

MAINE STATE LEGISLATURE

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SIXTY-FIRST LEGISLATURE.

SENATE.

No. 29.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND
EIGHTY-THREE.

AN ACT to incorporate the City of Waterville.

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

SECTION 1. The inhabitants of the town of Waterville,
2 in the county of Kennebec, shall continue to be a body
3 politic and corporate by the name of the city of Water-
4 ville ; and as such, shall have, exercise and enjoy, all the
5 rights, immunities, powers, privileges and franchises,
6 and be subject to all the duties and obligations now ap-
7 pertaining to, or incumbent upon, said town as a municipi-
8 pal corporation, or appertaining to, or incumbent upon
9 the inhabitants or selectmen thereof; and may ordain
10 and publish such acts, laws and regulations, not incon-
11 sistent with the constitution and laws of this state, as
12 shall be needful to the good order of said body politic ;
13 and impose fines and penalties for the breach thereof,
14 not exceeding twenty dollars for any one offence, which
15 may be recovered to the use of said city, by action of
16 debt, or on complaint before the municipal court in said
17 city.

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

SECT. 3. The mayor of said city shall be the chief executive magistrate thereof. It shall be his duty to be vigilant and active in causing the laws and regulations of the city to be executed and enforced, to exercise a general supervision over the conduct of all subordinate officers, and to cause their violations or neglect of duty to be punished. He may call special meetings of the board of aldermen, when, in his opinion, the interest of the city requires it, by a notice in one or more of the papers printed in the city, or by causing a summons or notification to be given in hand, or left at the usual dwelling place of each member of the board to be convened. He shall, from time to time, communicate to the board of aldermen such information and recommend such measures

15 as the business and interests of the city may, in his
16 opinion, require. He shall preside in the board of alder-
17 men, but shall have only a casting vote. The salary and
18 compensation of the mayor shall be two hundred dollars
19 per year, which shall not be increased or diminished
20 during his continuance in office, unless by the vote of the
21 qualified electors in ward meetings called for that purpose,
22 nor shall he receive from the city any other compensation
23 for any services by him rendered in any other capacity or
24 agency; *provided, however*, the board of aldermen may
25 elect the mayor to any city office, and allow him a reason-
26 able compensation for services rendered in such office;
27 but the aldermen shall not be entitled to receive any
28 salary or compensation for any services by them per-
29 formed as such.

SECT. 4. The executive powers of said city generally,
2 and the administration of police, with all the powers of
3 the selectmen of the town of Waterville, shall be vested
4 in the mayor and aldermen as fully as if the same had
5 been herein particularly enumerated; all other powers
6 now vested in the inhabitants of said town, and all pow-
7 ers granted by this act, shall be vested in the mayor and
8 aldermen of said city. The board of aldermen shall,
9 annually, on the third Monday in March, or as soon there-
10 after as may be convenient, elect, and appoint for the
11 ensuing year, all the subordinate officers and agents for
12 the city, including a chief engineer, and other necessary
13 engineers of the fire department, which chief engineer,
14 and, in his absence, the subordinate engineers, shall have
15 all the power and authority that firewards now have; shall
16 define their duties, fix their compensation, and may, by
17 vote, remove officers when, in their opinion, sufficient
18 cause for their removal exists. All officers shall be chosen
19 and vacancies supplied, for the current year, except as
20 herein otherwise provided. All the said subordinate offi-
21 cers and agents shall hold their offices during the ensuing
22 year, and till others shall be elected and qualified in their

23 stead, unless sooner removed by the board of aldermen ;
 24 and all moneys received and collected for and on account
 25 of the city, by any officer or agent thereof, shall forthwith
 26 be paid into the city treasury. The board of aldermen
 27 shall take care that moneys shall not be paid from the
 28 treasury unless granted or appropriated ; shall secure a
 29 prompt and just accountability by requiring bonds with
 30 sufficient penalties and sureties, from all persons trusted
 31 with the receipt or custody of the public money ; shall
 32 have the care and superintendence of the city public build-
 33 ings, and the custody and management of all the city
 34 property, with powers to let or sell what may be legally
 35 let or sold ; and to purchase, in the name of the city,
 36 such real or personal property, not exceeding the sum of
 37 one hundred thousand dollars, including the property now
 38 owned by the town, as they may deem of public utility.
 39 And the board of aldermen shall, as often as once a year,
 40 cause to be published for the information of the inhabi-
 41 tants, an account of receipts and expenditures, and a
 42 schedule of the city property ; and no money shall be
 43 paid from the treasury unless the same be appropriated
 44 by the board of aldermen, and upon a warrant signed by
 45 the mayor, which warrant shall state the appropriation
 46 under which the same is drawn.

