

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-THIRD LEGISLATURE

OF THE

STATE OF MAINE.

1887.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
February 18, 1840, and March 16, 1842.

AUGUSTA:
SPRAGUE & SON, PRINTERS TO THE STATE.
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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1889.

Chapter 326.

An Act to prohibit the taking of trout in Chase's pond, in the town of Moscow, in Somerset county.

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

SECT. 1. No trout shall be taken in any manner, from Chase's pond, in the town of Moscow, in Somerset county, during the term of five years from the passage of this act.

Taking of trout in Chase's pond, prohibited for five years.

SECT. 2. Any person violating the provisions of this act, shall, on conviction before any trial justice in Somerset county, forfeit the sum of five dollars, one-half to the complainant and one-half to the county of Somerset.

Penalty for violation.

Approved February 8, 1889.

Chapter 327.

An Act to ratify the lease of the Bangor and Katahdin Iron Works Railway to the Bangor and Piscataquis Railroad Company.

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

SECT. 1. The lease of the Bangor and Katahdin Iron Works Railway of its railroad and property to the Bangor and Piscataquis Railroad Company, dated July one, eighteen hundred and eighty-seven, is authorized, ratified and confirmed.

Lease ratified.

SECT. 2. This act shall take effect when approved.

Approved February 8, 1889.

Chapter 328.

An Act to incorporate the city of Brewer.

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

SECT. 1. The inhabitants of the town of Brewer, in the county of Penobscot, shall continue to be a body politic and corporate, by the name of the city of Brewer, and as such, shall have, exercise and enjoy all the rights, immunities,

Corporate name.

Rights, powers, and privileges.

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--may ordain laws and regulations.

Municipal affairs vested in mayor and board of aldermen.

--proviso.

Authority to borrow money, limited.

Duties and powers of mayor.

--may call meetings of aldermen.

powers, privileges and franchises, and be subject to all the duties and obligations now appertaining to, or incumbent on said town as a municipal corporation, or appertaining to or incumbent upon the inhabitants or selectmen thereof; and may ordain and publish such acts, ordinances, 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.

SECT. 2. The administration of all fiscal, prudential and municipal affairs of said city, together with the government thereof, shall be vested in one principal magistrate, to be styled the mayor; and one council of ten to be denominated the board of aldermen; all of whom shall be inhabitants of said city, and legal voters therein; 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 city council shall not vote, assess or appropriate any money for any object or purpose for which the town of Brewer is not authorized to vote, assess or appropriate money, except for such purposes as are authorized by this act. And provided, further, that neither the city council, nor any agent or officer of the city, shall borrow or hire any money for, or on account of the city, or inhabitants thereof, except for the purposes for which the town of Brewer is now authorized by law 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 purposes shall be void.

SECT. 3. The mayor of said city shall be 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 violation or neglect of duty to be punished. He may call special meetings of the board of aldermen when in his opinion the interests of the city require it, by causing a summons or notification to be given by mail, or left at the usual dwelling place of each member of the board. He shall, from time to time, communicate to the city council such information, and recommend such measures as the business and interest 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 one 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 the 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 city council may elect the mayor to any city office, and allow him a reasonable compensation for such services; but the aldermen shall receive no compensation for their services as such.

—salary of mayor.

—proviso.

Aldermen not to receive compensation.

SECT. 4. Every law, act, ordinance, resolve or order, requiring the consent of the city council, 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 stated session of the city council to the board of aldermen, which shall enter the objections at large on its journal, and proceed to reconsider it. If upon such reconsideration, it shall be passed by a vote of two-thirds of all the members of the board of aldermen, it shall have the same effect as if signed by the mayor. If not so returned, or in case of vacancy in the office of mayor, when said law, act, ordinance, resolve or order be finally passed, the same shall be valid without approval.

Laws, etc., to be approved by mayor.

