

MAINE STATE LEGISLATURE

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NEW DRAFT.

SEVENTY-FOURTH LEGISLATURE

HOUSE.

No. 650

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 Old Town, and
provide for a referendum of the legal voters of the City of
Old Town.

Be it enacted by the People of the State of Maine, as follows:

Section 1. Elections for the choice of a mayor, four al-
2 dermen and members of the superintending school commit-
3 tee, of the city of Old Town shall be held in the year one
4 thousand nine hundred and ten, and annually thereafter on
5 the last Monday in March.

Sect. 2. The government of said city, and the adminis-
2 tration of all its fiscal, prudential and municipal affairs shall
3 be vested in a city coouncil composed of one principal magis-
4 trate, to be styled a mayor, and four aldermen, all of whom
5 shall be inhabitants of said city, and shall be elected by

6 ballot from the citizens at large, by the inhabitants thereof
7 voting in their respective wards. They shall hold their of-
8 fices for one year beginning at ten o'clock in the forenoon
9 on the second Monday in April of the year in which they
10 are elected, and until others shall be elected in their places.

Sect. 3. The superintending school committee of said
2 city shall consist of the mayor of the city, ex-officio, and
3 four other members, who shall be inhabitants of said city
4 and shall be elected by ballot from the citizens at large,
5 by the inhabitants thereof voting in their respective wards.
6 No person shall be ineligible to membership on the superin-
7 tending school committee on account of sex. At the muni-
8 cipal election held on the last Monday in March in the year
9 one thousand nine hundred and ten, there shall be elected one
10 member of said committee to serve for a term of one year,
11 one member to serve for a term of two years, one member
12 to serve for a term of three years and one member to serve
13 for a term of four years; and annually thereafter one mem-
14 ber to serve for a term of four years. Any vacancies in
15 said committee shall be filled by the city council, by the
16 election of a member to serve for the unexpired term.

Sect. 4. At any city election the person receiving the high-
2 est number of votes for an office shall be deemed and de-
3 clared elected to such office; and if two or more persons are
4 to be elected to the same office, the several persons to the
5 number to be chosen to such office receiving the highest
6 number of votes shall be deemed and declared to be elected;

7 but persons receiving the same number of votes shall not be
8 deemed to be elected if thereby a greater number would be
9 elected than are by law to be chosen, and in such event war-
10 rants shall be issued forthwith for a new election to such
11 office.

Sect. 5. On the last Monday in March in the year one
2 thousand nine hundred and ten, the qualified voters of each
3 ward shall ballot for a mayor, four aldermen, four members
4 of the superintending committee, a warden and a ward
5 clerk; and on the last Monday in March annually thereafter
6 the qualified voters of each ward shall ballot for a mayor,
7 four aldermen, one member of the superintending school
8 committee, a warden and a ward clerk; all the votes given
9 for such several officers respectively shall be sorted, counted,
10 declared and registered in open ward meeting, by causing
11 the names of the persons voted for and the number of votes
12 given for each to be written on the ward record at length.
13 The ward clerk shall forthwith deliver to the persons elected
14 warden and ward clerk certificates of their election, and
15 shall forthwith deliver to the city clerk a certified copy of
16 the record of such election.

In the year one thousand nine hundred and ten the board
18 of aldermen, and thereafter annually the city council, shall,
19 as soon as conveniently may be, examine the copies of the
20 records of the several wards certified as aforesaid, and shall
21 cause the persons who have been elected mayor, aldermen
22 and members of the superintending school committee to be

23 notified in writing of their election ; but if it shall appear that
24 no person shall have been elected to any office, or if any
25 person elected shall refuse to accept the office, warrants shall
26 be issued forthwith for another election for any and all of-
27 ficers that may not have been elected.

