

MAINE STATE LEGISLATURE

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Sixty-Sixth Legislature.

HOUSE.

No. 153.

STATE OF MAINE.

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

AN ACT amendatory to Sections four and fifteen of
Chapter five hundred and six of the Special Laws of
1889, relating to the Charter of the City of Deering.

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

SECTION 1. Section four of chapter five hundred and six
2 of the Special Laws of 1889 is hereby amended by
3 inserting in the next to the last line between the words
4 "next" and "session" the word 'stated', so that said sec-
5 tion as amended shall read as follows:

'Section 4. The city council shall secure a prompt and
7 just accountability by requiring bonds with sufficient
8 penalty and surety or sureties, from all persons trusted
9 with the receipt, custody or disbursement of money; the
10 city council shall also have the care and superintendence

11 of the city buildings, and the custody and management
12 of all city property and trust funds for the benefit of
13 schools, public library, parks, cemeteries and for any
14 other beneficial purpose, whether acquired by purchase
15 or legacy ; with power to let or sell what may be legally
16 let or sold, and to purchase and take, in the name of the
17 city, real and personal property for municipal purposes
18 to an amount not exceeding one hundred thousand dollars
19 in addition to that now held by the town, and shall, as
20 often as once a year, cause to be published for the infor-
21 mation of the inhabitants, a particular account of the
22 receipts and expenditures, and a schedule of the city
23 property and the city debt.

The city council shall have the power to establish by
25 ordinance such officers as may be necessary for municipal
26 government not provided for by this act, and to elect
27 such subordinate officers as may be elected by towns under
28 general laws of the State for whose election or appoint-
29 ment other provision is not made ; to define their duties
30 and fix their compensation, to act upon all matters in
31 which authority is now given to said town of Deering and
32 to determine what streets, if any, shall be lighted and
33 upon what terms. The city council shall appropriate
34 annually the amount necessary to meet the expenditures
35 of the city for the current municipal year. The city council
36 shall have exclusive authority to lay out, widen or otherwise
37 alter or discontinue any and all streets or public ways in said
38 city and as far as extreme low water mark, and to estimate
39 all damages sustained by owners of land taken for such pur-
40 pose. A committee of the council shall be appointed whose
41 duty shall be to lay out, alter, widen or discontinue any

42 street or way, first giving notice of the time and place
43 of their proceedings to all parties interested, by an
44 advertisement in two newspapers printed in Deering or
45 Portland, for three weeks at least, next previous to the
46 time appointed. The committee shall first hear all par-
47 ties interested and then determine and adjudge whether
48 the public convenience requires such street or way to be
49 laid out, altered or discontinued, and shall make a written
50 return of their proceedings, signed by a majority of them,
51 containing the bounds and descriptions of the street or
52 way, if laid out or altered, and the names of the
53 owners of the land taken, when known, and the damages
54 allowed therefor; the return shall be filed in the city
55 clerk's office at least seven days previous to its accept-
56 ance by the city council. The street or way shall not be
57 altered or established until the report is accepted by the
58 city council. And the report so filed shall not be altered
59 or amended before it comes up before the city council for
60 action. A street or way shall not be discontinued by the
61 city council, except upon the report of said committee.
62 The committee shall estimate and report the damages
63 sustained by the owners of the lands adjoining that por-
64 tion of the street or way which is so discontinued; their
65 report shall be filed with the city clerk seven days at
66 least before its acceptance. Any party aggrieved at their
67 decision may appeal therefrom as provided by law in the
68 case of town ways. If a street or way is discontinued
69 before the damages are paid or recovered for the land
70 taken, the land owners shall not be entitled to recover
71 such damages, but the committee in their report discon-
72 tinuing the same shall estimate and include all the dam-

73 ages sustained by the land owner, including those caused
74 by the original location of the streets; and in such cases,
75 if any appeal has been regularly taken, the appellant
76 shall recover his costs. The city shall not be compelled
77 to construct or open any street or way thus hereafter
78 established until, in the opinion of the city council, the
79 public good requires it to be done; nor shall the city inter-
80 fere with possession of the land so taken by removing there-
81 from materials or otherwise, until they decide to open said
82 street. The city council may regulate the height and
83 width of the sidewalks in any public square, places,
84 streets, lanes or alleys in said city; and may authorize
85 hydrants, drinking fountains, posts and trees to be placed
86 along the edge of sidewalks, and may locate and con-
87 struct culverts and reservoirs within the limits of any
88 street or way in said city whenever they deem it needful
89 for protection against fire, and the city shall not be liable
90 for any damages caused by such posts, hydrants, drinking
91 fountains, trees and reservoirs, nor by any posts or wires
92 erected in its streets by any parties authorized so to do.

Every law, act, ordinance, resolve or order of the city
94 council, excepting rules and orders of a parliamentary
95 character, shall be presented to the mayor. If not approved
96 by him he shall return it with his objections in writing
97 at the next stated session of the city council which shall
98 enter the objections at large on its journal and proceed
99 to reconsider the same. If, upon such reconsideration,
100 it shall be passed by vote of two-thirds of all the mem-
101 bers of the board, it shall have the same force as if
102 approved by the mayor. In case of vacancy in the
103 mayor's office this section shall not apply to any act of

104 the council. In case the mayor fails to either sign or
105 return the bill at the next stated session, then it becomes
106 a law as though he had signed it.'

SECT. 2. Section fifteen of chapter five hundred and
2 six of the Special Laws of 1889 is hereby amended by
3 striking out between the words "provided for" in thirty-
4 first line and words "shall be" in thirty-second line the
5 words "all of which officers except the mayor," and
6 inserting therefor the words 'the aldermen and ward
7 officers.'