SECT. 5. The executive powers of said city generally, and the administration of police and health departments, and overseers of the poor, with all the powers of selectmen, except as modified by this act, shall be vested in the mayor and aldermen. All the powers of establishing 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 mayor and aldermen so far as relates to said city; and they are authorized to unite the watch and police departments into one department, and establish suitable regulations for the government of the same. The officers of police shall be, one chief, to be styled the city marshal, and so many watchmen and policemen as may, from time to time, be appointed. All other powers, now or hereafter vested in the inhabitants of said city, and all powers granted by this act, as well as all powers relating to the fire department, shall

Powers vested in mayor and aldermen.

City marshal, and policemen, appointment of.

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City council shall keep record of proceedings.

—quorum.

be vested in the mayor and aldermen. The city council shall keep a record of its proceedings, and judge of the election of its members, and, in case of vacancies, new elections shall be ordered by the mayor and aldermen. A quorum for the transaction of business shall consist of a majority thereof; all meetings of the aldermen shall be open and public; and the presiding officer shall have the powers of moderator of town meetings. At said meetings, when any two members shall request it, the votes shall be taken by yeas and nays, which votes shall be recorded by the clerk.

Wards.

SECT. 6. For election purposes said city shall be divided into five wards, to contain, as near as conveniently may be, an equal number of legal voters, and it shall be the duty of the city council, once in ten years, and not oftener than five years, to review, and if it be needful, to alter said wards, in such manner to preserve as nearly as may be, an equal number of voters in each ward. 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.

—ward meetings, how called.

Election of mayor.

SECT. 7. The mayor shall be elected from the citizens at large, by the inhabitants of the city voting in their respective wards. Two aldermen, a warden and ward clerk shall be elected by each ward, being residents in the ward where elected. All said officers shall be elected by ballot, by a plurality of the votes given, and shall hold their office one year from the third Monday in March, except as to wardens and ward clerks, who shall hold their office until others shall be elected and qualified in their places.

—aldermen.

—tenure of office.

Annual elections, and proceedings.

SECT. 8. On the second Monday in March, annually, the qualified electors of each ward shall ballot for a mayor, two aldermen, and a warden and ward clerk, on one ballot. 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 the persons voted for, and the number of votes given for each, to be written on the ward records at length. The ward clerk within twenty-four hours after such election, shall deliver to the persons elected aldermen, warden and ward clerk, certificates of their election, and shall forthwith deliver to the city clerk a certified copy of the records of such election; provided, however, that if the choice of aldermen, warden or ward clerk is not effected on

Ward clerk to notify aldermen of election.

—proviso.

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that day, the meeting shall be adjourned from day to day, until a choice shall be 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 received the greatest number of votes given for mayor in all the wards, to be notified in writing, of his election; but if it shall appear that no person shall have been so elected, or if the person elected shall refuse to accept said office, the said board shall issue their warrant for another election; and in case of a vacancy in the office of mayor, by death or otherwise, it shall be filled for the remainder of the term by a new election, in the manner heretofore provided for the choice of said mayor. The oath or affirmation prescribed by this act shall be administered to the mayor by the city clerk, or any justice of the peace in said city. The aldermen elect shall, on the third Monday in March, at ten o'clock in the forenoon, meet when the oath or affirmation required by the second section of this act shall be administered to the members present, by the mayor or any justice of the peace.

—mayor to be notified of election.

—proceedings in case of second election.

Vacancy, how filled.

—oaths.

SECT. 9. The warden and ward clerk shall be sworn or affirmed to the faithful performance of their duty, by any justice of the peace of said city or by the person presiding at the ward meeting, as heretofore provided, or by the clerk of said ward, and a certificate of such oath or affirmation having been administered, shall be entered by the clerk on the records of said ward. The wardens shall preside at all the 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 tempore, 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.

Warden and ward clerk shall be sworn.

—duties and powers of.

SECT. 10. After the organization of the city government and the qualification of a mayor, and when a quorum of the board of aldermen shall be present, said board, the mayor presiding, shall proceed to choose a permanent chairman,

Election, and powers of permanent chairman.

