

MAINE STATE LEGISLATURE

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SEVENTY-FIFTH LEGISLATURE

HOUSE

NO. 434

House of Representatives, March 3, 1911.

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

C. C. HARVEY, Clerk.

STATE OF MAINE

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

AN ACT to amend the charter of the City of Waterville.

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

Section 1. The inhabitants of the town of Waterville, in
2 the county of Kennebec, shall continue to be a body politic
3 and corporate by the name of the city of Waterville, and
4 as such shall have, exercise and enjoy all the rights, immuni-
5 ties, powers, privileges and franchises, and be subject to all
6 the duties and obligations now appertaining to or incumbent
7 upon said town as a municipal corporation, or appertaining
8 to or incumbent upon the inhabitants or selectmen thereof,
9 and may ordain and publish such acts, ordinances, laws and
10 regulations, not inconsistent with the constitution and laws
11 of this state, as shall be needful to the good order of said

12 body politic, and impose fines and penalties for the breach
13 thereof not exceeding twenty dollars for any one offense
14 which may be recovered to the use of said city, by action of
15 debt, or on complaint before the municipal court in said
16 city, (or complaint may be made before said court and a
17 warrant issued thereon when authorized by the city solicitor,
18 and said court is empowered to enforce payment of said
19 fines and costs of prosecution by imprisonment in the county
20 jail not exceeding thirty days).

Sect. 2. The annual city election of the city of Waterville
2 shall be held on the first Monday of December of each year.
3 Every special city election shall be held on a Monday.

Sect. 3. The municipal year shall begin at ten o'clock in
2 the forenoon on the first Monday of January, and shall
3 continue until ten o'clock in the forenoon on the first Mon-
4 day of the January next following.

TERM OF OFFICE OF MAYOR AND COUNCIL.

Sect. 4. At the annual city election in said city, next fol-
2 lowing the acceptance of this charter, a mayor shall be
3 elected for a term of three years next following such elec-
4 tion, and two councilmen, one for a term of two years, and
5 one for a term of one year, next following such election.
6 At the expiration of the above mentioned terms, the suc-
7 cessors of the mayor and the successors of the councilmen
8 shall thereafter be elected for terms of three years. The
9 number of councilmen shall be two, and except, as afore-
10 said, or as otherwise provided in this act, no other officers

11 shall be elected at any city election. The above mentioned
12 officers shall be elected by and from the qualified voters of
13 the city.

NAMES ON BALLOTS.

Sect. 5. Except as otherwise provided in section 17, there
2 shall not be printed on the official ballots to be used at any
3 annual or special city election of said city, the name of any
4 person as a candidate for mayor or councilman unless such
5 person be nominated as such candidate at a preliminary
6 election for nominations to be held as provided in this act.
7 There shall not be printed on the official ballots to be used
8 at a preliminary election for nomination the name of any
9 person as a candidate for nomination at such preliminary
10 election for nominations unless such person shall have filed,
11 within the time limit provided for by section 8 of this act,
12 the statement of candidate and the petition accompanying
13 the statement described in section 8.

PRELIMINARY AND SPECIAL ELECTIONS.

Sect. 6. On the Monday preceding every annual election
2 in which any officer mentioned in section 4 is to be elected
3 there shall be held a preliminary election for nominations
4 for the purpose of nominating candidates for such offices
5 as, under the provisions of this act, are to be filled at such
6 annual election. At every preliminary election for nomina-
7 tions and every regular city election, the polls shall be
8 opened at six o'clock in the forenoon and kept open until

9 four o'clock in the afternoon and, except as otherwise pro-
10 vided in this act, every such preliminary election for nomi-
11 nations shall be called by the same officers and held in the
12 same manner as an annual city election, the polling places
13 shall be designated, provided and furnished official ballots,
14 special ballots, ballot boxes, voting lists, specimen ballots,
15 blank forms, apparatus and supplies shall be provided for
16 every such preliminary election for nominations in the same
17 number, kind and manner and by the same officials as at an
18 annual city election, and the same election officers shall offi-
19 ciate as at an annual city election. Said election officers shall
20 for the first election, after the adoption of this act, be ap-
21 pointed by the municipal officers, and thereafter annually by
22 the municipal council.

CALLING AND CONDUCT OF ELECTIONS.

