

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

ACTS AND RESOLVES

AS PASSED BY THE

Eighty-eighth and Eighty-ninth  
Legislatures

OF THE

STATE OF MAINE

From April 24, 1937 to April 21, 1939

AND

MISCELLANEOUS STATE PAPERS

---

Published by the Secretary of State, in conjunction  
with the Revisor of Statutes in accordance with the  
Resolves of the Legislature approved June 28, 1820,  
March 18, 1840, March 16, 1842 and Acts approved  
August 6, 1930 and April 2, 1931.

---

KENNEBEC JOURNAL  
AUGUSTA, MAINE  
1939

---

---

Private and Special Laws

OF THE

STATE OF MAINE

As Passed by the Eighty-ninth Legislature

1939

---

---

## CHAP. 41

Upon the execution of such agreement, any sums which shall have been collected by the state from said company, under the requirement in said contract for such annual minimum payment of \$15,000, in excess of the cost actually incurred in operating said draw and the share of the company in the actual cost of the maintenance of said bridge, shall be refunded; or shall be applied and credited against any sums thereafter payable to the state by said company under the terms and provisions of said contract as so amended and modified.

Approved March 10, 1939.

---

---

## Chapter 41

### AN ACT to Grant a New Charter to the City of Gardiner.

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

#### ARTICLE I

##### Grant of Powers to the City

**Sec. 1. Corporate existence retained.** The inhabitants of the city of Gardiner shall continue to be a municipal corporation under the name of the city of Gardiner and as such shall have, exercise and enjoy all the rights, immunities, powers and privileges, and shall be subject to all the duties, liabilities and obligations provided for herein, or otherwise pertaining to or incumbent upon said city as a municipal corporation; and may enact ordinances, by-laws, and regulations not inconsistent with the constitution and laws of the state of Maine.

#### ARTICLE II

##### City Council

**Sec. 1. Powers and duties.** The administration of all the fiscal, prudential and municipal affairs of said city with the government thereof, except the general management, care, conduct and control of the schools of said city, which shall be vested in a school board as hereinafter provided, and also except as otherwise provided by this charter, shall be and are vested in a body of 6 members and a mayor, which shall constitute and be called the city council, all of whom shall be qualified voters of said city, and shall be sworn in the manner hereinafter prescribed. Said city council shall exercise its powers in the manner hereinafter provided.

The members of the city council shall be and constitute the municipal officers of the city of Gardiner for all purposes required by statute and

**CHAP. 41**

except as otherwise herein specifically provided, shall have all the powers and authority given to and perform all duties required of municipal officers and mayors of cities under the laws of this state.

All the powers of establishing a watch and ward, now vested by the laws of the state in the justices of the peace and municipal officers or inhabitants of towns, are vested in the said city council so far as relates to said city; and they are authorized to unite the watch and police departments into 1 department and establish suitable regulations for the government of the same.

The said city shall continue to be divided into 6 wards with the now existing boundaries; except that it shall be the duty of the city council, once in 10 years and not oftener than once in 5 years, to revise and, if alteration is deemed necessary, to alter the boundaries of said wards in such manner as to preserve as nearly as convenient an equal number of inhabitants in each ward.

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

However, neither the council nor any of its committees or members shall dictate the appointment of any person to office or employment by the city manager, or in any manner interfere with the city manager or prevent him from exercising his own judgment in the appointment of officers and employees in the administrative service. Except for the purpose of inquiry the council and its members shall deal with the administrative service solely through the city manager, and neither the council nor any member thereof shall give orders to any of the subordinates of the city manager, either publicly or privately.

**Sec. 2. Composition, election, tenure of office.** The city council shall be composed of the mayor and 6 other members. The members other than the mayor shall be elected in a city-wide election, 1 from each of the 6 voting districts provided for in section 1 of this article. The candidate from each district receiving the largest number of votes cast in the city-wide election shall be the elected councilman from his district. The term of office shall be for 3 years and until their successors are elected and qualified, except that at the 1st election of members of the city council the 2 members elected who shall receive the largest number of votes cast at said election shall hold office for 3 years. The 2 members elected who shall receive the 2nd largest number of votes cast at said election shall hold office for 2 years and the 2 members elected who shall receive the 3rd largest number of votes cast at said election shall hold the office for 1 year, and each shall hold office until his successor is elected and qualified.

