

# MAINE STATE LEGISLATURE

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SEVENTY-FIFTH LEGISLATURE

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HOUSE

NO. 28

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*House of Representatives, Jan. 25, 1911.*

*Introduced by Mr. Waldron of Portland and tabled for printing by Mr. Hogan pending reference to a committee.*

*C. C. HARVEY, Clerk.*

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STATE OF MAINE

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

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AN ACT creating a single board form of representative government for cities and towns in the State of Maine.

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

Section 1. That any city or town in the State of Maine  
2 having a population of seven thousand or more, may become  
3 organized as a city under the provisions of this act by pro-  
4 ceeding as hereinafter provided.

Sect. 2. Upon petition of electors equal in numbers to  
2 twenty-five percentum of the votes cast for all candidates for  
3 mayor of a city, or, if under town government, for first  
4 selectman of said town, at the last preceding election of chief  
5 officers of such city or town, the mayor of such city, or the  
6 selectmen of such town, seeking to organize as a city under

7 the provisions of this act, shall, by proclamation, submit the  
8 question of organizing as a city under this act at a special  
9 election to be held at a time specified therein, and within  
10 two months after the petition is filed. If said plan is not  
11 adopted at the special election, the question of adopting such  
12 plan shall not be resubmitted to the voters of said city or  
13 town for adoption within two years thereafter, and then the  
14 question to adopt shall be submitted upon the presentation  
15 of a petition signed by electors equal in number to twenty-  
16 five percentum of the votes cast for all candidates for mayor  
17 of such city, or of first selectman of such town, at the last  
18 preceding general election of such city or town.

At such election the proposition to submit shall be, "Shall  
20 the proposition to organize the city (or town) of (name of  
21 city or town) under chapter (naming chapter containing  
22 this act) of the acts of the seventy-fifth Maine Legislature  
23 be adopted?" and the election thereupon shall be conducted,  
24 the vote canvassed, and the result declared in the same man-  
25 ner as provided by law in respect to other elections in such  
26 city or town. If a majority of the votes cast shall be in  
27 favor thereof, cities or towns having a population of twenty-  
28 five thousand or over shall thereupon proceed to the election  
29 of a mayor and four councilmen, and cities or towns having  
30 a population of seven thousand, and less than twenty-five  
31 thousand, shall proceed to the election of a mayor and two  
32 councilmen, as hereinafter provided. Immediately after  
33 such proposition is adopted, the mayor shall transmit to the

34 governor, to the secretary of state, and to the state auditor,  
35 each a certificate stating that such proposition was adopted.  
36 At the next regular election in such city or town after the  
37 adoption of such proposition there shall be elected a mayor  
38 and councilmen. In the event, however, that the next regu-  
39 lar city or town election does not occur within one year after  
40 such special election the mayor of such city or the selectmen  
41 of such town shall within ten days after such special election  
42 by proclamation call a special election for the election of a  
43 mayor and councilmen, sixty days' notice thereof being given  
44 in such call; such election in either case to be conducted as  
45 hereinafter provided.

Sect. 3. All laws governing cities of the State of Maine,  
2 and not inconsistent with the provisions of this act, shall  
3 apply to and govern cities organized under this act. All  
4 by-laws, ordinances and resolutions lawfully passed and in  
5 force in any such city under its former organization shall  
6 remain in force until altered or repealed by the council  
7 elected under the provisions of this act. The territorial  
8 limits of such city shall remain the same as under its former  
9 organization, and all rights and property of every descrip-  
10 tion which were vested in any city under its former organi-  
11 zation, shall vest in the same under the organization herein  
12 contemplated, and no right or liability either in favor or  
13 against it, existing at the time, and no suit or prosecution  
14 of any kind shall be affected by such change, unless other-  
15 wise provided for in this act.

Sect. 4. In every city having a population of twenty-five  
2 thousand and over there shall be elected at the first munic-  
3 ipal election a mayor and four councilmen, and in every city  
4 having a population of seven thousand and less than twenty-  
5 five thousand, there shall be elected at such election a mayor  
6 and two councilmen.

If any vacancy occurs in any such office the remaining  
8 members of said council shall appoint a person to fill such  
9 vacancy during the balance of the unexpired term.

Said officers shall be nominated and elected at large. Said  
11 officers shall qualify and their terms of office shall begin on  
12 the first Monday after their election. The terms of office  
13 of the mayor and councilmen or aldermen in such city in  
14 office at the beginning of the terms of office of the mayor  
15 and councilmen first elected under the provisions of this act  
16 shall then cease and determine as soon as the council by reso-  
17 lution declare.

Of the officers (mayor and councilmen) first elected the  
19 mayor shall, unless removed, serve for four years; and in  
20 cities electing four councilmen the two receiving the highest  
21 number of votes shall, unless removed, serve four years; and  
22 the other two councilmen elected shall, unless removed,  
23 serve two years; and in cities electing two councilmen, the  
24 one receiving the largest number of votes shall, unless re-  
25 moved, serve four years, and the other shall, unless re-  
26 moved, serve two years.

