

MAINE STATE LEGISLATURE

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Sixty-Fifth Legislature.

HOUSE.

No. 66.

STATE OF MAINE.

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

AN ACT to incorporate the City of Old Town.

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

SECTION 1. The inhabitants of the town of Old Town,
2 in the county of Penobscot, shall continue to be a body
3 corporate and politic under the name of the city of Old
4 Town, and as such shall have, exercise and enjoy all the
5 rights, immunities, powers, privileges and franchises, and
6 shall be subject to all the duties, liabilities and obliga-
7 tions, now appertaining to or incumbent on said town as
8 a municipal corporation, or appertaining to or incumbent
9 on the inhabitants or the selectmen thereof, or provided
10 for by this act.

SECT. 2. The administration of all the fiscal, prudential,
2 and municipal affairs of said city, and the government
3 thereof, shall be vested in a mayor and a city council.
4 Said council shall consist of a board of aldermen and a
5 board of councilmen, the latter board to be known as the
6 common council; the board of aldermen shall be composed
7 of as many aldermen as there are wards in said city for
8 the time being, and the common council shall be com-
9 posed of three times as many councilmen as there are
10 wards in said city for the time being.

SECT. 3. The executive powers of said city generally,
2 and the administration of the police and health depart-
3 ments, with all the powers of the selectmen of said town
4 of Old Town, shall, except as modified by this act, be and
5 hereby are vested in the mayor and aldermen, as fully as
6 if the same had been herein enumerated. All the powers
7 of establishing watch and ward now vested by the laws of
8 the State in the justices of the peace and municipal officers
9 or inhabitants of towns are hereby vested in the mayor
10 and aldermen so far as relates to said city, and said mayor
11 and aldermen are authorized to unite the watch and police
12 departments into one department, and establish suitable
13 regulations for the government thereof.

SECT. 4. All powers relating to the fire department,
2 and all other powers not hereby otherwise provided for now
3 vested in the inhabitants of said town, or hereby or here-
4 after vested in the inhabitants of said city or in said city
5 as a body corporate, shall be and are hereby vested in the
6 mayor and city council of said city, to be exercised in
7 accordance with the provisions of this act.

SECT. 5. The city council, in the exercise of the powers
2 appertaining to it, shall, unless otherwise herein provided,

3 act by concurrent vote of the two boards composing it,
4 said boards to sit separately and to have a negative upon
5 each other. Each board may determine the rules of its
6 proceedings, enforce attendance of its members at its
7 sessions by penalties not exceeding twenty dollars for
8 each failure to attend, punish its members for disorderly
9 behavior, and, three-fourths of its full membership con-
10 curring, may expel a member for sufficient cause, but shall
11 not expel the same member a second time for the same
12 cause. Each board shall keep a record of its proceedings,
13 to be called its journal; and shall judge the election and
14 qualification of its own members; and in case of vacancy
15 in its membership from any cause may, and if such
16 vacancy occur before the first day of January, shall, order
17 a new election for the purpose of filling such vacancy for
18 the unexpired term; and whenever such new election is
19 ordered, the board of aldermen shall forthwith issue its
20 warrant therefor. A majority of the full membership of
21 each branch shall constitute a quorum thereof; but a
22 smaller number may, if the actual membership is reduced
23 to less than a quorum by vacancies, order a new election
24 to fill such vacancies, and in any event may adjourn. All
25 meetings of each board, and all joint meetings of the two
26 boards, shall be in open public session, except the sessions
27 of the board of aldermen for consideration of appoint-
28 ments by the mayor; but all votes on confirmation of
29 appointments shall be taken in public. The presiding
30 officer at all such meetings shall have all the powers of
31 moderators of town-meetings. At any such meeting, on
32 request of any two members present, the vote shall be
33 taken by yeas and nays, which shall be recorded by the

34 clerk; and on such vote, no member shall be counted for
35 any purpose except those actually voting. The city
36 council shall, by ordinance, determine the time and place
37 of holding stated or regular meetings of the boards and
38 of the city council; but until otherwise provided by ordi-
39 nance, such meetings shall be held on the first Tuesday
40 of each month, at seven o'clock in the afternoon, at the
41 building now known as the town-hall in said town of
42 Old Town. Each board may, when necessary, elect a
43 president *pro tempore* or a clerk *pro tempore*, who shall
44 perform the duties of their respective offices for the par-
45 ticular meeting at which they are so elected; and such
46 clerk shall be sworn by the mayor or the city clerk or any
47 justice of the peace.

SECT. 6. The terms for which the officers of said city
2 shall hold their respective offices, unless otherwise fixed
3 or terminated by or under the provisions of this act or of
4 the law of the State, or by the implied or express limita-
5 tions of the duties of the particular office, or by some
6 legal cause creating a vacancy therein, shall be as follows,
7 to wit: Mayor, aldermen, councilmen, wardens and
8 ward clerks, one municipal year, beginning on the last
9 Monday in March of each year and ending on the last
10 Monday in March of the following year; assessors, over-
11 seers of the poor, and members of the school board, three
12 years, beginning on the first Monday in April of each year
13 and ending on the first Monday in April of the third fol-
14 lowing year; and all other officers, one year, beginning
15 on the first Monday in April of each year and ending on
16 the first Monday in April of the next following year:
17 Provided always, that each of said officers, unless his term

18 shall be ended by some cause other than the expiration of
19 the time hereby fixed therefor, shall continue to hold his
20 office and be held to perform its duties until some person
21 has been duly chosen or appointed and qualified in his
22 stead. Whenever a vacancy is created in any office prior
23 to the expiration of the regular term thereof, the person
24 elected or appointed to fill said vacancy shall be elected
25 or appointed for the unexpired portion only of the original
26 term thereof.

