

MAINE STATE LEGISLATURE

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SEVENTY-SECOND LEGISLATURE

HOUSE.

No. 519

STATE OF MAINE.

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

AN ACT to incorporate the city of Brunswick.

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

Section 1. The inhabitants of the town of Brunswick, in
2 the county of Cumberland, shall, in case of the acceptance
3 of this act by the voters of said town, as hereinafter pro-
4 vided, continue to be a body politic and corporate under the
5 name of Brunswick, and as such shall have, exercise and
6 enjoy all the rights, immunities, powers, privileges and fran-
7 chises, and shall be subject to all the duties and obligations
8 now appertaining to, or incumbent upon said town as a
9 municipal corporation, or appertaining to or incumbent upon,
10 the inhabitants or selectmen thereof; and may ordain and
11 publish such by-laws, ordinances and regulations, not incon-
12 sistent with the constitution and laws of this State, as shall

13 be needful to the good order of said body politic; and impose
14 fines and penalties for the breach thereof, not exceeding
15 twenty dollars for any offense, which may be recovered to
16 the use of the city, by action of debt, or on complaint before
17 the municipal court of said city.

Sect. 2. The administration of all fiscal, prudential and
2 municipal affairs of said city with the government thereof
3 shall be vested in an officer to be called the mayor, and one
4 council of not less than five nor more than seven members,
5 as hereinafter provided, to be denominated a board of alder-
6 men; all of whom shall be inhabitants of said city and legal
7 voters therein. Said mayor and aldermen shall constitute
8 the city council, and shall be sworn, or affirmed for the faith-
9 ful discharge of their duties.

Sect. 3. The mayor of said city shall be the chief executive
2 magistrate thereof. It shall be his duty to cause the laws
3 and regulations of the city to be executed and enforced, to
4 exercise a general supervision over the conduct of all sub-
5 ordinate officers, and to cause their violations or neglect of
6 duty to be punished. He may call special meetings of the
7 city council, when, in his opinion, the interests of the city
8 require it, by causing a notification to be given in hand, or
9 sent by mail or telephone to each member thereof. He shall
10 from time to time, communicate to the city council, such
11 information, and recommend such measures as the business
12 and interests of the city may, in his opinion, require. He
13 shall preside at the meetings of the city council, but shall
14 have only a casting vote. The salary and compensation of
15 the mayor shall be two hundred dollars per year for the first
16 five years under this charter. It may then be diminished or
17 increased by the council.

Sect. 4. For the purpose of holding elections, the territory
2 of said city shall, as soon as may be after the first election
3 under this act, be divided by ordinance by the city council

4 into not less than five nor more than seven wards, to contain
5 as nearly as practicable, consistently within well defined
6 limits, an equal number of legal voters; and the city council
7 may, not oftener than once in five years, review and alter
8 such wards in such manner as to preserve, as nearly as prac-
9 ticable, an equal number of legal voters in each ward.

Sect. 5. The mayor shall be elected from the citizens at
2 large, by the legal voters of the city voting in their respective
3 wards. One alderman, a warden, a ward clerk and one con-
4 stable shall be elected by each ward, being residents in the
5 ward where elected. All of said officers shall be elected by
6 ballot as hereinafter provided.

Sect. 6. The municipal elections, after the first, shall take
2 place annually, on the first Monday in March. All meetings
3 of the citizens for municipal purposes shall be notified and
4 called in their respective wards, by the mayor and aldermen,
5 in the manner provided by the laws of this State for notify-
6 ing and calling town meetings by the selectmen of the several
7 towns. The wardens shall preside at all ward meetings, with
8 the powers of moderators at town meetings; and if at any
9 ward meeting the warden shall not be present, the clerk shall
10 preside till a warden, pro tempore, shall be chosen. If
11 neither the warden nor clerk is present, any legal voter in the
12 ward shall preside until a clerk, pro tempore, shall be chosen
13 and qualified.

