

MAINE STATE LEGISLATURE

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SEVENTY-FOURTH LEGISLATURE

HOUSE.

No. 1

STATE OF MAINE.

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

AN ACT to amend the Charter of the City of Portland.

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

The Charter of the City of Portland shall be, and hereby is
altered and amended by adding thereto the following provisions,
to wit:

SECTION I. RELATING TO THE ADMINISTRATION OF
MUNICIPAL AFFAIRS.

Section 1. The administration of all the fiscal, prudential
2 and municipal affairs of the City of Portland, with the gov-
3 ernment thereof, shall be vested in one principal magistrate to
4 be styled the Mayor, and one Council of four, to be denomi-
5 nated the Board of Aldermen, all of whom shall be inhabi-
6 tants of said City, which board, together with the Mayor,

7 shall constitute and be called the City Council, and shall be
8 sworn or affirmed in the form prescribed by the Constitution
9 of the State for State Officers.

SECTION 2. RELATING TO THE POWERS OF THE MAYOR.

Sect. 2. The Mayor of said city shall be the chief executive
2 magistrate thereof, and he shall have and exercise all the
3 powers and responsibilities applicable to the Mayor now
4 provided by the City Charter of Portland and acts additional
5 thereto and amendatory thereof, except the power of veto,
6 and he shall also have such other and further powers and
7 duties and shall receive such salary as shall be provided in
8 this act. He shall have a vote on all questions coming before
9 the City Council.

SECTION 3. RELATING TO THE POWERS OF THE CITY COUNCIL.

Sect. 3. The Mayor and Board of Aldermen constituting
2 the City Council shall have any and all the powers and
3 responsibilities of the Board of Aldermen, the Common
4 Council, and the Mayor, as provided by the City Charter and
5 By-Laws in existence at the time of the passage of this act,
6 except as modified hereby.

SECTION 4. RELATING TO THE ELECTION OF MAYOR AND ALDERMEN.

Sect. 4. The Mayor shall be elected and shall hold office
2 for a term of two years. At the first Municipal election held
3 after the adoption of this act, four Aldermen at large shall be
4 elected, and their several terms of office shall thereafter be

5 determined by lot as hereinafter provided, and thereafter
6 wards each year, two Aldermen at large shall annually be
7 elected by the legal voters of said City, each for a term of
8 two years. The salary of the Mayor shall be \$2500 per
9 annum, and the salary of each of the Aldermen \$2000 per
10 annum. They shall receive no other compensation, and shall
11 devote their entire time during business hours to the City's
12 business and interests.

The members of the City Council shall be in session daily
14 and shall be responsible to the citizens of Portland for the
15 administration of the affairs of the various departments of
16 the City acting under the committees of which they are
17 members.

The City Council shall adopt a uniform system of municipal
19 accounting and shall be responsible for the keeping of all
20 expenditures of the City within the appropriation therefor,
21 and no expenditures shall be made, or any liability on the part
22 of the City incurred, for any purpose until an appropriation
23 sufficient to meet such expenditures or liability has been made
24 therefor. The officer or employe, who knowingly shall
25 exceed any appropriation or incur any liability in excess
26 thereof, without an express order from the City Council, shall
27 be held responsible personally for the amount of such excess.

SECTION 5. RELATING TO METHOD OF ELECTION.

Sect. 5. The Mayor and Aldermen so to be elected shall
2 be elected by a plurality vote of the legal voters of said city,
3 voting at the annual municipal election to be held on the first
4 Monday of December following the adoption of this act. All

5 nominations of candidates so to be voted for shall be made by
6 nomination papers signed in the aggregate for each candi-
7 date by not less than one hundred qualified voters of the City
8 of Portland. Each voter signing a nomination paper shall
9 make his signature in person and add to it his place of resi-
10 dence, and each voter may subscribe to as many nominations
11 as there are persons to be elected. Such nomination papers
12 shall, before being filed, be submitted to the City Clerk, who
13 shall forthwith certify thereon what number of the signa-
14 tures are names of qualified voters in said city. One of the
15 signers to each of such separate papers shall swear to the
16 truth thereof, and the certificate of such oath shall be annexed
17 to or made upon the nomination papers. Such nomination
18 papers shall be filed with the City Clerk at least seven days,
19 exclusive of Sundays, previous to the day of such election.
20 With such nomination papers there shall also be filed the
21 consent in writing of the person or persons nominated. All
22 nomination papers, being filed and being in apparent conform-
23 ity with the provisions hereof, shall be deemed to be valid,
24 and if not in apparent conformity they may be seasonably
25 amended under oath. In case any candidate who has been
26 duly nominated under the provisions hereof shall die before
27 the day of election, or shall withdraw in writing, the vacancy
28 may be supplied in the manner herein provided for such
29 nominations. The name so supplied for the vacancy shall,
30 if the ballots have not been printed, be substituted on the bal-
31 lots in place of the original nomination, or if the ballots have
32 been printed, new ballots containing the new nomination shall,