## CHAP. 41

Thereafter each member as he is duly elected under the provisions of this charter shall serve for the complete 3-year term. Each member shall be a voter and resident of the district from which he is elected. Each member, including the mayor, shall serve without pay and shall not be eligible while a member of the council to any office of emolument or profit under the city charter or ordinances, nor to hold the office of city manager, nor to act as city manager during the term for which he was elected.

**Sec. 3. Vacancies, forfeiture of office.** In case of a vacancy caused by the death, resignation, removal from the city, or removal from office, as hereinafter provided, of any member of the city council more than 6 months prior to the next regular city election, the vacancy shall be filled by a majority vote of the remaining members and the member so elected shall serve until the next regular municipal election when a new member shall be elected to fill the vacancy for the unexpired term, if any.

Any member of the city council who shall be convicted of a felony while in office shall, after due notice and hearing, before the city council and the production of the records of such conviction, forfeit his office.

**Sec. 4. Regular meetings and qualification.** The council shall meet at the usual place for holding meetings, at 10 o'clock A. M. on the 1st Monday in January, at which time the mayor-elect and the councilmen-elect shall be sworn to the faithful discharge of their duties by a justice of the peace or by the city clerk. Thereafter the council shall meet at such time and place as may be prescribed by ordinance or resolution, except that it shall meet regularly each month.

**Sec. 5. Special meetings.** Special meetings may be called by the mayor and in case of his absence, disability, or refusal may be called by a majority of the members of the city council. Notice of such meeting shall be served in person or left at the residence of each member of the city council at least 24 hours before the time for holding said special meetings.

**Sec. 6. Quorum.** A majority of the members of the city council shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time. At least 24 hours' notice shall be given to all members who were not present at the meeting from which the adjournment was taken.

**Sec. 7. Procedure.** The council shall keep a record of its proceedings and shall be the judge of the qualification and election of its own members. The council may determine its own rules of procedure and punish members for misconduct. The meetings of the council shall be open to the public. The council shall act only by ordinance, order or resolve; and all ordinances, orders, and resolves, except resolves making appropriations, shall

**CHAP. 41**

be confined to one subject which shall be clearly expressed in the title. The appropriation resolves shall be confined to the subject of appropriations. No ordinance and no appropriation resolve shall be passed until it has been read on 2 separate days, except when the requirement of a reading on 2 separate days has been dispensed with by a 5/6 vote of the voting members of the council. The yeas and nays shall be taken on the passage of all ordinances and entered on the record of the proceedings of the council by the clerk. The yeas and nays shall be taken on the passage of any order or resolve when called for by any member of the council. Every ordinance shall require on final passage the affirmative vote of a majority of the voting members of the council. Every ordinance before final passage shall be posted, marked "Proposed Ordinance," at the city hall and shall take effect and be in full force 30 days from and after it shall have received final passage by the city council and have been approved by corporation counsel. Within 10 days after the approval by such counsel said ordinance shall be published in full at discretion of city council in 1 or more of the newspapers published in Gardiner.

No order or resolve shall take effect until 10 days after its passage except that the city council may by vote of 5/6ths of its members pass emergency orders or resolves to take effect at the time indicated therein but such emergency orders or resolves shall contain a section in which the emergency is set forth and defined.

**ARTICLE III****The Mayor**

**Sec. 1. Eligibility, election and tenure of office.** A mayor shall be elected by and from the qualified voters of the city. He shall hold office for a term of 2 years or until his successor is elected and qualified, except that when elected to fill a vacancy he shall hold office only for the unexpired term or until his successor is elected and qualified.

**Sec. 2. Vacancy.** In case of the death, resignation, or removal from office of the mayor more than 6 months prior to the next regular election, the vacancy of the unexpired term shall be filled by a majority vote of the remaining members of the council, and the member so elected to the position of mayor shall serve until the next regular municipal election when a new mayor shall be elected to fill the vacancy for the unexpired term, if any.

**Sec. 3. Powers and duties.** The mayor shall preside at all meetings of the council and shall perform such other duties, consistent with his office, as the council may impose. He shall have no veto and no vote

except in case of tie. He shall be recognized as the official head of the city for ceremonial purposes, and for all purposes of military law. The title of mayor shall not be considered as conferring upon him any functions of a mayor under the general laws of the state inconsistent with the provisions of this charter.

