

MAINE STATE LEGISLATURE

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NEW DRAFT.

Sixty-Seventh Legislature.

HOUSE.

No. 136.

STATE OF MAINE.

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

AN ACT to amend “An Act to incorporate the city of
Bath.”

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

SECTION 1. The act to incorporate the city of Bath
2 shall be amended from the passage of this act, by inserting
3 in section two after the words “is not authorized to vote,
4 assess and appropriate money” where they occur in said
5 section, the words, ‘except for such purposes as are author-
6 ized by law.’ Also by adding at the end of said section
7 the words ‘except those negotiable and in the hands of a
8 bona fide holder for value.’ So that the section as amended
9 shall read as follows:

‘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, and one council of twenty one, to be denominated the common council, all of whom shall be inhabitants of said city; which boards shall constitute and be called the city council; and shall be sworn to a faithful performance of the duties of their respective offices. Provided the city council shall not vote, assess or appropriate any money for any object or purpose for which the town of Bath is not authorized to vote, assess and appropriate money, except for such purposes as are authorized by law. But the city council may vote, assess and appropriate money for the building and repairing of school houses, and for the purchase of land whereon to build the same. And provided, further, that neither the city council, nor any agent or officer of the city, shall raise or hire any money for or on account of the city, or the inhabitants thereof, except for the purposes for which the town of Bath is now by law authorized to raise money; and all notes, bonds, obligations, scrip or orders given by the city council, or by any officer or agent thereof, for money or property obtained for any other purposes, shall be void, except those negotiable and in the hands of a bona fide holder for value.’

Also in the third section, by striking out after the words “the city requires it,” the words “by a notice in one or more of the papers printed in the city or,” and by inserting after the words “the year preceding the year for which he was elected,” the words ‘prior to the first Monday in

32 March.' So that the section as amended shall read as
33 follows :

'SECT. 3. The mayor of said city shall be the chief
2 executive magistrate thereof. It shall be his duty to be
3 vigilant and active in causing the laws and regulations of
4 the city to be executed and enforced, to exercise a general
5 supervision over the conduct of all subordinate officers,
6 and to cause their violations or neglect of duty to be pun-
7 ished. He may call special meetings of the board of
8 aldermen and common council, or either of them, when in
9 his opinion the interest of the city requires it, by causing
10 a summons or notification to be left at the usual dwelling
11 place of each member of the board or boards to be con-
12 vened. He shall, from time to time, communicate to
13 both of them such information, and recommend such
14 measures, as the business and interests of the city may
15 in his opinion require. He shall preside in the board of
16 aldermen, and in the joint meetings of the two boards,
17 but shall have only a casting vote. The salary and com-
18 pensation of the mayor shall be determined by the city
19 council of the year preceding the year for which he is
20 elected, prior to the first Monday in March; and when
21 not so established, his salary as mayor shall be the same
22 as was allowed the mayor of the next preceding year for
23 his services as such, which shall not be increased or
24 diminished during his continuance in office, unless by the
25 vote of the qualified electors in ward meeting called for
26 that purpose. Nor shall he receive from the city any
27 other compensation for any service by him rendered in
28 any other capacity or agency. Provided, however, the
29 city council may elect the mayor to any city office, and
30 allow him a reasonable compensation for such services.

31 But the aldermen and common councilmen shall not be
32 entitled to receive any salary or compensation for any
33 services by them performed as such.'

Also, in the fourth section, by striking out after the
35 words "for the ensuing year, including," the words "a
36 chief engineer" etc., down to and including the words
37 "that fire wards now have" and inserting instead thereof,
38 the words, 'the board of engineers of the fire department,
39 which shall consist of a chief engineer and a first and sec-
40 ond assistant engineer, who shall be elected for the fol-
41 lowing terms: chief engineer, for three years; first assis-
42 tant engineer, for two years; and the second assistant
43 engineer, for one year, and all subsequent elections of
44 engineers shall be for three years. The chief engineer,
45 or, in his absence, the next engineer in rank who may be
46 present, shall have all the power and authority that fire
47 ward now have.'

And by striking out the word "fifty" where it occurs in
49 said section, and inserting instead thereof the words 'one
50 hundred.'

And also by inserting after the words "the public inter-
52 est," the words 'the municipal fiscal year shall end on the
53 thirty-first day of January, and the reports of all city
54 officials shall be completed and made to the city council at
55 a meeting to be held on the second Wednesday of Febru-
56 ary, or at a special meeting to be held within three days
57 after the second Wednesday of February.'

