

# MAINE STATE LEGISLATURE

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# Sixty-Eighth Legislature.

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SENATE.

No. 94.

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## STATE OF MAINE.

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

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AN ACT granting a new Charter to the City of Portland.

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

Section 1. The inhabitants of Portland shall continue to  
2 be a body politic and corporate by the name of the city of  
3 Portland, and as such, shall have, exercise, and enjoy all  
4 the rights, immunities, powers, privileges, and franchises,  
5 and shall be subject to all the duties and obligations pro-  
6 vided for herein or otherwise now appertaining to or incum-  
7 bent upon, said city, or the inhabitants or municipal authori-  
8 ties thereof; and may ordain reasonable by-laws, and regula-  
9 tions for municipal purposes and impose penalties for the  
10 breach thereof, not exceeding one hundred dollars, to be  
11 recovered for such uses as the board of aldermen may  
12 appoint.

Sect. 2. The administration of all the fiscal, prudential, and municipal affairs of said city, with the government thereof, shall be vested in the mayor, as the chief executive officer, and a council of twenty-one, to be called the board of aldermen, all of whom shall be inhabitants of said city, and shall be sworn or affirmed in the form prescribed by the constitution of the State for state officers.

Sect. 3. The city shall remain divided into seven wards as they now exist, and it shall be the duty of the board of aldermen, not oftener than once in ten years, to revise, and if it be needful, to alter such wards, in such manner as now provided by law, as to preserve, as nearly as may be, an equal number of voters in each. In each of said wards, at the annual municipal election, there shall be chosen by ballot, a warden and clerk, who shall hold their offices for one year, from the Monday following their election, and until others shall have been chosen and qualified in their places. Said warden and clerk shall be sworn or affirmed to the faithful performance of their respective duties by any justice of the peace; and a certificate of such oaths or affirmations having been administered shall be entered by the clerk on the records of the ward. The warden shall preside at all ward meetings, with the powers of moderators of town meetings. If at any meeting the warden shall not be present, or shall refuse to preside, the clerk of such ward shall call the meeting to order and preside until a warden pro tempore shall be chosen. If both are absent, or shall refuse to act, a warden and clerk pro tempore shall be chosen. The clerk shall record all proceedings, and certify the votes given, and deliver over to his successor in office, all such records, together with all other documents and papers held by him in said capacity. The voters of each ward may choose two

26 persons to assist the warden in receiving, sorting, and  
27 counting the votes at all elections.

Sect. 4. The several islands within the city of Portland,  
2 so far constitute separate wards as to entitle the voters of  
3 each of said wards to choose a warden, ward clerk, and one  
4 constable, who shall be residents of said islands and of their  
5 respective wards. The warden and ward clerk shall be  
6 sworn or affirmed to the faithful performance of their duties  
7 and shall hold office for one year from the Monday following  
8 their election, and until others shall have been chosen and  
9 qualified in their places. The first of said wards comprises  
10 Long Island, Crotch Island, Hope Island, Jewell's Island  
11 and Little Chebeague Island, or such parts of said islands as  
12 are within the city of Portland, and the ward meetings of  
13 said first ward shall be held on Long Island. The second  
14 of said wards comprises the remaining islands within the  
15 city of Portland, and the ward meetings of said second ward  
16 shall be held on Peak's Island. The electors of each of said  
17 wards may meet as provided in section forty-one of chapter  
18 four of Revised Statutes, and also for the choice of city  
19 officers, at the place designated, and may, on the day of  
20 election, vote for all officers named in the warrant calling  
21 the meeting.

Said warden shall preside impartially at said meetings,  
23 receive the votes of all electors present, sort, count and  
24 declare them in open meeting and in presence of the clerk,  
25 who shall make a list of the persons voted for with the num-  
26 ber of votes for each person against his name, and the offices  
27 respectively, and in open ward meeting and in presence of  
28 the warden, shall make a fair record thereof; a fair copy of  
29 this list shall be attested by the warden and clerk, sealed up  
30 in open meeting, and delivered to the clerk of ward number  
31 one in Portland within eighteen hours after closing the polls,

32 and the votes thus thrown shall belong to the last mentioned  
33 ward.

Sect. 5. The ward clerk of each ward, within twenty-  
2 four hours after any election, shall deliver to the persons  
3 elected, in said ward, certificates of their election, and shall  
4 forthwith deliver to the city clerk a certified copy of the rec-  
5 ord of such election, a plain and intelligible abstract of  
6 which shall be entered by the city clerk on the city records.  
7 If the choice of any such officers is not effected on that day,  
8 the meeting shall be adjourned to another day (not more  
9 than two days thereafter), to complete such election, and  
10 may so adjourn from time to time, until the election is com-  
11 plete. The board of aldermen shall, as soon as conveniently  
12 may be, examine the copies of the records of the several  
13 wards, certified as aforesaid, and shall cause the person who  
14 shall have been elected mayor by a plurality of the votes  
15 given in all the wards, to be notified in writing of his elec-  
16 tion. But if it shall appear that no person shall have been  
17 so elected, or if the person elected shall refuse to accept the  
18 office, the said board shall issue their warrants for another  
19 election; and in case the citizens shall fail on second ballot  
20 to elect a mayor, the board of aldermen in convention shall,  
21 from the four highest candidates voted for at the second  
22 election and returned, elect a mayor for the ensuing term  
23 of one year; and in case of a vacancy in the office of mayor  
24 by death, resignation, or otherwise, if such vacancy occurs  
25 before the last six months of said term, it shall be filled for  
26 the remainder of said term by a new election in the man-  
27 ner hereinbefore provided for the choice of said officer. If  
28 a vacancy occurs in the last six months of said term, the  
29 chairman of the board of aldermen shall act as mayor for  
30 the unexpired term, but shall not have the veto power.

