

MAINE STATE LEGISLATURE

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ONE - HUNDRETH LEGISLATURE

Legislative Document

No. 959

H. P. 681

House of Representatives, January 26, 1961

Referred to the Committee on Legal Affairs. Sent up for concurrence and 750 copies ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Chapman of Gardiner.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-ONE

AN ACT to Provide a Mayor Form of Government for City of Gardiner.

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

Sec. 1. The inhabitants of the City of Gardiner shall continue to be a body politic and corporate, by the name and style of the City of Gardiner, and as such they and their successors by that name shall have, exercise, and enjoy all the rights, immunities, powers, privileges, and franchises, that are herein granted and conferred, or that may hereafter be granted or conferred, and all the rights, immunities, powers, privileges and franchises granted or conferred by the laws of Maine, or that may be granted or conferred hereafter; and shall be subject to all the duties and obligations now pertaining to or incumbent on said City as a corporation that are not inconsistent with this act, and may ordain and establish, in the manner prescribed by law for other cities in the state, such acts, laws, regulations, and ordinances, not inconsistent with the constitution and laws of this State, as shall be needful for its government, interest, welfare, and good order of the said body politic; and under the same name shall be known in law, and be capable of contracting and being contracted with, suing and being sued, impleading and being impleaded, answering and being answered unto, in all courts and places, and in all matters whatever; may take, hold and purchase, lease, grant and convey such real and personal or mixed property or estate as the purpose of the corporation may require, within and without the limits thereof, and may make, have and use a corporate seal, and change and renew the same at pleasure.

Section 2.

Article 1. The City of Gardiner shall be governed by a City Council consisting of the Mayor and six (6) Aldermen chosen as provided in this act, each

of whom shall have the right to vote on all questions coming before the council, except as hereinafter provided.

Article 2. Four members of the council shall constitute a quorum, and the affirmative vote of four members shall be necessary to adopt any motion, resolution or ordinance, or pass any measure, unless otherwise provided in this article, upon every vote the yeas and nays shall be called and recorded by the clerk of the council.

Article 3. Every motion, resolution or ordinance shall be reduced to writing and read before the vote is taken thereon. The motion as written shall be incorporated in the clerk's record verbatim.

Article 4. The city clerk shall be the clerk of the council, and shall keep a journal of its proceedings which shall be a public record, and open to the public at all times.

Article 5. The mayor or acting mayor shall preside at all meetings of the council, and shall have the right to vote, but only in case of a tie vote by the aldermen. The mayor shall have no power to veto any measure, but every resolution or ordinance passed by the council shall be signed by him, and must be attested by the city clerk, and be recorded before it shall take effect.

Article 6. The city council shall constitute and be known as the municipal officers of the city of Gardiner.

Article 7. The City of Gardiner shall remain divided in six wards, except that it shall be the duty of the City Council to review, and if alteration is deemed necessary, to alter the boundaries of said wards in such manner as to preserve in general an equal number of inhabitants in each ward.

Section 3.

Upon the death, resignation or absence of the mayor, or upon his inability to perform the duties of his office, one of the aldermen shall be chosen by lot, drawn by the city clerk in the presence of all the aldermen, to perform them, and if he also be absent or unable from any cause to perform said duties, they shall be performed by another alderman chosen by lot as above prescribed, until the mayor or alderman first chosen is able to attend to the said duties, or until the vacancy is filled as hereinafter provided. The person upon whom such duties devolve shall be called "acting mayor", and, except as otherwise provided in this act, shall possess the powers of mayor, but only in matters not admitting of delay.

Section 4.

After the first meeting of the city council, provided for by this act, regular meetings of the city council shall be held once a month of every year. The city council shall provide by ordinance for the time of holding regular meeting and special meetings may be called from time to time by the mayor or four aldermen.

Section 5.

The city council shall have and possess and its members shall severally exercise all executive, legislative and judicial powers and duties, and be subject to any

and all liabilities now had, possessed and exercised by or imposed upon the mayor, or aldermen, except as the same may be inconsistent with any of the provisions of this act.

Section 6.

Article 1. The city council elected as provided in this act shall meet at ten o'clock in the forenoon of the first Monday in January beginning with the year next following the acceptance of this act, and those whose terms of office then begin shall take oath before the judge of the municipal court of the City of Gardiner, or a justice of the peace, to perform faithfully the duties of their respective offices.