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who, in the absence of the mayor, shall preside at all meetings of the board, and in case of any vacancy in the office of mayor, he shall exercise all the powers and perform all the duties of the office so long as such vacancy shall remain; he shall continue to have a vote in the board, but shall not have the veto power. The board of aldermen, in the absence of the mayor and permanent chairman, shall choose a president, pro tempore, who shall exercise the powers of a permanent chairman.

—election of president, pro. tem.

Election of city officers.

SECT. 11. The city council shall annually, on the third Monday in March, or as soon thereafter as may be convenient, by ballot elect for the ensuing year the following officers: a city clerk, a city treasurer, a chief of police, who shall be styled the city marshal, and who shall exercise all the powers and perform all the duties of a constable; one overseer of the poor, one assessor of taxes, a road commissioner, a collector of taxes, a school agent, one member of the superintending school committee, or a supervisor and one or more city constables. All said officers and agents shall hold their offices during the ensuing year, and until others are elected and qualified in their stead, unless sooner removed by the city council; and all moneys received and collected for and on account of the city, by any agent or officer thereof, shall forthwith be paid into the city treasury. The city council 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 city property, with the power 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 city, as they deem of public utility. And the city council 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 city treasury, unless the same be appropriated by the city council, and upon a warrant signed by the mayor,

—term of office.

All moneys shall be paid into treasury.

—payment of, how made.

Custody of public property.

Accounts of receipts and expenditures, published annually.

How money shall be paid from treasury.

which warrant shall state the appropriation under which the same is drawn.

SECT. 12. At the first election of assessors of taxes, overseers of the poor and health officers, under this charter, three persons shall be elected members of each of said boards, one of whom shall be elected for one year, one for two years, and one for three years, and at each subsequent annual election one member of each board shall be elected for three years, each of whom shall continue in office until some other person shall have been elected and qualified in his place.

Assessors, overseers of poor, and health officers, their election and tenure.

SECT. 13. The city council may provide by ordinance for the election and removal of all other necessary officers. All officers elected by the city council may be removed by vote of a majority of all the members of the city council. The compensation of all officers except the mayor shall be fixed by the city council. All vacancies may be filled by the city council. The term of all officers, except as otherwise specially provided, shall be for one year and until others are qualified in their places.

City council shall provide by ordinance for election and removal of other officers.

SECT. 14. The assessors of taxes shall execute and be subject to the same powers, duties and liabilities that the assessors in the towns in this state may exercise and be subject to. 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 city council to establish further and additional regulations and provisions for the collection thereof.

Assessors, powers, duties, and liabilities.

SECT. 15. The city clerk shall be the clerk to the board of aldermen; he shall perform such duties as shall be prescribed by the board of aldermen, and shall perform all the duties and exercise all the powers by law incumbent upon or vested in town clerks; he shall give notice in two public places in each ward 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.

City clerk, duties of.

SECT. 16. General meetings of citizens qualified to vote in city affairs, may from time to time, be held to consult upon the public good; to instruct their representatives, and to take all lawful means to obtain redress of any grievances, according to the right secured to the people by the constitution of this state; and such meetings shall be duly warned by the

General meetings may be held.

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mayor and aldermen upon the requisition in writing, of thirty qualified voters. The city clerk shall act as clerk of such meetings and record the proceedings upon the city records.

Exclusive authority over streets, vested in city council.

—shall appoint committee to lay out, alter, widen, etc., streets.

—proceedings.

SECT. 17. The city council shall have exclusive authority to lay out, widen or otherwise alter, or discontinue any and all streets or public ways in the city of Brewer, without petition therefor, and to estimate all damage sustained by the owners of land taken for that purpose. A standing committee shall be appointed, 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 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 seven days previous to its acceptance by the city council. The street or way shall not be altered or established until the report is accepted by the city council, and the report shall not be altered or amended before its acceptance. A street or way shall not be discontinued by the city council, except upon the report of said committee. The committee shall estimate and report the damages sustained by the owners of lands adjoining that portion of the street or way which is so discontinued; their report shall be filed with the city clerk, seven days at least before its acceptance. Any person aggrieved by the decision or judgment of the city council 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 owners 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 re-

—remedy in cases of grievance.