Sect. 7. The provisions of law relating to election offi-
2 cers, voting places for elections, election apparatus and
3 blanks, calling and conduct of elections, manner of voting
4 at elections, counting and recounting of votes at elections,
5 corrupt practices, and penalties, shall apply to such prelimi-
6 nary elections for nominations, except as otherwise provided
7 in this act. The present wards one and two shall constitute
8 the first voting precinct; three, four and five shall constitute
9 the second voting precinct; six and seven shall constitute the
10 third voting precinct. At least sixty days before the first
11 election to be held after this act becomes law the municipal

12 officers shall designate a voting place for each precinct which
13 shall continue until changed by the municipal council.

QUALIFICATION OF CANDIDATES.

Sect. 8. Any person who is qualified to vote for a candi-
2 date for mayor or councilman, and who is a candidate for
3 nomination for such office may have his name, as such can-
4 didate, printed on the official ballots to be used at a prelim-
5 inary election for nominations provided he shall, at least
6 seven days prior to such preliminary election for nomina-
7 tions, file with the city clerk a statement in writing of his
8 candidacy in the following form:

STATEMENT OF CANDIDATE.

I, (.....), on oath declare that I reside at
11 (number, if any) on (name of street,) in the city of Water-
12 ville; that I am a voter therein qualified to vote for a candi-
13 date for the hereinafter mentioned office; that I am a candi-
14 date for nomination for the office of (mayor or councilman)
15 for (state the term,) to be voted for at the preliminary elec-
16 tion for nominations to be held on Monday, the
17 day of 19...., and I request that my name
18 be printed as such candidate on the official ballots to be used
19 at said preliminary election for nominations. And that I am
20 not a candidate as the nominee or representative of, or be-
21 cause of any promised support from any political party or
22 any committee or convention representing, or acting for any
23 political party or organization.

(Signed)

STATE OF MAINE.

KENNEBEC, SS.

Subscribed and sworn to on this day of ,
28 19. . . . , before me,

(Signed)

Justice of the Peace, (or Notary Public.)

And at the same time shall file therewith a petition of at
32 least twenty-five voters of the city qualified to vote for a
33 candidate for such office. Such petition shall be in the fol-
34 lowing form:

PETITION ACCOMPANYING STATEMENT OF
CANDIDATE.

Whereas (name of candidate) is a candidate for nomina-
38 tion for the office of (mayor or councilman) for (state the
39 term) we, the undersigned voters of the city of Waterville
40 duly qualified to vote for a candidate for such office, do
41 hereby request that the name of said (name of candidate,)
42 as a candidate for nomination for said office, be printed on
43 the official ballots to be used at the preliminary election for
44 nominations to be held on the Monday of ,
45 19. We declare further that we have not signed more
46 petitions or certificates than there are offices to be filled at
47 said preliminary election for nominations: We believe said
48 is of good moral character and that he is well
49 qualified to perform the duties of the office and that we join
50 in this petition in the belief that he has not become a candi-
51 date as the nominee or representative of, or because of any

52 promised support from any political party or any commit-
 53 tee or convention representing or acting for any political
 54 party or organization.

Names of voters. Street number (if any) Street.

No acceptance by a candidate for nomination named in such
 57 petition shall be necessary for its validity or for its filing,
 58 and the petition need not be sworn to.

PREPARATION OF BALLOTS.

Sect. 9. On the first day, not being Sunday or a legal holi-
 2 day, following the expiration of the time for filing the above
 3 described statements and petitions, the city clerk shall cause
 4 to be published in one or more newspapers published in the
 5 city the names and residences of the candidates for nomi-
 6 nation who have duly filed the above mentioned statements
 7 and petitions, and the officers and terms for which they are
 8 candidates for nomination, as they are to appear on the of-
 9 ficial ballots to be used at the preliminary election for nom-
 10 inations. The city clerk shall thereupon prepare the ballots
 11 to be used at such preliminary election for nominations and
 12 shall cause them to be printed, and the ballots so prepared
 13 shall be the official ballots and the only ballots used at such
 14 preliminary election for nominations. They shall be headed
 15 as follows:

OFFICIAL PRELIMINARY BALLOT.