Sect. 6. All ward meetings shall be notified and called by  
2 warrant from the mayor and aldermen, in the manner pre-  
3 scribed by law for notifying and calling town meetings by  
4 the selectmen of towns.

Sect. 7. The municipal election shall take place annually  
2 on the second Monday of December, and the municipal  
3 year shall begin at ten o'clock in the morning, on the first  
4 Monday of January next following, and continue until ten  
5 o'clock in the morning of the first Monday of January next  
6 following:

Sect. 8. At said municipal election the inhabitants of the  
2 city, voting in their respective wards, shall give in their  
3 votes by ballot for mayor, and in each ward, for members  
4 of the board of aldermen, or such of them as are to be  
5 elected, members of the superintending school committee,  
6 or such of them as are to be elected, members of the board  
7 of overseers of the poor, or such of them as are to be elected,  
8 a warden and clerk and two constables for such ward. The  
9 person receiving the highest number of votes for any of  
10 said offices shall be deemed and declared to be elected to  
11 such office, and whenever two or more persons are to be  
12 elected to the same office, the several persons up to the  
13 number required to be chosen, receiving the highest num-  
14 ber of votes, shall be deemed and declared to be elected.  
15 Members of the board of aldermen, members of the board  
16 of overseers of the poor, members of the superintending  
17 school committee, the warden, ward clerk, and constables,  
18 shall, when elected, be residents of the wards electing them.  
19 All city and ward officers shall be held to discharge the  
20 duties of the officers to which they have been respectively  
21 elected, notwithstanding their removal after their election  
22 out of their respective wards into any other wards in the

23 city; but they shall not be so held after they have taken up  
24 their permanent residence out of the city.

Sect. 9. General meetings of the citizens qualified to vote  
2 in city affairs, may from time to time be held to consult upon  
3 the public good, to instruct their representatives, and to take  
4 all lawful measures to obtain redress of any grievances,  
5 according to the right secured to the people by the Consti-  
6 tution; and such meeting shall be called by the mayor and  
7 aldermen upon requisition of sixty qualified voters. The  
8 city clerk shall act as clerk of such meetings, and record the  
9 proceedings upon the city records.

Sect. 10. The qualified voters of said city shall, at the first  
2 annual election held under this act, give in their votes in  
3 their respective wards for one able and discreet person,  
4 being an inhabitant of the city, to be mayor for the term  
5 of one year from the first Monday in January following  
6 his election, and until his successor is chosen and qualified.  
7 At said first municipal election held under this act, three  
8 members of the board of aldermen from each ward shall be  
9 elected by and from the voters of each ward, one to serve  
10 for the term of one year, and one to serve for the term of  
11 two years, and one to serve for the term of three years,  
12 beginning with the first Monday in January next ensuing,  
13 and thereafter one member of the board of aldermen from  
14 each ward shall be elected by and from the voters of each  
15 ward, at each annual municipal election to serve for the  
16 term of three years, beginning with the first Monday in  
17 January next ensuing. The qualified voters of each ward  
18 shall also elect at each annual election a warden, ward clerk  
19 and two constables, all to serve for the term of one year,  
20 beginning with the Monday following their election and

21 until their successors are elected. Vacancies for an unex-  
22 pired term in the board of aldermen may be filled at any  
23 election in the same manner that new members are elected.

Sect. 11. The board of overseers of the poor of the city  
2 of Portland shall consist of seven persons. At the first  
3 annual election under this act a member of said board shall  
4 be elected in each ward, who shall be a resident of the ward  
5 in which he is elected; those elected in wards one, two, five  
6 and six to serve for the term of two years, and those elected  
7 in wards three, four and seven to serve for the term of one  
8 year beginning with the first Monday of January following  
9 their election, and until their successors are elected and  
10 qualified; and thereafter at each annual election such a  
11 number of overseers shall be elected to serve for the term  
12 of two years, beginning with the Monday following their elec-  
13 tion, as shall be necessary to fill the places of those whose  
14 term of office shall expire in that year. In case of a vacancy  
15 in said board of overseers of the poor, the board of alder-  
16 men shall elect by ballot, some person, resident in the ward  
17 in which the vacancy occurred, to hold office until the next  
18 annual election, when the unexpired term, if any, shall be  
19 filled in the manner provided in this section for the election  
20 of new members.

