph, as amended, shall read as follows:

Sec. 2, ch. 135,  
private laws 1875,  
amended.

'Fourth. Original jurisdiction, concurrent with the supreme judicial court and the municipal court of the city of Lewiston, of all civil actions in which the debt or damages do not exceed one hundred dollars, and the defendant resides within the county of Androscoggin; *provided* that any action, civil or criminal, in which the judge is interested, but which would otherwise be within the exclusive jurisdiction of said court, may be brought in and disposed of by the Lewiston municipal court, in the same manner and with like effect as other actions therein.'

Original and  
concurrent juris-  
diction of court.

SECT. 2. Section ten of said act is hereby amended so as to read as follows:

Sec. 10, amended.

'SECT. 10. The costs and fees allowed to parties, attorneys and witnesses in all civil actions in said court, in which the debt or damages recovered does not exceed twenty dollars, and in actions of forcible entry and detainer, shall be the same allowed by trial justices in like actions before them, except that the plaintiff, if he prevail, shall be allowed two dollars for his writ, and the defendant, if he prevail, two

Costs and fees  
to parties, attor-  
neys and wit-  
nesses, how  
regulated.