Candidates for nomination for Mayor and Councilmen. At
 18 a preliminary election for nominations held on the day of
 19 in the year nineteen hundred and

20 (The heading shall be varied in accordance with the offices
21 for which nominations are to be made.)

HOW BALLOT SHALL BE PRINTED.

Sect. 10. The name of each person who has filed a state-
2 ment and accompanying petition as aforesaid, and his resi-
3 dence and the title and term of the office for which he is a
4 candidate for nomination shall be printed on the ballots in
5 the order determined by lot by the city clerk, in the presence
6 of a majority of the municipal officers and the names of no
7 other candidates shall be printed thereon. Blank spaces
8 shall be left at the end of each list of candidates for nomi-
9 nation for the different offices, equal to the number to be
10 nominated therefor, in which the voter may insert the name
11 of any person not printed on the ballot for whom he desires
12 to vote for nomination for such office. There shall also be
13 printed on said ballot four lines forming a square, of half
14 an inch immediately to the left of the name of each candi-
15 date and of the spaces left for the insertion of additional
16 names, to receive the cross of the voters. There shall also be
17 printed on said ballots the following direction to voters:

18 "To vote for any person make a cross with a black lead pen-
19 cil, in the square at the left of the name of the person you
20 wish to vote for," printed in bold face type directly below
21 the heading, the word "for" immediately before the title of
22 each office for which there are candidates to be nominated,
23 and the words "Vote for one," "Vote for two," and the like
24 as conditions may require, directly following each title.

NO PARTY NAME ON BALLOT.

Sect. 11. No ballot used at any annual or special city election or at any preliminary election for nominations shall have printed thereon any party or political designation or mark, and there shall not be appended to the name of any candidate any such party or political designation or mark or anything showing how he was nominated, or indicating his views or opinions.

QUALIFICATION OF VOTERS.

Sect. 12. Voters qualified to vote at a city election shall be qualified to vote at the said preliminary election for nominations.

COUNTING BALLOTS.

Sect. 13. The election officers shall immediately, in open meeting, upon the closing of the polls at preliminary elections for nominations, count the ballots and ascertain the number of votes cast in the voting places where they officiate, for each person for nomination for each office, and shall make return thereof to the city clerk forthwith upon blanks to be furnished as in city elections.

CITY CLERK SHALL CANVASS RETURNS.

Sect. 14. On the first day, not being Sunday or a legal holiday, following such preliminary election for nominations, the city clerk shall, in the presence of a majority of the municipal officers, canvass said returns, so received from the election officers, and shall forthwith determine the result

6 of such canvass and publish the same in one or more news-
7 papers published in said city.

CANDIDATES NOMINATED.

Sect. 15. The two persons receiving at the preliminary
2 election for nomination the highest number of votes for the
3 office of mayor or of councilman for either term, shall be
4 the candidates and the only candidates for the respective of-
5 fices, whose names shall be printed on the ballots to be used
6 at the annual election to follow; except, if by reason of a
7 tie vote for either office more names than two would be en-
8 titled to be printed on said ballot then all names affected by
9 such tie shall be printed on said annual election ballot.

The official ballot used at the annual election or at a special
11 election shall be of the same form and style as the ballot used
12 at the preliminary election and the voter shall mark the bal-
13 lot in the same manner.

ACCEPTANCE OF NOMINATION.

Sect. 16. No acceptance of a nomination made at a pre-
2 liminary election for nominations shall be necessary for the
3 validity of such nomination.

OFFICIALS ELECTED.

Sect. 17. At city elections, other than the above described
2 preliminary elections for nominations, the person receiving
3 the highest number of votes for an office shall be deemed and
4 declared elected to such office; but persons receiving the
5 same number of votes shall not be deemed to be elected if

6 thereby a greater number would be elected than are by law
7 to be chosen. If there is a vacancy in the office of mayor or
8 councilmen by failure to elect, as above provided, the re-
9 maining members of the Municipal Council shall call an-
10 other election to take place on the Monday following the
11 regular election at which the vacancy shall be filled by elec-
12 tion from the candidates affected by the tie in the same man-
13 ner as provided for the regular election. In case of vacancy
14 from any other cause, it shall be filled by election by the re-
15 maining members of the municipal council, the person so
16 elected to serve until the next regular election, when the
17 vacancy shall be filled as in the original election. On bal-
18 lots to be used at annual or special city elections blank
19 spaces shall be left at the end of each list of candidates for
20 the different offices, equal to the number to be elected there-
21 to, in which the voter may insert the name of any person
22 not printed on the ballot for whom he desires to vote for
23 such office.