And said section fifteen is further amended by inserting
9 after the word "elected" and before the word "and" in
10 the thirty-third line the words *provided, however,* if
11 there shall be no choice of alderman or other ward
12 officer on said day the ward meeting may be adjourned
13 from day to day to complete said election.'

And said section fifteen is further amended by striking
15 out between the word "records" in the forty-eighth line
16 and the words "the said" in the forty-ninth line the words
17 "if the person elected shall refuse to accept the office,"
18 and by inserting therefor the words 'the city council shall
19 as soon as conveniently may be examine the records of
20 the several wards certified as aforesaid, and shall cause
21 the person who shall have been elected mayor and such
22 persons as have been elected to other offices by vote of
23 the city at large to be notified in writing of their election.
24 If it shall appear that no person has been elected mayor,
25 or if there shall be a failure to elect in the case of any
26 other office, or if any person elected to an office shall
27 refuse to accept the same.'

And said section fifteen is further amended by inserting
29 in the fiftieth line between the words “mayor” and “by”
30 the words ‘or alderman’ so that said section as amended
31 shall read as follows :

‘Section 15. For the purpose of organizing the system
33 of government hereby established, and putting the same in
34 operation in the first instance, the selectmen of the town
35 shall, at least seven days before the first Monday of March,
36 after the acceptance of this charter, issue their warrant
37 for calling a meeting of the legal voters at such place and
38 hour of the day as they shall choose, for the purpose of
39 choosing a mayor, seven aldermen, an auditor, and seven
40 constables to be taken from the city at large ; said officers
41 shall be elected by a plurality vote. The town clerk shall
42 notify the several officers elect of their election, in writ-
43 ing, within twenty-four hours. Their powers and duties
44 shall be as herein provided. It shall be the duty of the
45 city council, as soon as may be after their election, to
46 cause a division of the city into seven wards in such
47 manner as to include as nearly as may be, consistently
48 with well-defined limits, an equal number of legal voters
49 in each ward. After such division into wards, ward meet-
50 ings of the legal voters thereof shall be called, which
51 meetings shall be presided over by some person appointed
52 by the city council, and the records of said first meetings
53 in the several wards shall be made by some person desig-
54 nated by the city council, and at said first meetings lists
55 of voters, corrected by the aldermen, shall be delivered
56 to the persons designated to act as recording officers in
57 the several wards, to be used as provided by law, in town
58 meetings. Said recording officers shall perform the duties

59 of ward clerks, as before herein provided, relative to
60 making a record of the election and returning a copy of
61 the records to the city council.

And on the first Monday in March, annually thereafter, the
63 qualified voters of each ward shall vote on one ballot for
64 city and ward officers, as hereafter provided for, the alder-
65 men and ward officers shall be residents of the ward or
66 district where elected, *provided, however*, if there shall
67 be no choice of alderman or other ward officer on said
68 day, the ward meeting may be adjourned from day to day
69 to complete said election.

And all officers shall be elected by ballot, by a plurality
71 of the votes given, and shall hold their offices one year
72 from the second Monday in March, and until others shall
73 be elected and qualified in their places; all city and ward
74 officers shall be held to discharge the duties of the offices
75 to which they have been respectively elected, notwith-
76 standing the removal after their election, out of their
77 respective wards into any other wards in the city, but
78 they shall not so be held after they have taken up
79 their permanent residence out of the city; the ward
80 clerk, within twenty-four hours after such election shall
81 deliver to the ward officers elected, certificates of their
82 election, and shall forthwith deliver to the city clerk a certi-
83 fied copy of the record of such election, a plain and intelli-
84 ble abstract of which shall be entered by the city clerk upon
85 the city records.

The city council shall as soon as conveniently may be
87 examine the records of the several wards certified as
88 aforesaid, and shall cause the person who shall have been
89 elected mayor, and such persons as have been elected to

90 other offices by vote of the city at large to be notified
91 in writing of their election. If it shall appear that no
92 person has been elected mayor, or if there shall be a
93 failure to elect in the case of any other office, or if any
94 person elected to an office shall refuse to accept the same,
95 the said board shall issue their warrants for another elec-
96 tion; and in case of a vacancy in the office of mayor or
97 alderman by death, resignation or otherwise, it shall be
98 filled for the remainder of the term by a new election,
99 to be called as herein provided, and held within twenty
100 days after the vacancy occurs. The oath, or affirmation,
101 prescribed by this act shall be administered to the mayor
102 by the city clerk, or any justice of the peace in said
103 city. The aldermen-elect shall meet on the second
104 Monday in March at seven o'clock in the evening, when
105 the oath, or affirmation, required by the second section
106 of this act shall be administered to the members present
107 by the mayor, or any justice of the peace. The city
108 council shall, by ordinance, determine the times of hold-
109 ing stated or regular meetings of the board, and shall
110 also in like manner determine the manner of calling
111 special meetings and the persons by whom the same
112 shall be called, but, until otherwise provided by ordi-
113 nance, special meetings shall be called by the mayor by
114 causing a notification to be given in hand or left at the
115 usual residence of each member.'

SECT. 3. This act shall take effect when approved.

STATE OF MAINE.

**HOUSE OF REPRESENTATIVES, }
February 17, 1893.**

**Reported by Mr. SCOTT of Patten, from Committee on Legal Affairs,
and ordered printed under joint rules.**

W. S. COTTON, Clerk.