SECT. 7. The mayor shall be a qualified voter in said
2 city, and shall be chosen by the qualified voters of the
3 whole city. He shall be the chief executive magistrate of
4 the city, and shall be vigilant, impartial and active in
5 causing the laws, ordinances and regulations of the city
6 to be executed and enforced, and in securing to the extent
7 of his power an honest, efficient and economical conduct
8 of the entire executive and administrative business of the
9 city. He shall exercise a general supervision over the
10 conduct and official acts of all subordinate officers, and
11 cause every violation or neglect of duty to be punished.
12 He may call special meetings of the board of aldermen
13 or the common council or the city council when in his
14 opinion the interest of the city requires, by a notice pub-
15 lished at least one week prior thereto in one or more of the
16 newspapers published in said city, or by causing a notifi-
17 cation to be left at the usual place of abode of each mem-
18 ber of the board or boards to be convened. He shall from
19 time to time communicate such information and recom-
20 mend such measures to both or either of said boards or to
21 the city council as the business and interest of the city may
22 in his opinion require. He shall be *ex-officio* the presiding

23 officer of the board of aldermen and of all joint meetings
24 of the two boards; but he shall have no vote therein,
25 except that in case of a tie vote he may have a casting
26 vote on all matters. He shall not receive from the city
27 for any services rendered by him in any capacity any other
28 compensation than the salary hereinafter mentioned,
29 except that the city council may elect him to any city
30 office to which he is eligible, and allow him a reasonable
31 compensation for services rendered in such office. His
32 salary and compensation as mayor shall, until otherwise
33 fixed by the city council, be two hundred dollars, payable
34 at stated periods; but the city council may from time to
35 time change the amount of said salary as it deems advisa-
36 ble, provided always that no such change shall take effect
37 during the then current municipal year.

SECT. 8. When the office of mayor is vacant by reason
2 of death, resignation, or other cause, the board of alder-
3 men shall issue its warrants for an election of mayor, and
4 such election shall be governed by the same rules, so far
5 as applicable, and conducted in the same manner as here-
6 inafter provided for the regular election of mayor. In
7 the meantime the president of the board of aldermen shall
8 be sworn and known as acting mayor, and shall do and
9 perform all the duties incumbent upon the mayor so long
10 as said vacancy exists, except that he shall not have the
11 right to exercise the veto power. In case of the physical
12 or mental inability of the mayor to perform the duties of
13 his office, the president of the board of aldermen shall,
14 upon being requested by the mayor and with the consent
15 of the city council in the one case, and upon being
16 required by the city council in the other case, assume the

17 position of acting mayor until the mayor shall become
18 able to perform said duties ; and in such case the acting
19 mayor shall be duly sworn.

SECT. 9. Every law, act, ordinance, order or resolve,
2 except parliamentary rules and orders, and except votes
3 on a question of the convention of the two branches of
4 the city council, shall, after being passed by both of said
5 branches, be presented to the mayor. If he approves the
6 same, he shall sign it, and without his signature it shall
7 not take effect, except as hereinafter provided ; if he do
8 not approve it, he shall return it, at the next regular
9 session of the city council, with a written statement of
10 his objections thereto, to the board in which it originated,
11 which shall enter said objections at large upon its journal
12 and proceed to reconsider it. If upon such reconsidera-
13 tion two-thirds of the whole number of that board shall,
14 notwithstanding such objections, vote to pass the same, it
15 shall, together with said objections, be sent to the other
16 board, by which it shall be reconsidered, and if passed by
17 a two-thirds vote of the whole number of that board, it
18 shall be in force as if signed by the mayor. In every
19 such case the vote shall be taken by yeas and nays. If
20 such law, act, ordinance, order or resolve shall not be
21 returned by the mayor at the next regular meeting of the
22 city council as aforesaid, it shall be as valid as if signed
23 by him. The mayor may accept from his approval of any
24 law, act, ordinance, order or resolve to which he has the
25 power to refuse his approval as aforesaid, any portion
26 involving a distinct item of expenditure ; and in such case
27 instead of returning the original, he shall transmit a copy
28 of such portion not approved, which portion shall be

29 reconsidered in the manner and with the effect above
30 provided. If the office of mayor is vacant when such
31 law, act, ordinance, order or resolve is finally passed, the
32 same shall be valid without approval. The approval of
33 the mayor shall likewise be required to, and he shall have
34 with like limitations a similar power of veto over, any
35 order, resolution or vote of the board of aldermen which
36 involves the exercise of any of the powers conferred by
37 law upon the mayor and aldermen or upon the board of
38 aldermen as a separate board; but nothing herein con-
39 tained shall affect the powers of the board of aldermen in
40 relation to votes cast at elections, nor shall the veto power
41 of the mayor extend to elections of any city officers or
42 agents, or to the issuing of warrants for ward meetings.

SECT. 10. The aldermen and councilmen shall be elected
2 by the qualified voters of the respective wards as herein-
3 after provided, and shall each be, at the time of such elec-
4 tion, a resident in the ward for which he is elected, and a
5 qualified voter in said city. No alderman or councilman
6 shall receive any compensation or salary for his services as
7 such.

SECT. 11. No person shall be elected or appointed to
2 any office of emolument who at the time of such election or
3 appointment shall be an alderman or councilman, except
4 that one alderman and one councilman shall, as hereinafter
5 provided, be elected street commissioners. But this section
6 shall not be in force or take effect until it is accepted by
7 the city council.

SECT. 12. The city council may ordain and publish
2 such acts, ordinances, laws and regulations, not incon-
3 sistent with the constitution and laws of this State, as

4 shall be needful or advisable for the good order of said
5 body politic ; and may impose fines and penalties for the
6 breach thereof, not exceeding twenty dollars for any one
7 offence, exclusive of costs ; and such fines and penalties
8 may be recovered to the use of said city by action of debt
9 or on complaint before the Old Town municipal court or
10 other court having jurisdiction thereof. All the laws,
11 ordinances and regulations now in force in said town shall,
12 except so far as modified by this act, continue in force
13 until they shall expire by their own limitation or be
14 repealed by proper authority. The city council may by
15 ordinance regulate the weight of the loads which the
16 vehicles used on the streets of said city may carry, and
17 the width of the tires or fellies of wheels of any such
18 vehicle, and may also regulate the shape and size and
19 compel the painting of all poles used or maintained upon
20 or along the streets of said city by any corporation or
21 person for sustaining wires for the transmission of heat,
22 light, power or intelligence by electricity, whether such
23 poles are now or shall be hereafter set ; and may also, for
24 the better securing of safety to person and property,
25 regulate and control within reasonable limits by ordinances
26 not inconsistent with law the construction, maintenance
27 and operation of all lines of electric wire and of all street
28 railways, water works and gas works, within the territo-
29 rial limits of said city.