At each regular biennial election thereafter there shall be  
 28 elected for terms of four years a mayor, or mayor and coun-  
 29 cilmen, or councilmen, to fill the offices made vacant by the  
 30 expiration of the terms of office of former incumbents.

Sect. 5. Candidates to be voted for at all general munic-  
 2 ipal elections at which a mayor and councilmen are to be  
 3 elected under the provisions of this act shall be nominated by  
 4 a primary election, and no other names shall be placed upon  
 5 the general ballot except those selected in the manner here-  
 6 inafter prescribed. The primary election for such nomina-  
 7 tion shall be held on the second Monday preceding the gen-  
 8 eral municipal election. The election officers appointed for  
 9 the general municipal election shall be the election officers  
 10 for the primary election, and it shall be held at the same  
 11 place, so far as possible, and the polls shall be opened and  
 12 closed at the same hours, with the same clerks as are re-  
 13 quired for said general municipal election. Any person de-  
 14 siring to become a candidate for mayor or councilman shall,  
 15 at least ten days prior to said primary election, file with the  
 16 said clerk a statement of such candidacy, in substantially  
 17 the following form:

18 STATE OF MAINE

COUNTY, ss.

I (.....) being first duly sworn, say  
 20 that I reside at ..... street, city of .....,  
 21 county of ....., State of Maine; that I am a  
 22 qualified voter therein; that I am a candidate for nomination  
 23 to the office of (mayor or councilman) to be voted upon at

24 the primary election to be held on the ..... Monday  
 25 of ..... 19 ...., and I hereby request that my  
 26 name be printed upon the official primary ballot for nomina-  
 27 tion by such primary election for such office.

(Signed) .....

29 Subscribed and sworn to (or affirmed) before me by .....  
 30 on this ..... day of ..... 19 ....

(Signed) .....

32 and shall at the same time file therewith the petition of at  
 33 least twenty-five qualified voters requesting such candidacy.  
 34 Each petition shall be verified by one or more persons as to  
 35 the qualifications and residence, with street number, of each  
 36 of the persons so signing the said petition, and the said peti-  
 37 tion shall be substantially the following form:

PETITION ACCOMPANYING NOMINATING  
 STATEMENT.

The undersigned, duly qualified electors of the city of.....  
 41 .....and residing at the places set opposite our respective  
 42 names hereto, do hereby request that the name of (name of  
 43 candidate) be placed on the ballot as a candidate for nomi-  
 44 nation for (name of office) at the primary election to be  
 45 held in such city on the.....Monday of.....19...  
 46 We further state that we know him to be a qualified elector  
 47 of said city and a man of good moral character and qualified  
 48 in our judgment for the duties of such office.

NAMES OF QUALIFIED ELECTORS.	NUMBER.	STREET.

Immediately upon the expiration of the time of filing the  
 51 statements and petitions for candidacies, the said city clerk  
 52 shall cause to be published for three successive days in all the  
 53 daily newspapers published in the city, in proper form, the  
 54 names of the persons as they are to appear upon the primary  
 55 ballot, and if there be no daily newspapers, then in two issues  
 56 of any other newspapers that may be published in said city;  
 57 and the said clerk shall thereupon cause the primary ballots  
 58 to be printed, authenticated with a fac-simile of his signature.  
 59 Upon the said ballot the names of the candidates for mayor,  
 60 arranged alphabetically, shall first be placed, with a square  
 61 at the left of each name, and immediately below the words,  
 62 "Vote for one." Following these names, likewise arranged  
 63 in alphabetical order, shall appear the names of the candi-  
 64 dates for councilmen, with a square at the left of each name,  
 65 and below the names of such candidates shall appear the  
 66 words, "Vote for four," or "Vote for two," as the case may  
 67 be. The ballot shall be printed upon plain, substantial white  
 68 paper, and shall be headed:

CANDIDATES FOR NOMINATION FOR MAYOR  
 AND COUNCILMEN OF.....CITY AT  
 THE PRIMARY ELECTION.

72 but shall have no party designation or mark whatever. The  
 73 ballots shall be in substantially the following form:

(Place a cross in the square preceding the names of the  
 75 parties you favor as candidates for the respective positions.)



OFFICIAL PRIMARY BALLOT.  
 CANDIDATES FOR NOMINATION FOR MAYOR  
 AND COUNCILMEN OF.....CITY AT  
 THE PRIMARY ELECTION.

FOR MAYOR:

(Name of Candidate.)

(Vote for one.)

FOR COUNCILMEN:

(Name of Candidate.)

(Vote for four) or (Vote for two) as the case may be.

Official Ballot attest:

(Signature).....