Sect. 6. The warden and ward clerk chosen as provided
2 in the preceding section shall be residents of the wards for
3 which they are elected and shall hold their offices for one
4 year from the Tuesday following the last Monday in March
5 on which they are elected, and until others have been chosen
6 and qualified in their stead ; said warden and clerk shall
7 be sworn to the faithful performance of their duties by the
8 person presiding in said meeting, or by the clerk thereof,
9 and a certificate of such oath shall be entered by the clerk
10 on the records of said ward. The warden shall preside at
11 all ward meetings with the powers of moderators of town
12 meetings, and if at any meeting the warden shall not be
13 present, the clerk of the ward shall call the meeting to order
14 and preside until a warden pro tempore shall be chosen. If
15 neither the warden nor the clerk shall be present, any legal
16 voter in the ward shall preside until a clerk pro tempore
17 shall be chosen and qualified. The clerk shall record all the
18 proceedings and certify the votes given, and deliver over to
19 his successor in office all such records and journals together
20 with all books, documents and papers held by him in said
21 capacity. All ward meetings shall be notified and called by
22 the city council in the manner provided in the laws of this

23 State for notifying and calling town meetings by the select-
24 men of the several towns.

Sect. 7. The mayor and aldermen elected as aforesaid
2 shall meet at ten o'clock in the forenoon, on the second Mon-
3 day in April in the year one thousand nine hundred and ten,
4 and at ten o'clock in the forenoon on the second Monday in
5 April annually thereafter, and shall severally take oath be-
6 fore the city clerk or a justice of the peace to perform faith-
7 fully the duties of their respective offices. The city council
8 shall thereupon be organized by the choice of a president,
9 who shall be called the president of the city council, and
10 shall hold the office during its pleasure. He shall be some
11 member thereof other than the mayor. The organization
12 of the city council shall take place as aforesaid, notwith-
13 standing the absence, death, refusal to serve, or non-election
14 of the mayor or of one or more of the four aldermen, pro-
15 vided that at least three of the persons entitled to be mem-
16 bers of the city council are present and take oath as afore-
17 said. Any person entitled to take the aforesaid oath who was
18 not present at the time above fixed therefor may take the
19 same at any time thereafter.

Sect. 8. Upon the organization of the city council elected
2 as aforesaid, on the second Monday in April in the year one
3 thousand nine hundred and ten, the terms of office of the
4 mayor, aldermen and members of the superintending school
5 committee, shall terminate, and thereafter the city council
6 elected under this act shall have, possess and shall exercise

7 all the powers and duties then held possessed and exercised
8 by all or any, the mayor, municipal officers, aldermen, over-
9 seers of the poor and members of the street board. The
10 city council shall be the judge of the election of its own mem-
11 bers.

Sect. 9. The city council shall by ordinance appoint suit-
2 able times for its regular meetings which shall be held at
3 least twice in each month. The mayor, or any two members
4 of the city council, or in case the mayor is absent from the
5 city the president of the city council may at any time call
6 a special meeting, by causing a written notice stating the
7 time and place of holding such meeting, signed by the per-
8 son or persons calling the same, to be delivered in hand to
9 each member, or left at his usual dwelling place at least
10 twenty-four hours before the time appointed for such meet-
11 ing. Meetings of the city council may also be held at any
12 time when all the members are and remain present and con-
13 sent thereto.

Sect. 10. A majority of the members of the city council
2 shall constitute a quorum. Its meetings shall be public. The
3 mayor, if present, shall preside and shall have the right to
4 vote on all questions. Subject to such conditions as the city
5 council may from time to time by ordinance or rule deter-
6 mine, any tax payer or voter of said city may address the
7 city council, but not vote, when any ordinance, order or reso-
8 lution for appropriating money or fixing any salaries is un-
9 der consideration. The mayor shall also appoint all com-

10 mittees of the city council. In the absence of the mayor
11 the president of the city council shall preside, and in the ab-
12 sence of both a chairman pro tempore shall be chosen. The
13 city clerk shall be ex-officio clerk of the city council, and shall
14 keep the records of its proceedings. All votes of the mem-
15 bers of the city council shall be by yeas and nays if any
16 member so requests, and shall be entered upon the records.
17 The affirmative votes of at least three members shall be
18 necessary for the passage of any order, ordinance, resolu-
19 tion or vote. The mayor shall have no power of veto, and
20 no order, ordinance, resolution or vote which the city council
21 shall make or pass shall be presented to him for, or shall
22 require his approval in order to be effective; and the city
23 council may, without the approval of the mayor, do all
24 things which the city council, board of mayor and aldermen,
25 board of aldermen, board of aldermen and common council,
26 or any of them, may now do, with such approval.

