

# MAINE STATE LEGISLATURE

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NEW DRAFT.

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# SEVENTY-FOURTH LEGISLATURE

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HOUSE.

No. 743

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## STATE OF MAINE.

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

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AN ACT to create a Charter for the City of Rockland.

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

Section 1. The inhabitants of the city of Rockland, in  
2 the county of Knox, shall continue to be a body politic and  
3 corporate, by the name of the city of Rockland, and, as such,  
4 shall have, exercise and enjoy all the rights, immunities,  
5 powers, privileges and franchises, and be subject to all the  
6 duties and obligations now appertaining to, or incumbent  
7 on said city as a municipal corporation, and may ordain and  
8 publish such acts, laws and regulations, not inconsistent  
9 with the constitution and laws of this State, as shall be  
10 needful to the good order of said body politic; and may  
11 impose fines and penalties for the breach thereof, not ex-

12 ceeding one hundred dollars for any one offense, which may  
13 be recovered by said city in an action of debt or on com-  
14 plaint before the police court of said city.

Sect. 2. The administration of all the fiscal, prudential  
2 and municipal affairs of the city, with the government there-  
3 of, shall be vested in one principal magistrate to be styled  
4 the Mayor; and Executive Board, consisting of seven mem-  
5 bers, all of whom shall be qualified electors of said city, and  
6 not a director or officer in any corporation having a con-  
7 tract or franchise in or with said city during his term of  
8 office. Said Mayor and Executive Board shall be desig-  
9 nated the City Council, and shall be nominated and elected  
10 as is hereinafter provided, and when elected they shall be  
11 sworn or caused to affirm to the faithful performance of the  
12 duties of their respective offices. All of these officers shall  
13 be elected for the term of one year, or until others are elect-  
14 ed and qualified in their stead, and in case of a vacancy said  
15 vacancy shall be filled in the manner of the original election.  
16 The Mayor and the Executive Board aforesaid shall elect or  
17 appoint, and shall exercise supervision and control over all  
18 subordinate officers and agents of the city, and over all the  
19 several departments thereof, except as hereinafter provided.  
20 All the officers, except said Board, shall be chosen by the  
21 qualified electors on a general ticket at the annual election but  
22 said Board shall be composed of one member from each  
23 ward, and chosen by the qualified electors thereof.

Sect. 3. The Mayor shall be the chief executive, and the  
2 presiding officer at all meetings of said City Council, and  
3 shall have a casting vote therein. He shall have and exer-  
4 cise general supervision over the conduct of all subordinate  
5 officers and agents of the city, and with the consent of a  
6 majority of five of said board, remove for cause shown,  
7 such officer, agent or employee of said city. He shall from  
8 time to time communicate to said board such information,  
9 and recommend such measures as he deems the interests of  
10 the city may require. The Mayor shall receive for his  
11 services an annual salary of seven hundred dollars, and  
12 each member of said Executive Board shall receive an an-  
13 nual salary of two hundred dollars, payable quarterly, which  
14 shall be in full for all services, and said Mayor and Execu-  
15 tive Board shall not be eligible to any office of profit or  
16 emolument, the salary of which is payable by the city, county  
17 or State.

Sect. 4. The executive powers of said city generally and  
2 the administration of police and health departments, with all  
3 the powers of selectmen except as modified by this act, shall  
4 be vested in the Mayor and Executive Board. All other  
5 powers now or hereafter vested in the inhabitants of said  
6 city, and all other powers granted by this act, as well as  
7 powers relating to the fire department shall be vested in  
8 the Mayor and Executive Board, and said Mayor and Ex-  
9 ecutive Board are hereby constituted municipal officers.

A quorum for the transaction of business shall consist of

11 a majority in number, of Mayor and Executive Board.  
12 Every resolution or ordinance passed by the board afore-  
13 said, must be reduced to writing and signed by the Mayor,  
14 and be recorded before the same shall be in force. Said  
15 Mayor and Executive Board shall have and possess, and  
16 exercise all the executive, legislative, and judicial powers  
17 and duties now had, possessed and exercised by the Mayor  
18 and City Council. All meetings of said Mayor and Board  
19 held for the transaction of business, shall be open and  
20 public.

Sect. 5. For election purposes, whether State, national or  
2 municipal, the city shall be provided with seven voting pre-  
3 cincts, as convenient as possible for the legal voters. All  
4 meetings for election of national, State or municipal offi-  
5 cers, and for action of said voters upon other matters re-  
6 ferred to them, as herein provided, shall be called by the  
7 Mayor and Board aforesaid, in the manner provided by the  
8 laws of the State for calling town meetings.