Article 2. The city council elected as provided in this act, shall serve for a term of two (2) municipal years, or until their successors are elected and qualified.

Article 3. All appointed officers shall hold their office for a term of two (2) years or until their successors are appointed and qualified, excepting the assessors of the City of Gardiner and the trustees of the Gardiner Water District, whose terms shall be for three years.

Article 4. The two assessors of the City of Gardiner and the two trustees of the Gardiner Water District whose terms have not expired shall continue to serve out their terms and their office shall not be vacated by the acceptance of this act.

Article 6. The city council shall, at the first meeting elect by majority vote an assessor to serve for a term of three years and at the first meeting in every municipal year one assessor shall be elected by majority vote of the council for a term of three years.

Article 7. The mayor shall, at the first meeting appoint, subject to the approval by vote of a majority of all the aldermen, one trustee to the Gardiner Water District, and at the first meeting in every municipal year, one trustee shall be appointed, subject to the approval of a majority of all the aldermen.

Section 7.

Article 1. 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 city council; and they are authorized to unite the watch and police departments in one department and establish suitable regulations for the government of the same.

Article 2. Constables of the City of Gardiner shall be elected by the city council for a term of two years.

Article 3. All police officers, except constables, selected by the chief of police shall be appointed by the mayor and approved by a majority vote of all the aldermen.

Section 8.

Article 1. Elections held under the provisions of this charter for mayor and aldermen shall be held biennially on the last Tuesday in November, and every special municipal election shall be held on a Tuesday.

Article 2. At the first biennial election held under the provisions of this charter there shall be elected a mayor and six aldermen, one from each of the six wards, and such other elective officers as are required by Legislative Act.

Article 3. The mayor may reside in any ward, but must continue to be a resident of the City of Gardiner during his term of office. Each alderman shall be a resident of the ward from which he is elected, and his residence in such ward shall be continuous during his term of office.

Article 4. The candidates for these offices shall be duly qualified under the nomination regulations contained herein.

Article 5. The warden and ward clerk and other clerks appointed and qualified to preside at State elections shall preside at all regular biennial and special city elections.

Article 6. The nomination of all candidates for the office of mayor or alderman shall be by petition. The petition of candidates for the office of mayor shall be signed by not less than fifty (50) qualified voters of the city. The petition of candidates for the office of alderman shall be signed by not less than (25) twenty-five qualified voters of the respective ward. No voter shall sign petitions for more than one candidate for each office.

The signatures to nomination papers need not be affixed to one 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 is the genuine signature of the person whose name it purports to be. With each signature there 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.

Article 7. 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 the circulator of the forgoing nominating
petition containing.....signatures, and that the signatures appended there-

to were made in his presence and are the signatures of the persons whose names they purport to be.

Subscribed and sworn to before me the..... day of..... 19.....

Signed
Justice of the Peace or
Notary Public

If this petition is deemed insufficient by the city clerk, he shall forthwith notify by mail.....at number.....street.

The nomination petitions for any one candidate shall be assembled into one petition and filed with the city clerk not earlier than 30 nor later than 18 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 18 calendar days before the day of election, his consent, accepting the nomination, agreeing not to withdraw, and if elected, to qualify.

The city clerk shall certify the list of candidates and shall cause to be published in one daily newspaper published in the city, if there be any, otherwise in the nearest daily newspaper published in Kennebec County, the names, residences and offices to which nominated, of the candidates who have duly filed the above described petitions and acceptances.

Official ballots and specimen ballots used in regular biennial or special city elections shall be prepared by the city clerk, and shall contain the names of the various candidates and the office for which they are a candidate, and shall be furnished with one column for crosses or check marks at the right of the candidate's name. Such ballots shall be without party marks or designation, and shall be in form as prescribed by the board of registration and the city clerk.

Specimen ballots shall be printed on colored paper and marked specimen ballots and shall contain the names of the certified candidates, instructions to voters, and such measures as may be submitted to the voters by the legislature or by the city council. Official ballots shall be printed on white paper.

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 are applicable, shall govern all municipal elections of Gardiner, except as otherwise provided in this charter.

All votes cast for the several offices shall be sorted, counted, declared and registered in open ward meetings as provided by statute. The ward clerk shall forthwith deliver to the city clerk a certified copy of the records of each election.