SECT. 13. The city council shall define the duties and
2 fix the compensation of all the subordinate city officers,
3 and fix the compensation of wardens and ward clerks ;
4 and it may impose upon any such city officer such duties as
5 it deems proper in addition to the duties imposed upon him

6 by this act and by the law of the State and not, incon-
7 sistent therewith. All elections of city officers by said
8 city council shall be by joint ballot in joint convention
9 of the two boards thereof, and by a majority of the votes
10 cast; and a majority of the united membership of the
11 two boards shall constitute a quorum at any joint conven-
12 tion of said boards. The city council shall have the care
13 and superintendence of all buildings owned by or in the
14 possession of the city, and the custody and management
15 of all city property, with power to let or sell whatever
16 may legally be let or sold; and it may purchase and
17 take, in the name of the city, such real and personal
18 property, not exceeding the value of one hundred thousand
19 dollars in addition to the property now owned by said
20 town as said council may think useful to the public
21 interest.

SECT. 14. The city council shall have exclusive authority,
2 subject to the veto power of the mayor, to lay out, dis-
3 continue, grade, widen or otherwise alter any and all
4 streets or ways in said city, without petition therefor, and
5 to estimate all damage sustained by the owners of land
6 taken for any of said purposes; but the powers of the
7 county commissioners under the general laws of the State
8 shall not be hereby affected. There shall be a board of
9 street commissioners, consisting of the city engineer *ex-*
10 *officio*, and of one alderman and one councilman elected by
11 the city council; and it shall be the duty of said board to
12 lay out, discontinue, grade, widen or otherwise alter any
13 street or way in said city, first giving notice of the time
14 and place of its proceedings to all parties interested as
15 required by law in case of town-ways; and such notice

16 shall be valid and sufficient if published once a week for
17 two successive weeks in a newspaper published in said
18 city, the last publication to be at least two days before
19 the day of hearing fixed in said notice, instead of posting
20 the same as required in case of town ways. Said board
21 shall first hear all parties interested, and then determine
22 and adjudge whether the public convenience requires such
23 street or way, if a public way, to be laid out, discontin-
24 ued, graded, widened or otherwise altered; and the said
25 board shall make a written return of its proceedings,
26 signed by a majority of its members, containing the
27 bounds and description of the street or way as laid out,
28 widened or otherwise altered, or the grade of the street
29 or way as fixed by said board, and the names of the
30 owners of the land taken for any location or alteration, if
31 known, and the damages awarded to each owner therefor;
32 or, in the case of the discontinuance of a way, the
33 damages sustained by the owners of land adjoining that
34 portion thereof which is discontinued. If any way is laid
35 out as a private way, the board shall state that fact in said
36 return, and whether the same shall be subject to gates
37 and bars. Said return shall be filed in the city clerk's
38 office at least seven days before its acceptance by the city
39 council, and shall not be altered or amended after being
40 so filed. The street or way shall not be established,
41 graded, discontinued, widened or otherwise altered until
42 said return is accepted by the city council. In all mat-
43 ters relating to the laying out, discontinuing, widening
44 and altering streets or ways, appeals may be taken as
45 provided by statute for similar cases in relation to town
46 ways. If a street or way is discontinued before the

47 damages for the land taken are paid or recovered, the land
48 owner shall not be entitled to receive or recover such
49 damages, but the board in its report discontinuing the
50 same shall estimate and include all the damages sustained
51 by the land-owner, including those caused by the original
52 laying out of the street or way, and in such cases, if an
53 appeal has been regularly taken, the appellant shall
54 recover his costs. The city shall not be compelled to
55 open or construct or grade any street or way thus estab-
56 lished or having its proposed grade established, until in
57 the opinion of the city council the public good requires
58 it to be done; nor shall the city interfere with the pos-
59 session of land taken for a street or way, by removing
60 therefrom materials or otherwise, until it begins the
61 actual opening and construction thereof. The time within
62 which a street or way may not be opened or used after it
63 has been established, and the time when the proceedings
64 establishing the same shall, unless the land taken therefor
65 is entered upon and possession thereof taken for the pur-
66 pose of opening the same, be void, shall be the same as
67 provided by statute in the case of town ways. When the
68 board unreasonably neglects or refuses to lay out, discon-
69 tinue, widen or otherwise alter a street or way, or the
70 city council unreasonably refuses to refer a petition there-
71 for to said board, or to accept the return of said board
72 thereon, the same proceedings may be had by parties
73 desiring such action to be taken as are provided by law
74 in like cases in relation to town ways.

SECT. 15. Whenever under the statutes of this State
2 proceedings are had for the purpose of apportioning and
3 assessing, upon lots adjacent to and bounded on any street

4 or way, damages for laying out, discontinuing, widening
5 or otherwise altering such street or way, and for the pur-
6 pose of enforcing payment of such assessment by a sale of
7 such lots or any part thereof, all notices required by
8 statute to be published in a newspaper published in said
9 city may, if no newspaper is published therein, be pub-
10 lished in any newspaper published in the county of Pen-
11 obscot, and such publication shall be a sufficient compli-
12 ance with such statute.

SECT. 16. The city council shall have exclusive authority,
2 subject to the veto power of the mayor, to take land for
3 and construct public drains and common sewers through
4 any highway, street, way, or any private lands; and
5 before any private land is so taken, notice shall be given
6 and damages assessed as herein before provided in the
7 case of laying out streets and ways, such notice to be
8 given by the board of street commissioners, and such
9 damages to be assessed by said board after due hearing
10 thereon; and said board shall make return of its doings
11 and decision as in the case of laying out streets and ways.
12 The municipal officers shall have the powers conferred on
13 them by statute in relation to the connection of private
14 drains with public drains or sewers.

SECT. 17. The city council may regulate the height,
2 width and material of any sidewalk in any public square,
3 place, street, walk, lane, court or alley in said city. The
4 city shall not be answerable for any damage to person or
5 property by reason of or resulting from trees planted or
6 growing along its streets or ways, or posts of wood, stone
7 or other material set or maintained by authority of said
8 city or its proper officers along said streets or ways, or

9 any poles or wires erected or strung in or along said
10 streets or ways for the transmission of heat, light, power
11 or intelligence by electricity. Sidewalks may be with or
12 without edgestones; and the expense of edgestones if
13 used, and of the covering material if of concrete or brick,
14 or such proportion of said expense as the city council may
15 direct, may be assessed upon the abutting lands in just
16 proportions, and be collected in the same manner as
17 damages for laying out, widening or otherwise altering, or
18 discontinuing a street or way are assessed upon abutting
19 lands and collected.