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

SECT. 6. City assessors shall be annually appointed by
 2 the board of aldermen, who shall exercise and be sub-
 3 ject to the same powers, duties and liabilities that the

4 assessors in the several towns in this state may exercise
5 and be subject to under existing laws ; *provided, however,*
6 that the board of aldermen may appoint one person in
7 each ward, whose duty it shall be to furnish the assessors
8 with all necessary information relative to persons and
9 property taxable in his ward, and who shall be sworn to
10 the faithful performance of his duty. All taxes shall be
11 assessed, apportioned and collected in the manner pre-
12 scribed by the laws of this state relative to town taxes ;
13 *provided, however,* that it shall be lawful for the board of
14 aldermen to establish further and additional provisions for
15 the collection thereof.

SECT. 7. The board of aldermen shall have exclusive
2 power and authority to lay out any new street or public
3 way, or widen, or otherwise alter, or discontinue any
4 street or way in said city, and to estimate the damage
5 any person may sustain thereby, and shall in all other
6 respects be governed by, and be subject to, such rules
7 and restrictions as are by law provided in this state for
8 regulating the laying out of public highways and repair-
9 ing streets. And any person aggrieved by the decision
10 or judgment of said board of aldermen, may, as far as
11 relates to damages, have them assessed by a committee or
12 jury, as is now by law provided ; and any highway or
13 town way, or bridge which has been, or may hereafter be
14 located within said town or city, shall, nevertheless, be
15 deemed to be legally located and established. *Provided,*
16 that the county commissioners of Kennebec county, shall
17 have power to lay out, widen, or otherwise alter or dis-
18 continue, within said city, any part of any county road
19 that has been or shall be by them laid out in any adjoin-
20 ing town or towns, and passing thence into or through
21 said city, according to the provisions of law ; and any
22 such county road which has been so laid out, altered, wid-
23 ened or discontinued within the limits of said city, shall
24 be deemed to be legally laid out, altered, widened or dis-
25 continued, reserving, however, in all cases where the

26 proceedings have not been fully closed and recorded, to
27 all persons whose land has been taken, the same rights,
28 and the same time after the passage of this act, that they
29 would have had if the proceedings had been legal, to
30 petition for an increase of damages, and the same may be
31 determined in the manner now provided by law in other
32 cases.

SECT. 8. It shall be lawful for the board of aldermen, by
2 a committee by them appointed, or by instructions to the
3 commissioners of streets, to appropriate, set off and re-
4 serve as sidewalks, such part or portion of the several
5 streets in said city, now or hereafter to be established, as
6 to said board of aldermen may appear necessary for the
7 safety, convenience and accommodation of foot passen-
8 gers. It shall be lawful for the board of aldermen to
9 permit or direct posts of stone, or wood, or trees to be
10 placed along the edge of said side-walk next to the trav-
11 elled part of the street, in such number and manner as
12 they may deem necessary to protect said side-walks and
13 the persons traveling thereon from damage or inconven-
14 ience from teams or carriages. So much of the several
15 streets in said city as shall be appropriated and reserved
16 as side-walks, agreeable to the provisions of this act,
17 shall be taken and deemed to be reserved exclusively for
18 the accommodation, convenience and use of persons
19 travelling on foot; and said city shall not be liable to
20 damages for any injury done or occasioned in consequence
21 of any cart, carriages, wagon or other vehicle, or any
22 team or animal striking against any of said side-walks, or
23 the posts or trees set or placed to defend the same. The
24 several side-walks on the streets in said city, as at present
25 established and used, shall be taken and deemed to be the
26 proper and lawful reservation for that purpose, until
27 altered or otherwise established by the proper authority.

SECT. 9. The board of aldermen shall have power, on
2 such terms and conditions as they may think proper, to
3 authorize and empower any person or corporation to

4 place in any street, for such time as may be necessary, any
 5 materials for making or repairing any street, sidewalk,
 6 cross-walk, bridge, water-course or drain, or for erecting,
 7 repairing or finishing any building or fences, *provided*
 8 that no more than one-third of the width of the street
 9 shall be so occupied; and such materials so placed by
 10 virtue of any licence obtained as aforesaid, shall not be
 11 considered an incumbrance or nuisance in such street,
 12 and the city, or person or corporation so placing the same,
 13 shall not be liable for any damages occasioned by such
 14 material.

SECT. 10 All the laws and regulations now in force
 2 in said town shall, notwithstanding this act, be and re-
 3 main in force until they expire by their own limitations,
 4 or be revised or repealed by the board of aldermen, and
 5 prosecutions and suits may be commenced and proceeded
 6 thereon in the name of the city, by officers or other
 7 persons thereby empowered or directed to prosecute and
 8 sue; and the fines and penalties shall go to the uses in
 9 such laws or regulations named, and according to law.

