

MAINE STATE LEGISLATURE

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Sixty-Ninth Legislature.

HOUSE.

No. 109.

STATE OF MAINE.

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

AN ACT to amend Charter of City of Hallowell.

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

Sect. 2. Section two is hereby amended by striking out
2 the word "five," in the fifth line, and inserting in place thereof
3 the word 'seven;' also by striking out the words " and one
4 council of ten, to be denominated the common council," in
5 the sixth and seventh lines; also by striking out the letter
6 "s" in the word "boards," in the eighth line; so that said
7 section as amended, shall read as follows:

'Sect. 2. The administration of all the fiscal, prudential
9 and municipal affairs of said city, with the government
10 thereof, shall be vested in one principal magistrate, to be
11 styled the mayor; and one council of seven, to be denom-

12 inated the board of aldermen; all of whom shall be inhab-
13 itants of said city; which board shall constitute and be called
14 the city council; all of whom shall be sworn to the faithful
15 performance of the duties of their respective offices; pro-
16 vided, the city council shall not vote, assess or appropriate
17 any money for any object or purpose for which the town of
18 Hallowell is not authorized to vote, assess or appropriate
19 money, except for such purposes as are authorized by this
20 act. And provided, further, that neither the city council,
21 nor any agent or officer of the city, shall borrow or hire any
22 money for or on account of the city or inhabitants thereof,
23 except for the purposes for which the town of Hallowell is
24 now by law authorized to raise money; and all notes, bonds,
25 obligations, scrip or orders given by the city council or any
26 officer or agent thereof, for money or property obtained for
27 any other purposes shall be void.'

Sect. 3. Section three is hereby amended by striking out
2 the following: "and common council, or either of them," in
3 the eighth and ninth lines; "or boards to be convened," in
4 the fourteenth line; "to both of them," in the fifteenth line;
5 "and in the joint meetings of the two boards," in the eight-
6 eenth and nineteenth lines; also all of said section after the
7 word "services" in the twenty-ninth line, so that said section
8 as amended, shall read as follows:

'Sect. 3. The mayor of said city shall be chief executive
10 magistrate thereof. It shall be his duty to be vigilant and
11 active in causing the laws and regulations of the city to be
12 executed and enforced, to exercise a general supervision
13 over the conduct of all subordinate officers, and to cause their
14 violations or neglect of duty to be punished. He may call
15 special meetings of the board of aldermen, when in his opin-
16 ion the interests of the city require it, by a notice in one or
17 more of the papers printed in the city, or by causing a

18 summons or notification to be given in hand or left at the
19 usual dwelling place of each member of the board. He shall,
20 from time to time, communicate such information, and
21 recommend such measures as the business and interests of
22 the city may in his opinion require. He shall preside in the
23 board of aldermen, but shall have only a casting vote. The
24 salary and compensation of the mayor shall be two hundred
25 dollars per year, which shall not be increased or diminished
26 during his continuance in office, unless by the vote of the
27 qualified electors in ward meetings called for the purpose.
28 Nor shall he receive from the city any other compensation
29 for any services by him rendered in any other capacity or
30 agency; provided, however, the city council may elect the
31 mayor to any city office, and allow him a reasonable com-
32 pensation for such services.'

Sect. 4. Section four is hereby amended by striking out
2 the words "and common council of said city, to be exercised
3 by concurrent vote; each board to have a negative upon the
4 other; but all other elections of officers by the city council,
5 shall be by joint ballot of the two boards in convention," in
6 the eighth, ninth, tenth, eleventh and twelfth lines; also by
7 adding after the word "city," in the sixteenth line, the words,
8 'except city marshal and street commissioner;' also by strik-
9 ing out the words "by concurrent vote" and the letter "s"
10 in the word "officers," in the twenty-third and twenty-fourth
11 lines; also by adding the word 'any' after the word "remove,"
12 in the twenty-fourth line; also by striking out the words "the
13 said," in the twenty-seventh line; also by striking out the
14 word "fifteen" in the forty-fifth line, and inserting in place
15 thereof the word 'fifty;' also by adding after the word
16 "interest" in the forty-seventh line the words, 'the fiscal year
17 shall end on the thirty-first day of December in each year;'
18 also by adding after the word "year" in the forty-eighth line