SECT. 18. The mayor may, on such terms and condi-
2 tions as he may think proper, authorize or empower any
3 person to place in any street or way, for such time as may
4 be necessary, any materials for making or repairing any
5 street, sidewalk, cross-walk, bridge, culvert, water-course,
6 sewer or drain, or for erecting, altering or repairing any
7 building, cellar or fence, or for laying or repairing any
8 gas-pipe, water-pipe or railroad, or for erecting, stringing
9 or repairing any poles or wires for electric purposes;
10 provided that not more than one-third of the width of the
11 street shall be so occupied; and such materials so placed
12 under license granted by the mayor shall not be consid-
13 ered an incumbrance or nuisance in such street, and the
14 city shall not be liable for any damage resulting therefrom.

SECT. 19. The city council shall, on the first Monday
2 in April in each year, or as soon thereafter as practicable,
3 elect or appoint all the city officers and agents whom it is
4 authorized by law to elect or appoint; and the mayor and
5 aldermen shall, on said first Monday in April, or as soon
6 thereafter as practicable, or from time to time as need

7 arises, appoint such city officers as they are by law author-
8 ized to appoint. All said officers shall be duly sworn
9 before the city clerk or a justice of the peace before enter-
10 ing upon the duties of their respective offices; and all
11 vacancies in said offices may be filled for the unexpired
12 term by the board having authority to elect or appoint in
13 the first instance. The powers, duties and liabilities of
14 such officers shall be the same as of like officers of towns,
15 except so far as modified or changed by the statutes of the
16 State or by this act.

SECT. 20. The subordinate officers of said city to be
2 elected by the city council shall be a clerk, three over-
3 seers of the poor, three assessors, treasurer, collector of
4 taxes, members of the school board, two street commis-
5 sioners, city attorney, city engineer, city marshal, chief
6 engineer of the fire department, street superintendent,
7 city physician, constables, truant officers, undertakers,
8 fence viewers, surveyors of lumber, measurers of wood
9 and bark, and such other officers as by law are allowed to
10 be elected by towns, except as otherwise hereby provided,
11 and also such as are provided for by the by-laws or ordi-
12 nances of the city. The city clerk, overseers of the poor,
13 assessors, treasurer, members of the school board, street
14 commissioners, city attorney, city engineer, city marshal,
15 chief engineer of the fire department, street superinten-
16 dent, and city physician, shall be elected by written bal-
17 lot; and the other officers elected by the city council may
18 elected by any method agreed upon by said council.

SECT. 21. The mayor, with the consent of the board of
2 aldermen, shall appoint such number of police officers as
3 shall from time to time be fixed by the city council; and

4 also, except as otherwise hereby provided, all other officers
5 who, by the laws of the State, may be appointed by the
6 mayor and aldermen of cities or by the municipal officers
7 of towns.

SECT. 22. The city council, two-thirds of each board
2 separately concurring therein, may for sufficient cause
3 remove any officer elected or appointed by it. Any officer
4 appointed by the mayor and aldermen may for sufficient
5 cause be removed by the mayor, who shall at once report
6 such removal to the board of aldermen with the reasons
7 therefor; and such report shall be filed with the clerk of
8 said board, and the fact of the removal shall be entered on
9 the journal of said board for the session at which the said
10 report is sent to it by the mayor.

SECT. 23. The chief engineer of the fire department may
2 appoint as many assistant engineers as the city council
3 shall direct, who shall hold office during the municipal
4 year for which they are appointed, said appointments to
5 be subject to the approval of the mayor; and any such
6 assistant may be removed for sufficient cause by the mayor.
7 Said chief engineer and assistant engineers shall exercise all
8 the powers and perform all the duties of fire-wards under
9 the laws of this State, unless restricted by the ordinances or
10 regulations of said city; and the chief engineer shall have
11 general supervision of the fire department of the city.
12 The city attorney shall be the agent and attorney of
13 the city. The street superintendent shall have all
14 the powers and perform all the duties of survey-
15 ors of highways and road commissioners of towns,
16 as modified by the ordinances or regulations of said city
17 or by this act. The city marshal shall have general super-

18 vision of the police force of the city, and shall have the
19 powers of a constable in all matters criminal, or relating
20 to the by-laws and ordinances of the city. The overseers
21 of the poor shall be *ex-officio* overseers of the city work-
22 house, and overseers of the city house of correction.

SECT. 24. The city clerk shall be *ex-officio* the clerk of
2 the board of aldermen. He shall perform such duties as
3 shall be prescribed by the board of aldermen or by the
4 city council, and shall perform all the duties incumbent
5 on, and exercise all the powers vested in, the clerk of the
6 town of Old Town. He shall give notice in one or more
7 of the newspapers published in said city, if any, of the
8 time and place of all ward meetings. He may appoint,
9 subject to the approval of the mayor, a deputy clerk, who
10 may, in the absence of the clerk, perform all the duties of
11 clerk with the same effect as if done by the clerk; such
12 appointment and approval shall be in writing and entered
13 upon the city records. Said deputy clerk shall be sworn
14 to the faithful performance of the duties of his office before
15 entering thereon. His term of office shall expire at the
16 same time with that of the city clerk by whom he was
17 appointed; except that when the office of city clerk
18 becomes vacant from any other cause than expiration of
19 the term of the incumbent, the deputy clerk then in office
20 shall continue to hold such office until a city clerk is duly
21 elected and qualified. If the city clerk is absent tempo-
22 rarily without having appointed a deputy clerk, the mayor
23 and aldermen may appoint a city clerk *pro tempore*, who
24 shall be sworn, and shall perform all the duties of said
25 city clerk during such absence and no longer. The

26 deputy clerk may be removed by the mayor in the same
27 manner as other officers removable by him.