*City Clerk.*

Having caused said ballots to be printed, the said clerk  
 90 shall cause to be delivered at each polling place a number  
 91 of said ballots equal to twice the number of votes cast in  
 92 such polling places at the last general municipal election for  
 93 mayor, (or town elections for selectmen). The persons  
 94 who are qualified to vote at the general municipal (or town)  
 95 election shall be qualified to vote at such primary election,  
 96 and challenges can be made by not more than two persons,  
 97 to be appointed at the time of opening the polls by the  
 98 election officers; and the law applicable to challenges at a  
 99 general municipal (or town) election shall be applicable  
 100 to challenges made at such primary election. Election offi-  
 101 cers shall, immediately upon the closing of the polls, count

102 the ballots and ascertain the number of votes cast in such  
103 polling place for each candidate, and make return thereof  
104 to the city clerk, upon proper blanks to be furnished by the  
105 said clerk, within six hours of the closing of the polls. On  
106 the day following the said primary election, the said city  
107 clerk shall canvass said returns so received from all the  
108 polling places, and shall make and publish in all the news-  
109 papers of said city, at least once, the result thereof. Said  
110 canvass by the city clerk shall be publicly made. The two  
111 candidates receiving the highest number of votes for mayor  
112 shall be the candidates, and the only candidates, whose  
113 names shall be placed upon the ballot for mayor at the next  
114 succeeding general municipal election, and in cities having  
115 a population of twenty-five thousand and over, the eight  
116 candidates receiving the highest number of votes for coun-  
117 cilman, or all such candidates if less than eight, and in  
118 cities having a population of seven thousand and less than  
119 twenty-five thousand, the four candidates receiving the  
120 highest number of votes for councilman, or all such can-  
121 didates if less than four, shall be the candidates, and the  
122 only candidates whose names shall be placed upon the bal-  
123 lot for councilmen at such municipal election. All electors  
124 of cities under this act who by the laws governing cities  
125 of the State of Maine acting under special charter would  
126 be entitled to vote for the election of officers at any gen-  
127 eral municipal election in such cities, shall be qualified to  
128 vote at all elections under this act; and the ballot at such

129 general municipal election shall be in the same general  
130 form as for such primary election, so far as possible, and  
131 in all elections in such city the election precinct, polling  
132 places, method of conducting election, canvassing the vote  
133 and announcing the results, shall be the same as by law  
134 provided for election of officers in such cities, so far as the  
135 same are applicable and not inconsistent with the provisions  
136 of this act.

Sect. 6. Any person who shall agree to perform any ser-  
2 vices in the interest of any candidate for any office provided  
3 for in this act, in consideration of any money or other valu-  
4 able thing for such services performed in the interest of any  
5 candidate shall be punished by a fine not exceeding three  
6 hundred dollars (\$300) or be imprisoned in the county jail  
7 not exceeding thirty (30) days.

Sect. 7. Any person offering a bribe, either in money or  
2 other consideration, to any elector for the purpose of influ-  
3 encing his vote at any election provided for in this act, or  
4 any elector entitled to vote at any such election receiving and  
5 accepting such bribe or other consideration; any person  
6 making false answer to any of the provisions of this act  
7 relative to his qualifications to vote at said election; any  
8 person wilfully voting or offering to vote at such election  
9 who has not a legal right to do so, or who is not twenty-one  
10 years of age, or is not a citizen of the United States; or  
11 knowing himself not to be a qualified elector at the place  
12 where he offers to vote; any person knowingly procuring,

13 aiding or abetting any violation thereof shall be deemed  
14 guilty of a misdemeanor and upon conviction shall be fined  
15 a sum not less than one hundred dollars (\$100), nor more  
16 than five hundred dollars (\$500), and be imprisoned in the  
17 county jail not less than ten (10) nor more than ninety (90)  
18 days, and be disfranchised for five years.

In construing the language relating to penalties for the  
20 violation of the provisions of this act the word "and" shall  
21 be construed as and, and not as "or," and nothing in the  
22 statutes of the State of Maine shall warrant any other con-  
23 struction.

Sect. 8. Every city having a population of twenty-five  
2 thousand and over shall be governed by a council consisting  
3 of the mayor and four councilmen and every city having a  
4 population of seven thousand and less than twenty-five thou-  
5 sand shall be governed by a council consisting of the mayor  
6 and two councilmen, chosen as provided in this act, each of  
7 whom shall have the right to vote on all questions coming  
8 before the council. In cities having four councilmen three  
9 members of the council shall constitute a quorum, and in  
10 cities having two councilmen, two members of the council  
11 shall constitute a quorum, and in cities having four council-  
12 men the affirmative vote of three members, and in cities  
13 having two councilmen the affirmative vote of two members  
14 shall be necessary to adopt any motion, resolution or ordi-  
15 nance, or pass any measure unless a greater number is  
16 provided for in this act. Upon every vote the yeas and

17 nays shall be called and recorded, and every motion, resolu-  
18 tion or ordinance shall be reduced to writing and read before  
19 the vote is taken thereon. The mayor shall preside at all  
20 meetings of the council; he shall have no power to veto any  
21 measure, but every resolution or ordinance passed by the  
22 council must be signed by the mayor, or by two councilmen,  
23 and be recorded, before the same shall be in force.