Sect. 12. The school committee of the city of Portland  
2 shall consist of the mayor of said city, who shall be, ex officio,  
3 chairman of the committee, and of seven other persons, one of  
4 whom shall be elected in each of the wards of said city at the  
5 annual election for municipal officers by the qualified voters  
6 of each ward, and such person shall be a resident of the ward  
7 in which he is elected. At the annual election in the year  
8 eighteen hundred and ninety-seven, a member of said com-



9 mittee shall be elected in ward one, ward three and ward five,  
10 and in the year eighteen hundred and ninety-eight in ward  
11 two, ward four, ward six and ward seven, and shall hold his  
12 office for the term of two years; and thereafter at each annual  
13 election such number of said committee shall be elected as  
14 shall be necessary to fill the places of those whose terms of  
15 office shall expire in that year. In case of a vacancy in said  
16 committee the board of aldermen shall elect by ballot some  
17 person, resident in the ward in which the vacancy occurred,  
18 to hold office until the next annual election, when the unex-  
19 pired term, if any, shall be filled as provided by this act.  
20 The terms of office of the members of the school committee  
21 elected at the annual municipal election held in March, 1896,  
22 shall expire at 10 o'clock in the morning of the first Monday  
23 of January, 1898, and those elected at the annual municipal  
24 election held in March, 1897, shall expire at 10 o'clock in the  
25 morning of the first Monday of January, 1899.

Sect. 13. The mayor shall be the chief executive officer of  
2 the corporation of the city of Portland; shall be vigilant  
3 and active at all times in causing the laws for the government  
4 of the city to be duly executed and put in force; shall from  
5 time to time communicate to the board of aldermen such  
6 information and recommend such measures as the interests  
7 of the city may require; shall preside at all meetings of the  
8 board of aldermen, but shall have a casting vote only; shall  
9 be compensated for his services by a salary to be fixed by the  
10 board of aldermen, payable at stated periods and shall  
11 receive therefor no other compensation, which salary, how-  
12 ever, shall not be increased or diminished during his term of  
13 office; shall appoint the following named officers for the  
14 terms hereinafter specified, beginning with the first day of

15 February in the year of appointment and until their succes-  
16 sors are appointed (or confirmed, where confirmation is  
17 required), viz.: A city marshal for the term of one year,  
18 without confirmation by the board of aldermen; a commis-  
19 sioner of public works and a commissioner of cemeteries  
20 and public grounds for the term of three years each, subject  
21 to confirmation by the board of aldermen; a police and fire  
22 department examining board to consist of three members  
23 who shall exercise the powers conferred upon the police  
24 examining board of the city of Portland by an act entitled,  
25 "An act regulating the appointment of members of the police  
26 force of the city of Portland," approved March 4, 1885, and  
27 acts additional thereto and amendatory thereof, and whose  
28 appointment, subject to confirmation by the board of alder-  
29 men, shall be as follows: On the first day of February fol-  
30 lowing the adoption of this charter the mayor shall appoint  
31 one member of said board for three years, one for two years,  
32 and one for one year, and thereafter annually, before the  
33 first day of February, one person to serve for three years,  
34 each to hold office until another is appointed in his stead.  
35 If for any reason any of the appointments provided for in this  
36 section are not made at the dates herein specified, the same  
37 shall be made as soon as may be thereafter. The mayor  
38 shall appoint, according to law, a board of trustees of Ever-  
39 green cemetery and a board of back cove and fore river com-  
40 missioners and a board of water commissioners, all of whom  
41 shall exercise the powers legally conferred upon said boards.

The mayor shall appoint, with the consent of the board of  
43 aldermen, all other officers required for the government of  
44 said city for whose appointment no other method is provided  
45 by city ordinance or the laws of the state, and not provided

46 for by this act; and shall appoint in the same manner in which  
47 the original appointment is made, an officer to fill any  
48 vacancy occurring in any of the aforesaid offices to serve  
49 for the remainder of an unexpired term. All officers  
50 appointed by the mayor shall be citizens of Portland.

Sect. 14. No contract made by any department, commis-  
2 sion or board, or authorized by any order, ordinance or  
3 resolution of the board of aldermen in the construction of a  
4 new, or in the structural change of any building, or in any  
5 matter in which the amount involved exceeds five hundred  
6 dollars, shall be in force unless, and until, approved by the  
7 mayor.

Sect. 15. The mayor may remove, subject to the approval  
2 of the aldermen, any officer, commissioner, or member of a  
3 board, appointed by the mayor as aforesaid, for such cause  
4 as he shall deem sufficient, and shall assign in writing in his  
5 order for removal; and said order for removal shall be filed  
6 with the city clerk and be open to public inspection.