STATE ELECTION LAWS.

Sect. 18. Except as otherwise provided in this act, the
2 laws of the state governing annual city elections, special
3 elections of city officers and special elections in cities shall so
4 far as they may be applicable, govern such elections in said
5 city. No informalities in conducting municipal elections
6 shall invalidate the same if they have been conducted fairly
7 and in substantial conformity with the requirements of this
8 charter.

BRIBERY.

Sect. 19. It shall be unlawful for any candidate for office
2 or for any officer of the city directly or indirectly to give or
3 promise any person or persons any office or position, em-
4 ployment or benefit or anything of value for the purpose of
5 influencing or obtaining their support, aid or vote. Any
6 violation of this provision shall be a misdemeanor and a
7 ground for removal from office.

PRESENT GOVERNMENT ABOLISHED. MU-
NICIPAL COUNCIL INSTITUTED.

Sect. 20. At ten o'clock in the forenoon on the first Mon-
2 day of January in the year following the acceptance of this
3 act, the city council, board of mayor and aldermen, board
4 of aldermen and common council and board of education of
5 said city shall be abolished; the terms of office which the
6 present mayor, aldermen, common councilmen, members of
7 the board of education are now serving shall terminate, and,
8 except as otherwise provided in this act, all the present pow-
9 ers and duties of all or any, the mayor, mayor and aldermen,
10 aldermen, board of aldermen, city council, common council,
11 common councilmen, the municipal officers, the board of ed-
12 ucation, and the overseers of the poor of said city, under
13 any general or special acts, shall devolve upon and shall
14 thereafter be exercised and performed by a board, styled the
15 municipal council, which shall consist of the mayor and two
16 councilmen elected under the provisions of this act. The
17 municipal council shall be the judge of the election of its own
18 members.

ORGANIZATION OF COUNCIL.

Sect. 21. The mayor and the councilmen elected as afore-
2 said shall meet at ten o'clock in the forenoon on the first
3 Monday in January of each year, and those of them whose
4 term of office then begins shall severally take oath before the
5 city clerk or a justice of the peace to perform faithfully the
6 duties of their respective offices. The municipal council
7 shall thereupon be organized by the choice of a president,
8 who shall be called the president of the municipal council
9 and shall hold his office during its pleasure. The president
10 of the municipal council shall be some member thereof other
11 than the mayor. The organization of the municipal coun-
12 cil shall take place as aforesaid notwithstanding the absence,
13 death, refusal to serve, or non-election of the mayor or of
14 one of the two councilmen provided that at least two of the
15 persons entitled to be members of the municipal council are
16 present and take the oath as aforesaid. Any person en-
17 titled to take the aforesaid oath who was not present at the
18 time above fixed therefor may take the same at any time
19 thereafter. The Municipal Council shall, after organization,
20 proceed to the election of subordinate city officers.

MEETINGS.

Sect. 22. The municipal council shall fix suitable times for
2 its regular meetings. The mayor, the president of the mu-
3 nicipal council, or any two members thereof, may at any
4 time call a special meeting by causing a written notice, stat-
5 ing the time of holding such meeting and signed by the per-

6 son or persons calling the same, to be delivered in hand to
7 each member, or left at his usual dwelling place at least six
8 hours before the time of such meetings. Meetings of the
9 municipal council may also be held at any time when all the
10 members are present and consent thereto.

QUORUM. MEETINGS CONDUCTED.

Sect. 23. A majority of the members of the municipal
2 council shall constitute a quorum. Its meetings shall be pub-
3 lic and the mayor, if present, shall preside and shall have
4 the right to vote. In the absence of the mayor, the presi-
5 dent of the municipal council shall preside. The city clerk
6 shall be, ex-officio, clerk of the municipal council, shall keep
7 the records of its proceedings, shall perform such duties as
8 shall be prescribed by the municipal council, and shall also
9 perform all the duties and exercise all the powers now en-
10 cumbent on him by law. In case of the temporary absence
11 of the city clerk the Municipal Council may appoint a clerk
12 pro tempore. All votes of the members of the municipal
13 council shall be by yeas and nays, and shall be entered upon
14 the records. The affirmative votes of at least two members
15 shall be necessary for the passage of any order, ordinance,
16 resolution or vote.

