

# MAINE STATE LEGISLATURE

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# SEVENTY-THIRD LEGISLATURE

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HOUSE.

No. 378

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## STATE OF MAINE

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

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AN ACT to revise the charter of the city of Westbrook.

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

Section 1. For the purpose of bringing together in a more  
2 connected and convenient form chapter 486 of the private  
3 and special laws of 1889, entitled "An Act to incorporate  
4 the city of Westbrook," and acts additional thereto and  
5 amendatory thereof, and revising and further amending the  
6 same, said original act, after the enacting clause, is hereby  
7 so revised and further amended as to read as follows:

'Section 1. The inhabitants of the town of Westbrook, 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 the city of Westbrook, and as such shall have, exer-

6 cise and enjoy all the rights, immunities, powers, privileges  
7 and franchises, and shall be subject to all the duties and  
8 obligations now appertaining to, or incumbent upon said  
9 town as a municipal corporation, or appertaining to or incum-  
10 bent upon, the inhabitants or selectmen thereof; and may  
11 ordain and publish such by-laws, ordinances and regulations,  
12 not inconsistent with the constitution and laws of this State,  
13 as shall be needful to the good order of said body politic;  
14 and impose fines and penalties for the breach thereof; not  
15 exceeding twenty dollars for any one offense, which may  
16 be recovered to the use of said city, by action of debt, or on  
17 complaint before the municipal court of said city.

‘Sect. 2. The government of said city, with the adminis-  
2 tration of all its fiscal, prudential and municipal affairs shall  
3 be vested in one principal magistrate, to be called the mayor,  
4 and in one council of thirteen, to be called the city council.  
5 the members whereof shall be called aldermen. The gen-  
6 eral management and control of the public schools and of  
7 the school property, including the school buildings and  
8 grounds, shall be vested in a school committee to consist of  
9 seven members. The members of said school committee,  
10 shall continue to be elected in the manner and for the terms  
11 provided in section 2 of chapter 346 of the private and  
12 provided in section 2 of chapter 346 of the private and  
13 special laws of 1897, which is hereby kept in force for that  
14 purpose, except that each member so elected, shall hold office  
15 for the term of three years from the first Monday of Jan-  
16 uary succeeding the time when elected, and until a successor  
17 is elected and qualified. All vacancies occurring in the  
school committee by death, resignation or removal from the

18 city, shall be filled for the unexpired term by the remaining  
19 members; and in case such vacancy is caused by the death,  
20 resignation or removal from the city, of a member elected  
21 by a ward, such vacancy shall be filled from the ward where  
22 it occurs. Said school committee may effect such insurance  
23 upon the school buildings and property as they may deem  
24 expedient, and shall have charge of all repairs on the same.

'Sect. 3. For the purpose of holding elections, the terri-  
2 tory of said city shall, as soon as may be after the first elec-  
3 tion under this act, be divided by ordinance by the city coun-  
4 cil into five wards, to contain as near as may be consistently  
5 with well-defined limits, an equal number of legal voters;  
6 and it shall be the duty of the city council once in ten years,  
7 and not oftener than once in five years, to review, and, if it  
8 be needful, to alter such wards in such manner as to pre-  
9 serve, as nearly as may be, an equal number of legal voters  
10 in each ward.

'Sect. 4. The mayor, the city clerk, and three aldermen  
2 shall be elected from the citizens at large, by the legal voters  
3 of the city voting in their respective wards. Two aldermen,  
4 a warden, a ward clerk and one constable shall be elected  
5 by each ward, being residents in the ward where elected.  
6 All of said officers shall be elected by ballot by a plurality  
7 of the votes given, and shall hold their offices one year from  
8 the first Monday in January, and until others shall be elected  
9 and qualified in their places. All city and ward officers shall  
10 be held to discharge the duties of their respective offices,  
11 notwithstanding their removal after their election, into any  
12 other wards in the city; but they shall not be so held after  
13 they have taken up their permanent residence out of the city.