The city council shall meet within 24 hours after any regular biennial or special city election and shall examine copies of the records of the several wards, and the person receiving the largest number of votes for the office for which he is a candidate shall be deemed elected to such office. The city clerk shall notify the persons who shall have been elected mayor and aldermen, in writing, of their election. If it should appear that at the first election or any subsequent election,

one or more of the offices to be filled by said election have not been so filled, or 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.

Section 9.

Article 1. If there be a vacancy in the city council, whether as to the mayor or one or more of the aldermen, the city council shall, within seven days, by its remaining members appoint a special city election to fill its vacancy or vacancies for the unexpired term or terms respectively, except that if such vacancy or vacancies occur less than four months before the biennial city election, the city council shall, by its remaining members, fill such vacancy or vacancies for the remainder of the said four months. A person elected to fill any such vacancy shall, before entering upon the duties of his office, take oath before the judge of the municipal court of the City of Gardiner, or a justice of the peace faithfully to perform the same.

Article 2. Special elections held under the provisions of this section shall be subject to the provisions of section 8.

Section 10.

Article 1. The mayor shall, at the first meeting and at every biennial meeting thereafter, appoint, subject to the approval by vote of a majority of all the aldermen the following officers: a city clerk, a treasurer, who shall furnish such bond as shall be fixed by the city council, an auditor, a collector of taxes, a commissioner of streets and highways, a fire chief, a police chief, a city engineer, who shall be a civil engineer, a city solicitor, a public health officer, an inspector of milk, three trustees to the Gardiner Public Library, a city physician, a Director of Civil Defense, and all other officers whose office may be created by the legislature.

Article 2. Any person elected or appointed to any offices by the city council may be removed from such offices, for just cause, by a majority vote of the city council. He shall be entitled to a public hearing if he requests one to be held.

Article 3. Vacancies in any of the offices mentioned in this section, from whatever cause they may arise, shall be filled in the manner provided for the original appointment or election at a regular or at a special meeting of the city council.

Section 11.

Article 1. The mayor shall act as purchasing agent, and shall have general oversight of all departments of the city government and report to the city council for its action all matters requiring attention.

Article 2. All notes and bonds which the city is authorized to issue shall be signed by the city treasurer and countersigned by the mayor and one alderman.

Article 3. All contracts other than notes and bonds, requiring the assent of the city, shall be signed by the mayor and countersigned by two aldermen.

Section 12

Article 1. No new ordinance, no amendment to, nor repeal of an ordinance, and no order, resolution or vote appropriating money in excess of three hundred dollars, or making, or authorizing the making of any contract involving a liability on the part of the city in excess of three hundred dollars, nor any order, resolution or vote ordering any street improvement or sewer, or sewer extension, or granting any franchise, or giving any right to occupying or using the streets, highways, bridges or public places in the city for any purpose for which municipal consent may be necessary shall be passed by the city council unless it be proposed in writing and remain on file in the office of the city clerk and be published by him twice in one daily newspaper of this city if there be any, or in the nearest daily newspaper published in Kennebec County at least one week before its final passage, except an order, resolution or vote for the immediate preservation of the public peace, health or safety, which contains a statement of its urgency.

Article 2. Such new ordinances, or amendments to, or repeal of ordinances, or such orders, resolutions or votes, as are required to be published under the provisions of this section shall be subject to the provisions of section 14.

Article 3. All bond issues for any purpose whatever shall receive not less than five (5) votes in the affirmative, and be subject to the provisions of section 14 and section 15 of this act.

Article 4. Appropriation resolves shall be confined to the subject of appropriations.

Article 5. No new ordinances and no amendment to an ordinance and no appropriation resolve shall be passed until it has been read on 2 separate days.

Section 13.

If a petition, signed by a number of the voters of the said city qualified to vote at city elections equal to at least twenty-five per cent, of the aggregate number of votes cast for candidates for mayor or alderman at the last preceding biennial city election at which a mayor or alderman was elected, but not less than two hundred and fifty such voters, and requesting the city council to pass an ordinance therein set forth or referred to, shall be filed in the office of the city clerk, the city council shall, provided that the said ordinance be one which the city council shall, after this act takes effect, have a legal right to pass, (a) pass the said ordinance without alteration, within twenty days after the city clerk has attached his certificate of sufficiency to such petition, or (b) forthwith, after the expiration of the twenty days aforesaid appoint a special election, unless an election is fixed for a date within ninety days after the city clerk has attached the aforesaid certificate of sufficiency, and at such special or regular election submit such ordinance without alteration to the voters of the city qualified as aforesaid.