Sect. 9. The council shall have and possess, and the coun-  
2 cil and its members shall exercise all executive, legislative  
3 and judicial powers and duties now had, possessed and exer-  
4 cised by the mayor, city council, solicitor, assessors, treas-  
5 urer, auditor, city engineer and all other executive and ad-  
6 ministrative offices now or hereafter existing in cities in the  
7 State of Maine. The executive and administrative powers,  
8 authority and duties in such cities shall be distributed into  
9 and among five departments, as follows:

1. Department of Public Affairs. (All Departments.)
2. Department of Finance and Public Property. (Fi-  
12 nance, accounts and public buildings.)
3. Department of Public Safety. (Police, fire and health.)
4. Department of Streets and Public Improvements.  
15 (Streets, parks and public grounds.)
5. Department of Education and Aid. (Schools and  
17 poor.)

It shall be the duty of the mayor of any such city organized  
19 under the provisions of this act to give due regard to the  
20 proper enforcement of all laws, and to see that any person

21 or persons, corporation or corporations, violating the pro-  
22 visions of this act are promptly prosecuted for such viola-  
23 tion, and such prosecution may also be ordered at any time  
24 by a majority vote of the City Council.

The council shall determine the powers and duties to be  
26 performed by, and assign them to the appropriate depart-  
27 ment; shall prescribe the powers and duties of officers and  
28 employes; may assign particular officers and employes to  
29 one or more of the departments; may require an officer or  
30 employe to perform duties in two or more departments;  
31 and may make such other rules and regulations as may be  
32 necessary or proper for the efficient and economical conduct  
33 of the business of the city.

Sect. 10. The mayor shall be superintendent of the de-  
2 partment of public affairs, and the council shall at the first  
3 regular meeting after election of its members designate by  
4 majority vote one councilman to be superintendent of the  
5 department of finance and public property; one to be super-  
6 intendent of the department of public safety; one to be  
7 superintendent of the department of streets and public im-  
8 provements; and one to be superintendent of the department  
9 of education and aid; provided, however, that in cities hav-  
10 ing a population of less than twenty-five thousand there  
11 shall be designated to each councilman two of said depart-  
12 ments. Such designation shall be changed whenever it ap-  
13 pears that the public service would be benefited thereby.  
14 The council shall, at said first meeting, or as soon as prac-

15 ticable thereafter, elect by majority vote the following offi-  
16 cers: A city clerk, solicitor, assessors, treasurer, auditor,  
17 civil engineer, city physician, chief of police, chief of fire  
18 department, and such other officers and assistants as shall  
19 be provided for by ordinance and necessary to the proper  
20 and efficient conduct of the affairs of the city; provided,  
21 however, that in cities having a population of less than twen-  
22 ty-five thousand such only of the above named officers shall  
23 be appointed as may, in the judgment of the mayor and  
24 councilmen be necessary for the proper and efficient transac-  
25 tion of the affairs of the city. Any officers or assistant  
26 elected or appointed by the council may be removed from  
27 office at any time by vote of a majority of the members of  
28 the council, except as otherwise provided for in this act.

Sect. 11. The city council shall require the city treasurer,  
2 the collector of taxes, the city auditor, and such other em-  
3 ployes as may be intrusted with the receipt or distribution  
4 of money to give bonds, in such amount and with such sure-  
5 ties as it shall deem proper.

The council shall have power from time to time to create,  
7 fill and discontinue offices and employments other than here-  
8 in prescribed, according to their judgment of the needs of  
9 the city; and may by majority vote of all the members re-  
10 move any such officers or employe, except as otherwise pro-  
11 vided for in this act; and may by resolution or otherwise  
12 prescribe, limit or change the compensation of such officers  
13 or employes.

Sect. 12. The mayor and councilmen shall have an office  
2 at the city hall, and shall devote their entire time during  
3 reasonable business hours to the affairs of the city; and their  
4 total compensation shall be as follows: In cities having by  
5 the last preceding state or national census a population of  
6 7,000 and less than 10,000 the mayor's annual salary shall  
7 be \$600.00, and each councilman \$450.00. In cities having  
8 by such census a population of 10,000 and less than 15,000  
9 the mayor's annual salary shall be \$1,200 and each council-  
10 man \$900.00. In cities having by such census a population  
11 of 15,000 and less than 25,000 the mayor's annual salary  
12 shall be \$1,500.00 and each councilman \$1,200.00. In cities  
13 having by such census a population of 25,000 and less than  
14 40,000 the mayor's annual salary shall be \$2,500.00 and each  
15 councilman \$2,000.00. In cities having by such census a  
16 population of 40,000 or more, the mayor's annual salary  
17 shall be \$4,000.00, and each councilman \$3,500.00. Such  
18 salaries shall be payable in equal monthly installments.

Upon petition signed by electors in number equal to twenty-  
20 five percentum of the total number of votes cast for candi-  
21 dates for mayor at the last previous election at which a  
22 mayor was elected, the question of increasing or diminish-  
23 ing the salaries of the mayor and councilmen may be voted  
24 upon at the next regular election, occurring not less than  
25 thirty (30) days after such petition is filed, and the decision  
26 thus made shall raise or lower said salaries to the figure set



27 forth in the petition, and upon the ballot, which shall also  
28 state the amount at which it is desired to fix such salaries.