Sect. 7. The city council shall secure a prompt and just
2 accountability by requiring bonds with sufficient penalty and
3 surety or sureties, from all persons trusted with the receipt,
4 custody or disbursement of money; the city council shall also
5 have the care and superintendence of the city buildings, and
6 the custody and management of all city property and trust
7 funds for the benefit of schools, public library, parks, ceme-
8 teries and for any other beneficial purpose, whether acquired

9 by purchase or legacy; with power to let or sell what may
10 be legally let or sold, and to purchase and take, in the name
11 of the city, real and personal property for municipal purposes
12 to an amount not exceeding one hundred thousand dollars
13 in addition to that now held by the town, and shall, as often
14 as once a year, cause to be published for the information of
15 the inhabitants, a particular account of the receipts and
16 expenditures and a schedule of the city property and the city
17 debt. The city shall have the power to establish by ordi-
18 nance such officers as may be necessary for municipal gov-
19 ernment not provided for by this act, and to elect such sub-
20 ordinate officers as may be elected by towns under general
21 laws of the State for whose election or appointment other
22 provision is not made; to define their duties and fix their
23 compensation; to act upon all matters in which authority is
24 now given to said town of Brunswick, and to determine what
25 streets, if any, shall be lighted and upon what terms. The
26 city council shall appropriate annually the amount necessary
27 to meet the expenditures of the city for the current municipal
28 year. The city council shall have exclusive authority to lay
29 out, widen or otherwise alter or discontinue any and all
30 streets or public ways in said city, and as far as extreme low
31 water mark, and to estimate all damages sustained by owners
32 of land taken for such purpose. A committee of the council
33 shall be appointed whose duty shall be to lay out, alter, widen
34 or discontinue any street or way, first giving notice of the
35 time and place of their proceedings to all parties interested,
36 by an advertisement in any newspaper published in Bruns-
37 wick, or if there is no such newspaper, in any newspaper
38 published in the county of Cumberland, for three weeks at
39 least, next previous to the time appointed. The committee
40 shall first hear all parties interested, and then determine and
41 adjudge whether the public convenience requires such street
42 or way to be laid out, altered or discontinued, and shall make

43 a written return of their proceedings, signed by a majority
44 of them, containing the bounds and descriptions of the street
45 or way, if laid out or altered, and the names of the owners
46 of the land taken, when known, and the damages allowed
47 therefor; the return shall be filed in the city clerk's office at
48 least seven days previous to its acceptance by the city coun-
49 cil. The street or way shall not be altered or established
50 until the report is accepted by the city council. And the
51 report so filed shall not be altered or amended before it comes
52 up before the city council for action. A street or way shall
53 not be discontinued by the city council, except upon the report
54 of said committee. The committee shall estimate and report
55 the damages sustained by the owners of the lands adjoining
56 that portion of the street or way which is so discontinued;
57 their report shall be filed with the city clerk seven days at
58 least before its acceptance. Any party aggrieved by their
59 decision may appeal therefrom as provided by law in the
60 case of town ways. If a street or way is discontinued before
61 the damages are paid or recovered for the land taken, the
62 land owners shall not be entitled to recover such damages,
63 but the committee in their report discontinuing the same
64 shall estimate and include all the damages sustained by the
65 land owner, including those caused by the original location
66 of the streets; and in such cases, if any appeal has been reg-
67 ularly taken, the appellant shall recover his costs. The city
68 shall not be compelled to construct or open any street or way
69 thus hereafter established, until in the opinion of the city
70 council, the public good requires it to be done; nor shall the
71 city interfere with possession of the land so taken by remov-
72 ing therefrom materials or otherwise, until they decide to
73 open said street. The city council may regulate the height
74 and width of the sidewalks in any public square, places,
75 streets, lanes or alleys in said city; and may authorize
76 hydrants, drinking fountains, posts and trees to be placed

77 along the edge of the sidewalks, and may locate and construct
78 culverts and reservoirs within the limits of any street or way
79 in said city whenever they deem it needful. Every law, act,
80 ordinance, resolve or order of the city council excepting rules
81 and orders of a parliamentary character, shall be presented
82 to the mayor. If not approved by him he shall return it with
83 his objections in writing at the next stated session of the city
84 council, which shall enter the objections at large on its jour-
85 nal and proceed to reconsider the same. If, upon reconsid-
86 eration, it shall be passed by vote of two-thirds of all the
87 members of the board, it shall have the same force as if
88 approved by the mayor. In case of vacancy in the mayor's
89 office, this section shall not apply to any act of the council.
90 In case the mayor fails to either sign or return the bill at the
91 next session, then it becomes a law as though he had
92 signed it.