If, however, a petition otherwise like the above described petition, but signed by a number of such qualified voters equal to at least ten per cent, but less than twenty-five per cent of the aggregate number of votes cast as aforesaid for candidates for mayor or aldermen, and not less than one hundred such voters, shall

be filed as aforesaid, the city council shall (c) pass the ordinance therein set forth or referred to, without alteration, within twenty days after the city clerk has attached the aforesaid certificate of sufficiency, or (d) shall submit the said ordinance to the qualified voters of the city at the next biennial city election.

The votes upon such ordinance, submitted as aforesaid, shall be taken by ballot in answer to the question: "Shall the ordinance (stating the nature of the same) be passed?" which shall be printed on the ballots after the list of candidates, if there be any. If a majority of the qualified voters voting on the proposed ordinance shall vote in favor thereof, it shall thereupon become a valid and binding ordinance of the city, subject to any provisions of statute law relative to approval, publication or notice, and no such ordinance passed as aforesaid by the city council, upon petition as aforesaid, or which shall be adopted as aforesaid at any such regular or special election, shall be repealed or amended except by the qualified voters of the city voting at any election not specially called for the purpose.

Any number of ordinances requested by petition as aforesaid may be voted upon at the same election in accordance with the provisions of this section, but there shall not be more than one special election in any period of six months for that purpose.

The city council may submit a proposition for the repeal of any such ordinance, or for amendments thereof, to be voted upon at any succeeding biennial city election shall be taken by ballot in answer to the question "Shall the ordi-votes cast thereon at such election, the ordinance shall thereby be repealed or amended accordingly. The votes upon such repeal or amendment at an annual city election shall be taken by ballot in answer to the question "Shall the ordinance (stating the nature of the same) be repealed, or amended (stating the nature of the amendment)?" which shall be printed on the ballots after the list of candidates if there be any.

The city council may also submit any ordinance proposed by them to the qualified voters at any biennial or special city election; to be voted on by ballot at such election; and the manner in which such an ordinance shall be submitted to the voters, and the form in which the question shall be printed on the official ballots shall be as prescribed for ordinances submitted by petition, and amendments or repeal submitted by the city council as aforesaid.

Whenever any such ordinance or proposition is required by this act to be submitted at any election as aforesaid, the city clerk shall cause it to be published twice in one daily newspaper published in the said city, if there be any, and in the nearest daily newspaper published in Kennebec County: such publication to be not more than twenty nor less than five days before the submission of the ordinance or proposition to be voted on.

Section 14.

If during the fourteen days following the day on which any new ordinance, amendment to, or repeal of an ordinance, or such an order, resolution or vote, required to be published under section 12, has been passed by the city council, a petition signed by at least three hundred of the voters of the said city, qual-

ified to vote at city elections, and protesting against the passage of any ordinance, amendment to, or repeal of any ordinance, or passage of any order, resolution or vote, shall be filed in the office of the city clerk, such ordinance, amendment to, or repeal of an ordinance, and such order, resolution or vote, shall be suspended from going into operation and it shall be the duty of the city council to reconsider the same, and if the said council does not so reconsider and rescind its vote, they shall submit it, as is provided in subdivision (b) of section 13, to the qualified voters of the city, and the said ordinance, amendment to or repeal of an ordinance, and the said order, resolution or vote, shall not go into effect or become operative unless a majority of the voters, qualified as aforesaid, voting on the ordinance, amendment to or repeal of an ordinance, or on the said order, resolution or vote, shall vote in favor thereof.

The votes upon said ordinance, amendment to or repeal of an ordinance, or on said order, resolution or vote, shall be taken by ballot, in answer to the question: "Shall the ordinance, amendment to or repeal of an ordinance, or the said order, resolution or vote (stating the nature of the same) take effect?" which shall be printed on the ballot after the list of candidates, if there be any.

Petitions under the provisions of this section may consist of one or more distinct papers. In each of such papers the ordinance, amendment to or repeal of an ordinance, or the order, resolution or vote, the passage of which is protected, shall be set forth or referred to, and all such papers filed in any one day in the office of the city clerk shall be considered parts of the same petition. Such petitions shall be signed, sworn to as to signatures, examined, re-examined, presented to the city council, shall have the city clerk's certificate of sufficiency or insufficiency attached thereto, and may be supplemented in the same manner as petitions filed under section 15.