Sect. 11. The city council shall not make or pass any
2 order, resolution or vote to appropriate money in excess
3 of five hundred dollars, or make or authorize the making of
4 any contract involving a liability on the part of the city in
5 excess of five hundred dollars, unless the same is proposed
6 in writing and remains on file in the office of the city clerk
7 at least one week before its passage, except an order, resolu-
8 tion or vote for preservation of th public peace, health or
9 safety, which contains a statement of its urgency, and is
10 made or passed by a four-fifths vote. No vote of the city

11 council granting a franchise of any description to any person
12 or corporation, shall be valid unless the same be approved
13 by a vote of the qualified voters of the city, voting in their
14 respective wards at the annual municipal election, or at a spe-
15 cial election to be called therefor. The city council shall
16 raise and set apart each year, for a sinking fund, a sum
17 equivalent to two per cent. of the total appropriations for
18 each year. The sinking fund shall be applied to the pay-
19 ment of the bonded indebtedness of the city, and shall be
20 invested in bonds of the city or in such other bonds as savings
21 banks in this State may from time to time be authorized to
22 hold for investment, or may be deposited in such savings
23 banks.

Sect. 12. The annual salary resolve and the annual ap-
2 propriation resolve shall only be finally passed at a regular
3 meeting of the city council, and each shall be made in com-
4 plete form and filed with the city clerk at least fourteen days
5 before the regular meeting at which each is in order for final
6 passage; the city clerk shall give public notice in some news-
7 paper selected by the city council, of the date of the meeting
8 at which such resolve will be in order for final passage; such
9 notice shall be given at least seven days prior to the date of
10 such meeting, and at said meeting all tax payers and voters
11 in the city shall be given an opportunity to be heard thereon.

The city council shall provide by ordinance for such publica-
13 tion of the receipts and expenditures of the city from time to
14 time during each municipal year, as will give publicity and

15 full and accurate information to the voters and tax payers of
16 the city as to the administration of its affairs.

Sect. 13. The city council may by ordinance divide the ad-
2 ministration of the affairs of the city into such departments
3 as seem to them proper and advisable, and by vote or resolu-
4 tion may assign the oversight of each department to a mem-
5 ber of said body, and may from time to time change such as-
6 signments.

All accounts against the city, except pay rolls, shall before
8 payment be audited and allowed by the city council. The
9 city council by ordinance may authorize the approval of the
10 weekly pay roll of any department by the member of the
11 city council to whom oversight of that department is as-
12 signed.

Sect. 14. The city council is hereby constituted the over-
2 seers of the poor of said city, and as such may appoint an
3 agent to act for and under its direction and approval in mat-
4 ters relating to the poor of the city and persons having a
5 pauper settlement therein. The written notices and written
6 answers referred to in sections thirty-nine and forty of chap-
7 ter twenty-seven of the Revised Statutes, may be signed and
8 sent by such agent, and with the same effect as if signed and
9 sent by the members of the city council themselves, and no-
10 tices sent to and addressed to said agent, shall be held to be
11 notices to the overseers of the poor of said Old Town, and
12 all acts of said agent in his official capacity shall be held to
13 be the acts of the overseers of the poor of said city.

Sect. 15. Such powers of nomination, appointment, confirmation and election for and to office and position, of approval and consent to nominations and appointments, or removal from office and consent thereto, as are now vested in all or any, the mayor, mayor and aldermen, city council board of aldermen shall be exercised by the city council by vote; the mayor shall no longer have the power to make nominations or appointments for or to office or removals therefrom, but shall have the same right to vote thereon as any other member of the city council. The mayor, however, may suspend any police officer until the next meeting of the city council.

Sect. 16. For the municipal year of one thousand nine hundred and ten, and until otherwise ordered by the city council, the annual salary of the mayor shall be three hundred dollars, and the annual salary of each alderman shall be one hundred fifty dollars. These salaries may be changed by any city council, but such change shall not take effect until the expiration of the existing terms of office of the mayor and aldermen making such change.