DEATH OR INABILITY OF MAYOR.

Sect. 24. 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 municipal council shall perform
4 them. The person upon whom such duties devolve shall be

5 called "Acting Mayor" and except as otherwise provided
6 in this act, shall possess the powers of mayor but only in
7 matters not admitting of delay.

MAYOR CHAIRMAN OVERSEERS OF POOR.

Sect. 25. The mayor shall be, ex-officio, chairman and a
2 member of the board of overseers of the poor and of the
3 board of education.

MAYOR HAS NO VETO.

Sect. 26. The mayor shall have no power of veto, and no
2 order, ordinance, resolution or vote which the municipal
3 council shall make or pass shall require his approval in or-
4 der to be effective.

DEPARTMENTS AND SUB-DEPARTMENTS.

Sect. 27. The administration of city affairs shall be di-
2 vided and classified under three departments in general, with
3 sub-departments, as follows:

First. The Department of Public Welfare,—including
5 public safety, police, fire, and health, public charities and
6 care of poor, inspection of water, milk and foods; care of
7 public property, and buildings (except school-buildings,
8 property and grounds), city hall, ordinances and elections,
9 inspection of weights and measures, pensions and licenses.

Second. The Department of Education and Finance,—in-
11 cluding all public finances and accounts, annual budget, as-
12 sessors, treasury, sinking fund, city clerk, auditor, care of
13 school-buildings, property and grounds, supervision of edu-

14 cational interests, officers and teachers, public printing, and
15 the like.

Third. The Department of Streets and Public Improve-
17 ments,—including care of streets and alleys, sidewalks,
18 bridges, sewers, street lighting, electrical affairs, sprinkling
19 and cleaning streets, supervision of public utilities, parks
20 and engineering.

DUTIES OF THE MAYOR.

Sect. 28. The mayor shall at all times cause the laws of
2 the state and the ordinances of the city to be executed and
3 enforced by the proper officers. He shall exercise general
4 supervision and control of the affairs of the city and shall
5 take proper action to cause every violation or neglect of duty
6 to be punished. He may at any time summon the heads of
7 departments and subordinate officers before him for informa-
8 tion and consultation,—with due regard to the authority
9 and responsibilities of the heads of said departments, and
10 advise upon the affairs of the city. He shall see that the
11 duties assigned to the heads of all departments and sub-
12 departments are properly performed.

The mayor shall be, *ex-officio*, the commissioner of the police
14 and fire departments, exercising general supervision over all
15 matters relating to said departments and enforcing all regu-
16 lations affecting them as prescribed by the laws of the state
17 and the ordinances of the city. He shall also have general
18 supervision over the health department of the city,—includ-
19 ing inspection of water, milk and foods, protection against

20 all contagious and infectious diseases, etc.,—and shall en-
21 force all orders, rules and regulations necessary, (in com-
22 pliance with the laws of the state and ordinances of the
23 city,) to the end that the necessities and conditions of life
24 in the city affecting public welfare and safety, including the
25 streets, alleys, public buildings, and general housing condi-
26 tions, shall be kept in a sanitary condition and the health
27 and safety of the inhabitants of said city shall be protected.
28 He shall have charge of the public parks and playgrounds
29 and the care of all public property (except school-buildings,
30 property and grounds); public charities and the care of the
31 poor, being, *ex-officio*, chairman and a member of the board
32 of overseers of the poor, and of the board of education,
33 (Section 25); city hall, ordinances and elections; inspection
34 of weights and measures; pensions and licenses; and all pub-
35 lic affairs not otherwise assigned to specific departments.

DUTIES OF THE COMMISSIONER OF EDUCA- TION AND FINANCE.