Sect. 8. The city clerk shall, before entering upon the
2 duties of his office, be sworn to the faithful discharge thereof.
3 He shall have care of all journals, records, papers and docu-
4 ments, of the city; and shall deliver all journals, records,
5 papers and documents, and other things entrusted to him as
6 city clerk, to his successor in office. He shall be clerk of the
7 city council, and do such acts in said capacity as the city
8 council may lawfully and reasonably require of him. He
9 shall perform all the duties, and exercise all the powers by
10 law incumbent upon or vested in the town clerk of the town
11 of Brunswick. He shall attend all meetings of the city coun-
12 cil, and keep a journal of its acts, votes and proceedings.
13 He shall engross all of the ordinances passed by the city
14 council in a book provided for the purpose, and shall add
15 proper indexes, which book shall be deemed a public record
16 of such ordinances; he shall issue to every person who is
17 appointed to any office by the mayor, or elected to any office
18 by the city council, a certificate of such appointment or elec-

19 tion. He shall give notice of time and place of regular ward
20 meetings. In case of the temporary absence of the city clerk,
21 the city council may elect a clerk, pro tempore, with all the
22 powers, duties and obligations of the city clerk, who shall
23 be duly qualified.

Sect. 9. The assessors, overseer of the poor, members of
2 the superintending school committee and health officers shall
3 be elected by the city council on the second Monday in
4 March, or as soon thereafter as may be. At the first election
5 thereof under this act, three persons shall be elected
6 assessors, one of whom shall be elected for one year, one
7 for two years and one for three years, and at each subse-
8 quent election one assessor shall be elected for three years,
9 each of whom shall continue in office until some other person
10 shall have been elected and qualified in his place. Three
11 members of the superintending school committee shall be
12 elected in the same manner as are the assessors and shall
13 hold office the same time, and all subsequent elections of
14 these officers shall be in the same manner as all subsequent
15 elections of the assessors. The city council may elect an
16 assistant assessor in each ward, whose duty it shall be to fur-
17 nish the assessors with all necessary information relative to
18 persons and property taxable in his ward. He shall be sworn
19 or affirmed, to the faithful performance of his duty. All
20 taxes shall be assessed, apportioned and collected in the man-
21 ner prescribed by the laws of this State relative to town taxes,
22 except as herein modified, and the city council may establish
23 further or additional provisions for the collection thereof,
24 and of interest thereon. The city council shall also elect an
25 overseer of the poor and a city solicitor and determine their
26 salaries.

Sect. 10. The city council shall, annually, as soon after its
2 organization as may be convenient, elect by ballot a city
3 clerk, a city treasurer, an auditor and a collector of taxes,

4 who shall hold their offices for the current municipal year
5 following their election and until their respective successors
6 shall be elected and qualified; provided, however, that either
7 of the officers may be removed at any time by the city coun-
8 cil for sufficient cause. Vacancies in the above named offices
9 may be filled by ballot of the city council at any time. The
10 compensation of the officers named in this section shall be
11 fixed by vote of the city council, and the official fees by them
12 received shall be paid into the city treasury if so ordered by
13 the council. If it is deemed expedient by the city council,
14 the offices of city clerk and city treasurer may be held by the
15 same person. The method of keeping, vouching and settling
16 the accounts of city officials shall be subject to such rules not
17 inconsistent with this act and the laws of the State, as the
18 city council may establish.

Sect. 11. I. The mayor shall annually appoint a street
2 commissioner, which appointment shall be subject to con-
3 firmation by the city council. The street commissioner shall
4 give bonds to the city in the sum of one thousand dollars with
5 such sureties as may be approved by the city council, for the
6 faithful performance of his duty and shall receive such com-
7 pensation as the city council shall establish and he may be
8 removed from office by the mayor for cause shown with the
9 consent of the city council.