Any increase in salary occasioned under the provisions of  
30 this scale by increase in population in any city shall com-  
31 mence with the month next after the official publication of  
32 the census showing such increase therein.

Every other officer or assistant shall receive such salary  
34 or compensation as the council shall by ordinance provide,  
35 payable in equal monthly installments.

The salary or compensation of all other employes of such  
37 city shall be fixed by the council and shall be payable month-  
38 ly or at such shorter periods as the council shall determine.

Sect. 13. Regular meetings of the council shall be held on  
2 the first Monday after the election of councilmen, and there-  
3 after at least once each month. The council shall provide  
4 by ordinance for the time of holding regular meetings, and  
5 special meetings may be called from time to time by the  
6 mayor or two councilmen. The council may hold private  
7 conferences at any time, but all motions relating to the af-  
8 fairs of the city and all votes taken shall be in open meeting  
9 at which the public are at liberty to be present; and if such  
10 meeting is a special meeting a notice of the same shall be  
11 posted in a conspicuous place in the office of the city clerk  
12 at least twenty-four hours before the hour for holding such  
13 meeting, and a notice of such meeting shall be published in  
14 at least one paper published in said city before such meeting  
15 is held.

The mayor shall be president of the council and preside at  
17 its meetings, and shall supervise all departments and report  
18 to the council for its action all matters requiring attention in  
19 either. The superintendent of the department of accounts  
20 and finances shall be vice president of the council, and in  
21 case of vacancy in the office of mayor, or the absence or  
22 inability of the mayor, shall perform the duties of the mayor.

Sect. 14. Every ordinance or resolution appropriating  
2 money or ordering any street improvement or sewer, or  
3 making or authorizing the making of any contract, or grant-  
4 ing any franchise or right to occupy or use the streets, high-  
5 ways, bridges or public places in the city for any purpose,  
6 shall be complete in the form in which it is finally passed,  
7 and remain on file with the city clerk for public inspection  
8 at least one week before the final passage or adoption there-  
9 of. No franchise or right to occupy or use the streets,  
10 highways, bridges or public places in any city shall be grant-  
11 ed, renewed or extended, except by ordinance, and every  
12 franchise or grant for interurban or street railways, gas or  
13 water works, electric light or power plants, heating plants,  
14 telegraph or telephone systems, or other public service utili-  
15 ties within said city, must be authorized or approved by a  
16 majority vote of the electors voting thereon at a general or  
17 special election; and special elections for such purpose may  
18 be called by the council on their own volition or on petition  
19 of the required number of electors.

The council shall have full power to vote all ordinary

21 expenditures for the conduct and maintenance of city af-  
22 fairs, but all unusual and extraordinary expenditures over  
23 and above an amount equal to one mill upon the taxable  
24 property of any city as shown by the last previous valuation,  
25 shall first be submitted to the electors of such city, who shall  
26 determine by their votes whether or not such expenditure  
27 shall be made.

Fifty voters of any city may address a petition to the city  
29 council requesting a public hearing upon any municipal ques-  
30 tion, whereupon the mayor, or acting mayor, shall, within  
31 thirty days, order such hearing at which it shall be the duty  
32 of the members of the city council to be present.

Sect. 15. No officer or employe elected or appointed in any  
2 such city shall be interested, directly or indirectly, in any  
3 contract or job for work or materials, or the profits thereof,  
4 or services to be performed for the city; and no such officer  
5 or employe shall be interested directly or indirectly, in any  
6 contract or job for work or materials, or the profits thereof,  
7 or services to be furnished or performed for any person,  
8 firm or corporation operating interurban railway, street rail-  
9 way, gas works, water works, electric light or power plant,  
10 heating plant, telegraph line, telephone exchange, or other  
11 public utility within the territorial limits of said city. No  
12 such officer or employe shall accept or receive, directly or  
13 indirectly, from any person, firm or corporation operating  
14 within the territorial limits of said city, any interurban rail-  
15 way, street railway, gas works, water works, electric light

16 or power plant, heating plant, telegraph line or telephone  
17 exchange, or other business using or operating under a pub-  
18 lic franchise, any frank, free ticket or free service, or accept  
19 or receive, directly or indirectly, from any such person, firm  
20 or corporation, any other service upon terms more favorable  
21 than is granted to the general public. Any violation of the  
22 provisions of this section shall be a misdemeanor, and every  
23 such contract or agreement shall be void.

Such prohibition of free transportation shall not apply to  
25 policemen or firemen in uniform; nor shall any free service  
26 to city official heretofore provided by any franchise or ordi-  
27 nance be affected by this section. Any officers or employe  
28 of such city who, by solicitation or otherwise, shall exert his  
29 influence directly or indirectly to influence other employes  
30 of such city to adopt his political views or to favor any par-  
31 ticular person or candidate for office, or who shall in any  
32 manner contribute money, labor, or other valuable thing to  
33 any person for election purposes, shall be guilty of a mis-  
34 demeanor, and upon conviction shall be punished by a fine  
35 not exceeding three hundred dollars (\$300) or by imprison-  
36 ment in the county jail not exceeding thirty (30) days.