Immediately after the adoption of this charter, the Mayor  
10 and City Council shall provide and designate such con-  
11 venient places for voting, and shall choose and designate all  
12 necessary officers for said election, or other legal meetings  
13 as the provisions of law require, except that a warden, ward  
14 clerk and constable shall be elected for each ward by the  
15 voters thereof and provided that the choice of ballot clerk  
16 and election clerk shall remain as now under the general  
17 law.

Sect. 6. At such election the following officers shall be  
2 elected, all named on one ballot, except the Executive Board  
3 which shall be elected in the manner provided in section  
4 two:

Mayor, Executive Board of Seven, Treasurer, two mem-  
6 bers of the School Committee, Overseer of the Poor, three  
7 years, City Marshal, Assessor, three years, Street Commis-  
8 sioner, Auditor, Tax Collector, one member Board of  
9 Health, three years, City Solicitor.

Sect. 7. The executive and administrative powers, au-  
2 thority, and duties shall be divided into such departments  
3 as said Council may, by ordinance, from time to time deter-  
4 mine at the head of each of which there shall be a chairman  
5 to be appointed by the Mayor subject to approval by said  
6 board.

The Council aforesaid shall determine the powers and  
8 duties to be performed by, and assign them to the appro-  
9 priate department, and prescribe the powers and duties of  
10 officers and employees, and make such rules and regulations  
11 as may be necessary or proper for the efficient and econom-  
12 ical conduct of the business of the city.

Sect. 8. Said Council shall, fifteen days before the an-  
2 nual municipal election, make and publish a full and true  
3 statement of expenditures in detail, during the past mu-  
4 nicipal year, and shall, at said time specify in detail, such  
5 matters of public interest as they may deem essential to be

6 acted upon by the legal voters of the city; and any number  
7 of legal voters, not less than twenty-five, may, by petition to  
8 said council, state in detail what subjects or matters they  
9 may desire to be acted upon at the next municipal election.  
10 All of which shall be incorporated in a warrant and num-  
11 bered and arranged so as to be answered by a mere "yes"  
12 or "no." Said articles shall be published in each of the city  
13 newspapers. Said City Council shall then call a public  
14 meeting at some suitable public hall or place not less than  
15 seven days after said publishment and a reasonable time  
16 before said election, for the purpose of consideration of said  
17 articles. At said election said articles in said warrant shall  
18 be presented on a separate ballot, and may be answered by  
19 each voter and deposited in a separate box by said voters  
20 at the time he votes for officers of said city.

Sect. 9. The precinct officers, after counting and declar-  
2 ing the vote and making a return of officers elected, shall  
3 count and return the number of votes cast upon each and  
4 all of the questions propounded in said warrant, and seal  
5 up and return the same to the City Council and after can-  
6 vas of same it shall be declared and recorded. Such ma-  
7 jority declaration upon the subject and matters so pre-  
8 sented, shall be the guide, and so far as possible, be fol-  
9 lowed by said City Council during the municipal year.

Sect. 10. The City Council shall, by ordinance, appoint a  
2 suitable time for its regular meetings which shall be at  
3 least once in each month.

A president of the City Council shall, immediately upon its  
5 organization, be chosen who, in the absence of the Mayor  
6 shall preside at all meetings of the Council, and, in case of  
7 any vacancy in the office of Mayor, he shall exercise all the  
8 powers and perform all duties pertaining to that office and,  
9 when the Mayor is absent from the city or is prevented by  
10 sickness or other cause from attending to the duties of his  
11 office, he shall possess all powers and rights of the Mayor  
12 during such absence or disability. In the absence of both  
13 of said officers, a president pro tem shall be chosen who shall  
14 exercise all powers of the president. The Mayor shall have  
15 no power of veto. All votes of the City Council shall be by  
16 yea and nay if any one member so requests it and said vote  
17 shall be entered upon the records.

Sect. 11. The Mayor shall be ex-officio a member of the  
2 superintending school committee and shall preside at their  
3 meetings. He may vote upon any and all questions and  
4 may appoint the standing committees of said body.

Sect. 12. In addition to the other duties of the auditor  
2 that may be required by ordinance, he shall be required to  
3 make a summary roll of accounts at the beginning of each  
4 month in which shall be stated the amount of expenditures  
5 for the preceding month; a statement of resources and lia-  
6 bilities at the beginning of each month together with the  
7 appropriations and all credits belonging to the same and  
8 the expenditures up to the time said report is made and



9 such other and further statement as will show the condition  
10 of the fund at the end of each month, and cause the same to  
11 be printed for monthly distribution.