‘Sect. 5. The municipal elections after the first, shall take  
2 place annually, on the second Monday in December. All  
3 meetings of the citizens for municipal purposes shall be noti-  
4 fied and called in their respective wards, by the mayor and  
5 aldermen, in the manner provided by the laws of this State  
6 for notifying and calling town meetings by the selectmen  
7 of the several towns. The wardens shall preside at all ward  
8 meetings, with the powers of moderators at town meetings ;  
9 and if at any ward meeting the warden shall not be present,  
10 the clerk shall preside till a warden, pro tempore, shall be  
11 chosen. If neither the warden or clerk is present, any legal  
12 voter in the ward shall preside till a clerk, pro tempore, shall  
13 be chosen and qualified. The legal voters in each ward may  
14 choose two persons to assist the warden in receiving, sorting  
15 and counting votes. If from any cause there shall be a  
16 vacancy in the office of warden or ward clerk in any of the  
17 wards of the city, the same shall be filled by appointment by  
18 the mayor for the unexpired term.

‘Sect. 6. Whenever two or more persons are to be elected  
2 to the same office, the several persons up to the number to  
3 be chosen, receiving the highest number of votes, shall be  
4 deemed and declared to be elected. If it shall appear that  
5 there is no choice of mayor, or any of the other officers to  
6 be elected from the citizens at large, or from any of the  
7 several wards, or if the person elected mayor, or any person  
8 or persons elected to any other of the offices aforesaid, shall  
9 refuse to accept the office, or shall die before qualifying, or  
10 if a vacancy in the office of mayor shall occur subsequently,  
11 and more than three months previous to the expiration of  
12 the municipal year, warrants shall forthwith be issued for

13 a new election, and the same proceedings shall be had in all  
14 respects as hereinbefore provided, and shall be repeated  
15 until such election is completed. A vacancy occurring in  
16 the office of city clerk by death, resignation or removal from  
17 the city, shall be filled for the unexpired term by election  
18 by the city council. A vacancy occurring in the city council  
19 by death, resignation or removal from the city, of any mem-  
20 ber thereof, shall be filled for the unexpired term by a plu-  
21 rality vote of the remaining members, voting by roll-call;  
22 and if such vacancy be occasioned by the death, resignation  
23 or removal from the city, of a member elected by a ward,  
24 the same shall be filled from the ward where it occurs.

‘Sect. 7. All meetings for the election of national, state  
2 and county officers, shall be notified and warned, and con-  
3 ducted in the manner provided by the constitution and laws  
4 of the State.

‘Sect. 8. General meetings of the citizens qualified to vote  
2 may, from time to time, be held to consult upon the public  
3 good, to instruct their representatives and to take all lawful  
4 measures to obtain redress for any grievances according to  
5 the right secured to the people by the constitution of this  
6 State; and such meeting shall be duly warned by the mayor  
7 upon the request of fifty qualified voters.

‘Sect. 9. The mayor elect, and the aldermen elect, shall  
2 annually, on the first Monday of January, at seven o’clock  
3 and thirty minutes in the afternoon, meet and be sworn to  
4 the faithful discharge of their duties. The oath shall be  
5 administered at their first meeting after the acceptance of  
6 this act, by the town clerk or any justice of the peace, and  
7 in subsequent years, by the city clerk or any justice of the

8 peace, and shall be duly certified on the journal of the city  
9 council. The city clerk shall be sworn by the city clerk of  
10 the previous year or any justice of the peace. In case of  
11 the absence of the mayor elect on the first Monday in Jan-  
12 uary, or if a mayor shall not then have been elected, the  
13 oath of office may at any time thereafter be administered to  
14 him in the presence of the city council; and at any time there-  
15 after in like manner the oath of office may be administered  
16 to any member of the city council who has been previously  
17 absent, or has been subsequently elected; and every such  
18 oath shall be duly certified as aforesaid.