33 if practicable, be furnished, and if it be not practicable, to
34 furnish such new ballots, then slips containing the new nomi-
35 nation shall be printed under the direction of the City Clerk,
36 which slips may be pasted in the proper place upon the ballots
37 and shall thereby become part and parcel of said ballots as if
38 originally printed thereon. The ballots shall contain the
39 names of all candidates so nominated for Mayor printed in
40 one column under the heading "For Mayor." Above such
41 heading there shall be printed "Vote for one. Make a cross
42 to the right of each name voted for." The ballots to be used
43 shall have no party designation or mark whatever upon them,
44 and the ballots shall also contain the names of the candidates
45 so nominated for Aldermen printed in one column under the
46 heading "For Aldermen," with the additional words at the
47 first election "Vote for four" and at all subsequent elections,
48 "Vote for two. Make a cross at the right of each name voted
49 for" As many blank spaces shall be left after the names of
50 the candidates as there are persons to be elected, in which
51 spaces the voter may paste on, or, by writing insert, the name
52 or names of any person or persons for whom he desires to
53 vote. In preparing his ballot the voter shall mark a cross
54 (X) against and to the right of such names on said ballot as
55 he desires to vote for, not to exceed one for Mayor, and one
56 for each of the Aldermen so to be elected. When the voter
57 so adds by writing or by sticker such new name or names,
58 his vote for such new name or names shall be counted there-
59 for, although he may fail to mark a cross against the same.
60 The result of such election shall be declared by the municipal

61 officers and due certificate thereof filed with the City Clerk.
62 The term of office of the Mayor and Board of Aldermen shall
63 begin as now on the second Monday of December. As soon as
64 convenient after all the members of said first board have been
65 so chosen, said Aldermen shall hold a meeting at the Alder-
66 men's room to be called by the oldest of said Aldermen upon
67 such reasonable notice therefor as he deems proper. They
68 shall then organize by the election of a Chairman. At said
69 first meeting the Aldermen so elected shall determine by lot
70 the term of office of each Alderman, so that two shall retire
71 at the end of one year, and two at the end of two years. The
72 term of office of the Aldermen elected thereafter shall be two
73 years, and in case of any vacancy occurring in the member-
74 ship by the Board of Aldermen, such vacancy shall be filled
75 for the unexpired term by special election, to be called by the
76 municipal officers of the City in like manner as provided
77 herein for election of Aldermen. All such Aldermen shall
78 be eligible to re-election, but no person shall hold office as
79 Alderman while holding any other municipal office in said
80 City.

SECTION 6. RELATING TO RULES GOVERNING THE CITY COUNCIL.

Section 6. Three members of the Council shall constitute
2 a quorum, and the affirmative vote of three Councilmen shall
3 be necessary to adopt any motion, resolution or ordinance or
4 pass any measure. Upon every vote requiring the expendi-
5 ture of money the yeas and nays shall be called and recorded
6 and such vote may be had in all cases upon request of any

7 member, and every resolution or ordinance shall be reduced
8 to writing and read before the vote is taken thereon. The
9 Mayor when present shall preside at meetings of the Coun-
10 cil, and in his absence the Chairman of the Board of Alder-
11 men shall preside, and in the absence of both a temporary
12 chairman may be chosen to preside. Every resolution or
13 ordinance passed by the Council must be signed by the
14 Mayor or by three Aldermen, and be filed with the City Clerk
15 for record before the same shall be in force.

SECTION 7. RULES GOVERNING OFFICERS OR EMPLOYEES.

Section 7. No officer or employe, elected or appointed, shall
2 be interested, directly or indirectly, in any contract or job for
7 license, any frank, free pass, free ticket, or free service, or
8 accept directly or indirectly from any such person, firm or
9 corporation, any service upon terms more favorable than
10 those granted to the public generally. This provision shall
11 not apply, however, to any free service now or to be provided
12 for by contract franchise or ordinance.

It shall be the duty of any officer or employe of the City,
14 at the request of the City Council, to appear before it or any
15 of its committees and give such information as it may require
16 in relation to any matter, act, or thing connected with his
17 office or employment.

3 work or materials, or the purchase thereof, to be furnished or
4 performed for the City. No such officer or employe, except
5 a policeman or fireman, shall accept or receive from any per-
6 son, firm or corporation, operating under a franchise or City

SECTION 8. POWERS OF THE COUNCIL RELATING TO OFFICERS AND EMPLOYMENT CREATED BY IT.

Section 8. The Council shall have the power from time to time to create, fill and discontinue offices and employments, other than those already existing, according to their judgment of the needs of the city; and may by a majority vote of all the members remove any such officer or employe, and may by resolution or otherwise prescribe, limit or change the compensation of such officer or employe.