SECT. 25. The assessors shall exercise the same powers
2 and be subject to the same duties and liabilities as are
3 possessed by and imposed on the assessors of towns under
4 the laws of this State; and they may as a board by a
5 majority vote appoint one person in each ward as assistant
6 assessor, who shall be duly sworn, and whose duty shall
7 be to furnish the assessors with all necessary information
8 relative to persons and property taxable in his ward.
9 Said assistant assessors may be removed by the assessors
10 by majority vote; and their appointment, oath, and removal
11 shall be recorded upon the city records. Their term of
12 office shall expire on the first day of March next follow-
13 ing their appointment; and their successors shall not be
14 appointed until after the election and qualification of
15 assessors for the ensuing municipal year. No appoint-
16 ment of assistant assessors made after the first day of May
17 except to fill a vacancy, shall be valid unless approved by
18 the mayor.

SECT. 26. All taxes shall be assessed, apportioned and
2 collected in the manner prescribed by the laws of the State
3 relating to town taxes, except as herein modified; but it
4 shall be lawful for the city council to establish additional
5 provisions for the collection thereof not inconsistent with
6 said laws.

SECT. 27. The superintending school committee of said
2 city shall perform all the duties and be invested with all
3 the powers of the superintending school committee of a
4 town under the laws of this State. It shall be officially
5 designated and known as the school board of said city;

6 but this change of designation shall not be construed as
7 affecting its power and obligation to perform any duty
8 imposed by statute upon the superintending school com-
9 mittee of the town of Old Town, nor as affecting in any
10 way the right of the members of the superintending school
11 committee of said town who shall, at the time when this
12 act takes effect, be holding such office, to continue to hold
13 the same until the expiration of the original term of office
14 for which they were respectively elected by said town.
15 The said school board shall elect a chairman annually, and
16 may appoint some suitable person, not a member of said
17 board, to be superintendent of schools, and may adopt
18 such rules and regulations for the management of schools
19 and the transaction of its business as are not inconsistent
20 with the laws of the State. It shall have the supervision
21 and care of all school property subject to the general
22 supervision and control of the city council. If a superin-
23 tendent is appointed, he shall be the secretary and execu-
24 tive agent of the board, which shall fix his salary, and
25 may remove him at pleasure; and his salary shall be paid
26 from the city treasury as salaries of teachers are paid;
27 and in such case the members of said board as such shall
28 receive no salary or compensation for their services. If
29 no superintendent is appointed as aforesaid, the board
30 shall elect one of its members to be its secretary. If a
31 school agent is not elected by the city council at the
32 annual election of the subordinate city officers, the school
33 board shall have the powers and perform the duties of
34 such agent for the ensuing municipal year, and may
35 appoint some suitable person, not a member of said board,
36 as its agent to perform such duties, and prescribe his

37 duties and fix his compensation, unless such duties and
38 compensation are defined and fixed by the city council.

SECT. 28. No officer or agent of said city shall have
2 power, by any contract, agreement, obligation, promise
3 or instrument, to make the city liable for any purpose to
4 an amount exceeding the appropriation for such purpose.
5 No officer or agent of said city, and no member of the city
6 government or of any board or committee thereof, shall
7 be pecuniarily interested, directly or indirectly, in any
8 contract entered into by said city for the construction,
9 alteration or repair of any street, or of any public works,
10 buildings or other property, or for the purchase of sup-
11 plies or material for any purpose; and any contract made
12 in violation hereof is void.

SECT. 29. All moneys received or collected for or on
2 account of said city by any officer or agent thereof shall
3 forthwith be paid into the city treasury. No money shall
4 be paid from the treasury unless properly granted or
5 appropriated, nor in excess of any grant or appropriation;
6 and no money shall be paid out of said treasury except on
7 an order signed by the mayor, designating the fund or
8 appropriation from which such order is to be paid. The
9 city council shall require bonds with sufficient penalty
10 and surety or sureties from all persons intrusted with the
11 receipt, custody or disbursement of money or funds of the
12 city; and it shall, in such manner as it may see fit, secure
13 a just and proper and regular accounting from all boards
14 and officers thus intrusted. It shall, as often as once in
15 each year, cause to be published for the information of
16 the citizens a particular account of receipts and expendi-
17 tures, and a schedule of the debts and the property of the
18 city.

SECT. 30. All officers and boards having authority to
2 expend money shall annually, before the twentieth day of
3 April, furnish to the mayor an estimate of the money
4 required for their respective departments and offices for
5 one year beginning with the last Monday in March pre-
6 ceding, and the mayor shall submit the same with his
7 recommendations thereon to the city council as soon as prac-
8 ticable after receiving the same. The city council shall as
9 soon as practicable thereafter make the appropriations for
10 the current municipal year.

SECT. 31. All meetings of the qualified voters for the
2 purpose of voting at elections or for the transaction of
3 municipal affairs, whether in city or ward meetings, shall
4 be holden in pursuance of warrants for that purpose,
5 which shall be issued by the board of aldermen, specify-
6 ing the time and place at which the meeting shall be held,
7 and stating in distinct articles the business to be acted
8 upon at such meeting. Said warrants shall be directed,
9 and return of notice made thereon, in the same manner as
10 provided in the case of warrants for town meetings; and
11 such meeting shall be notified by the person to whom the
12 warrant is directed, by posting an attested copy thereof
13 in some public and conspicuous place in the ward wherein
14 the meeting convened under such warrant is to be held,
15 or, in the case of a city meeting, in each ward of the city,
16 at least seven days before the meeting, unless the city
17 council has appointed by vote at a regular session thereof
18 a different mode, which said city council is hereby author-
19 ized to do. No meeting of the voters of any ward shall
20 be notified to be held without the limits of said ward.
21 The time and place of all meetings of the qualified voters

22 as aforesaid, when not fixed by law, shall be determined
23 by the board of aldermen.