## ARTICLE IV

### The School Board

**Sec. 1. Composition, eligibility, election, tenure of office, special provision.** The school board shall consist of 3 members elected by the city council, without reference to ward lines. They shall hold office for a term of 3 years, and until their successors are elected and qualified, except that at the 1st election of the members of the school board, 1 member shall be elected for 3 years. The 2 members whose terms shall not have expired shall serve out the terms for which they were originally elected, and thereafter 1 member shall be elected each year for a term of 3 years, and each shall hold office until his successor is elected and qualified. If for any reason a vacancy shall exist in the membership of the school board the vacancy shall be filled forthwith by election by the city council for the unexpired term.

**Sec. 2. Organization, qualification, quorum.** The school board shall meet for organization within 7 days from date of election. The members elected shall be sworn to the faithful discharge of their duties by a justice of the peace or by the city clerk, and a record made thereof. A majority of the whole number elected shall be a quorum and they shall elect their own chairman.

**Sec. 3. Powers, duties.** The school board shall have all the powers, and perform all the duties in regard to the care and management of the public schools of said city, which are now conferred and imposed upon school committees by the laws of this state, except as otherwise provided in this charter. They shall elect a superintendent of schools as provided for by the laws of this state, who shall have the care and supervision of said public schools under their direction, and act as secretary of their board; they shall fix his salary at the time of his election. They shall annually, no later than 1 month before the end of the fiscal year, furnish to the city council an estimate in detail of the several sums required during the ensuing municipal year for the support of the public schools. On the basis of such estimates the city council shall make 1 gross appropriation for the support of public schools for the ensuing municipal year, and such appropriation shall not be exceeded except by consent of the city council.

## ARTICLE V

## Nominations and Elections

**Sec. 1. Date of elections and procedure to determine results.** The regular municipal elections under the provisions of this charter will be held annually on the Tuesday next following the last Monday in November. At these annual elections the qualified voters of the city shall ballot within their regular wards and at their respective polling places for members of the city council and the mayor and the candidates for these offices shall be duly qualified under the nomination regulations contained herein; the said annual municipal election being held for the purpose of replacing, by a city-wide vote the members of the city council from each district whose terms automatically expire for the current municipal year within which that election is held.

As provided in section 2 of Article II, at the 1st municipal election to be held under the provisions of this charter, November 28, 1939, the qualified voters of the various wards and polling places shall vote for 6 members of the city council and the mayor, all of whom shall have been nominated under the provisions of this charter.

All of the votes cast for the several officers 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 record at length. The ward clerk shall forthwith deliver to the city clerk a certified copy of the record of such election.

In the year 1939 the board of aldermen and thereafter the city council, on the 1st day not a holiday after the certification of the record of the election by the ward clerk as before specified, shall examine the copy of the records of the several wards and shall cause the persons who shall have been elected mayor and councilmen to be notified in writing of their election; but if it shall happen that no person shall have been elected to any office or if the person elected shall refuse to accept the office, warrants for another election shall be issued forthwith.

**Sec. 2. Warden and ward clerk; eligibility; tenure; qualification; powers and duties; vacancies; ward meetings, how called.** The warden and the ward clerk appointed as hereinafter provided shall be qualified voters of the wards for which they are appointed, and shall hold their offices for 3 years from the 1st Monday following the regular city election, or until others have been chosen and qualified in their stead; the warden and the ward clerk shall be sworn to the faithful performance of their duties by the person presiding in the ward meeting, or by the clerk thereof, or by a justice

of the peace, and a certificate of such oath shall be entered by the clerk on the records of said ward. The warden shall preside at all ward meetings with the powers of moderators of town meetings, and if at any meeting the warden shall not be present, the clerk of the ward shall call the meeting to order and preside until a warden pro tempore shall be chosen. If neither the warden nor the clerk shall be present, any legal voter in the ward shall preside until a clerk 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 documents and papers held by him in the capacity of clerk. All ward meetings shall be notified and called by the city council in the manner provided in the laws of this state for notifying and calling town meetings by the selectmen of the several towns.

