

MAINE STATE LEGISLATURE

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SEVENTY-SECOND LEGISLATURE

HOUSE.

No. 23

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND FIVE.

AN ENABLING ACT to authorize the city of Bangor to
change its charter when adopted by a majority vote of the
legal voters in said city at any election legally called.

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

Section 1. That the inhabitants of the city of Bangor shall
2 continue to be a body politic and corporate by the name of
3 the city of Bangor, and, as such, shall have, exercise and
4 enjoy all the rights, immunities, powers, privileges and fran-
5 chises, and shall be subject to all the duties and obligations
6 now appertaining to or incumbent upon said city as a munic-
7 ipal corporation, or appertaining to or incumbent upon the
8 inhabitants or officers thereof; and may ordain and establish
9 such acts, laws and regulations, not inconsistent with the
10 constitution and laws of this State as shall be needful to the
11 good order of said body politic; and impose fines and penal-
12 ties for the breach thereof, not exceeding fifty dollars for any

13 offense, to be recovered by action of debt in the name of the
14 city treasurer, or upon complaint of a police officer, as for a
15 criminal offense.

Sect. 2. The administration of all the fiscal, prudential and
2 municipal affairs of said city with the government thereof,
3 shall be vested in one principal magistrate to be styled the
4 mayor and one board of twenty-one to be denominated the
5 board of aldermen; all of whom shall be sworn to the faith-
6 ful performance of the duties of their respective offices; and
7 no person elected to the office of alderman and who has
8 accepted said office, shall hold any other office to which any
9 pay is attached or from which any profit is derived, in or
10 under the administration of the government of said city, or in
11 the management of the affairs or interests thereof, during the
12 term for which he is so elected; excepting that two street
13 engineers may be taken from the board of aldermen.

Sect. 3. The mayor of said city shall be the chief executive
2 magistrate thereof. It shall be his duty to be vigilant and
3 active in causing the laws and regulations of the city to be
4 executed and enforced; to exercise a general supervision
5 over the conduct of all subordinate officers, and to cause their
6 violations of law or neglect of duty to be punished. He may
7 call special meetings of the board of aldermen, when, in his
8 opinion, the interest of the city requires it, by causing a sum-
9 mons or notification to be given to each member of the board,
10 or to be left at the usual dwelling place of each member of the
11 board; and such meetings shall be called by him upon a
12 request in writing signed by a majority of the members of
13 the board. He shall from time to time, communicate to them
14 such information, and recommend such measures, as the
15 business and interest of the city may in his opinion require.
16 He shall preside in the meetings of the board of aldermen,
17 but shall have only a casting vote. He shall receive for his

18 services a salary to be fixed by the board of aldermen, payable
19 at stated periods and shall receive therefor no other com-
20 pensation ; and the same shall not be increased nor diminished
21 during the period for which he is elected ; but the aldermen
22 shall receive no compensation for their services ; provided
23 however, that compensation may be allowed to the members
24 of the board upon a resolve of the board determining the
25 amount, if such resolve shall be approved by a majority of
26 the legal voters at a regular annual municipal election, or at a
27 special meeting of the inhabitants of the several wards called
28 for the purpose.

Sect. 4. Every order, resolve, ordinance, by-law or regula-
2 tion, which shall have passed the board of aldermen, shall,
3 before it be in force, be presented to the mayor. If he
4 approve he shall sign it ; but if not, he shall return it with his
5 objections to the city clerk, who, on the reassembling of the
6 board, shall present it with the objections to the board. The
7 board shall then proceed to its reconsideration. If after such
8 reconsideration, two-thirds of the board shall agree to pass it,
9 it shall be in force ; but in all such cases the votes of said
10 board shall be determined by yeas and nays, and the names of
11 the persons voting for and against it shall be entered upon the
12 journal of said board ; provided however, if such objections
13 are not filed within seven days after its first passage, the meas-
14 ure shall be in force without the approval of the mayor.

Sect. 5. The seven senior members of the board of alder-
2 men, elected and designated as hereinafter provided, shall
3 constitute the "Board of Municipal Officers" as defined by
4 the statutes of the State, and shall perform all the duties
5 required by the constitution and laws of the State of Maine
6 and ordinances of the city to be performed by the aldermen
7 of cities, or the municipal officers of cities or towns. The
8 mayor shall preside at meetings of the municipal officers but

9 shall have only a casting vote, and shall call meetings of said
10 board whenever and wherever it may be necessary to hold the
11 same.