SECT. 32. For election purposes, said city shall be
2 divided into five wards, each to contain as nearly as may
3 be convenient, consistently with well-defined boundaries,
4 an equal number of the inhabitants of said city; and it
5 shall be the duty of the city council, once in ten years and
6 not oftener than once in five years, to revise, and, if alter-
7 ation is deemed necessary, to alter the boundaries of said
8 wards in such manner as to preserve as nearly as con-
9 venient an equal number of inhabitants in each ward. A
10 warden and a clerk shall be elected for each ward by the
11 qualified voters thereof, as hereinafter provided, and shall
12 each be, at the time of such election, a resident in the
13 ward for which he is chosen, and a qualified voter of said
14 city; and a vacancy in either office may be filled for the
15 unexpired term thereof by a new election called for that
16 purpose. The oath required of them may be administered
17 to them by any justice of the peace in said city, and a
18 certificate of the administration of such oath shall be
19 entered by the clerk of said ward on the records of the
20 ward; and any ward clerk may record the fact that he
21 was sworn, and when and by whom, and such record shall
22 be sufficient evidence of the administration of the oath as
23 therein recorded. The warden shall preside at each
24 meeting of his ward, and shall have the powers of a
25 moderator of a town meeting. If at any meeting the
26 warden shall not be present, or shall refuse or neglect to
27 preside, a warden *pro tempore* shall be chosen, and during
28 such choice the ward clerk shall preside. If in such case
29 the clerk be not present, any legal voter in the ward may

30 preside until a clerk *pro tempore* shall be chosen and
31 qualified. The ward clerk shall record all the proceed-
32 ings and certify the votes given, and shall deliver to his
33 successor all records, journals, and other documents,
34 papers, and property held by him in such capacity. The
35 voters at any ward meeting may choose two persons to
36 assist the warden in receiving, sorting and counting the
37 votes. When a clerk *pro tempore* is chosen for a ward
38 meeting, he may perform all the duties of the ward clerk
39 for that meeting, and record and certify the votes and
40 doings thereof as in the case of a ward clerk.

SECT. 33. On the Monday next preceding the last Mon-
2 day in March of each year, the qualified voters of each
3 ward, at ward meetings duly called for that purpose,
4 shall ballot for a mayor, one alderman, three councilmen,
5 a warden, and a clerk. All said officers shall be elected
6 by written ballot, by a plurality of votes cast for candi-
7 dates for the particular office, except as herein otherwise
8 provided; and the voters at such meetings shall give in
9 their votes for the officers named in this section, or so
10 many thereof as the voter determines to vote for, on one
11 list or ballot, designating the intended office of each per-
12 son thus voted for. All the votes given for said officers
13 respectively shall be sorted, counted, declared and regis-
14 tered in open ward meeting. by causing the names of the
15 persons voted for, and the number of votes given for
16 each, to be written in the ward records in words at
17 length. The ward clerk, within twenty-four hours after
18 such election, shall deliver to the ward officers elected,
19 including aldermen and councilmen, certificates of their
20 election, and shall forthwith deliver to the city clerk a

21 certified copy of the record of the election held in the
22 ward, which shall be transcribed upon the records of the
23 city. If the choice of any ward officer, including alder-
24 man and councilmen, is not effected on the day appointed
25 for such meeting, the meeting shall be adjourned from
26 day to day until such choice is effected.

SECT. 34. The board of aldermen shall, as soon as con-
2 veniently may be, examine the copies of the records of
3 the several wards certified as aforesaid, and shall at once
4 cause the person whom it determines therefrom to have
5 been elected mayor to be notified in writing of his election.
6 If it shall appear that no person has been so elected by a
7 plurality of votes cast in all the wards, the board of
8 aldermen shall issue its warrants for ward meetings for a
9 second balloting for mayor; and all proceedings in rela-
10 tion to such second meetings and to the determination of
11 the result of such second balloting shall be the same as
12 hereinbefore provided in the case of the first meetings.
13 If at such second balloting no one person shall have a
14 plurality of the votes cast, then the city council elect
15 shall, after its members have taken the oath of office, and
16 after the two boards composing said council shall have
17 been organized, forthwith hold a joint convention, to be
18 presided over by the president of the board of alderman,
19 or in his absence by the city clerk, or in his absence by
20 any member chosen for that purpose by a majority of the
21 members qualified to sit in such convention, and shall
22 elect from the persons receiving the four highest numbers
23 of votes, at said second balloting, if so many there be, a
24 mayor for the ensuing municipal year. If before being
25 sworn as mayor the person elected shall die or refuse to

26 accept the office or become by reason of unsoundness of
27 mind incapable of performing the duties of mayor, the
28 board of aldermen shall make a record of the fact upon
29 its journal, and forthwith issue its warrants for a new
30 election, and the same proceedings shall be had as are
31 herein provided for the original election.

SECT. 35. The mayor, the aldermen, and the council-
2 men shall, before entering upon their offices, be duly
3 sworn to the faithful performance of their respective
4 duties; and for that purpose they shall meet in conven-
5 tion on the last Monday in March in each year, at ten
6 o'clock in the forenoon, at the building now known as
7 town hall in said town of Old Town, or in such other suit-
8 able place as may be fixed by a city ordinance; when such
9 oath may be administered to the mayor-elect by a judge of
10 any court of record in said State, or by any justice of the
11 peace; and to the aldermen-elect and the councilmen-elect
12 by the mayor, he being first sworn as aforesaid, or by the
13 clerk of said city, or by any justice of the peace or judge
14 of a court of record as aforesaid. The city clerk shall
15 preside at such convention until the mayor-elect is sworn,
16 when said mayor shall preside. After the administration
17 of the oaths as aforesaid, the two boards shall separate,
18 and the common council shall at once be organized by the
19 election of a president and a clerk, the city clerk or his
20 deputy, or, in their absence, any member of said common
21 council, presiding during said election; and the clerk
22 thus elected shall be sworn, and may record the proceed-
23 ings of the meeting, including the administration of the
24 oath to himself; but if said clerk-elect is not present, a
25 clerk *pro tempore* shall be chosen and sworn, who shall

26 record the proceedings of such meeting. The clerk of
27 the common council shall keep the journal of its acts, votes
28 and proceedings, and perform such other duties in said
29 office as the common council requires; and he may be
30 removed by the common council by a majority vote. The
31 board of aldermen shall also, at once, the mayor, or, in
32 his absence, the city clerk or his deputy, or, in their
33 absence, any member of said board, presiding, choose a
34 president, who in the absence of the mayor shall preside
35 at all meetings of said board, and all joint conventions of
36 the two boards. Said president of the board of aldermen
37 shall not lose his right to vote in said board by reason of
38 exercising the duties of said office or of the office of acting
39 mayor; nor shall the president of the common council
40 lose his right to vote by reason of his said office. If the
41 mayor or any alderman or councilman-elect shall not be
42 present on the last Monday in March to take the oath
43 required, such oath may be administered to the mayor or
44 alderman at any meeting of the board of aldermen, and to
45 the councilman at any meeting of the common council,
46 thereafter. A certificate that any oath mentioned in this
47 section has been taken shall be entered in the journals
48 of the board of aldermen and common council respec-
49 tively; but such certificate as to any oath taken after said
50 last Monday in March need be entered only on the jour-
51 nal of the board before which it was taken. Such cer-
52 tificate thus entered shall be sufficient evidence that such
53 oath was administered.