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cover 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 city council, 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 city council 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, telephone or electric light or railway poles and wires erected in its streets.

—may regulate height and width of streets, etc.

SECT. 18. The mayor may, on such terms and conditions as he may think proper, 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, sidewalk, crosswalk, bridge, watercourse or drain, or for erecting, repairing, moving or finishing any building or fences, or for laying or repairing gas or water pipes, provided, that not more than one-half 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 shall not be liable to any person for any damages occasioned by such materials.

Mayor may authorize placing of materials in streets for repairing same.

SECT. 19. The city council shall have authority to establish and make regulations for the measurement and sale of wood and bark in said city, whether brought by land or water; and may affix suitable penalties for the violation thereof, anything in the public laws of the state to the contrary notwithstanding; and are hereby authorized and empowered to control the building of wharves and piers in said city, and may authorize the extension of wharves into tide waters, and to make and ordain, from time to time, such ordinances, not repugnant to the constitution and laws of the state, as they may deem expedient or necessary for the location and regulation of vessels, boats, steamers and other crafts in that portion of the harbor of Brewer which lies outside of the limits of Bangor; to affix penalties for the breach of such by-laws, not exceeding twenty dollars for

City council may make regulations for measuring wood and bark.

—may control building of wharves, etc.

—fix penalties for breach of by-laws.

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each offense, to be recovered upon complaint by the harbor master, hereafter provided for, to the use of the city.

City council may provide for election of harbor master.

SECT. 20. The city council shall have power to provide by ordinance, for the election or appointment of a harbor master for said city, whose duty it shall be to enforce the observance of the ordinances of the city relating to the harbor, and laws of the state applicable thereto, and to prosecute all violations of such laws and ordinances; and such harbor master, in case of sickness or disability, may appoint a deputy, subject to the approval of the board of aldermen of said city, to perform his duties during such sickness or disability.

Town laws shall remain in force, until repealed.

SECT. 21. All the laws and regulations now in force in said town of Brewer, shall, notwithstanding this act, be and remain in force until they expire by their own limitations, or be revised or repealed by the city council; 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, according to law.

Division into wards.

SECT. 22. It shall be the duty of the selectmen of the town of Brewer, as soon as may be after this act shall have been accepted, as hereinafter provided, to cause a division of said town to be made into five 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 voters in each ward.

Proceedings for organizing city government.

SECT. 23. 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 second Monday of March, next after the acceptance of this charter, issue their warrants for calling meetings of the said citizens, at such place and hour upon said day as they shall think expedient, for the purpose of choosing a warden and clerk for each ward, and also to give their vote for a mayor, to be taken from the city at large, and two aldermen and one constable, for each ward; the transcript of the records of each ward, specifying the votes given for mayor, one alderman and two common councilmen and one constable, certified by the warden and

clerk of said ward, shall at said first election be returned to the said selectmen of the said town of Brewer, whose duty it shall be to examine and compare the same; and in case such elections shall not be completed at the first election, then to issue a new warrant until such elections shall be completed according to the provisions of this act; and to give notice thereof in the manner hereinbefore directed, to the several persons elected. And at said first meeting, any inhabitants of said ward, 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 selectmen of the town of Brewer, for the time being, shall be delivered to the clerk of each ward, when elected, to be used as provided by the law, in town meetings.

—new warrant to issue, in case election is not completed.

Who may call first meeting to order.

SECT. 24. 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 town meeting called for that purpose; provided, it shall be accepted within five years from the passage of this act, but not more than one meeting for that purpose, shall be called in the same year. And at such meeting the inhabitants of said town shall vote by a written or printed 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 Brewer, 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.

When act takes effect.