**Sec. 3. Nominations for elective offices to be made by petition.** The nomination of all candidates for elective offices provided for by this charter shall be by petitions. The petition of candidates for mayor shall be signed by not less than 75 nor more than 125 qualified voters of the city. The petition for a candidate for the city council shall be signed by not less than 50 nor more than 75 of the qualified voters of the city. No voter shall sign petitions for more than 1 candidate for each office to be filled at the election and should any voter sign more than 1 such petition his signature shall be counted only upon the petition first filled and shall be held to be void upon all other petitions.

**Sec. 4. Form of nomination paper.** The signatures to nomination papers need not all be affixed to 1 nomination petition, but to each separate petition there shall be attached an affidavit of the circulator thereof stating the number of signers of each petition, and that each signature appended thereto was made in his presence and is the genuine signature of the person whose name it purports to be. With each signature shall be stated the place of residence of the signer giving the street and number of the street, or their description sufficient to identify the same. The form of the nomination petition shall be substantially as follows:

To the city clerk of the city of Gardiner:

We, the undersigned voters of the city of Gardiner, hereby nominate ..... whose residence is ..... for the office of ....., to be voted for at the election to be held in the city of Gardiner on the ..... day of ....., 19....; and we individually certify that we are qualified to vote for a candidate for the above office and that we have not signed more nomination petitions of candidates for this office than there are vacancies to be filled.  
 Name ..... Street and number .....  
 ..... being duly sworn, deposes and says that he is

**CHAP. 41**

the circulator of the foregoing nominating petition containing ..... signatures, and that the signatures appended thereto were made in his presence and are the signatures of the persons whose names they purport to be.

(Signed) .....

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

.....

(Justice of the Peace)  
(Or Notary Public)

If this petition is deemed insufficient by the city clerk he shall forthwith notify by mail ..... at No. .... Street.

**Sec. 5. Filing nomination papers; acceptances of nominations must be filed.** The nomination petitions for any 1 candidate shall be assembled and united into 1 petition and filed with the city clerk not earlier than 30 nor later than 16 calendar days before the day of election. No nomination shall be valid unless the candidate shall file with the city clerk in writing not later than 16 calendar days before the day of election, his consent, accepting the nomination, agreeing not to withdraw, and, if elected, to qualify.

**Sec. 6. List of candidates to be published.** The city clerk shall certify the list of candidates and shall cause to be published in 1 or more of the daily newspapers circulating in the city the names, the residences and offices to which nominated, of the candidates who have duly filed the above described petitions and acceptances.

**Sec. 7. Ballots, etc., to be prepared by the city clerk.** Specimen ballots and official ballots for use in all city elections shall be prepared by the city clerk and furnished by the city.

**Sec. 8. Form of ballot.** Ballots for use in elections under this charter shall contain the names of the various candidates, with their residence and the office for which they are a candidate, and shall be furnished with 1 column for crosses at the right of the candidate's name and residence. Such ballots shall be without party mark or designation and shall be in form as prescribed by board of registration and city clerk.

**Sec. 9. Count of ballots.** All votes cast for the several officers shall be sorted, counted, declared and registered in open ward meeting as provided by statute. The ward clerk shall forthwith deliver to the city clerk a certified copy of the records of such election.

As provided by law, after the 1st election held under this charter, the then municipal officers, and annually thereafter, following the regular city election, the city council shall examine copies of the records of the several

## CHAP. 41

wards, certified as aforesaid, and shall cause the persons who shall have been elected mayor and members of the city council to be notified in writing of their election. If it shall appear that at the 1st election, or at any subsequent election, 1 or more of the offices to be filled by said election has not been so filled, or if at any election the person elected shall refuse to accept the office for which he has been elected, warrants for another and special election to fill such vacancy or vacancies shall be issued forthwith.

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

**Sec. 10. Returns; canvass.** Upon receipt of the returns, after the 1st election under this charter, the then municipal officers and thereafter the city council shall determine the successful candidates as has been the customary practice of canvassing returns of municipal elections in Gardiner.

**Sec. 11. Specimen ballots to be published and posted.** The city clerk shall cause specimen ballots to be posted in public places in each ward and at city hall. Such specimen ballots shall be printed on colored paper and marked specimen ballots, and shall contain the names of the certified candidates with the residence of each, instructions to voters, and such measures as may be submitted to the voters by the legislature or by the city council. Such ballots shall be without party mark or designation.