Sect. 6. The executive power of the said city generally and
2 the administration of police with all the powers of selectmen
3 of towns except as modified by this act, shall be vested in the
4 municipal officers, as fully as if the same had been particu-
5 larly enumerated herein. The board of aldermen annually,
6 on the fourth Monday of December shall elect all subordi-
7 nate officers for the ensuing year, define their duties and fix
8 their compensation, in cases where such duties and compensa-
9 tion shall not be defined and fixed by the laws of the State,
10 and may remove such subordinate officers, when, in their
11 opinion, sufficient cause exists, two-thirds of the board
12 determining thereon. All officers shall be chosen and vacan-
13 cies supplied for the current year, except as is herein other-
14 wise directed. The board of aldermen shall take care that
15 money shall not be paid from the city treasury unless granted
16 or appropriated, and shall secure a just and prompt account-
17 ability by requiring bonds with sufficient penalty and surety
18 or sureties from all persons entrusted with the receipt, cus-
19 tody or disbursement of money, and shall have the care and
20 superintendence of city buildings, and the custody and man-
21 agement of all city property, with power to let or sell what
22 may be legally let or sold, and to purchase and take in the
23 name of the city, such real or personal property, as they may
24 think useful to the public interest. The board of aldermen
25 shall annually cause to be published, as soon as may be after
26 the close of the fiscal year, for the use of the citizens, a par-
27 ticular account of receipts and expenditures, together with
28 the annual reports of the several administrative departments
29 and a schedule of city property.

Sect. 7. That a board of city assessors, to consist of three
2 members, shall be annually elected by the board of aldermen

3 who shall exercise the same powers, and be subject to the
4 same duties and liabilities, as the assessors of the several
5 towns in the State may exercise and are subject to, under the
6 laws of the State; provided, however, that the board of alder-
7 men may in the first instance, elect one member of said board
8 to hold office for one year, one for two years, and one for
9 three years, and, by election, fill all existing vacancies; also,
10 provided that the assessors shall appoint, for assistant assess-
11 ors, one person in each ward, said appointment to be subject
12 to the approval of the municipal officers, whose duty it shall
13 be to furnish the assessors with all necessary information
14 relative to persons and property taxable in his ward, who
15 shall be sworn, or affirmed, to the faithful performance of his
16 duty. All taxes shall be assessed and apportioned and col-
17 lected, in the manner provided by the laws of this State, rela-
18 tive to town taxes; provided, however, that it shall, and may
19 be lawful for the board of aldermen to establish further and
20 additional provisions for the collection thereof.

Sect. 8. The board of aldermen is hereby authorized and
2 empowered to make and ordain, from time to time, such
3 by-laws, not repugnant to the constitution and laws of this
4 State, as they may deem necessary or expedient, for the loca-
5 tion and regulation of vessels, boats, scows and rafts, in the
6 harbor of said city, embracing the Penobscot river from the
7 north line of Hampden to the Bangor bridge, and the Ken-
8 duskeag stream from its mouth to the Kenduskeag bridge, and
9 to affix penalties for the breach of such by-laws, not exceed-
10 ing twenty dollars for any offense, to be recovered upon com-
11 plaint by the harbor master, hereinafter named, before the
12 municipal court of said city.

Sect. 9. The board of aldermen may, if it deems expedient,
2 annually elect a harbor master for said city, whose duty it
3 shall be to enforce the observance of the ordinances of the

4 city relating to the harbor, and the laws of the State applica-
5 ble thereto, and to prosecute all violations of such laws and
6 ordinances. And such harbor master, in case of his sickness
7 or disability, may appoint a deputy, subject to the approval
8 of the municipal officers of said city, to perform his duties
9 during such sickness or disability.