SECT. 11. For the purpose of holding elections, said
 2 city shall, after the first election, be divided into not less
 3 than five nor more than seven wards, to contain as near
 4 as conveniently may be, an equal number of inhabitants;
 5 and it shall be the duty of the board of aldermen, once
 6 in ten years, and not oftener than five years, to review, and
 7 it be needful, to alter said wards, in such manner as to
 8 preserve, as nearly as may be, an equal number of
 9 inhabitants in each ward. In each of said wards, there
 10 shall annually, on the first Monday of March, be chosen
 11 by ballot, a warden and clerk, who shall hold their offices
 12 until Tuesday next after the first Monday of March of
 13 the succeeding year, and until others have been chosen
 14 and qualified in their stead. Said warden and clerk
 15 shall be sworn to the faithful performance of their duty,
 16 by any justice of the peace, or by the person presiding
 17 in said meeting, or by the clerk of said ward, and a cer-

18 tificate of such oath having been administered, shall be
 19 entered by the clerk on the records of said ward. The
 20 wardens shall preside at all ward meetings, with the
 21 powers of moderators of town meetings, and if at any
 22 meeting the warden shall not be present, the clerk of the
 23 ward shall call the meeting to order and preside till a
 24 warden *pro tem.* shall be chosen. If neither the warden
 25 nor clerk shall be present, any legal voter in the ward
 26 may preside till a clerk *pro tem.* shall be chosen and qual-
 27 ified. The clerk shall record all the proceedings and
 28 certify the votes given, and deliver over to his
 29 successor in office all the records and journals, together
 30 with all other documents and papers held by him in said
 31 capacity. The inhabitants of each ward may choose two
 32 persons to assist the warden in receiving, sorting and
 33 counting the votes. The list of the names of the legal
 34 voters in each ward shall be prepared by the assessors and
 35 board of aldermen, assisted by the wardens, in the same
 36 manner and under the same restrictions, as are imposed
 37 by the laws of this state on the assessors and selectmen of
 38 towns ; and all regular ward meetings shall be notified and
 39 called by the mayor and aldermen in the manner provided
 40 in the laws of this state for notifying and calling town
 41 meetings by the selectmen of the several towns, except-
 42 ing that ward meetings for the election of mayor, after
 43 the second trial, may be called within the time provided
 44 in such cases in this act.

SECT. 12. The mayor shall be elected from the citizens
 2 at large, by the inhabitants of the city voting in their
 3 respective wards. One alderman shall be elected by each
 4 ward, being a resident in the ward where elected. All
 5 said officers shall be elected by ballot, by a majority of
 6 the votes given, and shall hold their offices one year from
 7 the third Monday in March, and until others shall be
 8 elected in their places ; *provided, however,* that if the city
 9 shall be divided into less than seven wards, then one or
 10 two (as the case may be) of the aldermen shall be elected

11 at large by the inhabitants of the city, the whole number
12 of aldermen in no case to be more than seven, as pro-
13 vided in section second of this act.

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

SECT. 14. On the first Monday of March, annually, the
2 qualified electors of each ward shall ballot for a mayor,
3 one alderman, warden and clerk; all the votes given for
4 the said several officers, respectively, shall be sorted,
5 counted, declared and registered in open ward meeting,
6 by causing the names of persons voted for and the
7 number of votes given for each to be written on the ward
8 record at length. The ward clerk, within twenty-four
9 hours after such election, shall deliver to the person
10 elected alderman a certificate of his election, and shall
11 forthwith deliver to the city clerk a certified copy of the
12 record of such election; *provided, however*, that if the
13 choice of an alderman cannot conveniently be effected on
14 that day, the meeting may be adjourned from day to day
15 to complete such election. If on the second balloting for
16 any alderman, warden or clerk, a choice shall not be
17 effected by a majority vote, then the persons receiving the
18 highest number of votes for any of these offices at the
19 subsequent trial, shall be declared elected; if no one shall
20 then have such highest number, the balloting shall be
21 continued from day to day until a choice is thus effected.
22 The board of aldermen shall, as soon as conveniently may
23 be, examine the copies of the records of the several
24 wards, certified as aforesaid, and shall cause the person
25 who shall have been elected mayor, by a majority of votes
26 given in all the wards, to be notified in writing of his

27 election ; but if it shall appear that no person shall have
 28 been elected, or if the person elected shall refuse to ac-
 29 cept the office, the said board shall issue their warrants
 30 for another election ; and in case the citizens should fail
 31 on a second ballot to elect a mayor, the said board shall
 32 again issue their warrants for a third election, to be held
 33 not less than three nor more than seven days thereafter ;
 34 at which election, the candidate having the greatest number
 35 of votes shall be declared elected, and notified as afore-
 36 said ; if no one shall then have such number, further
 37 elections shall in the same manner be ordered, till a choice
 38 shall be made, by some one having the highest number
 39 of votes ; and in case of a vacancy in the office of mayor
 40 by death, resignation or otherwise, it shall be filled for
 41 the remainder of the term by a new election in the man-
 42 ner herein before provided for the choice of said officer ;
 43 and in the meantime the president *pro tempore* of the
 44 board of aldermen shall perform the duties of mayor.
 45 The oath prescribed by this act shall be administered to
 46 the mayor by the city clerk or any justice of the peace.
 47 The aldermen shall, on the third Monday of March, at
 48 ten of the clock in the forenoon, meet in convention, when
 49 the oath required by the second section of this act shall
 50 be administered to the members of the board of aldermen
 51 present, by the mayor or any justice of the peace.