**Sec. 12. State laws not inconsistent applicable.** The provisions of the laws of the state of Maine relating to the qualifications of electors, registration, the manner of voting, the duties of election officers, and all other particulars in respect to preparation for, conducting and management of elections, so far as they may be applicable, shall govern all municipal elections of Gardiner, except as otherwise provided in this charter.

## ARTICLE VI

## Administrative Officers

**Sec. 1. Titles and appointments.** There shall be the following administrative officers and boards:

(a) The following officers and boards, except as herein otherwise provided, shall be appointed by the city council in regular session and with a majority vote of such board:

1. City manager
2. Trustees of Gardiner Public Library
3. Trustees of Gardiner Water District
4. Trustee Quimby Field

**CHAP. 41**

5. Superintendent Libby Hill Burying Ground
6. Superintendent So. Gardiner Burying Ground

(b) The following officers and boards shall be appointed by the city manager:

1. Treasurer
2. Tax collector
3. City clerk
4. Chief of police, special police officers and constables
5. Chief of fire department
6. City solicitor
7. City physician
8. City auditor
9. Street commissioner
10. Health officer
11. Superintendent of poor department

12. All other department heads now existing, or which may be appointed, established through ordinance or resolve. Except as hereafter provided these various department heads may hire their own subordinate clerks and employees as needed, subject to the approval of the city manager.

**Sec. 2. Power of council with regard to appointive officers and boards.** The council shall have power by ordinance or resolve to create any new appointive office or to abolish any existing office or board excepting that of city manager.

**Sec. 3. Appointive officers; tenure; removal.** All appointive officers and boards, whose terms are not specified in this charter, shall hold office at the pleasure of the appointing power, except that the city manager, in case the city council proceeds to remove him, after 6 months of service, may demand and be entitled to written charges and a public hearing before the council, upon the question, prior to the date of his removal; but pending such hearing the council may suspend him from office. Appointive officers and boards, whose terms are specified in this charter, may be removed by the council upon written charges and after a public hearing on the same.

**Sec. 4. Salaries.** The council shall fix by order the salaries of the appointees of the council. Salaries of the appointees and all subordinate employees of the city manager shall be fixed by the city manager.

**Sec. 5. Appointment and qualification of the city manager.** The city manager shall be chosen by the city council on the basis of his character and his executive and administrative ability and qualifications. He shall

## CHAP. 41

not be a resident of Gardiner at the time of his appointment. He shall give bond to the city of Gardiner for the faithful performance of his duties in such sum as the city council shall determine and direct, and with surety or sureties to be approved by the city council. The premium on his bond shall be paid by the city.

**Sec. 6. Powers and duties of the city manager.** The city manager shall be the executive and administrative head of the city and shall be responsible only to the city council for the administrative management of all departments of the city. The powers and duties of the city manager shall be as follows:

1. To act as purchasing agent for the whole city. Each department head shall make requisitions to the purchasing agent for their several needs and he shall be the only person authorized to make contracts of purchase for the city.
2. To make appointments as provided for in this charter.
3. To assign the duties of 2 or more officers to 1 officer.
4. To divide the duties of any office between 2 or more officers.
5. To attend meetings of the city council (except when his removal is being considered) and recommend for adoption such measures as he may deem expedient.
6. To keep the city council fully advised as to the business and financial condition of the city as well as the future needs of the city and to furnish the city council with all the available facts, figures, and data connected therewith when requested.
7. To perform such other duties as may be prescribed by this charter or required by ordinance of the city council.

**Sec. 7. Substitute.** During any vacancy in the office of city manager and during the absence or disability of the city manager, the city council may designate a properly qualified person to serve and perform the duties of city manager and fix his compensation; while so acting he shall have the same powers and duties as those given to and imposed upon the city manager. Before entering upon his duties, he shall give bond to the city of Gardiner in a sum and with surety to be approved by the city council. The premium on such bond is to be paid by the city.

**Sec. 8. Duties of administrative officers other than city manager.** Duties of administrative officers other than the city manager shall be those prescribed by the city manager except that such duties shall not be inconsistent with any of the provisions of this charter.