Sect. 13. Every ordinance or resolution of the City Council granting any franchise or right, or renewal or extension thereof, to occupy or use the streets, highway, bridges, or public places, in the city, for any purpose, shall state the terms, considerations, and conditions, under which it shall be employed; and such ordinance or resolution shall remain on file with the City Clerk for public inspection at least ten days before the final passage or adoption thereof; and shall be published for ten days in at least two newspapers published in Rockland and every such ordinance or resolution after having been passed by the City Council, shall be submitted for the approval to the inhabitants of the city, voting thereon at a general or special election, provided a petition signed by one hundred voters shall be filed with the City Clerk before the expiration of ten days after the passage of the same by the City Council, in which case the action of the said Council shall be suspended until the result of said election be declared and, if a majority of the inhabitants voting thereon approve said ordinance or resolution, it shall become a law, but otherwise it shall become null and void. The expense of such election, if special, shall be borne by the persons petitioning for said franchise, right, extension or renewal thereof.

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

No member of the City Council shall enter into or be in-  
28 terested in any contract with the said city or any depart-  
29 ment thereof, or shall vote upon any proposition or con-  
30 tract between the city and any corporation in which he is a  
31 stockholder.

Sect. 14. The school committee shall consist of six per-  
2 sons to be elected as provided in section 6 of which com-  
3 mittee the Mayor shall be chairman ex officio. The two  
4 chosen under the provisions of said section shall hold office  
5 for three years in case of the adoption of this charter. The  
6 members of the school board elected under the provisions  
7 of the former charter of the city shall continue to hold office  
8 for the term for which they were thereunder elected and  
9 same as to all officers to be chosen under provisions of Sec-  
10 tion 6 of this act who have been chosen for a term of years  
11 under the current charter of said city.

Sect. 15. Said school committee shall employ a superin-  
2 tendent of schools, who shall be the executive officer of the  
3 committee and its secretary, and perform all the duties of  
4 school agent. They shall fix his compensation and term of  
5 service, and may remove him at any time when a majority  
6 of the committee may vote to do so. In case of election of  
7 one of their own number as superintendent, he shall thereby

8 cease to be a member of the committee, and the vacancy shall  
9 be filled as before provided.

Sect. 16. The said committee shall have all the power  
2 and perform all the duties in regard to the care and manage-  
3 ment, financial and otherwise, of the public schools of said  
4 city, which are now conferred upon superintending school  
5 committees by the laws of the State. They shall approve  
6 all bills incurred for the benefit of the schools and school  
7 buildings, and make monthly reports of all expenditures to  
8 the city council.

Sect. 17. Nothing herein contained, in case of the adop-  
2 tion of this charter and the provisions hereof, shall be con-  
3 strued as repealing any part of Chapter 100, Private and  
4 Special Laws of 1891, as amended by Chapter 506, Private  
5 and Special Laws of 1895, relating to drains and common  
6 sewers in the City of Rockland.

And nothing herein contained, in case of the adoption of  
8 this charter and provisions hereof, shall be construed as re-  
9 pealing any part of Chapter 263, Private and Special Laws  
10 of 1901, relating to Lindsey Brook.

And nothing herein contained, in case of the adoption of  
12 this charter and the provisions hereof, shall be construed as  
13 repealing any part of Chapter 97, Private and Special Laws  
14 of 1903, relating to the Free Public Library in the City of  
15 Rockland, nor to any act relative to the Police Court of the  
16 City of Rockland.

Nor shall anything herein contained be construed as repeal-  
18 ing Chapter 462, Private and Special Laws of 1889, rela-  
19 tive to the right of assessment or the manner thereof for  
20 permanent improvements in or on the streets of said City of  
21 Rockland.

Sect. 18. This charter shall be submitted to the inhab-  
2 itants of the City of Rockland at a special election legally  
3 called by the Mayor fourteen days prior to the first Monday  
4 in October, 1909, and, if accepted by a majority of those  
5 voting in relation thereto, shall take effect at the beginning  
6 of the municipal year, 1910. Election thereunder shall be  
7 held the first Monday in March and the officers then elected  
8 shall take their oath of office on the second Monday in  
9 March.

STATE OF MAINE.

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HOUSE OF REPRESENTATIVES,

Augusta, March 20, 1909.

Reported by Mr. MONTGOMERY from Committee on Ju-  
diciary and ordered printed under joint rules.

E. M. THOMPSON. *Clerk.*