Sect. 10. The harbor master shall have authority to regu-
2 late the anchoring or location of all vessels, in conformity
3 with the ordinances of the city, and cause the same to be
4 removed, when necessary, in obedience to his orders, at the
5 expense of the master or owners thereof, and the amount of
6 such expenses, if not paid by such master or owners, may be
7 recovered in an action for money paid; and any person who
8 shall obstruct the harbor master in the performance of his
9 duties, or shall neglect or refuse to obey any lawful order by
10 him made, shall be liable to a penalty not exceeding twenty
11 dollars for each offense, to be recovered upon complaint by
12 the harbor master before the municipal court of said city.

Sect. 11. That the board of aldermen shall have exclusive
2 authority and power to lay out and establish any new street
3 or public way, or widen or otherwise alter any street or pub-
4 lic way in said city, and to estimate the damage any individ-
5 ual may sustain thereby. And in all other respects the board
6 of aldermen shall be governed by and be subject to the same
7 rules and restrictions as are provided by the laws of this
8 State, regulating the laying out and repairing of streets and
9 public highways. And any person aggrieved by the decision
10 of the board of aldermen may, so far as relates to damages,
11 appeal therefrom to the supreme judicial court within the
12 county of Penobscot, which may be held within six months
13 from and after such decision, which court is hereby
14 empowered to hear and determine the same by a committee,
15 if the parties agree thereto, or by a jury and to render judg-

16 ment and issue execution upon the report of such committee,
17 or verdict of the jury, without costs to the prevailing party.

Sect. 12. That so much of the laws and regulations now
2 in force in said city not inconsistent with this act shall be and
3 remain in force, notwithstanding this act, until they expire by
4 their own limitation, or be revised or repealed by the board of
5 aldermen. And prosecutions and suits may be commenced
6 and proceeded thereon, in the name of the city, by officers or
7 other persons thereby empowered or directed to prosecute
8 and sue; and the fines and penalties shall go to the use in
9 such laws or regulations named, or such as are by law pro-
10 vided.

Sect. 13. In all complaints for the breach of any city
2 ordinance, by law or regulation, the court before whom such
3 complaint shall be made shall have the same jurisdiction over
4 the said complaints and offenses, as they now have over com-
5 plaints for criminal offenses against the State, and shall be
6 authorized, in the name of the State, to issue their mittimus
7 upon the non-payment of the fine and costs, in the same man-
8 ner as they now can, in all cases of criminal prosecution in
9 behalf of the State, where the penalty does not exceed the
10 sum of fifty dollars.

Sect. 14. The city shall remain divided into seven wards;
2 and it shall be the duty of the board of aldermen once in ten
3 years or oftener, to revise, and, if needful, to alter such
4 wards in such manner as to preserve, as nearly as may be, an
5 equal number of voters in each. At the annual municipal
6 election the qualified electors in each ward shall, by written
7 ballot elect a warden and clerk, who shall enter on the duties
8 of their respective offices on the Monday next following their
9 election and shall hold their offices for one year therefrom,
10 and until others shall have been chosen and qualified in their
11 places, and shall be sworn or affirmed to the faithful per-

12 formance of their respective duties, by any justice of the
13 peace of said city; and a certificate of such oaths or affirma-
14 tions having been administered, shall be transmitted to the
15 city clerk for record. The warden shall preside at all ward
16 meetings, with the powers of a moderator of town meetings;
17 and if, at any meeting, the warden shall be absent, the clerk
18 of such ward shall call the meeting to order, and preside until
19 a warden, pro tempore, shall be chosen. The clerk shall
20 record all the proceedings and certify the votes given, and
21 deliver over to his successor in office all such records and
22 journals together with all other documents and papers held
23 by him in said capacity. The inhabitants of each ward may
24 choose two persons to assist the warden in receiving, sorting
25 and counting the votes at municipal elections or ward meet-
26 ings. All regular ward meetings shall be called and notified
27 by a warrant from the municipal officers in the manner pre-
28 scribed by the laws of the State for calling and notifying
29 town meetings by the selectmen of towns.

The aldermen elected for 1 year in the first instance, shall
31 be deemed the senior members of the board for the purposes
32 of this act.