Sect. 16. The mayor, the aldermen, and the aldermen  
2 elect, shall on the first Monday of January, at 10 o'clock in  
3 the forenoon, meet in convention, when the oath or affirma-  
4 tion required by the second section of this act shall be admin-  
5 istered to the mayor, and the aldermen elect, by the city  
6 clerk or any justice of the peace. The board of aldermen  
7 shall, by ordinance, determine the time of holding stated or  
8 regular meetings of the board, and shall also, in like manner,  
9 determine the manner of calling special meetings, and the  
10 person by whom they shall be called; but until otherwise  
11 provided by ordinance, special meetings shall be called by the  
12 mayor by causing a notification to be left at the usual resi-  
13 dence, or place of business, of each member of the board.  
14 A majority of all the members of the board of aldermen shall

15 constitute a quorum for the transaction of business, but a  
16 less number may meet and adjourn from time to time.

Sect. 17. After the qualification of the members of the  
2 board of mayor and aldermen newly elected, said board, the  
3 mayor presiding, shall proceed to choose a permanent chair-  
4 man for the ensuing municipal year who, in the absence of  
5 the mayor, shall preside at all meetings of the board, and in  
6 case of any vacancy in the office of mayor, he shall exercise  
7 all the powers and perform all the duties of the office so long  
8 as such a vacancy shall remain; he shall continue to have a  
9 vote in the board, but shall not have the veto power. The  
10 board of aldermen, in the absence of the mayor and perma-  
11 nent chairman, shall choose a president pro tempore, who  
12 shall exercise the powers of a permanent chairman.

Sect. 18. Every ordinance, order, resolution, or vote  
2 passed by the board of aldermen, except in case of election of  
3 officers by the board of aldermen in which he shall have a  
4 casting vote only, and excepting rules and orders of a par-  
5 liamentary character, shall be presented to the mayor, and if  
6 he approve he shall sign it; if not, he shall return it with  
7 his objections to the board of aldermen which shall enter the  
8 objections at large upon its records and proceed to recon-  
9 sider it. If after such reconsideration, two-thirds of the  
10 board shall agree to pass it, it shall have the same effect as if  
11 signed by the mayor. If the ordinance, order, resolution, or  
12 vote shall not be returned by the mayor at the next stated  
13 meeting of the board, it shall have the same effect as if he  
14 had signed it.

Sect. 19. If any ordinance, order, resolution, or vote  
2 passed by the board involving the raising, appropriation, or  
3 expenditure of money is presented to the mayor, if he

4 approves of a part and does not approve of a part of the sums  
5 or items thereof, he shall so indicate thereon and thereupon  
6 the sums and items so approved shall be in force, from the  
7 date of said approval, and he shall return the same with his  
8 objections to the sums or items not approved by him to the  
9 board at the next stated meeting which shall enter the objec-  
10 tions at large upon its records and proceed to reconsider the  
11 sums or items not approved. If after such reconsideration,  
12 two-thirds of the board shall agree to pass the sums or items  
13 not approved, or any of them, said sums and items shall be in  
14 force as if he had approved. If the mayor shall disapprove a  
15 part of the sums or items of any such bill and shall fail to  
16 approve or disapprove a part, on or before the next stated  
17 meeting, the sums which he fails to approve or disapprove  
18 shall be in force as if he had approved.

Sect. 20. The mayor may, on public occasions, by his  
2 order, forbid the passing, temporarily, of horses, carriages,  
3 or other vehicles, over or through such streets or ways in  
4 said city as he may deem expedient.

Sect. 21. The board of aldermen shall have and exercise  
2 all the powers now vested in the city of Portland, or the  
3 inhabitants thereof as a municipal corporation, or in the city  
4 council of the city of Portland, or either branch thereof,  
5 except as modified by this act; shall be the judge of the elec-  
6 tion and qualification of its members; may establish, subject  
7 to the provisions of this act, by ordinance such departments  
8 in charge of such officers to be appointed by the mayor and  
9 aldermen as may be necessary or desirable for the proper  
10 government and administration of the affairs of said city;  
11 shall have the power of confirmation or rejection of all offi-  
12 cers appointed by the mayor, except in cases where by this

13 act authority to appoint without confirmation has been given  
14 to the mayor; shall annually, in the month of January, elect  
15 by ballot the city clerk, city treasurer, city auditor, city mes-  
16 senger, and such other officers as are required to be elected  
17 by the ordinances of said city or by the laws of the State  
18 not inconsistent with the provisions of this act, also a board  
19 of three assessors, one for one year, one for two years and  
20 one for three years, and thereafter one to be elected each year  
21 for the term of three years, an assistant assessor for each  
22 ward, to serve for the term of one year from the first day of  
23 February then next ensuing and until their successors are  
24 elected and qualified, who shall perform their duties as  
25 directed by the board of assessors. Vacancies may be filled  
26 for any unexpired term.