19 the words, 'before the first day of February;' also by adding
20 after the word "property" in the fiftieth line the words, 'for
21 said year;' also by striking out all of said section after the
22 word "drawn" in the fifty-fifth line; so that said section as
23 amended, shall read as follows:

'Sect. 4. The executive powers of said city generally, and
25 the administration of police, with all the powers of the select-
26 men of the town of Hallowell, shall be vested in the mayor
27 and aldermen as fully as if the same had been herein partic-
28 ularly enumerated; all other powers now vested in the inhab-
29 itants of said town, and all powers granted by this act, shall
30 be vested in the mayor and aldermen. The city council
31 shall annually, on the second Monday of March, or as soon
32 thereafter as conveniently may be, elect and appoint all the
33 subordinate officers and agents for the city, except city
34 marshal and street commissioner, for the ensuing year,
35 including a chief engineer, and other engineers of the fire
36 department, (which chief engineer, or in his absence, any
37 two other engineers, shall have all the power and authority
38 that five wards now have;) shall define their duties and fix
39 their compensation, in cases where such duties and compen-
40 sation shall not be defined and fixed by the laws of this State;
41 and may remove any officer, when in their opinion sufficient
42 cause for removal exists. All officers shall be chosen and
43 vacancies supplied for the current year, except as hereinafter
44 otherwise directed. All subordinate officers and agents
45 shall hold their offices during the ensuing year and until
46 others shall be elected and qualified in their stead, unless
47 sooner removed by the city council. All moneys received
48 and collected for and on account of the city, by any officer
49 or agent thereof, shall forthwith be paid into the city treas-
50 ury. The city council shall take care that moneys shall not
51 be paid from the treasury unless granted or appropriated;

52 shall secure a prompt and just accountability by requiring
53 bonds with sufficient penalty and sureties from all persons
54 trusted with the receipt, custody or disbursement of money ;
55 shall have the care and superintendence of city buildings and
56 the custody and management of all city property, with power
57 to let or sell what may be legally let or sold ; and to purchase
58 and take in the name of the city, such real or personal prop-
59 erty, not exceeding the sum of fifty thousand dollars, includ-
60 ing the property now owned by the town, as they may think
61 useful to the public interest. The fiscal year shall end on
62 the thirty-first day of December in each year. And the city
63 council shall as often as once a year, before the first day of
64 February, caused to be published for the information of the
65 inhabitants, an account of receipts and expenditures and a
66 schedule of the city property for said year, and no money
67 shall be paid from the treasury unless the same be appro-
68 priated by the city council, and upon a warrant signed by
69 the mayor, which warrant shall state the appropriations
70 under which the same is drawn.'

Sect. 5. Section five is hereby amended by striking out the
2 words "both branches of," in the second line ; also by striking
3 out in the fifth, sixth and seventh lines the words, "to that
4 branch of the city council in which it shall have originated"
5 and "branch shall enter the;" also by striking out the word
6 "at," in the seventh line, and inserting in place thereof the
7 words, 'shall be entered at;' also by striking out the word
8 "its," in the eighth line, and inserting in place thereof the
9 word 'the;' also by adding after the word "journal" in the
10 eighth line the words, 'of the board of aldermen and said
11 board shall;' also by striking out the word "and" in the
12 eighth line ; also by striking out the words "that branch," in
13 the tenth line, and inserting in place thereof the words, 'the
14 board;' also by striking out in the eleventh, twelfth, thir-

15 tenth and fourteenth lines the words, "it shall be sent,
16 together with the objections, to the other branch by which
17 it shall be reconsidered, and if approved by a majority of
18 the whole number of that branch." So that said section as
19 amended, shall read as follows:

'Every law, act, ordinance or bill appropriating money
21 having passed the city council, shall be presented to the
22 mayor of the city; and if he approve the same he shall sign
23 it; if not, he shall return it, in seven days with his objec-
24 tions, which objections shall be entered at large on the jour-
25 nal of the board of aldermen and said board shall proceed
26 to reconsider said law, act, ordinance or bill. If upon such
27 reconsideration a majority of the whole number of the board
28 shall agree to pass it, it shall have the same effect as if signed
29 by the mayor.'