Sect. 15. The mayor shall be elected from the citizens at
2 large, by the inhabitants of the city voting in their respective
3 wards. The aldermen, the warden and ward clerk elected by
4 each ward, shall be residents in the ward where elected. All
5 said officers shall be elected by ballot by a plurality of the
6 votes given in and shall hold their offices, except as herein-
7 after provided, for one year from the second Monday in
8 December and until others shall be elected and qualified in
9 their places. The aldermen and ward officers shall be held to
10 discharge the duties of the officers to which they have been
11 respectively elected, notwithstanding their removal after their
12 election out of their respective wards into other wards in the

13 city ; and they shall not be so held after they have taken up
14 their permanent residence out of the city.

Sect. 16. On the second Monday in December, following
2 the adoption of this charter, the qualified electors in each
3 ward shall ballot for mayor, one alderman to serve one year ;
4 one alderman to serve for two years, and one alderman to
5 serve for three years, a warden and ward clerk, on one bal-
6 lot, and annually thereafter on the second Monday in Decem-
7 ber, the qualified electors in each ward shall ballot for mayor,
8 one alderman to serve for a term of three years, a warden and
9 clerk, on one ballot.

The ward clerk within twenty-four hours after such elec-
11 tion shall deliver to the persons elected, certificates of their
12 election, and shall forthwith deliver to the city clerk a cer-
13 tified copy of the records of such election, a plain and intelli-
14 gible abstract of which shall be entered by the city clerk
15 on the city records. If the choice of any such officers is not
16 effected on that day, the meeting shall be adjourned to
17 another day (not less than three days nor more than one
18 week thereafter) to complete such election and may so
19 adjourn from time to time until the election is completed.
20 And for the purposes of said adjourned election the require-
21 ments of law relating to registration of voters, and prepara-
22 tion and posting of lists of voters are hereby suspended, but
23 new check lists and ballots shall be provided by the city clerk.
24 The municipal officers shall, within the time and in the man-
25 ner provided by law, examine the copies of the records of the
26 several wards certified as aforesaid, and shall cause the per-
27 son who shall have been elected mayor by a plurality of the
28 votes given in all the wards, to be notified in writing of his
29 election ; but if it shall appear that no person shall have been
30 so elected, or if the person elected shall refuse to accept the
31 office, the said board shall issue their warrants for another

32 election; and in case the citizens shall fail on a second ballot
33 to elect a mayor, the board of aldermen shall, from the four
34 highest candidates voted for at the second election, elect a
35 mayor for the ensuing year; and in case of a vacancy in the
36 office of mayor by death, resignation or otherwise, it shall be
37 filled for the remainder of the term by a new election in the
38 manner hereinbefore provided for the choice of said officer;
39 provided that no more than six months of the fiscal year shall
40 have passed, in which case such vacancy shall be filled by an
41 election by a majority vote of the board of aldermen.

The oath or affirmation prescribed by this act shall be
43 administered to the mayor by the city clerk or any justice of
44 the peace in said city. The aldermen shall meet on the third
45 Monday in December, at ten o'clock in the forenoon in the
46 city hall, when the oath or affirmation required by the second
47 section of this act shall be administered to the members
48 present by the mayor or any justice of the peace.

Sect. 17. That the city clerk shall be the clerk of the board
2 of aldermen and board of municipal officers. He shall per-
3 form such duties as shall be prescribed by the said boards,
4 and shall perform all the duties and exercise all the powers
5 by law incumbent upon or vested in the city clerk of Bangor.
6 He shall give notice in two of the newspapers printed in the
7 city of the time and place of regular ward meetings; but the
8 place of regular ward meetings, and the day and hour, when
9 not fixed by law, shall be determined by the board of municipi-
10 pal officers. The mayor may designate one of the senior
11 members of the board to act as president during the year
12 whenever he shall be absent from the city, or be prevented by
13 sickness or any other cause from attending to the duties of
14 his office with all the powers and rights of the mayor; but in
15 case he should not so appoint, the board of aldermen may
16 choose a president pro tempore, who shall possess all the

17 powers and rights of the mayor during such absence or dis-
18 ability. The board shall keep a record of its proceedings,
19 and judge of the election and qualification of its own mem-
20 bers, and, in case of failure of election, or of vacancy by
21 death, resignation or otherwise, may direct the municipal
22 officers to order a new election to fill the vacancy in each case ;
23 may determine the rules of its proceedings, punish its mem-
24 bers for disorderly behavior, and, with the concurrence of
25 three-fourths, expel a member, but not a second time for the
26 same cause ; a majority shall constitute a quorum for doing
27 business, but a smaller number may adjourn, and may compel
28 the attendance of absent members in such manner and under
29 such penalties as the board shall provide.