Sect. 22. The board of aldermen, in behalf of the city, may  
2 offer rewards for the prevention of crimes or detection of  
3 criminals. They may remove all sunken wrecks in the har-  
4 bor or its entrances, and dispose of the same to defray the  
5 expense of removal, and may at the expense of the city,  
6 cause its harbor to be kept open and unobstructed by ice.  
7 They may also require all sailboats not under register or  
8 license, kept for hire in said harbor, to be examined and  
9 licensed for that purpose, and to be furnished with air-tight  
10 compartments; and may establish such regulations respect-  
11 ing such boats as they may deem expedient. They may  
12 also make and enforce by penalties, regulations respecting  
13 the enclosure of lots abutting on any street or way in the  
14 city, which may for want of such enclosure be dangerous to  
15 the public; and after notice to the owners or lessees of such  
16 lots, may, if the same are not enclosed in a reasonable time,  
17 cause the same to be enclosed at the expense of the owners

18 or lessees. They may appropriate money for celebration of  
19 the anniversary of our national independence and other pub-  
20 lic celebrations.

Sect. 23. The aldermen shall not be entitled to receive any  
2 salary or other compensation during the term for which they  
3 are elected, nor be eligible to any office of profit or emolu-  
4 ment, during said term, the salary of which is payable by the  
5 city; and all departments, boards, officers, and committees,  
6 acting under the authority of the city, and entrusted with the  
7 expenditures of public money, shall expend the same for no  
8 other purpose than that for which it is appropriated, and shall  
9 be accountable therefor to the city, in such manner as the  
10 board of aldermen may direct.

Sect. 24. All bills, accounts and vouchers of all depart-  
2 ments, commissions and boards charged with the expendi-  
3 ture of money appropriated by the board of aldermen,  
4 including all bills, accounts, and vouchers of the school com-  
5 mittee and overseers of the poor, shall be audited and exam-  
6 ined in such manner as the board of aldermen shall by ordi-  
7 nance determine.

Sect. 25. No money shall be paid out of the city treasury  
2 except on orders drawn and signed by the mayor, designat-  
3 ing the fund or appropriation from which said orders are to  
4 be paid, nor unless the same shall be first granted or appro-  
5 priated therefor, by the board of aldermen; and the board of  
6 aldermen shall secure a prompt and just accountability by  
7 requiring bonds with sufficient penalty and surety or sureties,  
8 from all persons entrusted with the receipt, custody, or dis-  
9 bursement of money; they shall have the care and superin-  
10 tendence of the city buildings and the custody and manage-  
11 ment of all city property, with the power to let or sell what

12 may be legally let or sold, and to purchase and take in the  
13 name of the city, real and personal property for municipal  
14 purposes to an amount not exceeding two hundred thou-  
15 sand dollars in addition to that now held by the city. And  
16 shall as often as once a year cause to be published for the  
17 information of the inhabitants, a particular account of  
18 receipts and expenditures, and a schedule of the city  
19 property.

Sect. 26. The mayor and aldermen of the city of Portland  
2 and any committee thereof, when authorized by the board of  
3 aldermen, shall have power to send for persons and papers,  
4 and compel the attendance of witnesses at any meeting of  
5 said board of mayor and aldermen, or of any said committee,  
6 at which a hearing is had in any matter of inquiry regarding  
7 alleged dereliction of duty of any city officer or any person  
8 in the employ of said city, or in any hearing on any municipal  
9 matter. The mayor and the chairman of any committee,  
10 when authorized by the board of aldermen, shall have power  
11 to issue summons to such witnesses as shall be required in  
12 such hearings. Any person failing to comply with the sum-  
13 mons of the mayor or of said chairman shall be punished by  
14 a fine not less than five dollars nor more than fifty dollars,  
15 or by imprisonment not more than thirty days. The muni-  
16 cipal court of the city of Portland shall have jurisdiction of  
17 such offenses.

Sect. 27. The city clerk shall be clerk of the board of  
2 aldermen. He shall perform such duties as shall be pre-  
3 scribed by the mayor and aldermen and shall also perform  
4 all the duties and exercise all the powers now incumbent on  
5 him by law. He shall give notice in two or more of the  
6 papers printed in said city, of the time and place of ward



7 meetings; the time of such meetings when not fixed by law,  
8 shall be determined by the mayor and board of aldermen. In  
9 case of the temporary absence of the city clerk, the mayor  
10 with the consent of the board of aldermen may appoint a  
11 city clerk pro tempore.

Sect. 28. The board of aldermen shall establish by ordi-  
2 nance a police department, consisting of a city marshal, two  
3 deputy marshals, and of such subordinate officers and other  
4 members of the police force as it may prescribe. The power  
5 of appointment of said city marshal, deputy marshals, sub-  
6 ordinate officers and members of the police force shall be  
7 vested in the mayor exclusively, subject to the provisions of  
8 an act entitled "An Act regulating the appointment of the  
9 members of the police force of the city of Portland,"  
10 approved March 4, 1885, and acts additional thereto and  
11 amendatory thereof, except so far as the same may be modi-  
12 fied by this act.

The mayor shall have power to order at any time a re-exam-  
14 ination of any officer or member of the police department,  
15 and to suspend and to remove, subject to the approval of the  
16 aldermen, all officers and members of the police department,  
17 except the city marshal, whom he may remove at pleasure,  
18 for such cause as he shall deem sufficient, and shall assign  
19 in writing in his order for removal. The deputy marshals  
20 and all members of the permanent police force, except the  
21 city marshal, shall hold office during good behavior, subject,  
22 however, to removal in the manner above provided. The  
23 deputy marshals shall be appointed by promotion from mem-  
24 bers of the permanent police force.