SECT. 36. No removal of any person holding any city
2 or ward office from one ward to another, and no change of
3 ward boundaries, shall create a vacancy in any such office.

4 If any such officer shall take up his permanent residence
5 without the limits of said city, the office held by him shall
6 thereby become vacant.

SECT. 37. Said city shall have a seal, which shall be in
2 the custody of the clerk; and said seal shall bear as its
3 principal device the head of an Indian chief, and for its
4 inscription the name of said city and the date on which said
5 city's existence shall begin under this act.

SECT. 38. General meetings of the inhabitants quali-
2 fied to vote in city affairs may from time to time be held
3 for any constitutional or legal purpose. Such meetings
4 may, and upon written request of fifty qualified voters of
5 said city shall, be duly convened by the board of alder-
6 men. The city clerk shall act as clerk of such meetings,
7 and record the votes and doings of the citizens thereat
8 upon the city records.

SECT. 39. The selectmen of the town of Old Town, as
2 soon as may be after this act shall have been accepted by
3 the voters of said town, shall divide said town into five
4 wards in such manner as to include, as nearly as conven-
5 iently may be, consistently with well-defined boundaries
6 to each ward, an equal number of the inhabitants of said
7 town in each ward. The division thus made shall be
8 entered by the clerk of said town upon the town records,
9 and shall also be entered as a transcript from the town
10 records upon the city records by the city clerk when
11 qualified; and such division shall fix the bounda-
12 ries of said wards until the same shall be duly changed
13 as provided in this act. Such division shall be pub-
14 lished once in some newspaper published in said
15 town, if any, such publication, to be at least one

16 week before the first ward meetings held under this act.
17 At any revision of the ward boundaries made as provided
18 in this act, it shall be lawful for the city council to divide
19 said city into not less than five nor more than seven
20 wards ; but such division shall not become effectual, unless
21 approved by a majority of the legal voters casting votes
22 for mayor at the annual election held next after such
23 division is made by the city council. If such change in
24 the number of wards is thus approved at said annual
25 election, the action of the city council in making such
26 change and fixing the boundaries of the wards, shall take
27 effect twelve days before the annual election of mayor
28 in the following year ; and at the same time the terms of
29 office of the several wardens and ward clerks shall expire,
30 anything in this act to the contrary notwithstanding ; and
31 in the warrants for notifying the ward meetings called for
32 the first annual election of mayor and other officers under
33 such altered number of wards, the board of aldermen shall
34 designate the person to preside at said respective ward
35 meetings, such designation to include so far as practicable
36 the persons whose terms of office as wardens expired as
37 aforesaid, and the persons so designated shall, after being
38 duly sworn, preside as wardens at said meetings, and
39 shall have all powers of warden as far as relates to said
40 meetings ; each of such persons to be a qualified voter of
41 the city and a resident in the ward in which he is to pre-
42 side ; and in case such person is absent from such ward
43 meeting, the voters may elect a warden *pro tempore*.
44 At such meetings a clerk *pro tempore* shall be chosen by
45 said voters and sworn, who shall perform all the duties of
46 ward clerk of his ward relating to such election, includ-

47 ing his own election and the administration of the oath of
48 office to him, and including also the making and deliver-
49 ing of the certificates of election of officers. No change
50 in the number of wards in said city shall be valid, unless
51 the vote of the city council whereby such change is
52 decreed shall also contain a definite description of the
53 boundaries of the proposed new wards, nor unless such
54 voie is passed at least thirty days before the day of the
55 annual election at which said change is to be voted upon
56 by the voters of said city.

SECT. 40. For the purpose of organizing the system of
2 government hereby established, and of putting the same
3 in operation, the selectmen of said town for the time
4 being shall, after this act takes effect and at least seven
5 days before the Monday next preceding the last Monday
6 in March, issue their warrant for calling and notifying
7 meeting, of the legal voters of the several wards, to be
8 held at ten o'clock in the forenoon on the Monday next
9 preceding the last Monday in March, at such place in
10 each ward as the said selectmen may determine, for the
11 purpose of giving in their votes for a mayor, and of
12 choosing for each ward a warden, a clerk, one alderman,
13 and three councilmen. Said ward meetings shall be
14 notified by posting an attested copy of said warrant in a
15 public and conspicuous place in the respective wards.
16 At any such meeting, any member of said board of select-
17 men may preside; and if no member of said board is
18 present, or if such member being present declines or fails
19 to preside, any legal voter of such ward designated for
20 that purpose by said board of selectmen in the warrant
21 for such meeting, or appointed in writing by said board,

22 shall preside ; and a clerk *pro tempore* shall first be chosen
23 for such meeting and be sworn by a justice of the peace
24 or by the person presiding at such meeting, who is hereby
25 authorized to administer the requisite oath, and said clerk
26 shall record the warrant under which such meeting has
27 been convened, the aforesaid written appointment of pre-
28 siding officer if any, and the votes and doings of such
29 meeting, including his own election and qualification, and
30 shall perform the duties of ward clerk so far as relates to
31 said meeting or any adjourned session thereof. At said
32 first meeting of each ward, a list of the qualified voters
33 thereof, prepared and corrected by the selectmen of the
34 town for the time being, shall be delivered to the presid-
35 ing officer and by him delivered to the ward elerk when
36 qualified ; and such list shall be used at said meeting in
37 the manner provided by law in the case of town meetings,
38 and no name shall be added thereto on the day of election.
39 The polls at such election shall be open until four o'clock
40 in the afternoon and then closed. A transcript of the
41 records of each ward, specifying the votes given for mayor,
42 alderman, councilmen, warden and clerk, certified by the
43 clerk *pro tempore* of such ward, shall on the Tuesday next
44 following the Monday appointed for such meetings be
45 returned to the selectmen of said town, who shall compare
46, the same, and cause the person whom they shall deter-
47 mine therefrom to have been elected mayor by a plurality
48 of votes at such election to be notified in writing of his
49 election, and cause all other persons by them determined
50 to have been elected to be in like manner notified. In
51 case of a failure to elect a mayor at said first meetings,
52 said selectmen shall at once issue their warrant for ward