Sect. 18. That the mayor shall have power, with the con-
2 sent of the municipal officers, in the case of any riot or other
3 disturbance within the city, of so violent a nature that the
4 police or civil authority of the city cannot restrain or quell
5 the same, to call out one or more of the companies of militia
6 organized within the limits of the city, to restrain and quell
7 such riot or disturbance ; and the commanding officer of such
8 company or companies, when thus called out, shall be subject
9 to the orders of the mayor.

Sect. 19. That general meetings of the citizens qualified
2 to vote in city affairs, may from time to time, be held to con-
3 sult upon the public good, to instruct their representatives,
4 and to take all lawful measures to obtain redress of any
5 grievances, according to the right secured to the people by
6 the constitution of this State ; and such meetings may and
7 shall be duly warned by the board of municipal officers, upon
8 the request in writing, of thirty qualified voters of said city.

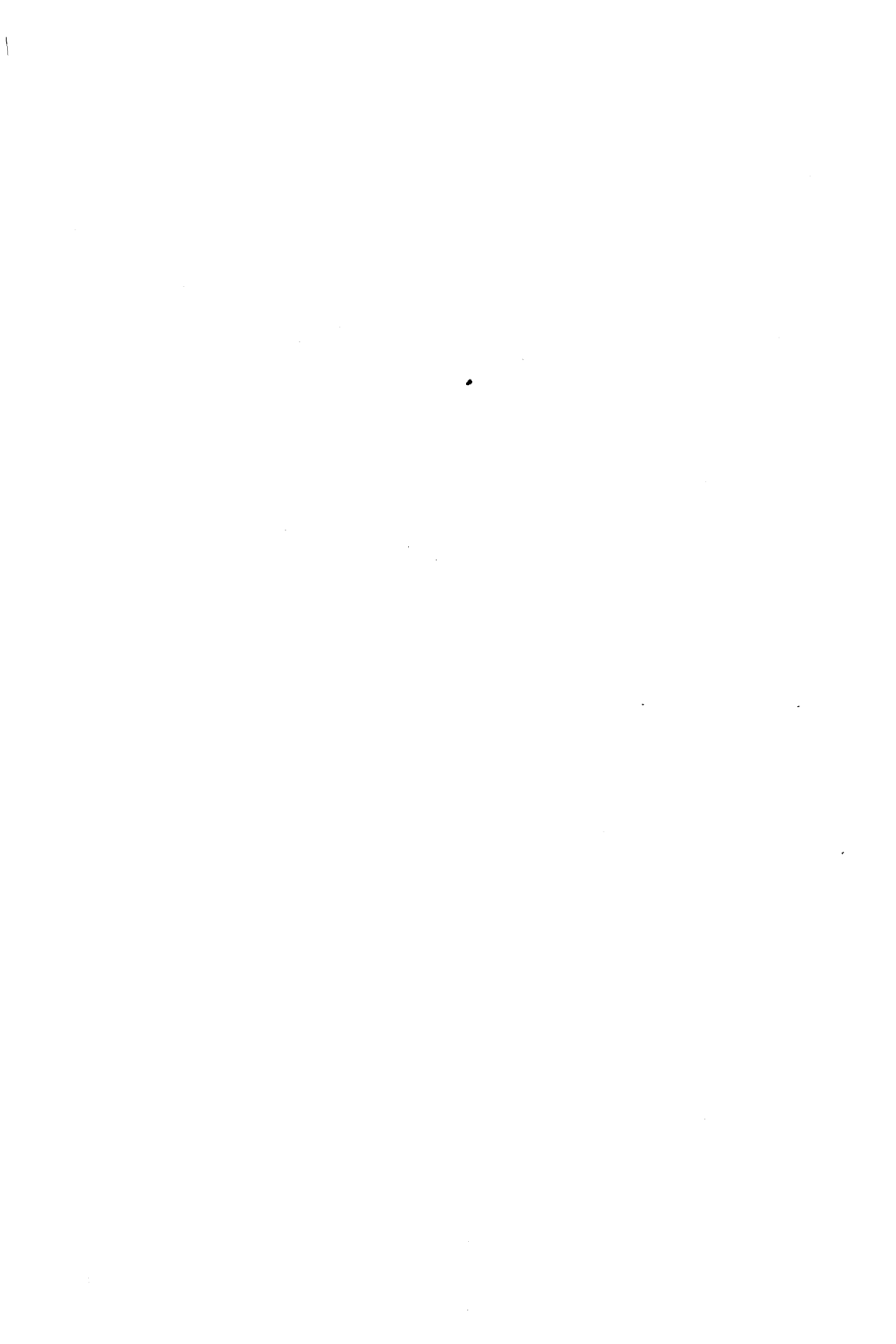
Sect. 20. All acts or parts of acts inconsistent with this act
2 are hereby repealed. Provided, however, the repeal of the
3 said acts or parts thereof shall not affect any act done, or any