Sect. 17. No member of the city council shall, during the term for which he was chosen, be eligible, either by appointment or election of the city council, to any other office the salary of which is payable by the city, or shall during such term hold any such office.

No officer or employee of the city, elected or appointed, shall be interested directly or indirectly in any contract for

8 work or materials, or the purchase thereof, to be furnished
9 or performed for the city. No such officer or employee, ex-
10 cept a policeman or fireman, shall accept or receive from any
11 person, firm, or corporation acting under a franchise or li-
12 cense from the city any frank, free pass, free ticket or free
13 service or accept directly or indirectly from any such person,
14 firm or corporation, any service upon terms more favorable
15 than those granted to the public generally. This provision
16 shall not apply however to any free service now or hereafter
17 provided for by contract, franchise or ordinance.

Sect. 18. Upon the death, resignation or absence of the
2 mayor, or upon his inability to perform the duties of his of-
3 fice, the president of the city council shall perform them,
4 and if he also is absent or unable from any cause to perform
5 the said duties, they shall be performed by such member of
6 the city council as it may from time to time elect, until the
7 mayor or president of the city council is able to perform the
8 said duties, or until the vacancy is filled as hereinafter pro-
9 vided. The person upon whom such duties devolve shall be
10 called "Acting Mayor," and shall possess the powers of
11 mayor, but shall not act as a member of the superintending
12 school committee.

Sect. 19. If there is a vacancy in the city council, whether
2 as to the mayor or one or more of the aldermen, the council
3 shall by its remainng members call a special city election to
4 fill the vacancy or vacancies, for the unexpired term or terms
5 respectively, except that if such vacancy or vacancies occur

6 less than six months prior to the annual city election, the
7 city council shall by its remaining members fill such vacancy
8 or vacancies for the unexpired term or terms respectively.
9 A person elected to fill such vacancy shall, before entering
10 upon the duties of his office, take oath before the city clerk
11 or a justice of the peace faithfully to perform the same.

Sect. 20. The mayor of the city shall be ex-officio a mem-
2 ber of the superintending school committee, and, when pres-
3 ent, shall preside at their meetings. He shall have the right
4 to vote upon all questions, and may appoint the standing
5 committees of said body and fill vacancies therein; in case of
6 a vacancy in the office of mayor, the standing committees
7 may be constituted by the remaining members of the com-
8 mittee. Every vote of the school committee shall be taken
9 by yeas and nays, if any member so requests, and its vote
10 shall be entered on its records. Three of its members shall
11 constitute a quorum.

Sect. 21. No site for a school building shall be acquired by
2 said city unless the approval of such site by the superintend-
3 ing school committee is first obtained. Nor plans for the
4 construction of or alteration in a school building shall be ac-
5 cepted and no work shall be begun in the construction or
6 alteration of school buildings unless the approval of the
7 school committee therefor is first obtained.

Sect. 22. Nominations of candidates under this act shall
2 be made by nomination papers filed with the city clerk at
3 least fourteen days, exclusive of Sundays, previous to the day

4 of election, stating the name and ward residence of the can-
5 didate, and the office for which he is nominated; no nomina-
6 tion paper shall be valid in respect to any candidate whose
7 written acceptance is not thereon. The nomination papers
8 and the lists of candidates posted by the city clerk shall not
9 contain any party, political, or other designation. Nomina-
10 tions for candidates for mayor shall be signed by at least one
11 hundred qualified voters of said city. Nominations of candi-
12 dates for aldermen shall be signed by at least fifty qualified
13 voters of said city. Nominations of candidates for the su-
14 perintending school committee shall be signed by at least
15 fifty qualified voters of said city. All nominations for can-
16 didates for warden and ward clerk shall be signed by at
17 least fifteen qualified voters of the ward wherein said candi-
18 dates are to be elected. Each voter signing a nomination
19 paper shall make his signature in person and add to it his
20 ward residence. No person shall sign nomination papers for
21 a greater number of candidates than he has a right to vote
22 for at the election for which the nominations are made. The
23 nomination papers shall be presented to the city clerk for
24 verification and certification of signatures as provided by
25 section four of chapter six of the revised statutes; one of the
26 signers to each such separate paper shall swear to the truth
27 thereof and the certificate of such oath shall be annexed to
28 or made upon the nomination paper. Section five of said
29 chapter six of the revised statutes shall not apply to nomina-
30 tions under this act.