Section 15.

Petitions referred to in sections 13 and 14, need not be in one paper, but may consist of several distinct papers each containing such demand and statement, and all papers containing such demand and statement, which in any one day shall be filed in the office of the city clerk, shall be deemed parts of the same petition. Each signer shall add to his signature, his place of residence, giving the street and street number, if there be any. One signer shall make oath upon his information and belief before a notary public or a justice of the peace, that the statements therein made are true, and that each signature to such papers is the genuine signature of the person whose name it purports to be.

Within ten days after the date of the filing of such petition the city clerk shall examine the petition to ascertain whether or not it is signed by the requisite number of qualified voters as above prescribed, and shall attach to the said petition his certificate showing the result of his examination, and shall publish his said certificate in the next following issue of one daily newspaper published in the city, if there be any, otherwise in the nearest daily newspaper published in Kennebec County.

If from the city clerk's certificate so published, the petition appears to be signed by an insufficient number of voters, it may be supplemented within ten days after the date of the certificate by other papers signed and sworn to as

aforesaid, and all such other papers containing a like demand and statement, and signed and sworn to as aforesaid, which shall be filed in the office of the clerk within the said ten days shall be deemed supplemental to the original petition.

The city clerk shall, within ten days after such supplementation make a like examination of the amended petition, and attach thereto a new certificate, and publish the same as aforesaid, and if it appears from such new certificate so published that the petition still lacks the requisite number of signatures, it shall be returned to the person or persons who filed it, without prejudice however to the filing of a new petition to the same effect.

Section 16.

The administration of the affairs of the city shall be, and hereby are, divided and classified under the following departments.

1. Department of accounts and finances, of which the mayor shall be the administrative head, and which shall be subdivided into the following sub-departments, each with its executive head, who shall be responsible to the mayor.

- (a) Valuations and assessments, under the board of assessors, consisting of three assessors elected by the city council.
- (b) Collection of taxes, under the tax collector.
- (c) Purchase of supplies, under the mayor.
- (d) Treasury, under the city treasurer.
- (e) Accounting, auditing, sinking fund, and claims, under the city auditor.
- (f) Public library, under the trustees of the public library.
- (g) Records, printing, licenses, elections, with such other matters as from time to time may be assigned to it, under the city clerk.

2. Public safety, of which the city council shall be the administrative head, and which shall be subdivided into the following sub-departments, each with its executive head, who shall be responsible to the city council.

- (a) Fire, including fire protection and inspection of buildings and such other matters as from time to time may be assigned to it by the city council, under the fire chief.
- (b) Police, under the Chief of Police.
- (c) Poor, under the assessors who shall be the overseers during their term as assessors.
- (d) Public health, including inspection of milk, inspection of animals and sanitary conditions, under the public health officer, to whom shall be appointed and assigned an inspector of milk.
- (e) Legal affairs, under the city solicitor.

3. Department of streets and highways, of which the city council shall be the administrative head, and the superintendent of streets and highways shall be the executive head who shall be responsible to the city council. This department shall include streets, highways, roads, culverts, bridges, street cleaning, sewers, engineering, public buildings, parks, trees, and such other matters as may from time to time be assigned to it by the city council.

Section 17.

The municipal year shall begin at ten o'clock in the forenoon on the first Monday of January, and shall continue until ten o'clock in the forenoon on the first Monday of the January next following.

Section 18.

The city council 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, sidewalk, bridge, water course or drain, or for erecting, repairing or finishing any building or fences; provided, that not more than one-third the width of the street shall be so occupied.

Section 19.

The city council of the City of Gardiner is hereby authorized and empowered to pass any ordinance or ordinances regulating or forbidding the erection of any wooden building or buildings on any street or streets in said city, when they deem it necessary or conducive to the public safety.

Section 20.

No member of the city council shall during the term for which he was chosen be eligible, either by appointment or election by the city council to any other office the emolument of which is paid by the city.

Section 21.

No member of the city council shall be interested, directly or indirectly, in any contract or job, for work or materials, or the profits thereof, or commissions for securing any contract, to be furnished or performed for the city.

Section 22.