‘Sect. 10. After the oath has been administered to the  
2 aldermen present, they shall be called to order, at their first  
3 organization, by the town clerk, and in subsequent years by  
4 the city clerk, or, in case of the absence of the clerk, by the  
5 oldest member present. The person so calling the city coun-  
6 cil to order shall proceed to call the roll of members, and  
7 each member shall declare his choice for president of the  
8 city council, who shall be a member thereof. If no quorum  
9 is present an adjournment shall be taken to a later hour, or  
10 to the next day, and thereafter the same proceedings shall  
11 be had from day to day, until a quorum shall be present.  
12 If any person receives a majority of the votes of all the  
13 members of the city council present, such person shall be  
14 declared chosen president thereof. If, on the first day on  
15 which a quorum is present no person receives such majority,  
16 the roll-call shall be repeated until some person receives the  
17 vote of such majority, or an adjournment is taken to the  
18 succeeding day, and on such succeeding day when a quorum  
19 is present, a plurality of those voting shall be sufficient for

20 an election. The president may be removed from office by  
21 the affirmative vote of ten members of the city council taken  
22 by roll-call. The city clerk shall be ex-officio clerk of the  
23 city council and shall keep a journal containing a record of  
24 the proceedings of the city council and a record at large of  
25 all votes taken by roll-call, and shall sign and attest all ordi-  
26 nances and resolutions of the city council. In case of a  
27 vacancy in the office of president of the city council by death,  
28 resignation or otherwise, the same shall be filled for the  
29 unexpired term by a plurality vote of the members voting  
30 by roll-call.

‘Sect. 11. The mayor may at any time call a special meet-  
2 ing of the city council, by causing written notification there-  
3 of, together with a statement of the subjects to be considered  
4 thereat, to be left at the usual place of residence of each  
5 member of the city council, at least twenty-four hours before  
6 the time appointed for such meeting.

‘Sect. 12. The city council shall determine the rules of its  
2 own proceedings, and be judge of the election returns and  
3 qualifications of its own members. In case of the absence  
4 of the president, the city council shall choose a president  
5 pro tempore, and a plurality of the votes cast shall be suffi-  
6 cient for a choice. The vote of the city council upon any  
7 question shall be taken by roll-call, when the same is  
8 requested by at least three members. A majority of all the  
9 members of the city council shall constitute a quorum, but a  
10 smaller number may adjourn from time to time. The city  
11 council shall, so far as not inconsistent with this act, have  
12 and exercise all the legislative powers of towns, and have all  
13 the powers and be subject to all the liabilities of city coun-



14 cils, and either branch thereof under the general laws of this  
15 State. The city council shall by ordinance determine the  
16 time of holding its stated or regular meetings, and may also,  
17 in like manner, determine the manner of calling special meet-  
18 ings of its members in addition to those which may be called  
19 by the mayor.

‘Sect. 13. The city council shall as soon as may be after  
2 its organization in each year, choose an auditor of accounts,  
3 who shall hold office for the term of one year, and until his  
4 successor is chosen and qualified. A majority of the votes  
5 of all the members of the city council, taken by roll-call, shall  
6 be necessary for the choice of such auditor; and he may be  
7 removed by an affirmative vote of a majority of all the city  
8 council taken by roll-call.

‘Sect. 14. The city council shall, with the approval of the  
2 mayor, have exclusive authority to lay out, widen or other-  
3 wise alter, or discontinue any and all streets, or public ways  
4 in said city with or without petition therefor, and to estimate  
5 all damages sustained by the owners of land taken for that  
6 purpose. A standing committee of five members of the city  
7 council shall be appointed by its president, whose duty it  
8 shall be to lay out, alter, widen, or discontinue any street or  
9 way in said city, first giving notice of the time and place of  
10 their proceedings to all parties interested, as now required  
11 by law in case of town ways. The committee shall first hear  
12 all parties interested, and then determine and adjudge  
13 whether the public convenience requires such street or way  
14 to be laid out, altered, or discontinued, and shall make a  
15 written return of their proceedings, signed by a majority of  
16 them, containing the bounds and description of the street or