Sect. 23. The official ballots and specimen ballots for use
2 at municipal elections in said city shall not contain any party,
3 political, or other designation. The names of the candidates
4 shall be arranged in alphabetical order according to the sur-
5 names under the title of the office to be filled; but the names
6 of candidates for the same office, for different terms of
7 service therein, shall be arranged in groups according to the
8 length of their respective terms. Beneath the title of the office
9 shall be a brief direction to the voter directing him as to the
10 number of candidates to be voted for for such office, such as
11 "Vote for one," "Vote for two," and the like. At the right
12 of each name shall be a square within the voter shall place
13 a cross to designate his choice. Blank places shall be left
14 at the end of the list of the candidates for each different of-
15 fice equal to the number of candidates to be elected thereto,
16 in which the voter may insert the name of any person not
17 printed on the ballot, for whom he desires to vote, as a can-
18 didate for such office, and if any blank is filled, it shall not
19 be necessary to place a cross in the square opposite such
20 name. No names of candidates shall be printed upon an of-
21 ficial ballot except the names of candidates nominated as
22 provided in the preceding section. In all other respects the
23 official ballots and the conduct of said elections in said city
24 shall be in conformity with the laws of the State, now or
25 hereafter in force, concerning elections under the secret bal-
26 lot law.

Sect. 24. This act shall be submitted for approval or re-
2 jection to the qualified voters of the city of Old Town at an
3 election to be held on the second Monday in September in
4 the year one thousand nine hundred and nine, and warrants
5 shall be issued for such election in the manner now provided
6 by law for the holding of municipal elections, notifying and
7 warning the qualified voters of said city to meet in the several
8 ward meetings of said city, there to cast their ballots for the
9 approval or rejection of this act. The question proposed on
10 said ballot shall be substantially in the following form :

“Shall an act passed by the Legislature in the year nineteen
12 hundred and nine, entitled ‘An Act to Amend the Charter of
13 the City of Old Town, and to provide for a referendum to
14 the legal voters of the city of Old Town be accepted?’” other-
15 wise the said ballots shall be in the form provided by law
16 when a constitutional amendment is submitted to the vote of
17 the people. The provisions of law relating to the prepara-
18 tion of voting lists for municipal elections shall apply to such
19 elections, and said elections shall in all other respects be
20 conducted as municipal elections in said city are now con-
21 ducted by law, and the results thereof shall be determined
22 in the manner now provided by law for the determination of
23 the election of mayor. If a majority of the ballots deposited
24 as aforesaid shall reject, this act shall not go into effect, but
25 if a majority of the electors voting at said ward meetings
26 shall approve, then this act shall take effect as herein pro-
27 vided.

Sect. 25. So much of this act as authorizes the submission
2 of the question of its acceptance to the electors of the city of
3 Old Town, shall take effect as provided in the constiution,
4 but it shall not take further effect unless accepted by the
5 electors of said city as hereinbefore provided. If accepted
6 by the electors of said city, then this act for the purpose of
7 nominating and electing officers hereunder shall take effect
8 on the first day of January in the year one thousand nine
9 hundred and ten; and for all other purposes this act shall
10 take effect on the second Monday in April in the year one
11 thousand nine hundred and ten, and thereupon all acts and
12 parts of acts additional to and amendatory of chapter seven-
13 ty-one of the Private and Special Laws of 1891 incorporat-
14 ing the city of Old Town and all other acts and parts of acts
15 of the said charter of said city inconsistent herewith, are
16 hereby repealed; provided, however, that all by-laws and
17 ordinances of the city of Old Town in force at the time when
18 such repeal takes effect and not inconsistent with the pro-
19 visions of this act, shall continue in force until the same are
20 repealed or amended.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES,

Augusta, March 12, 1909.

Reported by Mr. HERSEY from Committee on Judiciary
and ordered printed under joint rules.

E. M. THOMPSON, *Clerk.*