Sect. 17. Section seventeen is hereby amended by adding
2 after the word "mayor," in the first line, the words, 'two
3 aldermen, city marshal and street commissioner;' also by
4 striking out the words, "and two common councilmen," in
5 the third and fourth lines; also by striking out in the sixth
6 line the word "majority" and inserting in place thereof the
7 word 'plurality;' also by adding after the word "given," in
8 the seventh line, the words, 'the mayor and aldermen;' also
9 by striking out the word "and," in the seventh line; also by
10 adding at the end of said section the following: 'The city
11 marshal and street commissioner shall hold their offices one
12 year from the second Monday in March and until others
13 shall be elected and qualified in their places, unless sooner
14 removed by the city council.' So that said section as amend-
15 ed, shall read as follows:

'Sect. 17. The mayor, two aldermen, city marshal and
17 street commissioner shall be elected from the citizens at
18 large by the inhabitants of the city, voting in their respective

19 wards; one alderman shall be elected by each ward, being
20 residents in the wards where elected; all said officers shall
21 be elected by ballot, by a plurality of the votes given. The
22 mayor and aldermen shall hold their offices one year from
23 the second Monday in March and until others shall be elected
24 in their places. The city marshal and street commissioner
25 shall hold their offices one year from the second Monday in
26 March and until others shall be elected and qualified in their
27 places, unless sooner removed by the city council.'

Sect. 19. Section nineteen is hereby amended by adding
2 after the word "mayor" in the fourth line, the words, 'two
3 aldermen at large;' also by adding after the word "alder-
4 man," in the fourth line, the words, 'for each ward, a city
5 marshal and street commissioner;' also by striking out the
6 words "and two common councilmen," in the fourth and
7 fifth lines; also by striking out the words "and common
8 councilmen," in the twelfth line; also by adding
9 after the word "of" in the fifteenth line the word
10 'ward;' also by striking out the words "and com-
11 mon councilmen," in the fifteenth and sixteenth
12 lines; also by adding after the word "any," in
13 the nineteenth line, the word 'ward;' also by strik-
14 ing out the words "common councilmen" in the
15 nineteenth line; also by striking out the words
16 "by a majority vote," in the twenty-first line; also by chang-
17 ing the word "person," in the twenty-ninth line, to 'persons;'
18 also by adding after the word "mayor," in the thirtieth line,
19 the words, 'aldermen at large, city marshal and street com-
20 missioner;' also by striking out the word "majority" in the
21 thirtieth line and inserting in place thereof the word
22 'plurality;' also by striking out the word "his," in the thirty-
23 first line, and inserting in place thereof the word 'their;'
24 by adding after the word "office" in the thirty-third line the

25 words, 'to which he was elected;' also by striking out in the
26 thirty-fourth, thirty-fifth, thirty-sixth, thirty-seventh, thirty-
27 eighth, thirty-ninth, fortieth and forty-first lines the follow-
28 ing: "One other election; and in case the citizens should
29 fail on a second ballot to elect a mayor, the said board shall
30 again issue their warrants for a third election to be held not
31 less than three nor more than four days thereafter; at which
32 election the candidate having the greatest number of votes
33 shall be declared elected and notified as aforesaid; if no one
34 shall then have such number;" also by striking out in the
35 forty-second line the words, "shall in the same manner be
36 ordered;" also by adding the word 'and' after the word
37 "ordered" in the forty-second line; also by adding after the
38 word "mayor," in the forty-fifth line, the words, 'aldermen at
39 large, city marshal and street commissioner;' also by adding
40 after the word "mayor" in the fiftieth line the words, 'and
41 the mayor or acting mayor shall appoint a city marshal or
42 street commissioner to act until such election can be held;'
43 also by striking out the words "and common councilmen" in
44 the fifty-third line; also by striking out the words "of the
45 two boards" in the fifty-seventh line; also by striking out
46 all of said section after the word "peace" in the fifty-eighth
47 line. So that said section as amended, shall read as follows:

'Sect. 19. On the first Monday of March, annually imme-
49 diately after a warden and clerk shall have been elected and
50 sworn, the qualified electors of each ward shall ballot for a
51 mayor, two aldermen at large, one alderman for each ward,
52 a city marshal and street commissioner; all the votes given
53 for the said several officers respectively, shall be sorted,
54 counted, declared and registered in open ward meeting, by
55 causing the names of the persons voted for, and number of
56 votes given to each, to be written on the ward record at
57 length. The ward clerk, within twenty-four hours after such