17 way, if laid out or altered, and the names of the owners of  
18 the land taken, when known, and the damages allowed there-  
19 for; the return shall be filed in the city clerk's office, at least  
20 seven days previous to its acceptance by the city council;  
21 and no street or way shall be altered, established or discon-  
22 tinued until the report is accepted by the city council. The  
23 committee shall estimate and report the damages sustained  
24 by the owners of the lands adjoining that portion of the  
25 street or way which is so discontinued; their report shall be  
26 filed with the city clerk seven days at least before its accept-  
27 ance. Any person aggrieved by the decision or judgment  
28 of the city council in establishing, altering or discontinuing  
29 any streets or ways in said city, may, so far as relates to  
30 damages, appeal therefrom as in the case of town ways.  
31 No standpipe for the purpose of supplying street-sprinkling  
32 carts, shall be placed in any public square or street, without  
33 the express consent thereto of the owner or owners, of the  
34 adjacent land, first obtained. The city council may lay out  
35 and construct sidewalks, and regulate the height and width  
36 thereof, in any public square, place, street, lane or alley in  
37 said city, whenever they deem it needful; and may determine  
38 in what manner and of what material any such sidewalk  
39 shall be constructed; and shall assess twenty per centum of  
40 the total cost thereof upon the abutting lots and other lots  
41 benefited thereby. As soon as any sidewalk is constructed,  
42 the city council shall give notice in some newspaper pub-  
43 lished in said city, or in the city of Portland, seven days, at  
44 least, before the time appointed therefor, of a public hearing  
45 in respect to the amount of such assessment and the lots  
46 upon which the same shall be laid. All assessments so made

47 shall constitute a lien upon the real estate assessed, to con-  
48 tinue in force until paid, and shall be certified by the city  
49 council to the collector of taxes of said city, and, if not paid  
50 on or before the first day of June of the year next after the  
51 same is laid, shall be collected by said collector by any of  
52 the methods provided by law for the collection of taxes upon  
53 the real estate of resident owners. Any person aggrieved  
54 by the amount of any such assessment, may appeal to either  
55 of the two terms of the supreme judicial court to be holden  
56 in the county of Cumberland next after the certification of  
57 such assessment by the city council to said collector, and the  
58 same proceedings shall be had in said court as are provided  
59 in case of the raising or lowering of the grade of streets.

‘Sect. 15. The city council may lay out, maintain and repair  
2 all main drains or common sewers in said city, and no per-  
3 son who has not previously paid a sewer assessment on the  
4 same property, shall connect his private drain with any main  
5 drain or common sewer before paying to the city an entrance  
6 fee of twenty dollars and obtaining a written permit from  
7 the mayor to make such connection; and it shall be the duty  
8 of the treasurer to keep a record of all such permits in a book  
9 kept for such purpose. Said connection shall be made under  
10 the direction and approval of the road commissioner and at  
11 the expense of the person making the connection; and it is  
12 hereby made the duty of the road commissioner to direct and  
13 superintend how all such connections shall be made, and  
14 determine the kind of pipe and materials to be used, and  
15 when made to report the same to the city treasurer; and  
16 hereafter no assessment or charge except such entrance fee,

17 shall be made upon the abutting lots, or other lots benefited  
18 thereby, on account of said main drains or common sewers.

‘Sect. 16. In case any ordinance, order, resolution or vote  
2 involves the appropriation or expenditure of money, to an  
3 amount which may exceed one hundred dollars, the laying  
4 of an assessment or the granting to a person or corporation  
5 of any right in, over or under any street or other public  
6 ground of said city, the affirmative votes of a majority of  
7 all the members of the city council shall be necessary for its  
8 passage. Every such ordinance, order, resolution or vote  
9 shall be read twice, with an interval of at least three days  
10 between the two readings, before being finally passed, and  
11 the vote upon its final passage shall be by roll-call.