All persons elected or appointed by the Council for the City's service and all persons employed by the Council or its officers in the City's service, shall be selected under such Civil Service rules as shall be adopted by the City Council.

The head of any department, or any superintendent or foreman in charge of municipal work, may suspend any subordinate under his control for neglect of duty, or disobedience of orders; but such employe shall have the right of appeal to an authority next above such suspending authority, and shall be discharged only by that higher authority, and the decision of the Council if appealed to shall in all such cases be final.

SECTION 9. RELATING TO MEETINGS OF THE COUNCIL.

Section 9. Regular meetings of the Council shall be held semi-monthly on the first and third Monday of every month. Special meetings may be called by the Mayor at any time, or in the absence of the Mayor by three Aldermen. Such meetings except executive sessions shall be held with open doors and the records of their proceedings shall be kept by the City

7 Clerk and be open to public inspection. Subject to such con-
8 ditions as may be determined from time to time by the City
9 Council any taxpayer or voter of the City may speak, but not
10 vote at such meetings.

SECTION 10. RELATING TO ORDINANCES.

Section 10. All proposed new ordinances or amendments
2 of ordinances (except those declared to be urgent and de-
3 signed for the preservation of the public health or safety)
4 shall after being proposed, lie over at least ten days before
5 action is taken thereon, and shall be published in at least two
6 daily newspapers printed in the City of Portland.

SECTION 11. RELATING TO PUBLICATION OF APPROVED BILLS
AGAINST THE CITY.

Section 11. On or before the tenth of each month, a list
2 of all bills against the City except regular pay rolls for the
3 previous month which have been approved by the Committee
4 on Accounts, shall be printed and posted in the office of the
5 City Clerk for ten days before payment, and any citizen
6 applying for the same shall be entitled to a copy of such list.

The City Auditor shall each month present to the Council
8 a summary statement of the revenues and expenses of the
9 City for the preceding month detailed by appropriations and
10 funds and arranged in standard forms, together with a bal-
11 ance sheet statement of the current assets and current liabili-
12 ties of the City at the close of said month. These summaries
13 shall be accompanied by such detailed schedules, as the
14 Council may by ordinance require. All of these schedules

15 together with a summary of the acts and proceedings of the
16 Council for the said month shall be published by the Council
17 which shall furnish copies thereof to all the newspapers of
18 the City and to all persons who shall apply therefor. At the
19 end of each year the Council shall cause a full and complete
20 examination of all the books and accounts of the City to be
21 made by competent public accountants who shall report in full
22 thereon to the Council. Copies of such reports shall be fur-
23 nished by the Council to all the newspapers of the City and
24 to all persons who shall apply therefor.

SECTION 12. RELATING TO THE RIGHT OF RECALL.

Section 12. The holder of any elective office may be re-
2 moved at any time by the electors qualified to vote for a suc-
3 cessor of such incumbent for incompetence, neglect of duty,
4 fraud, malfeasance or other misconduct in office. The pro-
5 cedure to effect the removal of an incumbent of an elective
6 office shall be as follows: A petition signed by electors
7 entitled to vote for a successor to the incumbent sought to
8 be removed, equal in number to at least twenty-five percen-
9 tum of the entire vote for all candidates for office of Mayor
10 cast at the last preceding general municipal election, demand-
11 ing an election of a successor of the person sought to be
12 removed, shall be filed with the City Clerk, which petition
13 shall contain a general statement of the grounds for which
14 the removal is sought. The signature to the petition need
15 not all be appended to one paper, but each signer shall add
16 to his signature his place of residence, giving the street and

17 number. One of the signers of each such paper shall make oath
18 before an officer competent to administer oaths that the state-
19 ments therein made are true as he believes, and that each
20 signature to the paper appended is the genuine signature of
21 the persons whose name it purports to be. Within ten days
22 from the date of filing such petition the City Clerk shall
23 examine and from the voters' register ascertain whether or
24 not said petition is signed by the requisite number of quali-
25 fied electors and, if necessary, the Council shall allow him
26 extra help for that purpose; and he shall attach to said peti-
27 tion his certificate showing the result of said examination. If
28 by the Clerk's certificate the petition is shown to be insuffi-
29 cient, it may be amended within ten days from the date of
30 said certificate. The Clerk shall within ten days after such
31 amendment make like examination of the amended petition,
32 and if his certificate shall show the same to be insufficient, it
33 shall be returned to the person filing the same; without preju-
34 dice however to the filing of a new petition to the same effect.
35 If the petition shall be deemed to be sufficient, the Clerk shall
36 submit the same to the Council without delay. If the peti-
37 tion shall be found to be sufficient, the Council shall order
38 and fix a date for holding the said election, not less than
39 thirty days or more than forty days from the date of the
40 Clerk's certificate to the Council that a sufficient petition is
41 filed.