Article 1. No officer or body of officers shall expend beyond the amount of or except for the purpose for which an appropriation is made, except where statutory provision makes it mandatory that they do so.

Article 2. All meetings of the city council shall be open to the public, and all records of the council's doings and all financial records of the city shall be open to the public.

Section 23.

Article 1. The mayor shall at the first meeting held after the acceptance of this act, and at every biennial meeting, appoint a finance committee composed

of three members of the city council whose terms shall be for two municipal years.

Article 2. The finance committee shall examine all claims against the city allowing them in part or in whole as they deem just.

Article 3. Money shall be paid out only on warrants on the city treasury issued by the auditor. All warrants shall be signed by the finance committee and countersigned by the mayor. Pay rolls shall be paid weekly on warrants issued by the auditor, signed by the finance committee and countersigned by the mayor.

Article 4. The auditor shall examine all payrolls, bills and other claims and demands against the city, and shall issue no warrant for payment until he finds that the claim is a legal claim and in due form.

Article 5. The auditor may require any claimant to make oath to the validity of his claim, may investigate any claim, and for such purposes may examine witnesses under oath.

Section 24.

All monies received by any officer, employee or agent of the city belonging to the city, shall forthwith be paid by the officer, employee or agent to the treasurer of the city taking his receipt therefor.

Section 25.

Article 1. All accounts shall be kept by the auditor. Forms for all such accounts shall be prescribed by the state department of audit. The auditor shall furnish to the city council at the regular meeting each month a statement showing the condition of each of the several funds in the appropriation.

Article 2. The auditor shall furnish to the city council on or before the 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 an affirmative vote of four members of the council.

Article 3. At the first meeting of every year the city council shall cause to be passed a resolve appropriating funds for current departmental expenses, chargeable to the appropriation when passed.

Article 4. There shall be included in the annual appropriation resolve an appropriation to provide for tax abatements and uncollectible taxes in such amount as the auditor shall recommend to the council, but not less than 2% of the annual appropriation. All abatements and uncollectible taxes shall be charged to this reserve.

Article 5. The borrowing of money by and for the city shall be limited as to form and purpose by the provisions of section 11, section 12, section 14, and any other restrictive provisions of this act, now or hereinafter enacted.

Article 6. The credit of the city shall in no manner be loaned to any individual or corporation. No public funds shall be used to relieve any person or corporation of a liability or increase his estate.

Section 26.

Money may be borrowed within the limits fixed by the constitution and statutes of the state now or hereafter applying to said City of Gardiner, by the issue and sale of bonds pledged on the credit of the city, the proceeds to be used for the payment of the acquisition of land, the construction or reconstruction and equipment of buildings and other public improvements, and the payment or refunding of bonds, notes and certificates of indebtedness previously issued. 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 the 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 semi-annually. 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.

Article 2. Section 26 shall be subject to the provisions of section 12, 14 and 15 of this act.

Section 27.

Money may be borrowed in anticipation of receipts from taxes during any fiscal year, but the total amount so borrowed shall not exceed 80% of the revenue received from taxes during the preceding fiscal year. All such loans shall be paid within the year in which said loans are made, and are subject to the provisions of the laws of the State of Maine in relation thereto.

Section 28.

The City of Gardiner shall have an efficient accounting system that shall be established by the State Department of Audit.

No changes shall be made in the accounting system unless such change has been approved by the State Department of Audit.

Section 29.

At the end of every municipal year the city council shall cause a full and complete examination of all books and accounts of the city to be made by the State Department of Audit or by certified public accountants, and shall publish the result of such examination in the annual city report.

Section 30.

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 monies, or any person who is required to give bond by the laws of the State of Maine, 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.

Section 31.

The salary of the mayor shall be one thousand dollars per annum, payable weekly, twenty dollars per week for fifty weeks. This salary shall not be changed except by the Legislature of the State.

The city council shall have exclusive power to fix the salaries of all subordinate officers and wages of employees.

The aldermen shall receive a salary of Two Hundred Dollars, payable in such amounts and at such times as the council shall determine.

Section 32.