II. It shall be the duty of the street commissioner to super-
11 intend the general state of the streets, roads, bridges, side-
12 walks and lanes in the city; to attend to the repairs of the
13 same, and to remove sidewalks when they are dangerous to
14 travelers; and it shall be the duty of the commissioner to
15 cause permanent bounds, monuments, or land marks, to be
16 erected at the termini and angles of all highways and streets
17 now located, or that may hereafter be located by the council,
18 or altering or widening as provided by statute, and shall

19 cause plans thereof to be made and filed with the city clerk,
20 when required, after the passage of an order by the council.
21 He shall make all contracts for labor and material, subject
22 to the approval of the council, and give notice to the mayor,
23 or to any police officer or constable, of any obstruction or
24 encroachment thereon; to superintend the building and repair
25 of any city sewer, drain or reservoir, and to make contracts
26 for labor and material for the same, subject to approval of
27 the council.

III. He shall perform such duties in said office as the city
29 council may require, and shall at all times obey the directions
30 of the council or its committees, in the performance of his
31 official duties.

IV. The street commissioner shall certify all accounts con-
33 tracted in the discharge of his official duties, to the city coun-
34 cil for their examination and allowance, at each regular meet-
35 ing of the council.

V. No person or corporation authorized by the city council
37 to dig up any public street or sidewalk in said city shall begin
38 such digging before furnishing to the street commissioner,
39 security satisfactory to him to restore such street or sidewalk
40 to its former condition.

Sect. 12. The city council may by the affirmative vote of
2 two-thirds of all its members, establish, by ordinance, a police
3 department, to consist of a chief of police and such other
4 officers and men as it may prescribe, and may make regula-
5 tions for the government of the department. Until a depart-
6 ment of police shall be established in accordance with the
7 provisions of this act, the mayor shall have the appointment,
8 control and direction of the police force of the city.

Sect. 13. The city council may establish a fire department
2 for said city, to consist of such officers and men as it may
3 prescribe, which officers shall be appointed by the mayor

4 subject to confirmation by the city council, and it may make
5 regulations for the government of the department.

Sect. 14. The city council shall establish, by ordinance, the
2 regular salaries or remuneration of the offices established by
3 this act, in case the same is not fixed herein, and of such
4 other offices as may be hereafter established, and after the
5 first municipal year no ordinance of the council changing any
6 such salary or remuneration, shall take effect until the munic-
7 ipal year succeeding that in which the ordinance is passed.

Sect. 15. In case any ordinance, order, resolution or vote
2 involves the appropriation or expenditure of money to an
3 amount which may exceed three hundred dollars, the laying
4 of an assessment, or the granting to a person or corporation of
5 any right in, over or under any street or other public ground
6 of this city, the affirmative votes of a majority of all the mem-
7 bers of the city council shall be necessary for its passage.
8 Every such ordinance, order, resolution or vote shall be read
9 twice, with an interval of at least three days between the two
10 readings, before being finally passed, and the vote upon its
11 final passage shall be taken by roll call. No sum appropri-
12 ated for a specific purpose shall be expended for any other
13 purpose, and no expenditure shall be made nor liability
14 incurred by or in behalf of the city, until an appropriation
15 has been duly voted by the city council sufficient to meet such
16 expenditure or liability, together with all unpaid liabilities
17 which are payable out of such appropriation; provided, how-
18 ever, that after the expiration of the financial year until the
19 passage of the regular annual appropriation, liabilities pay-
20 able out of a regular appropriation to be contained therein
21 may be incurred to an amount not exceeding one-quarter of
22 the total of such appropriation for the preceding year. No
23 money shall be paid out of the city treasury, except on orders
24 signed by the mayor, designating the fund or appropriation
25 from which said orders are to be paid.