Sect. 29. The municipal council shall, by a majority vote,
2 designate one councilman, who shall be known as the “Com-
3 missioner of Education and Finance.” He shall have under
4 his special charge the preparation of an annual budget, the
5 collection of all revenues belonging to the city from what-
6 ever source the same may be derived, and the management
7 of the finances of the city, including the assessors, treasury,
8 sinking fund, city clerk, auditor, printing and all public ac-
9 counts. He shall have under his charge the public schools

10 of the city, being responsible for the supervision of all edu-
11 cational interests, including the care of school buildings,
12 property and grounds. He shall have authority to employ
13 a superintendent of schools and all necessary teachers, jani-
14 tors, etc.—provided, however, that his acts and appointments
15 to the various positions in the schools must be confirmed by
16 a majority of the municipal council.

DUTIES OF THE COMMISSIONER OF STREETS AND PUBLIC IMPROVEMENTS.

Sect. 30. In the same manner (see Section 29) the muni-
2 cial council shall designate one councilman as the “Com-
3 missioner of Streets, Public Improvements,” who shall have
4 the supervision over the streets, alleys, sidewalks, bridges,
5 sewers, sprinkling and cleaning of streets, street lighting,
6 electrical affairs, supervision of public parks, driveways and
7 engineering, with supervision of all public utilities.

He shall have charge of the construction and maintenance
9 of roads, driveways, parks and the like, including the con-
10 struction and maintenance of all public improvements what-
11 soever undertaken by the city, such as sidewalks, bridges,
12 and sewers; and he shall have charge of the engineering de-
13 partment of the city, including the supervision of all public
14 works.

It shall, further, be his duty to demand faithful compliance
16 from all persons, corporations or companies with any grant,
17 franchise or privilege voted to such person, corporation or
18 company by the municipal council.

He shall, also, have special charge over any water works,
20 light, plant, power, heating or gas plants, street railway, tele-
21 phone or telegraph lines or other public utility owned by the
22 city.

DUTIES OF MUNICIPAL COUNCIL.

Sect. 31. The municipal council shall assume and perform
2 all duties assigned by law to municipal officers, mayor and
3 aldermen, mayors, city council and overseers of the poor,
4 and board of education. The election and appointment of
5 ward or precinct officers, heretofore chosen or elected by the
6 voters of the several wards is hereby vested in the Munici-
7 pal Council. Such powers of nominations, appointments,
8 confirmation and election for and to office or position of ap-
9 proval and consent to nominations and appointments of re-
10 moval or suspension from office as are now vested in all or
11 any, the mayor, the mayor and aldermen, city council, board
12 of aldermen and common council and board of education
13 shall be exercised by the municipal council. The Municipal
14 Council, so constituted, shall have control and supervision
15 over all departments of the city, and to that end shall have
16 power to make and enforce such rules and regulations as
17 they may deem fit and proper for and concerning the organ-
18 ization, management and operation of all departments of
19 said city and whatever agencies may be created for the ad-
20 ministration of its affairs. In case at any time the duties
21 of any of the councilmen shall be found to be excessive, the
22 municipal council, by a majority vote of all the members

23 thereof, may relieve said councilman by assigning to some
24 other member of said council, for a time to be by them deter-
25 mined, a portion of the work assigned by this act to said
26 councilman; and said municipal council may from time to
27 time assign such further duties to each of said councilmen as
28 shall be for the best interest of the city.

POWER OF MUNICIPAL COUNCIL TO ISSUE BONDS TO APPROVE AND PAY BILLS.

Sect. 32. The municipal council shall have power to do,
2 except as otherwise provided in this act, without the ap-
3 proval of the mayor, all things which all or any of the city
4 council, board of aldermen and common council can now do
5 with such approval. Any notes, bonds or scrip which said
6 city is authorized to issue shall be signed by its treasurer
7 and counter-signed by a majority of its municipal council.
8 No money shall be paid out of the city treasury except on
9 orders drawn and signed by the mayor, designating the fund
10 or appropriation from which said orders are to be paid, nor
11 unless the same shall be first granted or appropriated there-
12 for by the municipal council, and the municipal council shall
13 secure a prompt and just accountability by requiring bonds
14 with sufficient penalty and surety or sureties from all per-
15 sons trusted with the receipt, custody or disbursement of
16 money; they shall have the care and superintendence of the
17 city buildings and the custody and management of all city
18 property, with power to let or sell what may be legally let or
19 sold, and to purchase and take, in the name of the city, real

20 and personal property for municipal purposes to an amount
21 not exceeding one hundred thousand dollars in addition to
22 that now held by the city.