58 election, shall deliver to the persons elected aldermen, certifi-
59 cates of their election, and shall forthwith deliver to the city
60 clerk, a certified copy of the record of such election; pro-
61 vided, however, that if the choice of ward aldermen cannot
62 conveniently be effected on that day, the meeting may be ad-
63 journed from day to day to complete such election. If on
64 the second balloting for any ward aldermen, constable, war-
65 den or clerk, a choice shall not be effected, then the persons
66 receiving the highest number of votes for any of those offices
67 at the subsequent trial shall be declared elected; if no one
68 shall then have such highest number, the balloting shall be
69 continued from day to day until a choice is thus effected.
70 The board of aldermen shall as soon as conveniently may be,
71 examine the copies of the records of the several wards cer-
72 tified as aforesaid, and shall cause the persons who shall have
73 been elected mayor, aldermen at large, city marshal and street
74 commissioner, by a plurality of votes given in all the wards,
75 to be notified in writing of their election; but if it shall
76 appear that no person shall have been elected, or if the per-
77 son elected shall refuse to accept the office to which he was
78 elected, the said board shall issue their warrants for further
79 elections and till a choice shall be made, by some one having
80 the highest number of votes; and in case of a vacancy in the
81 office of mayor, aldermen at large, city marshal or street com-
82 missioner by death, resignation or otherwise, it shall be filled
83 for the remainder of the term by a new election, in the man-
84 ner hereinbefore provided for the choice of said officer; and
85 in the meantime the president pro tempore of the board of
85 aldermen shall perform the duties of mayor, and the mayor
87 or acting mayor shall appoint a city marshal or street com-
88 missioner to act until such election can be held. The oath
89 prescribed by this act shall be administered to the mayor by
90 the city clerk, or any justice of the peace in said city. The

91 aldermen elect, shall on the second Monday of March, at ten
92 of the clock in the forenoon, meet in convention, when the
93 oath required by the second section of this act, shall be admin-
94 istered to the members present, by the mayor or any justice
95 of the peace.'

Sect. 20. Section twenty is hereby amended by striking
2 out the words "or common council," in the third and fourth
3 lines; also by striking out the words "joint" and "two" in
4 the thirteenth line; also by changing the words "boards" in
5 the fourteenth line to 'board;'; also by striking out the word
6 "each" in the fourteenth line and inserting in place thereof
7 the word 'The;'; also by striking out the words "in each
8 board" in the nineteenth line; also by striking out the words,
9 "and common council, and all meetings of the two boards in
10 convention," in the twentieth, twenty-first and twenty-second
11 lines; also by striking out the words "of each of them" in
12 the twenty-third line; also by striking out the word "either"
13 in the twenty-fourth line and inserting in place thereof the
14 word 'any.' So that said section as amended, shall read as
15 follows:

'Sect. 20. The city clerk shall be the clerk of the board of
17 aldermen; he shall perform such duties as shall be prescribed
18 by the board of aldermen; and shall perform all duties, and
19 exercise all the powers by law incumbent upon or vested in, the
20 town clerk of the town of Hallowell; he shall give notice in one
21 or two of the papers printed in said city of the time and place
22 of regular ward meetings, but the place of regular ward meet-
23 ings, and also the day and hour, when not fixed by law, shall
24 be determined by the board of aldermen. The board of alder-
25 men may, in the absence of the mayor, choose a president pro
26 tempore, who shall preside at meetings of the board. The
27 board shall keep a record of its proceedings, and judge of
28 the election of its own members; and in case of failure of

29 election or vacancy by death, resignation or otherwise, may
30 order new elections. A quorum for the transaction of busi-
31 ness, shall consist of a majority of the members thereof; all
32 meetings of the aldermen shall be open and public, and the
33 presiding officer shall have the power of moderators of town
34 meetings. At any of said meetings, when any two members
35 shall request it, the vote shall be taken by yeas and nays,
36 which shall be recorded by the clerk.'

STATE OF MAINE.

HOUSE OF REPRESENTATIVES,

Augusta, February 14, 1899.

Reported by Mr. MERRILL of Skowhegan, from Committee on
Judiciary, and ordered printed and recommitted.

W. S. COTTON, *Clerk*.