**Sec. 9. Assessors of taxes.** The assessors of taxes shall be 3 in number

**CHAP. 41**

appointed by the city council. They shall hold office for a term of 3 years, and until their successors are elected and qualified except that at the 1st election 1 assessor shall be elected for 3 years. The 2 members whose terms have not expired shall serve out the term for which they were originally elected, and thereafter 1 assessor shall be elected each year for a term of 3 years, and each shall hold office until his successor is elected and qualified. If for any reason a vacancy shall exist in the membership of the board of assessors, the vacancy shall be filled forthwith by the city council for the unexpired term. The assessors appointed as above provided shall exercise the same powers and be subject to the same duties and liabilities that similar officers of the several towns and cities in the state may exercise, and may now or hereafter be subject to under the laws of the state. The majority of the whole number elected shall be a quorum and they shall elect their own chairman.

**Sec. 10. Overseers of the poor.** The assessors of taxes, as hereinbefore provided for, are hereby constituted the overseers of the poor of the city of Gardiner and shall perform all duties required of overseers of the poor for cities by statute or otherwise.

**Sec. 11. Superintendent of the poor department.** A superintendent shall be appointed as hereinbefore provided, and he shall be authorized by the board of overseers of the poor to sign in their name and send written notices and the written answers to or required in the revised statutes of the state and such written notices and written answers, so signed, shall have the same effect as if signed by 1 or more of said overseers and sent by a member or members of said overseers personally. The duties of the said superintendent shall be the executive management of the city home and the out-poor of this city under the general policies as outlined by the overseers of the poor, but he shall be directly responsible in the details of management of his department to his appointing power. However, it is specifically provided, herein, that all purchases necessary for the poor department shall be made through the purchasing agent of the city as hereinbefore provided upon formal requisitions.

**ARTICLE VII****Business and Financial Provisions**

**Sec. 1. Accounts and records.** Accounts shall be kept by the auditor, showing the financial transactions of all departments of the city. Forms for all such accounts shall be prescribed by the auditor, with the approval of the city manager. Accounts shall be kept in such a manner as to show fully at all times the financial condition of the city. The auditor shall furnish to the city manager, prior to the 1st regular meeting of the city coun-

## CHAP. 41

cil in each month, a report containing in detail the receipts and disbursements of the city on all accounts, the expenditures made and the obligations incurred during the preceding calendar month, and a balance sheet showing the financial condition of the city, of the several funds, and the total unexpended balance to the credit of each department or appropriation account.

**Sec. 2. Approving of bills.** The auditor shall check and furnish to the city council on or before the 1st regular meeting of each month the bills which have been incurred for the preceding calendar month. The council shall approve these bills before payment and such approval shall be by majority vote of the council.

**Sec. 3. Audit.** All the accounts of the city shall be audited annually by a qualified public accountant to be chosen by the city council and the council at its discretion shall have included in any year an audit of the uncollected taxes.

**Sec. 4. Reports.** The auditor of accounts shall publish each month a statement of the financial condition of the city. Each of the administrative officers and boards shall annually, on such date as may be fixed by the city council, render to the city manager a full report of the transactions of his or their department for the year. On the basis of these reports, as audited as hereinbefore provided, the city manager shall prepare and publish an annual report for general distribution. In addition to a summary of the services rendered by the various departments, the report shall show:

(a) Receipts classified according to sources.

(b) Expenditures classified according to objects. The classification of receipts and expenditures in the report shall conform in general to the classification employed in the city's accounting system.

(c) Balance sheets.

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

**Sec. 5. Annual budget.** Not later than 1 month before the end of the fiscal year, the city manager shall submit to the city council budget estimates for the ensuing fiscal year. This budget shall be compiled from detailed information furnished by the administrative officers and boards on blanks the forms for which shall be designated by the city manager and shall contain:

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

(b) Itemized statement of appropriations recommended for current expenses and for permanent improvements; with comparative statements in

**CHAP. 41**

parallel columns of expenditures for the current and next preceding fiscal year. Any increases or decreases in any item or items shall be indicated.

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

(d) Such other information as the city council may require. The budget shall be posted not later than 2 weeks after its submission to the city council. The city council shall fix a time and place for holding a public hearing upon the budget and shall give a public notice of such hearing, which shall be at least 10 days before the final passage of the appropriation resolve.

**Sec. 6. Appropriation resolve.** As early as possible after the beginning of the fiscal year, the city council shall pass an annual appropriation resolve, which shall be based upon the budgets submitted by the city manager and the school board. The total amount appropriated shall not exceed the estimated revenue of the city. Before the annual appropriation resolve has been passed the city council may make appropriation for current departmental expenses, chargeable to the appropriation for the year, when passed, to an amount sufficient to cover the necessary expenses of the various departments until the annual appropriation resolve is in force.