Sect. 16. Immediately after organizing, the council shall  
2 by ordinance appoint three civil service commissioners, who  
3 shall hold office, one until the first Monday in April in the  
4 second year after his appointment, and one until the first  
5 Monday in April of the fourth year after his appointment,  
6 and one until the first Monday in April of the sixth year

7 after his appointment. Each succeeding council shall, as  
8 soon as practicable after organizing, appoint one commis-  
9 sioner for six years, who shall take the place of the com-  
10 missioner whose term of office expires. The chairman of  
11 the commission for each biennial period shall be the mem-  
12 ber whose term first expires. No person while on the said  
13 commission shall hold or be a candidate for any office of  
14 public trust. Two of said members shall constitute a quo-  
15 rum to transact business. The commissioners must be citi-  
16 zens of Maine, and residents of the city for more than three  
17 years next preceding their appointment.

The council may remove any of said commissioners during  
19 their term of office for cause, a majority voting in favor of  
20 such removal, and shall fill any vacancy that may occur in  
21 said commission for the unexpired term. The city council  
22 shall provide suitable rooms in which the said civil service  
23 commission may hold its meetings. They shall have a clerk,  
24 who shall keep a record of all its meetings, such city to  
25 supply the said commission with all necessary equipment to  
26 properly attend to such business.

(a) Before entering upon the duties of their office, each  
28 of said commissioners shall take and subscribe an oath,  
29 which shall be filed and kept in the office of the city clerk,  
30 to support the Constitution of the United States and the  
31 State of Maine, and to obey the laws, and to aim to secure  
32 and maintain an honest and efficient force, free from parti-

33 san distinction or control, and to perform the duties of his  
34 office to the best of his ability.

(b) Said commission shall, on the first Monday of April  
36 and October of each year, or oftener if it shall be deemed  
37 necessary, under such rules and regulations as may be pre-  
38 scribed by the council, hold examinations for the purpose  
39 of determining the qualifications of applicants for positions,  
40 which examinations shall be practical and shall fairly test  
41 the fitness of the persons examined to discharge the duties  
42 of the position to which they seek to be appointed. Said  
43 commission shall as soon as possible after such examination,  
44 certify to the council double the number of persons neces-  
45 sary to fill vacancies, who, according to its records, have the  
46 highest standing for the position they seek to fill as a result  
47 of such examination, and all vacancies which occur, that  
48 come under civil service, prior to the date of the next regu-  
49 lar examination, shall be filled from said list so certified;  
50 provided, however, that should the list for any cause be  
51 reduced to less than three for any division, the council or  
52 the head of the proper department may temporarily fill a  
53 vacancy, but not to exceed thirty days.

(c) All persons subject to such civil service examina-  
55 tions shall be subject to removal from office or employment  
56 by the council for misconduct or failure to perform their  
57 duties under such rules and regulations as it may adopt,  
58 and the chief of police, chief of the fire department, or any  
59 superintendent or foreman in charge of municipal work,

60 may peremptorily suspend any subordinate then under his  
61 direction for neglect of duty or disobedience of his orders,  
62 but shall, within twenty-four hours thereafter, report such  
63 suspension or discharge, and the reason therefor, to the  
64 superintendent of his department, who shall thereupon af-  
65 firm or revoke such discharge or suspension, according to  
66 the facts.

Such employe (or the officer discharged or suspending  
68 him) may, within five days of such ruling, appeal therefrom  
69 to the council, which shall fully hear and determine the  
70 matter.

(*d*) The council have the power to enforce the attendance  
72 of witnesses, the production of books and papers, and power  
73 to administer oaths in the same manner and with like effect,  
74 and under the same penalties, as in the case of magistrates  
75 exercising criminal or civil jurisdiction under the statutes  
76 of Maine.

Said commissioners shall make annual report to the coun-  
78 cil, and it may require a special report from said commis-  
79 sioners at any time; and said council may prescribe such  
80 rules and regulations for the proper conduct of the business  
81 of the said commission as shall be found expedient and  
82 advisable.

(*e*) The council shall have power to pass suitable ordi-  
84 nances imposing suitable penalties for the punishment of  
85 persons violating any of the provisions of this act relating  
86 to the civil service commission.

(f) The provisions of this section shall apply to all ap-  
88 pointive officers and employes of such city, except those  
89 especially named in section 8 of this act, commissioners of  
90 any kind, election officials, and mayor's secretary and assist-  
91 ant solicitor where such officers are appointed.

All officers and employes in any such city shall be elected  
93 or appointed with reference to their qualifications and fit-  
94 ness, and for the good of the public service, and without  
95 reference to their political faith or party affiliations.

It shall be unlawful for any candidate for office, or any  
97 officer in any such city, directly or indirectly, to give or  
98 promise any person or persons any office, position, employ-  
99 ment, benefit, or any thing of value, for the purpose of  
100 influencing or obtaining the political support, aid or vote  
101 of any person or persons.

Every elective officer in any such city shall, within thirty  
103 days after qualifying, file with the city clerk, and publish  
104 at least once in a daily newspaper of general circulation,  
105 his sworn statement of all his election and campaign ex-  
106 penses, and by whom such funds were contributed.