ASSESSOR AND TAXES.

Sect. 33. One assessor shall be elected by the municipal
2 council, each year at the annual meeting for organization to
3 serve for three years. All taxes shall be assessed, appor-
4 tioned and collected in the manner prescribed by the laws of
5 the state relative to town taxes, except as herein modified,
6 and the municipal council may establish further and addi-
7 tional provisions for the collection thereof and of interest
8 thereon.

WHEN ORDINANCES SHALL TAKE EFFECT.

NOTICE BY PUBLICATION.

Sect. 34. When the municipal council shall make or pass
2 an ordinance or an amendment or repeal of an ordinance
3 and publish same in one or more newspapers published in
4 said city, such ordinance amendment or repeal, so passed,
5 shall, except as otherwise provided in this act, take effect at
6 the expiration of ten days from its publication; provided,
7 however, that, if there is a time therein specified when it
8 shall take effect and such time is more than ten days after
9 its publication, such ordinance, amendment or repeal shall,
10 except as otherwise provided in this act, take effect at the
11 time so specified therein.

POLICE POWERS.

Sect. 35. The executive powers of said city generally, and
2 the administration of police and health departments, with
3 all the powers of selectmen and overseers of the poor, ex-
4 cept as modified by this act, shall be vested in the municipal
5 council. All the powers of establishing watch and ward,
6 now vested by the laws of the state in the justices of the
7 peace and municipal officers or inhabitants of towns, are
8 vested in the municipal council, so far as relates to said city,
9 and they are authorized to unite the watch and police depart-
10 ments into one department, and establish suitable regula-
11 tions for the government of the same. The officers of po-
12 lice shall be one chief, to be styled the city marshal, so many
13 deputy marshals as the municipal council may by ordinance
14 prescribe, and so many watchmen and police as the municipi-
15 pal council may from time to time, appoint. All other pow-
16 ers now or hereafter vested in the inhabitants of said city,
17 and all powers granted by this act, as well as all powers re-
18 lating to the fire department, shall be vested in the municipi-
19 pal council of said city. (But all members and officers of
20 the fire department shall be continued in the service of said
21 department without re-election or re-appointment unless re-
22 moved for insufficiency or other cause or retired on arrival
23 at an age limit, all of which may be determined by the mu-
24 nicipal council.

MATERIALS IN STREETS.

Sect. 36. The municipal council may, on such terms and
2 conditions as they may think proper, authorize and empower
3 any person or corporation to place in any street, for such
4 time as may be necessary, any materials for making or re-
5 pairing any street, sidewalk, cross-walks, bridge water-
6 course, or drain, or for erecting, repairing or finishing any
7 building or fences, or for laying or repairing gas or water
8 pipes, mains, or pipes used for electrical or telephone
9 purposes, provided that not more than one-half of the width
10 of the street shall be so occupied. And such materials so
11 placed by virtue of any license obtained as aforesaid, shall
12 not be considered an incumbrance or nuisance in such street,
13 and the city shall not be liable to any person for any dam-
14 ages occasioned by such materials.

LAYING OUT OF STREETS.

Sect. 37. The municipal council shall have exclusive au-
2 thority to lay out, widen and otherwise alter or discontinue
3 any and all streets or public ways in the city of Waterville
4 without petition therefor, and to estimate all damages sus-
5 tained by the owners of land taken for that purpose. They
6 shall first give notice of the time and place of their proceed-
7 ings to all parties interested, as now required by law in case
8 of town ways, and shall hear all parties interested and de-
9 termine and adjudge whether the public convenience requires
10 such street or way to be laid out, altered or discontinued,
11 and shall make a written report of their proceedings, signed