Sect. 16. For the purpose of organizing the system of government hereby established, and putting the same in operation in the first instance, the selectmen of the town shall, within thirty days after the acceptance of this charter, issue their warrant for calling a meeting of the legal voters at such place and hour of the day as they shall choose, for the purpose of choosing a mayor, and five aldermen to be taken from the city at large; said officers shall be elected by a plurality vote. The town clerk shall notify the several officers elect, of their election, in writing, within twenty-four hours. Their powers and duties shall be as herein provided. After the city has been divided into wards, ward meetings of the legal voters thereof shall be called, which meetings shall be presided over by some person appointed by the city council, and the records of said first meetings in the several wards shall be made by some person designated by the city council, and at said first meetings lists of voters, corrected by the aldermen, shall be delivered to the persons designated to act as recording officers in the several wards to be used as provided by law, in town meetings. Said recording officers shall perform the duties of ward clerks, as before herein provided, relative to making a record of the election and returning a copy of the records of the city council. On the first Monday in March, annually thereafter the qualified voters of each ward shall vote on one ballot for city and ward officers, as hereafter provided for, all of which officers except the mayor shall be residents of the ward or district where elected. And all officers shall be elected by ballot, by a plurality of the votes given, and shall hold their offices one year from the second Monday in March, and until others shall be elected and qualified in their places; all city and ward officers shall be held to discharge the duties of the offices to which they have been respectively elected, notwithstanding the removal after their election, out of their respective wards, into any

35 other ward in the city; the ward clerk within twenty-four
36 hours after such election shall deliver to the ward officers
37 elected, certificates of their election, and shall forthwith
38 deliver to the clerk a certified copy of the record of such elec-
39 tion, a plain and intelligible abstract of which shall be entered
40 by the city clerk upon the city records. If the person elected
41 shall refuse to accept the office, the said board shall issue their
42 warrants for another election; and in case of a vacancy in
43 the office of mayor by death, resignation or otherwise, it shall
44 be filled for the remainder of the term by a new election, to
45 be called as herein provided, and held within twenty days
46 after the vacancy occurs. The oath or affirmation prescribed
47 by this act shall be administered to the mayor by the city
48 clerk, or any justice of the peace. The aldermen elect shall
49 meet on the second Monday of March at seven o'clock in the
50 evening, when the oath or affirmation, required by the second
51 section of this act shall be administered to the members pres-
52 ent by the mayor, or any justice of the peace. The city coun-
53 cil shall by ordinance, determine the times of holding stated
54 or regular meetings of the board, and shall also in like man-
55 ner determine the manner of calling special meetings and the
56 persons by whom the same shall be called, but until other-
57 wise provided by ordinance, special meetings shall be called
58 by the mayor by causing a notification to be given in hand
59 or sent by mail or telephone to each member.

Sect. 17. After the organization of the city government
2 and the qualification of a mayor, and when a quorum of the
3 city council shall be present, said board, the mayor presiding,
4 shall proceed to choose a permanent chairman, who in the
5 absence of the mayor, shall preside at all meetings of the
6 board, and in case of any vacancy in the office of mayor
7 caused by death, resignation or otherwise, he shall exercise
8 all the powers and perform all the duties of the office so long
9 as such vacancy shall remain; he shall continue to have a

10 vote in the board, but shall not have the veto power. The
11 board of aldermen, in the absence of the mayor and perma-
12 nent chairman, shall choose a president, pro tempore, who
13 shall exercise the power of a permanent chairman.

Sect. 18. Every officer of the city, except the mayor, shall,
2 at the request of the city council, appear before the board and
3 give such information as may be required, and answer any
4 questions that may be asked by the council in relation to any
5 matter, act or thing connected with his office or the discharge
6 of the duties thereof.

Sect. 19. The aldermen shall not be entitled to receive any
2 salary or other compensation during the year for which they
3 are elected, nor be eligible to any office of profit or emolu-
4 ment, the salary of which is payable by the city, during said
5 term; and all department, boards, officers and committees,
6 acting under the authority of the city and instructed with
7 the expenditure of public money, shall expend the same for
8 no other purpose than that for which it is appropriated, and
9 shall be accountable therefor to the city in such manner as
10 the city may direct.

Sect. 20. Neither the mayor, members of the board of
2 aldermen, or any officer of the city, shall be interested,
3 directly or indirectly, in any contract or agreement to which
4 the city is a party. This provision shall not apply to local
5 tradesmen furnishing supplies of any kind in their line to the
6 city.