Any violation of the provisions of this section shall be a  
108 misdemeanor and be a ground for removal from office.

Sect. 17. The council shall each month print in pamphlet  
2 form a detailed itemized statement of all receipts and ex-  
3 penses of the city and a summary of its proceedings during  
4 the preceding month, and furnish printed copies thereof to  
5 the state library, the city or public library if any there be



6 in such city, the daily newspapers of the city, and to persons  
7 who shall apply therefor at the office of the city clerk. At  
8 the end of each year the council shall cause a full and com-  
9 plete examination of all books and accounts of the city to  
10 be made by competent accountants, and shall publish the  
11 result of such examination in the manner provided for pub-  
12 lication of statements of monthly expenditures.

Sect. 18. If at the beginning of the term of office, of the  
2 first council elected in such city under the provisions of this  
3 act, the appropriations for the expenditures of the city gov-  
4 ernment for the current fiscal year have been made, said  
5 council shall have power, by ordinance, to revise, or repeal  
6 or change said appropriations and to make additional appro-  
7 priations.

Sect. 19. In the construction of this act the following  
2 rules shall be observed, unless such construction would be  
3 inconsistent with the manifest intent, or repugnant to the  
4 context of the statute.

1. When an office or officer is named in any law referred  
6 to in this act, it shall, when applied to cities under this act,  
7 be construed to mean the office or officer having the same  
8 functions or duties under the provisions of this act, or under  
9 ordinances passed under authority thereof.

2. The word "franchise" shall include every special privi-  
11 lege in the streets, highways and public places of the city,  
12 whether granted by the state or the city, which does not be-  
13 long to the citizens generally by common right.

3. The word "electors" shall be construed to mean persons qualified to vote for elective offices at regular municipal elections.

Sect. 20. The holder of any elective office under this act may be removed at any time by the electors qualified to vote for a successor for such incumbent. The procedure to effect the removal of an incumbent of an elective office shall be as follows: A petition signed by electors entitled to vote for a successor to the incumbent sought to be removed, equal in number to at least twenty-five per centum of the entire vote for all candidates for the office of mayor at the last preceding general municipal election, demanding an election for a successor of the person sought to be removed shall be filed with the city clerk, which petition shall contain a general statement of the grounds for which the removal is sought. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature, his place of residence, giving street and number. One of the signers of each such paper shall make oath before an officer competent to administer oaths that the statements therein made are true as he believes and, that each signature to the paper is the genuine signature of the person whose name it purports to be. Within ten days from the date of filing such petition the clerk shall examine and from the voters' register ascertain whether or not said petition is signed by the requisite number of qualified electors, and, if necessary, the council shall allow him extra help for

25 the purpose; and he shall attach to said petition his certifi-  
26 cate, showing the result of said examination. If by the  
27 clerk's certificate the petition is shown to be insufficient, it  
28 may be amended within ten days from the date of said cer-  
29 tificate. The clerk shall, within ten days after such amend-  
30 ment, make like examination of the amended petition, and if  
31 his certificate shall show the same to be insufficient, it shall  
32 be returned to the person filing the same; without prejudice,  
33 however, to the filing of a new petition to the same effect.  
34 If the petition shall be deemed sufficient, the clerk shall sub-  
35 mit the same to the council without delay. If the petition  
36 shall be found to be sufficient, the council shall order and fix  
37 a date for holding the said election, not less than thirty days  
38 or more than forty days from the date of the clerk's certi-  
39 ficate to the council that a sufficient petition is filed.

The council shall make, or cause to be made, publication  
41 of notice and all arrangements for holding such election,  
42 and the same shall be conducted, returned and the result  
43 thereof declared, in all respects as are other city elections.  
44 The successor of any officer so removed shall hold office  
45 during the unexpired term of his predecessor. Any person  
46 sought to be removed may be a candidate to succeed him-  
47 self, and unless he requests otherwise in writing, the clerk  
48 shall place his name on the official ballot without nomina-  
49 tion. In any such removal election, the candidate receiving  
50 the highest number of votes shall be declared elected. At  
51 such election if some other person than the incumbent re-

52 ceives the highest number of votes the incumbent shall  
53 thereupon be deemed removed from office upon qualification  
54 of his successor. In case the party who receives the high-  
55 est number of votes should fail to qualify, within ten days  
56 after receiving notification of election, the office shall be  
57 deemed vacant. If the incumbent receives the highest num-  
58 ber of votes he shall continue in office. The same method  
59 of removal shall be cumulative and additional to the methods  
60 heretofore provided by law.

Sect. 21. Any proposed ordinance may be submitted to  
2 the council by petition signed by electors of the city equal in  
3 number to the percentage hereinafter required. The sig-  
4 natures, verification, authentication, inspection, certification,  
5 amendment and submission of such petition shall be the  
6 same as provided for petitions under section 20 hereof.