‘Sect. 17. Every ordinance, order, resolution or vote of the  
2 city council, except such as relates to its own internal affairs,  
3 to its own officers or employes, to the election or duties of  
4 the auditor of accounts, to the removal of the mayor, or to  
5 the declaration of a vacancy in the office of mayor, shall be  
6 presented to the mayor for approval. If not approved by  
7 him, he shall return it, with his objections, at the next session  
8 of the city council, and the city council shall cause such  
9 objections to be entered at large upon its journal, and shall  
10 proceed to reconsider the same. If upon such reconsidera-  
11 tion it shall be passed by a two-thirds vote of all the mem-  
12 bers of the city council, it shall have the same effect as if  
13 signed by the mayor. In case of a vacancy in the office of  
14 mayor when such ordinance, order, resolution or vote is  
15 finally passed, it shall go into effect without approval, but  
16 must be passed by roll-call of a majority of all the members  
17 of the city council. Whenever any ordinance, order, reso-

18 lution or vote of the city council involves an appropriation  
19 or expenditure of money, the mayor may approve it as a  
20 whole, or he may approve or disapprove specific items  
21 thereof, and the portions approved shall then be in force in  
22 like manner as if no part thereof had been disapproved, and  
23 the items disapproved shall thereupon take the course herein  
24 provided for orders or ordinances disapproved as a whole.  
25 The city council shall have power, within said city, to make  
26 and establish ordinances and by-laws for the management  
27 of its fiscal, prudential and municipal affairs, as herein and  
28 by general law provided, without the sanction of any court  
29 or justice thereof; provided however, that all by-laws and  
30 regulations now in force in the town of Westbrook, shall,  
31 until they expire by limitation, or be revised or repealed by  
32 the city council, remain in force.

‘Sect. 18. The city council shall not authorize the erection  
2 of a school house, or of any addition thereto, nor pass any  
3 appropriation for such purpose until plans for the same have  
4 been approved by vote of the school committee, and such  
5 approval has been certified in writing to the city council by  
6 the chairman of said committee.

‘Sect. 19. The city council may establish a fire department  
2 for said city, to consist of a chief engineer, and such other  
3 officers and men as it may prescribe; and it may make regu-  
4 lations for the government of such department.

‘Sect. 20. All the powers of establishing watch and ward,  
2 now vested by the laws of the state in the justices of the  
3 peace, and municipal officers or inhabitants of the town are,  
4 so far as relates to said city, vested in the city council, and  
5 they are authorized to unite the watch and police depart-

6 ments into one department, and establish suitable regula-  
7 tions for the government of the same. The officers of the  
8 police shall be one chief, to be styled the city marshal, so  
9 many deputy marshals as the city council shall by ordinance  
10 prescribe, and so many watchmen and police as the city  
11 council may from time to time adjudge necessary; such  
12 watchmen and police, except policemen who may be  
13 appointed for special occasions, to hold office for the term of  
14 three years from the first Monday of January of the year  
15 when appointed, except that all appointments made to fill  
16 vacancies occasioned by removal, or otherwise, shall be for  
17 the unexpired term.

‘Sect. 21. At any meeting of the city council it shall be in  
2 order for any member thereof to give written notice, sec-  
3 onded in writing by a majority at least of all the members  
4 of the city council, of his intention to move, at the next  
5 meeting thereof, occurring within not less than ten days, a  
6 resolution that the mayor be removed for official misconduct  
7 or neglect of duty. Such notice shall specify as particularly  
8 as possible, the acts of misconduct, or the instances of  
9 neglect of duty complained of, shall be entered at large by  
10 the clerk in the minutes of the city council, and the clerk  
11 shall within two days serve a copy thereof, upon the mayor,  
12 and mail a copy to each of the members of the city council  
13 at his residence. At such next meeting of the city council  
14 the mayor shall have the right to speak in his own defense,  
15 and to be heard by counsel. The vote on the resolution  
16 shall be by roll-call. If the resolution fails to receive the  
17 affirmative vote of three-fourths of all the members of the  
18 city council, it shall have no effect, and shall not be reintro-

19 duced during that meeting of the city council. If it receive  
20 the affirmative vote of three-fourths of all the members of  
21 the city council, it shall, upon the service of a copy thereof  
22 upon the mayor, personally or by leaving the same at his  
23 last and usual place of residence, take effect, and the office  
24 of mayor shall thereupon become vacant. The city council  
25 shall thereupon cause a warrant for a new election for mayor  
26 to be issued, and such further proceedings shall be had as are  
27 provided in section six hereof, for the case of a failure to  
28 elect a mayor.