Sect. 29. Annually at the organization of the board of  
2 aldermen or as soon thereafter as may be, the mayor shall

3 appoint three aldermen, all of whom shall not be of the same  
4 political party if more than one party is represented in said  
5 board, who shall with the mayor ex-officio (who shall be  
6 chairman of said committee) constitute a committee to be  
7 called committee on fire department. Said committee shall  
8 have charge of the fire department of the city under such  
9 rules and regulations as the board of aldermen may by  
10 ordinance determine.

All present officers and members of the fire department  
12 shall continue to hold office for the full terms for which they  
13 were elected or appointed, unless sooner removed as herein  
14 provided, and all future appointments of members of the fire  
15 department, the number of whom shall be determined by the  
16 board of aldermen, except as herein otherwise provided, shall  
17 be made by the mayor from persons certified to him by the  
18 police examining board, which shall hereafter be known as  
19 the police and fire department examining board, in the same  
20 manner that persons are certified to the mayor for appoint-  
21 ment to the police force of the city of Portland under the  
22 provisions of the act aforesaid entitled, "An act regulating  
23 the appointment of members of the police force of the city of  
24 Portland," approved March 4, 1885, and acts additional  
25 thereto and amendatory thereof. All officers and members  
26 of the fire department appointed by the mayor under this  
27 act shall hold the office to which they were appointed until  
28 removed by the mayor subject to the approval of the alder-  
29 men, for such cause as he shall deem sufficient, and assign in  
30 writing in his order for removal, which order shall be filed  
31 with the city clerk for public inspection.

Sect. 30. The committee on fire department shall have sole  
2 charge of a department to be known as the fire department,  
3 and shall purchase and keep in repair all apparatus used  
4 therefor, including the fire alarm telegraph and telephone  
5 system. The mayor shall appoint, subject to the approval  
6 of the aldermen, a chief engineer, and not exceeding four  
7 assistant engineers and a city electrician, who shall be the  
8 superintendent of the fire alarm telegraph and telephone  
9 system, without their being certified by the police and fire  
10 department examining board, and shall appoint all other  
11 firemen when certified as provided in the preceding section;  
12 shall perform such other duties and have such other powers  
13 not inconsistent herewith as the board of aldermen may pre-  
14 scribe.

Sect. 31. Said chief engineer shall direct the work of the  
2 members of the fire department in case of fire, act as the  
3 executive officer of said committee on fire department, and  
4 have authority, in case of fire, to establish fire limits in the  
5 neighborhood of the building or buildings in which a fire  
6 may have occurred, and to prevent persons not authorized  
7 by him from coming within said limits.

Sect. 32. The board of aldermen shall annually appropriate  
2 such sums of money as it may deem necessary and sufficient  
3 to carry on the work of said committee. Such appropria-  
4 tion shall be drawn from the city treasury in such manner as  
5 the board of aldermen may by ordinance direct.

Sect. 33. The commissioner of public works shall perform  
2 the duties and have the powers prescribed in an act entitled  
3 "An act to establish a commission of public works in the  
4 city of Portland," approved March 8, 1895.

Sect. 34. The commissioner of cemeteries and public  
2 grounds shall have the power and perform the duties now

3 vested in the commissioners of cemeteries and public  
4 grounds by an act entitled "An act to authorize the city of  
5 Portland to appoint commissioners of cemeteries and public  
6 grounds," approved March 5, 1885.

Sect. 35. The treasurer of the city of Portland shall also  
2 be the collector for said city with all the powers of collectors  
3 of taxes under the laws of this State. He shall be styled  
4 treasurer and collector and shall give but one bond, said  
5 bond to be approved by the mayor and aldermen, for the  
6 faithful performance of his duties; and may appoint assist-  
7 ants and deputies as provided by law. All warrants directed  
8 to him by the assessors and municipal officers shall run to  
9 him and his successors in office, and shall be in the form  
10 prescribed by law, changing such parts only as by this act  
11 are required to be changed. The method of keeping, vouch-  
12 ing and settling his accounts, shall be subject to such rules  
13 and regulations as the board of aldermen may establish. Said  
14 treasurer and collector shall collect all uncollected taxes and  
15 assessments in whatever year assessed and at the expiration  
16 of said term his powers as collector shall wholly cease; all  
17 sales, distresses, and all other acts and proceedings, law-  
18 fully commenced by him as such treasurer and collector,  
19 may be as effectually continued and completed by his suc-  
20 cessor in office as though done by himself; and all unre-  
21 turned warrants, which would otherwise be returnable to  
22 him, shall be returned to his successor in office. These pro-  
23 visions shall apply in all respects to all uncollected taxes of  
24 said city.