The Council shall make or cause to be made publication of
43 notice and all arrangements for holding such election and the
44 same shall be conducted, returned and the result thereof

45 declared, in all respects as are other city elections. The suc-
46 cessor of any officer so removed shall hold office during the
47 unexpired term of his predecessor. Any person sought to be
48 removed may be a candidate to succeed himself, and unless
49 he requests otherwise in writing the Clerk shall place his
50 name on the official ballot without nomination. In any such
51 removal-election, the candidate receiving the highest number
52 of votes shall be declared elected. At such election if some
53 other person than the incumbent receives the highest number
54 of votes the incumbent shall thereupon be deemed removed
55 from the office upon qualification of his successor. In case
56 the party who receives the highest number of votes shall fail
57 to qualify within ten days after receiving notification of elec-
58 tion the office shall be deemed vacant. If the incumbent
59 receives the highest number of votes, he shall continue in
60 office. The same method of removal shall be cumulative and
61 additional to the methods heretofore provided by law.

SECTION 13. RELATING TO THE APPOINTMENT OF COM-
MITTEES.

Section 13. The Mayor shall appoint the various commit-
2 tees from the City Council. Such committees shall consist
3 of one or more members as determined by the Council. Each
4 committee shall report its doings to the Council and shall
5 be responsible for the transaction of the business assigned
6 to it, unless its doings are revised or overruled by the Coun-
7 cil.

SECTION 14. RELATING TO THE GRANTING OF FRANCHISES.

Section 14. Every ordinance or resolution of the City
2 Council granting any franchise or right, or renewal or ex-
3 tension, thereof, to occupy or use the streets, highways
4 bridges, or public places, in the city, for any purpose, shall
5 state the terms, considerations, and conditions, under which
6 it shall be employed; and such ordinance or resolution shall
7 remain on file with the City Clerk for public inspection at
8 least ten days before the final passage or adoption thereof;
9 and shall be published for ten days in at least two daily news-
10 papers published in Portland and every such ordinance or
11 resolution after having been passed by the City Council, shall
12 be submitted for the approval to the inhabitants of the City,
13 voting thereon at a general or special election, provided a
14 petition signed by five hundred voters shall be filed with the
15 City Clerk before the expiration of ten days after the passage
16 of the same by the City Council, in which case the action of
17 the said Council shall be suspended until the result of said
18 election be declared; and, if a majority of the inhabitants vot-
19 ing thereon approve said ordinance or resolution, it shall be-
20 come a law, but otherwise it shall become null and void. The
21 expense of such election, if special, shall be borne by the per-
22 sons petitioning for said franchise, right, extension or renew-
23 al thereof.

No new franchise or special privilege in the streets, high-
25 ways, bridges or public places in the City shall be granted for
26 a term exceeding twenty years.

No member of the City Council shall enter into or be interested in any contract with the said City or any department thereof, or shall vote upon any proposition or contract between the City and any corporation in which he is a stockholder.

SECTION 15. RELATING TO ADOPTION OF THIS ACT BY POPULAR VOTE.

Section 15. This act shall become a law upon being accepted by a majority vote of the legal voters of Portland cast at a special election to be called and held for the purpose of voting upon the acceptance of the same. And if this act shall fail of a passage at the first election it may upon petition to the City Clerk of one thousand voters of the City be referred to the legal voters of Portland at the two subsequent elections for Water District Trustee. Such special election shall be held at the same time as now provided by law for the election of a Trustee for the Portland Water District.

SECTION 16. RELATING TO CONTINUANCE OF PRESENT LAWS AND ORDINANCES.

Section 16. All laws, ordinances and rules of the City of Portland not inconsistent with the provisions of this act shall continue in force until changed by the Legislature, or by the new City Council under and by virtue of such powers as are now held by the present City Council, and transferred by this act to the new Council.

Section 17. All acts and parts of acts inconsistent with the provisions of this act shall be and hereby are repealed, *provid* this act shall be duly accepted by the legal voters of

4 said City of Portland; and such repeal shall take effect only
5 from and after the time of such acceptance.

Section 18. After the expiration of four years the citi-
2 zens of Portland may, at the next regular election, vote to
3 reject the provisions of this act. if a majority of those voting
4 so declare. And if so rejected, the provisions of this act shall
5 cease to be operative on the second Monday of the following
6 December; but at the regular December election following its
7 rejection, all city officials shall be elected that would be
8 elected if this act had not been passed.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES,

Augusta, January 14, 1909.

Tabled pending reference to Portland Delegation in concurrence by
Mr. DAVIES of Yarmouth and ordered printed.

E. M. THOMPSON, *Clerk.*