‘Sect. 22. The members of the city council shall receive no  
2 compensation for their services; nor shall any member dur-  
3 ing the time for which he is elected, hold any other office in  
4 or under the city government, have the expenditure of any  
5 money appropriated by the city council, or act as counsel  
6 in any matter before the city council or any committee  
7 thereof; and no person shall be eligible for appointment to  
8 any municipal office established by the city council during  
9 any municipal year within which he was a member thereof,  
10 until the expiration of the succeeding municipal year.

‘Sect. 23. The executive powers of the city shall be vested  
2 wholly in the mayor, and may be exercised by him either  
3 personally or through the several officers and boards of the  
4 city in their departments, under his general supervision and  
5 control. In case of a vacancy in any office to which appoint-  
6 ment is made by the mayor, he may personally perform the  
7 duties thereof, but he shall not be entitled to receive any  
8 salary or pay attached thereto. The mayor shall hold office  
9 for the term of one year from the first Monday in January

10 following his election, unless sooner removed, and until his  
11 successor is elected and qualified.

'Sect. 24. The mayor shall have the sole power of appoint-  
2 ment to all the municipal offices established by or under this  
3 act, unless herein otherwise provided; and he may remove  
4 from office, by written order, any officer so appointed here-  
5 under, for any cause which he shall in his official discretion  
6 deem sufficient, which cause he shall assign in his order of  
7 removal. Such office shall become and be vacant upon the  
8 filing with the city clerk of such order of removal, and the  
9 service of a copy thereof upon the officer so removed, either  
10 personally or by leaving the same at his last or usual place  
11 of residence. The city clerk shall keep such order of removal  
12 on file, where it shall be open to public inspection.

'Sect. 25. The salary and compensation of the mayor shall  
2 be four hundred dollars per year, which shall not be increased  
3 or diminished for the period of the first five municipal years;  
4 and thereafter shall be four hundred dollars per year and  
5 such additional sum as the city council may establish by  
6 ordinance, passed by vote of two-thirds of its members, such  
7 ordinance not to take effect, however, until the year suc-  
8 ceeding that in which it is passed. And during his term of  
9 office the mayor shall receive no salary, compensation or  
10 perquisite for discharging the duties of any other office estab-  
11 lished by or under the provisions of this act.

'Sect. 26. Until a police department shall be established  
2 in accordance with the provisions of this act, the mayor shall  
3 have the appointment, control and direction of the police  
4 force of the city.



‘Sect. 27. Whenever there shall be a vacancy in the office  
2 of mayor, and whenever by reason of sickness, or absence  
3 from the city, or other cause, the mayor shall be disabled  
4 from performing the duties of his office, the president of the  
5 city council shall act as mayor and possess all the rights and  
6 powers of mayor during such vacancy or disability, except  
7 that when so acting as mayor, he shall not have the power  
8 of appointment or removal unless thereto in any instance  
9 authorized by vote of the city council.

‘Sect. 28. The school committee elected as hereinbefore  
2 provided, shall, in addition to the powers conferred upon  
3 them by this act, be held to perform all the duties and be  
4 invested with all the rights and powers of school committees  
5 under the general laws of the state. On the first Monday of  
6 January, annually, or as soon as may be thereafter, they shall  
7 meet, and the newly elected members having been first duly  
8 sworn by the city clerk or a justice of the peace, shall elect  
9 one of their number chairman, and appoint some suitable  
10 person, not a member of the board, superintendent of  
11 schools, and may adopt such rules and regulations for the  
12 management of the schools as are not inconsistent with the  
13 laws of the state. The superintendent need not be an inhabi-  
14 tant of the city at the time of his appointment. He shall be  
15 secretary and executive agent of the board which shall fix  
16 his salary, to be paid from the city treasury as salaries of  
17 teachers are paid. The members of the school committee  
18 shall receive no compensation for their services as such.