Sect. 36. The board of aldermen shall have authority to  
2 lay out, widen or otherwise alter, or discontinue any and all  
3 streets or public ways in the city of Portland, without peti-  
4 tion therefor, and as far as extreme low water mark; and to

5 estimate all damage sustained by the owners of land taken  
6 for that purpose; but all locations below high water mark  
7 shall be subject to the provisions of the laws relating to the  
8 commissioners of Portland harbor. A standing committee  
9 of the board of aldermen shall be appointed, whose duty it  
10 shall be to lay out, alter, widen or discontinue any street or  
11 way in said city, first giving notice of the time and place of  
12 their proceedings to all parties interested, by an advertise-  
13 ment in two daily papers printed in Portland, for one week at  
14 least previous to the time appointed. The committee shall  
15 first hear all parties interested, and then determine and  
16 adjudge whether the public convenience requires such street  
17 or way to be laid out, altered or discontinued; and shall make  
18 a written return of their proceedings, signed by a majority  
19 of them, containing the bounds and descriptions of the street  
20 or way, if laid out or altered, and the names of the owners  
21 of the land taken, when known, and the damages allowed  
22 therefor; the return shall be filed in the city clerk's office at  
23 least seven days previous to its acceptance by the city coun-  
24 cil. The street or way shall not be altered or established  
25 until the report is accepted by the board of aldermen, and  
26 the report shall not be altered or amended before its accept-  
27 ance. A street or way shall not be discontinued by the  
28 board of aldermen except upon the report of said committee.  
29 The committee shall estimate and report the damages sus-  
30 tained by the owners of the lands adjoining that portion of  
31 the street or way which is so discontinued; their report shall  
32 be filed with the city clerk seven days at least before its  
33 acceptance. Any person aggrieved by the decision or judg-  
34 ment of the board of aldermen in establishing, altering, or  
35 discontinuing streets, may, so far as relates to damages,  
36 appeal therefrom to the supreme judicial court which court

37 shall determine the same by a committee or reference under  
38 a rule of court, if the parties agree, or by a verdict of its jury,  
39 and shall render judgment, and issue execution for the dam-  
40 ages recovered, with costs to the party prevailing in the  
41 appeal. Such appeal shall be made to the term of the  
42 supreme judicial court which shall first be holden in the  
43 county of Cumberland, more than thirty days from and after  
44 the day the street is finally established, altered or discontin-  
45 ued, excluding the day of commencement of the session of  
46 said court. The appellants shall serve written notice of such  
47 appeal upon the mayor or city clerk, fourteen days at least  
48 before the session of the court, and shall at the first term  
49 file a complaint setting forth substantially the facts of the  
50 case. On the trial, exceptions may be taken to the rulings  
51 of the court as in other cases. Cotenants who are appel-  
52 lants, shall join in their appeal or shall not recover their costs.  
53 If a street or way is discontinued before the damages are  
54 paid or recovered for the land taken, the land owner shall  
55 not be entitled to recover such damages, but the committee  
56 in their report discontinuing the same shall estimate and  
57 include all the damages sustained by the land owner, includ-  
58 ing those caused by the original location of the streets, sub-  
59 ject to an appeal as aforesaid, and in such cases, if an appeal  
60 has been regularly taken, the appellant in the original appeal  
61 shall recover his costs. The city shall not be compelled to  
62 construct or open any street or way thus hereafter estab-  
63 lished, until in the opinion of the board of aldermen the  
64 public good requires it to be done; nor shall the city inter-  
65 fere with the possession of the land so taken by removing  
66 therefrom materials, or otherwise, until they decide to open  
67 and construct said street.

Sect. 37. The board of aldermen may regulate the height  
2 and width of sidewalks in any public square, places, streets,  
3 lanes, or alleys in said city; and may authorize posts and  
4 trees to be placed along the edge of said sidewalks. The  
5 city shall not be answerable for damages occasioned by tele-  
6 graph poles and wires erected in its streets. No person or  
7 corporation shall dig, tear up, or excavate any portion of the  
8 surface of any street or sidewalk in said city unless authorized  
9 therefor, in writing, by the board of aldermen, or by some  
10 person by them authorized for that purpose and subject to  
11 such conditions as they may impose. All powers heretofore  
12 conferred by any prior act of legislature contrary to this sec-  
13 tion are hereby repealed. The board of aldermen or some  
14 person by them authorized may on such terms and condi-  
15 tions as they may think proper, authorize and empower any  
16 person or corporation to place in any street, for such time as  
17 may be necessary, any materials for making or repairing any  
18 street, sidewalk, crosswalk, bridge, watercourse, or drain,  
19 or for erecting, repairing, or finishing any building or fences,  
20 or for laying or repairing gas or water pipes, provided that  
21 not more than one-half of the width of the street shall be so  
22 occupied. And such materials so placed by virtue of any  
23 license obtained as aforesaid, shall not be considered an  
24 incumbrance or nuisance in such street; and the city shall  
25 not be liable to any person for any damages occasioned by  
26 such materials.