Sect. 21. All officers of the police department shall be
2 appointed by nomination by the mayor and confirmed by the
3 city council, and may be removed by them for good cause.
4 All other subordinate officers shall be elected by the city
5 council, and may be removed by them for cause. Except
6 as otherwise specially provided in this act, all subordinate
7 officers shall be elected annually on the second Monday of
8 March, or as soon thereafter as may be, and their term of

9 office shall be for one year, and until others are qualified in
10 their place.

Sect. 22. No person shall be eligible for election or
2 appointment to any office established by this act, unless at
3 the time of election he shall have been a citizen of the United
4 States, and a resident of the city for at least three months.
5 Any office established by or under this act shall become vacant
6 if the incumbent thereof ceases to be a resident of the city.

Sect. 23. The members of the school committee first elected
2 under the provisions of this charter, at their first meeting
3 shall designate by lot, one of their number to hold office for
4 three years, one for two years, and one for one year. Each
5 member elected thereafter to fill the place of one whose term
6 expires, shall hold office three years. A majority of the board
7 shall constitute a quorum for the transaction of business.
8 They shall have all the powers and perform all the duties in
9 regard to the care and management of the public schools of
10 said town which are now conferred upon superintending
11 school committees by the laws of this State, including the
12 employment of all teachers. They may annually, and when-
13 ever there is a vacancy, elect a superintendent of schools,
14 who may be a member of the committee, for the current
15 municipal year, who shall have the care and supervision of
16 said public schools under their direction, and act as secretary
17 of their board; they shall fix his salary at the time of his elec-
18 tion, which shall not be increased nor diminished during the
19 year for which he is elected, and may at any time dismiss
20 him if they deem it proper or expedient. A suitable and con-
21 venient room shall be furnished by the city for the meetings
22 of said committee, wherein shall be kept their records open
23 to the inspection of the citizens. The said committee shall
24 annually, before the spring election, furnish to the city coun-
25 cil an estimate in detail of the several sums required during
26 the ensuing year for the support of said public schools, and

27 they shall not increase the expenditures beyond the amount
28 appropriated therefor.

Sect. 24. The city council may lay out, maintain and repair
2 all main drains or common sewers in said city, in manner
3 and form prescribed by statute.

Sect. 25. General meetings of the citizens, qualified to vote
2 in the city affairs may, from time to time, be held to consult
3 upon the public good, to instruct their representatives and
4 to take all lawful measures to obtain redress of any griev-
5 ances according to the rights secured to the people by the
6 constitution of this State; and such meetings shall be duly
7 warned by the mayor and aldermen upon requisition of
8 twenty qualified voters. The city clerk shall act as clerk of
9 such meetings and record the proceedings upon the city
10 records.

Sect. 26. When the city of Brunswick shall be duly con-
2 stituted, the title of the municipal court for said town shall
3 be changed to the municipal court for the city of Brunswick;
4 and said court shall remain otherwise unaffected by this act.

Sect. 27. When the organization of the government shall
2 be perfected as aforesaid, the title to all property of the town
3 of Brunswick shall be transferred and vested in the city of
4 Brunswick without any conveyance or ceremony.

Sect. 28. This act shall take effect and be in full force when
2 the same shall have been accepted by the inhabitants of said
3 town qualified to vote in town affairs, at a legal meeting
4 called for that purpose, provided, it shall be accepted within
5 five years from the passage of this act; but no more than one
6 meeting for that purpose shall be called in any one year.
7 And at such meeting the inhabitants of said town shall vote
8 by a written ballot, those in favor of accepting this act having
9 on the ballot the word "yes," and those opposed having on
10 the ballot the word "no"; and if a majority of all the ballots

11 received are in favor of accepting the same, it shall then
12 become a law and take effect. And it shall be the duty of
13 the clerk of said town to file a copy of the record of the vote
14 of said town accepting the same, with the clerk of the city
15 of Brunswick, when elected, who shall transcribe such copy
16 into the records of the city, and such record shall be conclu-
17 sive evidence that this act has been accepted.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES,
Augusta, March 10, 1905.

Reported by Mr. SHAW from Committee on Towns and ordered
printed under joint rules.

E. M. THOMPSON, *Clerk.*