‘Sect. 29. There shall be a board of five assessors, one  
2 from each ward, to be elected on the second Monday in  
3 January, annually, or as soon as may be thereafter, by the

4 city council by a majority of all its members by roll-call.  
5 The compensation of the assessors shall be fixed by the city  
6 council and shall not be increased or diminished during the  
7 municipal year for which they are elected. The assessors  
8 shall hold office till the second Monday in January following  
9 their election and until their successors are chosen and quali-  
10 fied. All taxes shall be assessed, apportioned and collected  
11 in the manner prescribed by the laws of this state relative to  
12 town taxes; but the city council may establish further or  
13 additional provisions for the collection thereof. All vacan-  
14 cies occurring in said board by death, resignation, or removal  
15 from the city shall be filled for the unexpired term by the  
16 city council, from the ward where such vacancy occurs.

‘Sect. 30. There shall be the following administrative offi-  
2 cers, who shall perform the duties by law and herein pre-  
3 scribed for them respectively, and such other duties not  
4 inconsistent with the nature of their respective offices as the  
5 city council may prescribe:

I. A city treasurer.

II. A collector of taxes; and the offices of collector of taxes  
8 and of city treasurer may be held by the same person.

III. A road commissioner.

IV. A city marshal, whenever a police department is estab-  
11 lished as herein provided.

V. A chief engineer of the fire department, whenever a  
13 fire department is established in said city.

VI. As many constables as the mayor shall at any time  
15 deem advisable.

VII. Three overseers of the poor, who shall exercise the 17 powers and be subject to the duties prescribed for the over- 18 seers of the poor of cities and towns by the laws of the state ; 19 and who shall, each, serve three years from the first Monday 20 in January of the year of his appointment, unless sooner 21 removed, except when appointed to fill a vacancy, in which 22 case the appointment shall be for the unexpired term; and 23 they shall continue to be appointed, hereafter, in the manner 24 provided in section 4 of chapter 84 of the private and special 25 laws of 1903. The above named officers and boards shall 26 be appointed on the first Monday of January, annually, or as 27 soon as may be thereafter, and, except the overseers of the 28 poor, shall hold their respective offices for the term of one 29 year, from the first Monday of January, unless sooner 30 removed. All officers whatsoever, elected or appointed by 31 and under the provisions of this act, shall be sworn to a 32 faithful discharge of the duties of their respective offices, by 33 the town or city clerk, or a justice of the peace. The city 34 council may by ordinance establish additional administra- 35 tive offices and define the duties appertaining thereto, and 36 such offices shall be subject to the provisions of this act.

'Sect. 31. The city council shall require the auditor of 2 accounts, the treasurer, the collector of taxes, and such other 3 officers as are intrusted with the receipt, care and disburse- 4 ment of money to give bonds, with such security as it shall 5 deem proper, for the faithful discharge of their respective 6 duties.

'Sect. 32. 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 except the office of superintendent of schools. Any office  
6 established by or under this act, shall become vacant if the  
7 incumbent thereof ceases to be a resident of the city.

‘Sect. 33. 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 are not herein fixed or otherwise  
4 provided for, and of such other offices as may be hereafter  
5 established, and, after the first municipal year, no ordinance  
6 of the city council changing any such salary or remuneration  
7 shall take effect until the municipal year succeeding that in  
8 which the ordinance is passed.