SECT. 15. The city clerk shall be the clerk of the board
 2 of aldermen : he shall perform such duties as shall be
 3 prescribed by the board of aldermen, and shall perform
 4 all duties, and exercise all the powers by law incumbent
 5 upon, or vested in, the town clerk of the town of Water-
 6 ville ; he shall give notice in one or more of the papers
 7 printed in said city, of the time and place of regular ward
 8 meetings ; but the place of regular ward meetings, and
 9 also the day and hour, when not fixed by law, shall be
 10 determined by the board of aldermen. The board of
 11 aldermen may, in the absence of the mayor, choose a
 12 president *pro tempore*, who shall preside at meetings of

13 the board. The board shall keep a record of its pro-
14 ceedings, and judge of the election of its own members ;
15 and in case of failure of election, or vacancy by death,
16 resignation or otherwise, may order new elections. A
17 quorum for the transaction of business, shall consist of a
18 majority of the members thereof ; all meetings of the
19 aldermen shall be open and public, and the presiding
20 officer shall have the power of moderator of town meet-
21 ings. At any meeting, when any two members shall re-
22 quest it, the vote shall be taken by yeas and nays, which
23 shall be recorded by the clerk.

SECT. 16. For the purpose of organizing the system
2 of government hereby established, and putting the same
3 in operation in the first instance, the selectmen of the
4 town for the time being shall seasonably, before the third
5 Monday of March next after the acceptance of this char-
6 ter, issue their warrant for calling a meeting of the citi-
7 zens at such place and hour upon said day as they shall
8 think expedient, for the purpose of choosing a mayor,
9 and seven aldermen, to be taken from the city at large ;
10 and in case said elections shall not be completed at the
11 first election, then to issue a new warrant until such elec-
12 tion shall be completed ; and the town clerk for the time
13 being shall give notice thereof to the several persons
14 elected ; and it shall be the duty of the board of alder-
15 men, immediately after their first organization, to elect
16 by ballot a city clerk and all other necessary city officers,
17 who shall hold their offices respectively until others are
18 chosen and qualified in their places. And it shall be the
19 duty of the mayor and aldermen first elected at large, as
20 soon as may be after their organization, to cause a divis-
21 ion of said city to be made into not less than five, nor
22 more than seven wards, in such manner as to include as
23 nearly as conveniently may be, consistently with well de-
24 fined limits to each ward, an equal number of inhabitants
25 in each ward. And at the first meeting after such division
26 into wards, any inhabitant of said wards, being a legal

27 voter, may call the citizens to order and preside until a
28 warden shall have been chosen; and at said first meeting
29 a list of voters in each ward, prepared and corrected by
30 the board of aldermen, shall be delivered to the clerk of
31 each ward when elected, to be used as provided by the
32 laws in town meetings.

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

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

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

SECT. 20. All the power and authority vested in the
2 inhabitants of any school district in the city of Water-
3 ville, by virtue of chapter eleven of the revised statutes
4 relating to the education of youth, and of the amend-
5 ments thereof and acts additional thereto, shall be and
6 the same is hereby invested in the board of aldermen of
7 the city as aforesaid.

SECT. 21. This act shall take effect and be in full force
2 when the same shall have been accepted by the inhabi-
3 tants of said town qualified to vote in town affairs, at a
4 legal meeting called for that purpose, *provided*, it shall
5 be accepted within five years from the passage of this
6 act; but no more than one meeting for that purpose
7 shall be called in any one year. And at such meeting
8 the inhabitants of said town shall vote by a written bal-

9 lot, those in favor of accepting this act having on the
10 ballot the word "Yes," and those opposed having on the
11 ballot the word "No"; and if a majority of all the ballots
12 received are in favor of accepting the same, it shall then
13 become a law and take effect. And it shall be the duty
14 of the clerk of said town to file a copy of the record
15 of the vote of said town accepting the same, with the
16 clerk of the city of Waterville, when elected, who shall
17 transcribe such copy into the records of the city, and such
18 record shall be conclusive evidence that this act has
19 been accepted.

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

STATE OF MAINE.

In SENATE, February 7, 1883.

On motion of Mr. HEATH of Kennebec, laid on the table to be printed.

C. W. TILDEN, *Secretary.*