There shall be included in the annual appropriation resolve an appropriation to provide for tax abatements and uncollectible taxes in such amount, not less than 2% of said annual appropriation, as shall be recommended by the manager and approved by the council. All abatements and uncollectible taxes shall be charged to this reserve, and if at any time such reserve should be in excess of the total uncollected taxes, tax deeds and tax liens, then such excess shall be transferred to the reserve fund.

**Sec. 7. Borrowing.** The borrowing of money by and for the city shall be limited as to form and purpose by the provisions of sections 8 and 9 of Article VII of this charter. The credit of the city shall in no manner be loaned to any individual or corporation.

**Sec. 8. Bond issues.** Money may be borrowed, within the limits fixed by the constitution and statutes of the state now or hereafter applying to said Gardiner, by the issue and sale of bonds or notes pledged on the credit of the city, the proceeds to be used for the payment of indebtedness of the city contracted for the acquisition of land, the construction and equipment of buildings and other permanent public improvements, and the payment or refunding of bonds, notes, and certificates of indebtedness previously issued. No order providing for the issue of bonds shall be passed without public notice given by posting notice of the same in 2 public places in the

city of Gardiner, and publishing said notice in at least 1 daily newspaper published in said Gardiner at least 2 weeks before final action by the city council, and the approval of 5/6 of all the members of the city council. Every issue of bonds shall be payable within a fixed term of years; if said bonds are issued in payment of indebtedness incurred for a permanent improvement the term of such bonds shall not exceed the estimated period of utility of said improvement but the declaration of the city council embodied in the order authorizing the issue shall be a conclusive determination of the estimated period of utility thereof; and the term within which all bonds shall be made payable shall in no case exceed 30 years. Bonds issued after the adoption of this charter shall be made payable in annual, serial and approximately equal installments as pertains to principal, and interest shall be made payable semiannually. Every order for the issue of bonds shall provide for a tax levy for each year of an amount necessary to meet the payment of the annual, serial installment of principal and interest; and such amounts shall be included in the tax levy for each year until the debt is extinguished; provided, however, that bonds issued to refund any indebtedness of the city of Gardiner existing prior to the adoption of this charter or bonds issued to refund such bonds shall not be subject to the aforesaid requirement of being made payable in annual, serial and approximately equal installments.

**Sec. 9. Temporary loans.** Money may be borrowed in anticipation of receipts from taxes during any fiscal year but the aggregate amount of such loans outstanding at any one time shall not exceed 80% of the revenue received from taxes during the preceding fiscal year. All such loans shall be paid within the year out of receipts from taxes for the fiscal year in which said loans are made. Money may be borrowed in anticipation of money to be received from the sale of bonds to be issued, in case such bond issue has been authorized; all such loans shall be paid within 1 year and are subject to the provisions of laws of the state of Maine in relation thereto. This section shall not limit in any way the power granted to towns and cities to borrow money as contained in section 83 of chapter 5 of the revised statutes of 1930 and acts amendatory thereof and additional thereto.

**Sec. 10. Liquidation indebtedness.** There shall be included in the annual appropriation resolve an appropriation for the liquidation of municipal indebtedness in the amount of not less than 2% of the total appropriation for that year, such amount to be used for the payment of serial notes and bonds maturing within the year and the balance to be deposited in a sinking fund. This provision shall remain in force so long as there remain outstanding bonds or notes exclusive of temporary loans in anticipation of taxes, the payment of which has not been provided for by payments in serial installments.

**CHAP. 41**

This sinking fund shall be applied to the payment of the bonded indebtedness of the city at such times as such bonds become due, the payment of which has not been provided for by payments in serial installments. Any balance remaining in the sinking fund after such bonded indebtedness is completely retired may be used for the payment of serial bonds. This sinking fund shall be invested as provided by the revised statutes of the state of Maine and all acts in addition thereto or in amendment thereof.

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

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

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

**Sec. 12. Bonds of officers.** The city council shall require a bond with sufficient surety or sureties, satisfactory to the city council, from all persons trusted with the collection, custody or disbursement of any of the public moneys; and may require such bond from such other officials as it may deem advisable; the premium charges for said bonds to be paid by the city.