‘Sect. 34. No sum appropriated for a specific purpose shall  
2 be expended for any other purpose, and no expenditure shall  
3 be made nor liability incurred by or in behalf of the city,  
4 until an appropriation has been duly voted by the city coun-  
5 cil sufficient to meet such expenditure or liability, together  
6 with all the prior unpaid liabilities which are payable out of  
7 such appropriation ; provided, however, that after the expira-  
8 tion of the financial year, and until the passage of the regu-  
9 lar annual appropriations, liabilities payable out of a regular  
10 appropriation to be contained therein, may be incurred to an  
11 amount not exceeding one-third of the total of such appro-  
12 priation for the preceding year.

‘Sect. 35. For the purpose of organizing the system of  
2 government hereby established, and putting the same into  
3 operation, in the first instance, the selectmen of the town, for  
4 the time being, shall seasonably in the month of March next  
5 after the acceptance of this charter, issue their warrant call-  
6 ing a meeting of the legal voters of said town, at nine

7. o'clock in the forenoon on such day and at such place as they  
8 shall choose, for the purpose of electing a mayor, thirteen  
9 aldermen, a city clerk, a school committee of ten, and five  
10 constables, to be taken from the city at large. Said officers  
11 shall be elected by a plurality vote. The selectmen, for the  
12 time being, shall preside at said meeting, and a check list  
13 prepared by them especially for said meeting, shall be used  
14 at the same; and said selectmen shall be in session during  
15 the three secular days next preceding said meeting, for the  
16 purpose of revising and correcting said check list, and no  
17 name shall be added thereto after six o'clock in the afternoon,  
18 on the last of said secular days. The town clerk shall notify  
19 the several officers-elect of their election within three days  
20 after said meeting. It shall be the duty of the city council,  
21 as soon as may be after their election, to cause a division  
22 of the city into five wards, in such manner as to include as  
23 nearly as may be, consistently with well-defined limits, an  
24 equal number of legal voters in each ward. At the first meet-  
25 ings of the wards, after such division has been made, the  
26 said meetings shall be called to order and presided over by  
27 some person resident in the ward where any such meeting is  
28 held, appointed by the city council, and records of such first  
29 meetings shall be made by some person, also resident  
30 in the ward, designated by the city council; and at such meet-  
31 ings lists of voters, corrected by the city council, shall be  
32 delivered to the persons designated as recording officers in  
33 the several wards, to be used as provided by law in town  
34 meetings. Said recording officers shall act as ward clerks,  
35 relative to making a record of elections in their respective

36 wards and returning copies of such records to the city coun-  
37 cil.

‘Sect. 36. This act shall take effect and be in full force  
2 when the same shall have been accepted by the inhabitants  
3 of said town, qualified to vote in town affairs, at a legal  
4 meeting called for that purpose, provided, it shall be accepted  
5 within five years from the date of approval; and at such  
6 meeting the legal voters of said town shall vote by written  
7 ballot, those in favor of accepting this act having on the  
8 ballot the word “yes,” and those opposed having on the  
9 ballot the word “no;” and if a majority of all the ballots  
10 received are in favor of accepting the same, it shall become  
11 a law and take effect; and it shall be the duty of the clerk of  
12 said town to file a copy of the record of the vote of said  
13 town accepting the same, with the clerk of the city of West-  
14 brook, when elected, who shall transcribe such copy into  
15 the records of the city, and such record shall be conclusive  
16 evidence that this act has been accepted. If at any meeting  
17 so held, this act shall fail to be so accepted, it may at the  
18 expiration of ten months from any such previous meeting,  
19 be again submitted for acceptance, but not after the period  
20 of five years from the approval thereof.

‘Sect. 37. So much of this act as authorizes the submitting  
2 of the question of its acceptance to the legal voters of said  
3 town, shall take effect upon its approval; but it shall not  
4 take further effect unless accepted by the legal voters of  
5 said town as hereinbefore provided.’

Sect. 2. All acts and parts of acts inconsistent with this  
2 act are hereby repealed.

STATE OF MAINE.

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HOUSE OF REPRESENTATIVES,

Augusta, March 1, 1907.

Reported by Mr. HADLOCK from Committee on Legal Affairs, and  
ordered printed under joint rules.

E. M. THOMPSON, *Clerk*