This Act shall be submitted for the approval or rejection to the qualified voters of the City of Gardiner at an election to be held the 2nd Monday in September, 1961, and warrants shall be issued for such election in the manner now provided by law for 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 City Clerk shall prepare the required ballots on which he shall reduce the subject matter of this act to the following question; "Shall 'an act to grant a new charter to the City of Gardiner,' passed by the 100th Legislature be accepted?" Otherwise said ballot shall be in form provided by law when a constitutional amendment is submitted to the vote of the people. 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 conducted by law, and the results thereof shall be determined in the manner now provided by law for the determination of the election for 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; but only if the total number of votes cast for and against the acceptance of this act at said election equaled or exceeded 20% of the total vote for all candidates for governor cast in said city at the next previous gubernatorial election. The result of said vote shall be determined as above provided and due certificate thereof filed by the City Clerk with the Secretary of State.

Section 33.

Article 1. So much of this act as authorized 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 on the first Monday of January immediately following the first election held under provisions of this charter.

Section 34.

Unless otherwise provided in this act, all officials, officers, trustees, members of commissions or departments now in office holding positions hereafter to be filled by the mayor and city council shall serve only until their successors are appointed or elected and qualified as provided in this act.

Section 35

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.

Section 36.

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 therein shall be enforced, continued or completed in all respects as though begun or executed hereunder.

Section 37.

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

Index

- Section 1.** Provides for a corporate name, rights, franchises, etc., of the City of Gardiner; also for the duties and obligations of said City; that the City may contract, sue and be sued; may take and hold property; and may have seal.
- Section 2.** Provides for, legislative body of City, quorum; and number of affirmative votes necessary to pass any measure; clerk of council; public record; mayor or acting mayor to preside.
- Section 3.** Provides for an acting mayor, and the occasions when one should be chosen and how chosen.
- Section 4.** Provides for regular meeting to be held.

- Section 5.** Defines powers of council.
- Section 6.** Provides for time of first meeting, shall take oath, defines length of term of council, defines length of term of appointed officers, provides for election of assessors, provides for appointment of trustee to water district.
- Section 7.** Provides for police department.
- Section 8.** Provides for regular biennial and special city elections.
- Section 9.** Provides for filling vacancies in city council.
- Section 10.** Provides for appointed officers, provides for removal of same, how vacancies filled.
- Section 11.** Provides for purchasing agent, provides for signing notes, bonds, and other contracts.
- Section 12.** Provides for publishing new ordinances, appropriations, etc.
- Section 13.** Provides for and deals with the method in which initiative measures or ordinances may be undertaken by the qualified voters of the City of Gardiner.
- Section 14.** Provides for suspension on petition of qualified voters of the City of Gardiner of acts and ordinances of the city council for further consideration.
- Section 15.** Provides for form of petition, and duties of City Clerk.
- Section 16.** Divides city affairs into three departments. Assigns sub-departments to each. Makes mayor responsible administrative head of department of accounts and finances, with an executive head of each sub-department responsible directly to the mayor. Makes city council responsible administrative head of the departments of public safeties and charities and streets and highways, with an executive head of each sub-department responsible directly to the city council.
- Section 17.** Provides for beginning and end of municipal year.
- Section 18.** Provides for power to authorize any person to occupy streets.
- Section 19.** Provides for power to prohibit building of wooden buildings.
- Section 20.** Forbids council members to hold other office.
- Section 21.** Provides that neither city council nor purchasing agent shall be interested in contracts.
- Section 22.** Forbids expenditures beyond amount of appropriation. Provides for open meetings. Records shall be open to public.
- Section 23.** Provides for finance committee, duties of finance committee, provides for warrants, duties of auditor.

- Section 24.** Provides for disposition of money received by any officer, employee or agent of city.
- Section 25.** Auditor shall keep accounts. Provides for forms, shall furnish council with statement, shall submit bills to council, when bills shall be paid. City Council shall pass temporary appropriation resolve at first meeting, provides for abatements, limits borrowing of money, credit of city shall not be loaned.
- Section 26.** Provides for sale of bonds, subject to provisions of Sections 12, 14, and 15.
- Section 27.** Provides for borrowing money in anticipation of taxes.
- Section 28.** Provides for accounting system, forbids changes in same.
- Section 29.** Provides for annual audit, city report.
- Section 30.** Provides for bonds of officers.
- Section 31.** Provides for salaries of officers and wages of employees.
- Section 32.** Provides for referendum.
- Section 33.** When act effective.
- Section 34.** Limits term of incumbent officers.
- Section 35.** Provides ordinances to remain in effect.
- Section 36.** Contracts shall not be abridged.
- Section 37.** Acts inconsistent repealed.