**Sec. 13. Collection and custody of city moneys.** All moneys received by any officer, employee or agent of the city belonging to the city, or for or in connection with the business of the city, shall forthwith be paid by the officer, employee or agent receiving the same into the city treasury, and shall then be deposited by the city treasurer with some responsible banking institution or institutions to be chosen by said city council. All interest from all deposits of money belonging to the city shall accrue to the benefit of the city.

**Sec. 14. Purchasing of supplies.** The purchasing agent shall purchase all supplies according to subsection 1 of section 6 of Article VI. No purchase of supplies exceeding an amount set by the city council shall be made except through authorization of city council.

The purchasing agent shall see to the delivery of supplies to each officer and department to whom they belong, and take and file receipts therefor. He shall conduct all sales of property belonging to the city which are unfit or unnecessary for the city's use, but only after such sale has been author-

ized by the city council, and subject to such restrictions as the city council may by ordinance provide.

The city manager shall act as purchasing agent.

## ARTICLE VIII

### Miscellaneous Provisions

**Sec. 1. No personal interest.** No city manager, no member of the city council, no subordinate city officer, no member of any board or commission charged with the expenditure of any money appropriated by the city council or belonging to the city, no officer or employee of the city, elected or appointed, shall be interested, directly or indirectly, in any contract entered into by or in behalf of the city of Gardiner for work or material, or the purchase thereof, to be furnished to or performed for the city, and all contracts made in violation hereof are void and the city treasurer is expressly forbidden to pay any money out of the city treasury on account of any such contract. No such officer or employee, except a policeman or fireman, while in performance of his duties, shall accept or receive from any person, firm or corporation acting under a franchise or license from the city, any frank, free pass, free ticket, or free service, or accept directly or indirectly from any person, firm or corporation any service upon terms more favorable than those granted to the public generally. This provision shall not apply, however, to any free service now or hereafter provided for by contract, franchise or ordinance.

**Sec. 2. Referendum; date of meeting; form of question; procedure.** This act shall be submitted for approval or rejection to the qualified voters of the city of Gardiner at an election to be held the 2nd Monday in September, 1939, 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 on the approval or rejection of this act.

The question proposed on said ballot shall be substantially in the following form:

“Shall an act passed by the legislature in the year 1939, approved (insert date) entitled ‘An Act to Grant a New Charter to the City of Gardiner’ be accepted?” otherwise said ballot shall be in form provided by law when a constitutional amendment is submitted to the vote of the people. The provisions of law relating to the preparation of voting lists for municipal elections shall apply to such election and said election shall in all other respects be conducted as municipal elections in said city are now con-

**CHAP. 41**

ducted by law, and the results thereof shall be determined in the manner now provided by law, for the determination of the election of mayor. If a majority of the ballots deposited as aforesaid shall reject, this act shall not go into effect, but if a majority of the electors voting at said ward meetings shall approve, then this act shall take effect as herein provided.

**Sec. 3. Date when effective.** So much of this act as authorizes the submission of the acceptance of this charter to the voters of the city of Gardiner shall take effect as provided in the constitution of the state, but it shall not take further effect unless adopted by the voters of the city of Gardiner as hereinbefore provided. If adopted by the voters of the city, then this act for the purpose of nominating and electing officers hereunder shall take effect on the date of its adoption by the voters, and for all other purposes this act shall take effect immediately following the 1st election held under provisions of this charter.

**Sec. 4. Ordinances not inconsistent continued in force.** All ordinances in force at the time when this charter takes effect, not inconsistent with the provisions of this charter, shall continue in force until amended or repealed.

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

**Sec. 5. Existing contracts not invalidated, unless inconsistent.** All rights, actions, proceedings, prosecutions, and contracts of the city or any of its departments, pending or unexecuted when this charter goes into effect and not inconsistent therewith shall be enforced, continued or completed in all respects as though begun or executed hereunder.

**Sec. 6. Term of office, officers, boards.** All officials, officers, trustees, members of commissions or departments now in office holding positions hereafter to be filled under the provisions of this charter by the city council or the city manager shall not serve out their present terms but shall continue in office only until their successors are appointed or elected and qualified as provided in this act.

**Sec. 7. Repealing clause.** In event this act is approved in the manner hereinbefore provided, all acts and parts of acts inconsistent herewith are hereby repealed.