If the petition accompanying the proposed ordinance be  
8 signed by electors equal in number to twenty-five percentum  
9 of the votes cast for all candidates for mayor at the last  
10 preceding general election, and contains a request that the  
11 said ordinance be submitted to a vote of the people if not  
12 passed by the council such council shall either

(a) Pass said ordinance without alteration within twenty  
14 days after attachment of the clerk's certificate to the accom-  
15 panying petition or

(b) Forthwith after the clerk shall attach to the petition  
17 accompanying such ordinance his certificate of sufficiency,  
18 the council shall call a special election, unless a general

19 municipal election is fixed within ninety days thereafter, and  
20 at such special or general municipal election, if one is so  
21 fixed, such ordinance shall be submitted without alteration  
22 to the vote of the electors of said city. But if the petition  
23 is signed by not less than ten but less than twenty-five per-  
24 centum of the electors, as above defined, then the council  
25 shall, within twenty days, pass said ordinance without  
26 change, or submit the same at the next general city election  
27 occurring not less than thirty days after the clerk's certifi-  
28 cate of sufficiency is attached to said petition.

The ballots used when voting for said ordinance shall con-  
30 tain these words: "For the Ordinance" (stating the nature  
31 of the proposed ordinance), and "Against the Ordinance"  
32 (stating the nature of the proposed ordinance). If a ma-  
33 jority of the qualified electors voting on the proposed ordi-  
34 nance shall vote in favor thereof, such ordinance shall there-  
35 upon become a valid and binding ordinance of the city; and  
36 any ordinance proposed by petition, or which shall be adopt-  
37 ed by a vote of the people, cannot be repealed except by vote  
38 of the people.

Any number of proposed ordinances may be voted upon  
40 at the same election, in accordance with the provisions of  
41 this section; but there shall be no more than one special  
42 election in any period of six months for such purpose.

The council may submit a proposition for the repeal of  
44 any such ordinance or for amendments thereto, to be voted  
45 upon at any succeeding general city election; and should

46 such proposition so submitted receive a majority of the  
47 votes cast thereon at such election, such ordinance shall  
48 thereby be repealed or amended accordingly. Whenever  
49 any ordinance or proposition is required by this act to be  
50 submitted to the voters of the city at any election, the city  
51 clerk shall cause such ordinance or proposition to be pub-  
52 lished in each of the daily newspapers published in said city;  
53 such publication to be not more than twenty or less than five  
54 days before the submission of such proposition or ordinance  
55 to be voted on.

Sect. 22. No ordinance passed by the council, except when  
2 otherwise required by the general laws of the state, or by  
3 the provisions of this act, except an ordinance for the imme-  
4 diate preservation of the public peace, health or safety,  
5 which contains a statement of its urgency and is passed by  
6 a two-thirds vote of the council shall go into effect before  
7 ten days from the time of its final passage; and if during  
8 said ten days a petition signed by electors of the city equal  
9 in number to at least twenty-five percentum of the entire  
10 vote cast for all candidates for mayor at the last preceding  
11 general municipal election at which a mayor was elected,  
12 protesting against the passage of such ordinance, be pre-  
13 sented to the council, the same shall thereupon be suspended  
14 from going into operation, and it shall be the duty of the  
15 council to reconsider such ordinance; and if the same is  
16 not entirely repealed, the council shall submit the ordinance,  
17 as is provided by sub-section *b* of section 21 of this act, to

18 the vote of the electors of the city, either at the general elec-  
19 tion or at a special municipal election to be called for that  
20 purpose; and such ordinance shall not go into effect or be-  
21 come operative unless a majority of the qualified electors  
22 voting on the same shall vote in favor thereof. Said peti-  
23 tion shall be in all respects in accordance with the provisions  
24 of said section 21, except as to the percentage of signers,  
25 and be examined and certified to by the clerk in all respects  
26 as herein provided.

Sect. 23. Any city which shall have operated for more  
2 than six years under the provisions of this act may abandon  
3 such organization hereunder, and accept the provisions of  
4 the general law of the state then applicable to cities or towns  
5 of its population, or if now organized under special charter  
6 or town government, may resume said special charter or  
7 town government, by proceeding as follows:

Upon the petition of not less than twenty-five per centum  
9 of the electors of such city a special election shall be called,  
10 at which the following proposition only shall be submitted:  
11 "Shall the city of (name of city) abandon its organization  
12 under chapter (naming chapter) of the acts of the seventy-  
13 fifth Maine Legislature and become a city under the gen-  
14 eral law governing cities of like population, or if now organ-  
15 ized under special charter shall resume said special char-  
16 ter?"

If a majority of the votes cast at such a special election be  
18 in favor of such proposition, the officers elected at the next

19 succeeding biennial election shall be those then prescribed  
20 by the general law of the state for cities of like population,  
21 and upon the qualification of such officers such city shall  
22 become a city under such general law of the state; but such  
23 change shall not in any manner or degree affect the prop-  
24 erty, right or liabilities of any nature of such city, but shall  
25 merely extend to such change in its form of government.

The sufficiency of such petition shall be determined, the  
27 election ordered and conducted, and the results declared,  
28 generally as provided by section 20 of this act, in so far as  
29 the provisions thereof are applicable.