And by striking out after the words "and the city coun-
59 cil shall," the words "as often as once a year," and insert-
60 ing instead thereof the words 'at least one week prior to
61 the first Monday of March,' and by adding at the close of

62 said section the words, 'the mayor shall not overdraw any
63 appropriation, except by vote of the city council, and the
64 city treasurer shall present to the city council, at each
65 regular meeting of said body, a statement showing the
66 exact condition of each appropriation.' So that the sec-
67 tion as amended shall read as follows :

'SECT. 4. The executive powers of said city generally,
2 and the administration of police, with all the powers of se-
3 lectmen of the town of Bath, shall be vested in the mayor and
4 aldermen, as fully as if the same had been herein particularly
5 enumerated. All other powers now vested in the inhabitants
6 of said town, and all other powers granted by this act, in-
7 cluding the power to establish such laws and ordinances as
8 may be necessary and proper for the due organization and
9 regulation of the fire department shall be vested in the mayor
10 and aldermen and common council of said city, to be exer-
11 cised by concurrent vote, each board to have a negative
12 upon the other. But all elections of officers by the city
13 council shall be by joint ballot of the two boards in con-
14 vention. The city council shall, annually, on the third
15 Monday in March or as soon thereafter as conveniently
16 may be, elect and appoint all the subordinate officers and
17 agents for the city for the ensuing year, including the
18 board of engineers of the fire department which shall con-
19 sist of a chief engineer and a first and second assistant
20 engineer, who shall be elected for the following terms :
21 chief engineer for three years, first assistant engineer for
22 two years, and the second assistant engineer for one year,
23 and all subsequent elections of engineers shall be for three
24 years. The chief engineer or in his absence, the next
25 engineer in rank who may be present, shall have all the

26 power and authority that fire wards now have, shall define
27 their duties, and fix their compensation, in cases where
28 such duties and compensation shall not be defined and
29 fixed by the laws of the State, and may, by concurrent
30 vote, remove officers, when in their opinion sufficient
31 cause for removal exists. All officers shall be chosen and va-
32 cancies supplied for the current year, except as herein oth-
33 erwise directed. All the said subordinate officers and agents
34 shall hold their offices during the ensuing year and until others
35 shall be elected and qualified in their stead, unless sooner
36 removed by the city council. All moneys received and
37 collected for or on account of the city, by any officer or
38 agent thereof shall forthwith be paid into the city treas-
39 ury. The city council shall take care that moneys shall
40 not be paid from the treasury unless granted or appropri-
41 ated; shall secure a prompt and just accountability, by
42 requiring bonds with sufficient penalties and sureties from
43 all persons trusted with the receipt, custody or disburse-
44 ment of money; shall have the care and superintendence of
45 city buildings, and the custody and management of all city
46 property, with power to let or sell what may be legally
47 let or sold, and to purchase and take, in the name of the
48 city, such real or personal property, not exceeding the
49 sum of one hundred thousand dollars, exclusive of the
50 property now owned by the town, as they may think use-
51-ful to the public interest. The municipal fiscal year shall
52 end on the thirty-first day of January, and the reports of
53 all city officials shall be completed and made to the city
54 council at a meeting to be held on the second Wednesday
55 of February, or at a special meeting to be held within
56 three days after the second Wednesday of February. And

57 the city council shall, at least one week prior to the first
58 Monday of March, cause to be published for the informa-
59 tion of the inhabitants, a particular account of the receipts
60 and expenditures, and a schedule of the city property.
61 and no money shall be paid from the treasury, unless the
62 same be appropriated by the city council, and upon a
63 warrant signed by the mayor, which warrant shall state
64 the appropriation under which the same is drawn. The
65 mayor shall not overdraw any appropriation, except by
66 vote of the city council, and the city treasurer shall pre-
67 sent to the city council, at each regular meeting of said
68 body, a statement showing the exact condition of each
69 appropriation.'

Also by striking out the word "Lincoln" in section seven
71 and inserting instead thereof, the word 'Sagadahoc.' So
72 that the section as amended shall read as follows :

'SECT. 7. The city council shall have exclusive author-
2 ity and power to lay out any new street or public way in
3 said city, and to estimate the damages any individual may
4 sustain thereby, and shall in other respects be governed
5 by and subject to the same rules and restrictions as are
6 provided in the laws of this state regulating the laying
7 out and repairing streets and public highways. And any
8 person aggrieved by the decision or judgment of said city
9 council, may, so far as relates to damages, have them
10 assessed by a committee or jury as now by law provided ;
11 and the county commissioners for Sagadahoc county shall
12 have power to lay out within said city, any part of any
13 new county road that shall by them be laid out in any
14 adjoining town or towns, and shall pass thence into or
15 through said city, according to the provisions of law ; and

16 any highway, town way or bridge which has been, or
17 hereafter may be located within said town or city, be-
18 tween high and low water mark, shall, nevertheless, be
19 deemed to be legally located and established.