53 meetings for a new balloting for mayor, giving seven
54 days' notice thereof, at which meetings the wardens of the
55 respective wards shall preside; and all proceedings in
56 relation to such second meetings and to the determination
57 of the result of said second balloting shall be the same as
58 above provided in the case of the first meetings; and if
59 there is a failure to elect at such second balloting for
60 mayor, the aldermen elect and councilmen elect shall after
61 having taken the oath of office and duly organized their
62 respective boards, elect a mayor in the manner provided
63 in section thirty-four of this act. If at said first ward
64 meetings there shall be a failure to elect any alderman,
65 councilman, warden or clerk, the meeting shall be ad-
66 journed from day to day until such election is effected,
67 the clerk *pro tempore* delivering the certified copy of the
68 records of each adjourned meeting at which a choice of
69 any officer is effected to the selectmen as herein provided.
70 If any such first meeting adjourns without day before
71 effecting such choice, the said selectmen, or the board of
72 aldermen if duly organized, may issue a warrant for a
73 new meeting, giving not less than two nor more than four
74 days' notice therefor. The city council whose members
75 are chosen at said first ward meetings shall be organized
76 as provided in section thirty-five of this act on the last
77 Monday in March, and all the officers of said town of Old
78 Town for the time being whose terms of office would ex-
79 pire with the municipal year then ending shall continue in
80 office until such organization and no longer, except as
81 hereinafter provided; and the existence of said town as
82 a city shall not begin until the day of the first organization
83 of the city council. The clerk, treasurer, collector of

84 taxes, overseers of the poor, and constables of said town
85 in office at the time of the acceptance of this act shall con-
86 tinue to be officers of said city in their said capacities
87 respectively from the time said city council is organized
88 until it elects their respective successors, which it shall do
89 one week after its organization aforesaid, and until said
90 successors are duly qualified. If this act shall not be
91 accepted at such date as will enable the first ward
92 meetings to be held as provided in this section on the
93 Monday next preceding the last Monday in March of
94 the year in which such acceptance is had, said meetings
95 shall be held within a reasonable time after such accept-
96 ance, in which case the city council shall be organized
97 and the mayor be sworn on the tenth day after the day of
98 said ward meetings, and the date of all other proceedings
99 mentioned in this section and depending on the date of
100 such meetings or of said organization of the city council
101 shall be correspondingly changed.

SECT. 41. At the first election of subordinate city officers
2 by the city council, three persons shall be elected assess-
3 ors, one of whom shall be elected for one year, one for
4 two years, and one for three years; and in like manner
5 three persons shall be elected overseers of the poor, for
6 one, two, and three years respectively; and all subse-
7 quent elections of an assessor or overseer of the poor
8 shall be for three years, unless such election is for the
9 purpose of filling a vacancy for the unexpired portion of a
10 term.

SECT. 42. The city council may at any time by ordi-
2 nance change the number of members of the school
3 board in its discretion to a number not less than three nor

4 more than nine, and provide for the election of as many
5 of such members each year as it may deem expedient, and
6 fix the term of office thereof; but no such change shall be
7 made in such manner as to shorten the term of office of
8 any member of said board in office for the time being.
9 The ordinance establishing such change shall be sub-
10 mitted to the legal voters of said city assembled in ward
11 meetings on the day of the annual city election, and shall
12 not be valid unless approved by a majority of said voters
13 voting thereon. Nothing herein contained, however,
14 shall prevent the city council from electing, at any annual
15 election of subordinate city officers but at no other time,
16 a supervisor of schools in the place of said school board;
17 in which case the term of office of all members of said
18 school board and of any officer appointed or elected by
19 said board shall end, and such supervisor shall perform
20 the duties required of said school board and of the super-
21 intending school committee of towns under the general
22 laws of this State.

SECT. 43. This act shall take effect and be in force
2 when the inhabitants of said town of Old Town qualified
3 to vote in town affairs shall at a legal meeting and under
4 a proper article in the warrant calling such meeting,
5 accept said act by a majority of all the votes given on the
6 question of such acceptance, provided it shall be so
7 accepted before the thirty-first day of March, A. D.
8 1893; but the question of its acceptance shall not be voted
9 upon more than once within any one period of six months.
10 The vote upon such acceptance shall be by written ballot;
11 the voters in favor of acceptance shall cast a ballot having

12 on it the word *yes*, and the voters opposed to acceptance
13 shall cast a ballot having on it the word *no*. If said act
14 shall be thus accepted, the clerk of said city when elected
15 and qualified shall, from the records which said body cor-
16 porate has caused to be kept as a town, transcribe and
17 attest upon the records which said body corporate shall
18 cause to be kept as a city, so much of the record of the
19 warrant calling such meeting, of the return of service
20 thereon, and of the action taken at said meeting upon
21 said question of acceptance, as shall be sufficient for a full
22 understanding of the action taken thereon as aforesaid;
23 and said city record shall be conclusive evidence of the
24 matters and facts thus transcribed to the same extent as
25 the original record thereof would be. For the purpose of
26 calling and conducting a meeting of the inhabitants of
27 said town to vote upon the question of the acceptance of
28 this act, this act shall take effect when approved.

SECT. 44. All acts and parts of acts inconsistent with
2 the provisions of this act or with amendments hereof shall
3 be considered as repealed so far as this act or amendments
4 thereof are concerned and so far as relates to said city, and
5 they shall not prevent the provisions of this act and its
6 amendments from having full force and effect according to
7 its terms and intentions.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
February 6, 1891.

Tabled pending first reading, by Mr. DREW of Fort Fairfield, and
ordered printed.

W. S. COTTON, *Clerk.*