Sect. 38. The existing laws of the State relating to drains  
2 and sewers and sidewalks including those in the charter  
3 existing before the adoption of this act shall continue in  
4 force.\*

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\* These law are omitted from this draft on account of their length, but it may be deemed advisable to incorporate them in the draft to be presented to the Legislature.

Sect. 39. The city of Portland may ordain reasonable by-  
2 laws and regulations for the government of Evergreen Cem-  
3 etery, and shall have full power and authority to impose and  
4 enforce penalties for the breach thereof, and for the punish-  
5 ment of offenses committed in said cemetery. All by-laws  
6 and regulations heretofore ordained by said city of Port-  
7 land for the government of Evergreen Cemetery are, and  
8 shall be, valid and in force; and all penalties imposed under  
9 the same, and for the breach of the same, and for punishment  
10 of offenses committed in said cemetery, shall be enforced.

Sect. 40. All acts and parts of acts inconsistent with this  
2 act are hereby repealed. Provided, however, the repeal of  
3 the said acts shall not affect any act done, or any act accru-  
4 ing, or accrued, or established, or any suit or proceeding had  
5 or commenced in any civil or criminal case before the time  
6 when such repeal shall take effect, and that no offense com-  
7 mitted, and no penalty or forfeiture incurred, under the acts  
8 hereby repealed, and before the time when such repeal shall  
9 take effect, shall be affected by the repeal. And provided,  
10 also, that all persons who, at the time the said repeal shall take  
11 effect, shall hold any office under the said acts or ordinances  
12 of the city shall continue to hold the same until others are  
13 elected and qualified in their stead as provided in this act.  
14 And provided, also, that all acts of legislature relating to the  
15 city of Portland and the ordinances, rules and regulations  
16 of the city of Portland, which shall be in force at the time  
17 when the said repeal shall take effect, and not inconsistent  
18 with this act, shall continue in force until the same are  
19 repealed. No act which has been heretofore repealed shall  
20 be revived by the repeal of the above acts.



Sect. 41. This act shall be void unless the inhabitants of  
2 the city of Portland, at legal ward meetings called for that  
3 purpose, by a written vote, determine to adopt the same; and  
4 the qualified voters of the city shall be called upon to give in  
5 their votes upon the acceptance of this act, at meetings in the  
6 several wards, duly called by the mayor and aldermen, to be  
7 held on the date fixed by them, those favoring the adoption  
8 thereof voting yes, and those opposed voting, no; and there-  
9 upon the same proceedings shall be had respecting the sort-  
10 ing, counting, declaring, and recording the returns of said  
11 votes as is herein provided at the election of mayor; and the  
12 board of mayor and aldermen shall within three days meet  
13 together and compare the returns of the ward officers; and  
14 if it appear that a majority of all the votes given on the ques-  
15 tion of its acceptance are in favor thereof, the mayor shall  
16 forthwith make proclamation of the fact, and thereupon this  
17 act shall take effect. And in case this act is so adopted and  
18 takes effect, the terms of office of all city officers shall expire  
19 on the appointment or election and qualification of their suc-  
20 cessors as provided in this act.

PROPOSED AMENDMENT TO PROPOSED NEW  
CITY CHARTER, PORTLAND.

Amend section twelve to read as follows:

'Section 12. The school committee of the city of Portland  
2 shall consist of the mayor of said city, who shall be, ex-officio,  
3 chairman of the committee, and of seven other male persons,  
4 one of whom shall be elected in each of the wards of said  
5 city at the annual election for municipal officers by the qual-  
6 ified voters of each ward, and such person shall be a resident  
7 of the ward in which he is elected, and of three female per-  
8 sons resident in the city, to be elected at each such annual  
9 election by said qualified voters of the city at large. At the  
10 annual election in the year eighteen hundred and ninety-  
11 seven, a male member of said committee shall be elected in  
12 ward one, ward three and ward five, and in the year eighteen  
13 hundred and ninety-eight in ward two, ward four, ward six  
14 and ward seven, and shall hold his office for the term of two  
15 years; and thereafter at each annual election such number of  
16 male members of said committee shall be elected as shall be  
17 necessary to fill the places of those whose terms of office  
18 shall expire in that year. In case of a vacancy in said com-  
19 mittee the board of aldermen shall elect by ballot some per-  
20 son resident in the ward in which the vacancy occurred if  
21 that of a male member, or resident in the city if that of a  
22 female member, to hold office until the next annual election,  
23 when the unexpired term, if any, shall be filled as provided

24 by this act. The terms of office of the male members of the  
25 school committee elected at the annual municipal election  
26 held in March, 1896, shall expire at 10 o'clock in the morning  
27 of the first Monday of January, 1898, and those elected at the  
28 annual municipal election held in March, 1897, shall expire  
29 at 10 o'clock in the morning of the first Monday of January,  
30 1899.'



STATE OF MAINE.

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IN SENATE, February 18, 1897.

Reported by Mr. DRUMMOND, from Committee on the Judiciary, and  
aid on table to be printed, with proposed amendment, pending re-com-  
mitment.

KENDALL M. DUNBAR, *Secretary*.