Also in the twelfth section, by striking out after the
21 words “shall be divided into seven wards” the words
22 “which shall respectively embrace” etc., down to and
23 including the words “preceding wards,” and inserting in-
24 stead thereof, the words ‘and the city council shall pro-
25 vide and designate a building or room, to be used as a
26 ward room by the inhabitants of each ward, and said room
27 on election days shall be for their special use, and at all
28 other times, during evenings, said room shall be at the
29 service, free of charge, of the inhabitants of said wards
30 for the purpose of holding caucuses or meetings. The
31 several wards shall embrace all the territory lying within
32 the limits of the city, to be known, described and
33 bounded as they now exist, said bounds and description
34 to appear under the head of ward boundaries immediately
35 following the city charter.’

And by striking out after the words “held by him in
37 said capacity” the words “the inhabitants of each ward”
38 etc., down to and including the words ‘assessors and
39 selectmen of towns’ and insert instead thereof, the words
40 ‘the warden of each ward shall appoint two persons, one
41 from each of the two political parties casting the largest
42 number of votes at the preceding election, to assist the
43 warden in sorting and counting the votes.’ So that the
44 section as amended shall read as follows :

‘SECT. 12. For the purpose of holding elections, said
2 city shall be divided into seven wards, and the city council
3 shall provide and designate the building or room, to be

4 used as a ward room by the inhabitants of each ward, and
5 said room on election days shall be for their special use,
6 and at all other times, during evenings, said rooms shall
7 be at the service, free of charge, of the inhabitants of said
8 wards for the purpose of holding caucuses or meetings.

9 The several wards shall embrace all the territory lying
10 within the limits of the city, to be known, described and
11 bounded as they now exist, said bounds and descriptions
12 to appear under the head of ward boundaries immediately
13 following the city charter.

‘And it shall be the duty of the city council, once in ten
15 years, and no oftener than five years, to review, and, if it
16 be needful, to alter said wards in such manner as to pre-
17 serve as nearly as may be an equal number of inhabitants
18 in each. In each of said wards, there shall annually, on
19 the first Monday of March, be chosen by ballot a warden
20 and clerk, who shall hold their offices for one year, and
21 until others have been chosen in their places. Said
22 warden and clerk shall be sworn to the faithful perform-
23 ance of their respective duties by any justice of the peace
24 of said city; and a certificate of such oaths having been
25 administered shall be entered by the clerk on the records
26 of the ward. The wardens shall preside at all ward meet-
27 ings with the power of moderator of town meetings. If at
28 any meeting the warden should not be present, the clerk
29 of such ward shall call the meeting to order, and preside
30 until a warden pro tempore shall be chosen. If neither
31 of them should be present, any legal voter in the ward
32 may preside until a clerk pro tempore shall be elected.
33 In case no justice of the peace be present the person pre-
34 siding may administer the oath to the warden and clerk.
35 The clerk shall record all the proceedings, and certify the

36 votes given; and deliver over to his successor in office
37 all such records and journals together with all other docu-
38 ments and papers held by him in said capacity. The war-
39 den of each ward shall appoint two persons, one from each
40 of the two political parties casting the largest number of
41 votes at the preceding election, to assist the warden in
42 sorting and counting votes. All regular ward meetings
43 shall be notified and called by a warrant from the mayor
44 and aldermen in the manner prescribed by the laws of
45 this state, for notifying and calling town meetings by the
46 selectmen of the several towns, excepting that ward meet-
47 ings for the election of mayor after the second trial, may
48 be called within the time provided in such cases in this act.'

Also in the thirteenth section, by inserting after the
50 words "common councilmen" the words 'warden, ward
51 clerks, ward constable and one member of the school
52 board,' and by striking out the word "majority" and
53 inserting instead thereof, the word 'plurality' and also by
54 adding at the end of said section the words 'and the
55 mayor, wardens, ward clerks, ward constables and mem-
56 bers of the school board shall hold their office until others
57 shall be duly qualified.' So that the section as amended
58 shall read as follows :

'SECT. 13. 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, three common council-
4 men, warden, ward clerk, ward constable and one mem-
5 ber of the school board shall be elected from each ward,
6 being residents in the wards where elected; all said
7 officers shall be elected by ballot by a plurality of the
8 votes given, and shall hold their offices one year from the

9 third Monday in March and until others shall be elected
10 in their places; and the mayor, wardens, ward clerks,
11 ward constables and members of the school board shall hold
12 their office until others shall be duly qualified.'