4 act accruing, or accrued or established, or any suit or pro-
5 ceeding had or commenced in any civil or criminal case
6 before the time when such repeal shall take effect and that no
7 offense committed, and no penalty or forfeiture incurred
8 under the acts hereby repealed, and before the time when such
9 repeal shall take effect, shall be affected by the repeal. And
10 provided also, that all persons who, at the time the said repeal
11 shall take effect, shall hold any office under the said acts or
12 ordinances of the city shall continue to hold the same accord-
13 ing to the tenure thereof, or until others are elected and
14 qualified in their stead. And provided, also, that all the
15 ordinances, rules and regulations of the city of Bangor which
16 shall be in force at the time when the said repeal shall take
17 effect and not inconsistent thereto, shall continue in force
18 until the same are repealed. No act which has been hereto-
19 fore repealed shall be revived by the repeal of the above acts.

Sect. 21. There is hereby created a board of public works,
2 which, when accepted by a majority vote of the whole board
3 of aldermen, shall be in full force. Said board to consist of
4 two citizens taken from the dominant party and one from the
5 minority party, casting the largest number of minority votes.
6 The mayor and city engineer to be members ex-officio. In
7 the first instance the three citizens shall be elected by the
8 board of aldermen to serve for one, two and three years,
9 respectively, dating from the commencement of the year in
10 which this section is accepted by the board of aldermen, and
11 thereafter annually one member for three years. The salaries
12 shall be fixed by the board of aldermen. Their duties shall
13 be to superintend all work upon streets and highways, side-
14 walks, bridges, lanes, alleys, wharfs, water slips, repairs
15 upon all buildings belonging to the city, (except water
16 works) and all work upon sewers, parks, trees, etc. They
17 shall employ all labor, appoint such assistants as they may

18 deem advisable and fix their salaries. Shall receive all peti-
19 tions for all work to be done in either of the departments
20 herein mentioned, when any are presented. Shall give such
21 hearings as they may deem proper, and in all cases where the
22 expense is liable to exceed \$500.00, they shall report to the
23 board of aldermen their recommendations, and shall receive
24 and be bound by such instructions as that board may be
25 pleased to give. Any regular member of this board may be
26 removed, or this section suspended, by a two-thirds vote of
27 all the aldermen, voting by yea and nay.

Sect. 22. Whenever at legal meetings of the qualified elec-
2 tors of the several wards, duly warned by warrants issued by
3 the mayor and aldermen containing an article submitting the
4 question of the acceptance of this act, it shall appear that a
5 majority of all the votes given in upon the question are in
6 favor thereof, then this act shall take effect and be in force.
7 And in case this act is so adopted and takes effect, the terms
8 of office of all city and ward officers elected by popular vote,
9 which would otherwise expire in the next following month of
10 March, shall expire on the second Monday of December in
11 the year of said adoption, or as soon thereafter as other per-
12 sons are elected hereunder and qualified in their places. The
13 term of office of subordinate city officers first elected under
14 this act shall begin on the first day of January next following
15 their election.



STATE OF MAINE.

HOUSE OF REPRESENTATIVES,

Augusta, January 26, 1905.

Tabled pending reference to Bangor Delegation by Mr. TUPPER of Bangor, and ordered printed.

E. M. THOMPSON, *Clerk.*