Also by striking out in the fifteenth section the words
14 "immediately after a warden and clerk shall have been
15 elected and sworn" and by inserting after the words
16 "three common councilmen" the words 'and a warden,
17 ward clerk, ward constable and one member of the school
18 board, on one ballot.' And by inserting after the words
19 "deliver to the persons elected aldermen and common
20 councilmen" the words 'warden, ward clerk, ward con-
21 stable and one member of the school board,' and by
22 inserting after the words "choice of aldermen and com-
23 mon councilmen" the words 'warden, ward clerk, ward
24 constable and one member of the school board,' and by
25 striking out the words "to complete such election. If on
26 the second balloting" etc. down to and including the
27 words "thus effected" and insert instead thereof the words
28 'until a choice shall be effected.'

And by striking out the word "majority" and insert
30 instead thereof, the word 'plurality.'

And by inserting after the words "notified in writing of
32 his election" the words 'within twenty-four hours,' and
33 also by striking out after the words "and in case the citi-
34 zens should fail on a second ballot to elect a mayor" the
35 words "the said board shall again" etc., down to and includ-
36 ing the words "if no one shall then have such number"
37 and also by striking out the words "by some one having
38 the highest number of votes;" so that the section, as
39 amended, shall read as follows:

‘SECT. 15. On the first Monday in March annually the
2 qualified electors of each ward shall ballot for a mayor,
3 one alderman, three common councilmen, a warden, ward
4 clerk, ward constable and one member of the school
5 board, on one ballot; all the votes given for the said sev-
6 eral officers, respectively, shall be sorted, counted,
7 declared and registered in open ward meeting, by causing
8 the names of persons voted for, and the number of votes
9 given for each to be written in the ward record in words
10 at length. The ward clerk, within twenty-four hours
11 after such election, shall deliver to the persons elected
12 alderman, common councilmen, warden, ward clerk, ward
13 constable and one member of the school board certificates
14 of their election, and shall forthwith deliver to the city
15 clerk a certified copy of the record of such election:
16 Provided, however, that if the choice of alderman, com-
17 mon councilmen, warden, ward clerk, ward constable and
18 member of the school board cannot conveniently be
19 effected on that day, the meeting may be adjourned from
20 day to day until a choice shall be effected. The board of
21 aldermen shall, as soon as conveniently may be, examine
22 the copies of the records of the several wards certified as
23 aforesaid, and shall cause the person who shall have been
24 elected mayor by a plurality of votes given in all the
25 wards, to be notified in writing of his election, within
26 twenty-four hours; but if it shall appear that no per-
27 son shall have been elected, or if the person elected
28 shall refuse to accept the office, the said board shall
29 issue their warrants for another election; and in
30 case the citizens should fail on a second ballot
31 to elect a mayor, further elections shall in the

32 same manner be ordered, until a choice be made; and
33 in case of a vacancy in the office of mayor, by death,
34 resignation or otherwise, it shall be filled for the remainder
35 of the term by a new election, in the manner hereinbefore
36 provided for the choice of said officer; and in the mean
37 time the president pro tempore of the board of aldermen
38 shall perform the duties of mayor. The oath prescribed
39 by this act shall be administered to the mayor by the city
40 clerk, or any justice of the peace in said city. The alder-
41 men and common councilmen elect shall, on the third Mon-
42 day in March, at ten o'clock in the forenoon, meet in con-
43 vention, when the oath required by the second section of
44 this act shall be administered to the members of the two
45 boards present by the mayor or any justice of the peace,
46 and thereupon the two boards shall separate, and the board
47 of common council shall be organized by the election of a
48 president and clerk. And the board of aldermen, the
49 mayor being present shall choose a president pro tempore
50 of that board, who, in the absence of the mayor, shall do
51 and perform all the duties incumbent on the mayor, except
52 the exercise of the veto power.

SECT. 11. This act shall take effect when approved.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
February 15, 1895. .}

Reported by Mr. KNOWLTON of Portland, from Committee on
Judiciary, and ordered printed under joint rules.

W. S. COTTON, *Clerk.*