12 by a majority of them, containing the bounds and descrip-
13 tion of the street or way, if laid out or altered, and the
14 names of the owners of the land taken, when known, and
15 the damages allowed therefor, which report shall be filed in
16 the city clerk's office at least seven days before it is finally
17 confirmed by the municipal officers, and the report shall not
18 be altered or amended before its confirmation. The muni-
19 cipal officers shall estimate and report the damages sustained
20 by the owners of lands adjoining that portion of the street
21 or way which is so discontinued, and their report shall be
22 filed with the city clerk seven days at least before its con-
23 firmation. Any person aggrieved by the decision or judg-
24 ment of the municipal officers in establishing, altering or dis-
25 continuing streets or ways, may, so far as relates to dam-
26 ages, appeal therefrom as in case of town ways. If a street
27 or way is discontinued before damages are paid or recovered
28 for the land taken, the land owner shall not be entitled to
29 recover such damages, but the municipal officers in their re-
30 port discontinuing the same shall estimate and include all
31 the damages sustained by the land owner, including those
32 caused by the original laying out of the street, and in such
33 cases if the appeal has been regularly taken the appellant
34 shall recover his costs. The city shall not be compelled to
35 construct or open any street or way thus hereafter estab-
36 lished until in the opinion of the municipal council the pub-
37 lic good requires it to be done, nor shall the city interfere
38 with the possession of the land so taken by removing there-

39 from material or otherwise until they decide to open and
40 construct said street. The municipal council may regulate
41 the height and width of sidewalks in any public square,
42 places, streets, lanes or alleys in said city and may authorize
43 posts and trees to be placed along the same. Nor shall the
44 city be answerable in damages occasioned by poles and wires
45 erected in its streets.

IMPORTANT VOTES ON FILE ONE WEEK.

Sect. 38. The municipal council shall not make or pass any
2 order, resolution or vote appropriating money in excess of
3 two hundred dollars, or making or authorizing the making
4 of any contract involving a liability on the part of the city in
5 excess of two 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 the immediate preservation of the public
9 peace, health or safety which contains a statement of its
10 urgency.

FINANCIAL REPORTS.

Sect. 39. The municipal council shall each month print a
2 detailed itemized statement of all receipts and expenses of
3 the city during the preceding month, and shall furnish copies
4 thereof to the public library, to the daily newspapers pub-
5 lished in said city, and to persons who shall apply therefor
6 at the office of the city clerk. At the end of each municipal
7 year it shall cause a full and complete examination of all

8 books and accounts of the city to be made by competent ac-
9 countants, and shall publish the result of such examination
10 in the manner above provided for publication of statements
11 of monthly receipts and expenses.

SALARIES.

Sect. 40. The salary of the mayor shall be twelve hundred
2 dollars per annum, and the salary of each councilman one
3 thousand dollars per annum. Such salaries shall be payable
4 in equal monthly installments.

CONTRACTS AND FRANCHISES.

Sect. 41. No member of the municipal council shall, during
2 the term for which he was chosen, be eligible, either by ap-
3 pointment or by election of the municipal council, to any other
4 office, the salary of which is payable by the city, or shall, dur-
5 ing such term, hold any such other office. No member of the
6 municipal council shall be directly or indirectly interested in
7 any contract made by the city or in any franchise granted by
8 the city.

NON-POLITICAL APPOINTMENTS.

Sect. 42. All officers and employees of the city shall be
2 elected or appointed with reference to their qualifications
3 and fitness and for the good of the public service without
4 reference to their political faith or party affiliations.

CIVIL SERVICE.

Sect. 43. The Municipal Council shall have the power from
2 time to time to create, fill and discontinue offices and em-

3 ployments, other than those already existing; and may re-
4 move any such officer or employee, and may by resolution or
5 otherwise prescribe, limit or change the compensation of such
6 officer or employee.

All persons elected or appointed by the Municipal Council
8 for the city's service and all persons employed by the Munici-
9 pal Council or its officers in the city's service shall be select-
10 ed under such Civil Service rules as shall be adopted by the
11 Municipal Council.

The head of any department or any superintendent or fore-
13 man in charge of municipal work, may suspend any subordi-
14 nate under his control for inefficiency, neglect of duty or
15 disobedience of orders; but such employe shall have the right
16 to appeal to an authority, next above such suspending au-
17 thority, and shall be discharged only by that higher author-
18 ity, and the decision of the municipal council, if appealed to,
19 shall in all cases be final.

RECALL.

Sect. 44. The holder of any elective office may be removed
2 at any annual election by the voters qualified to vote at city
3 elections, and the procedure to effect his removal shall be
4 as follows:—A petition signed by a number of such voters
5 equal to at least twenty-five per cent. of the aggregate num-
6 ber of votes cast for candidates for mayor at the last pre-
7 ceding annual city election at which a mayor was elected,
8 and demanding an election of a successor of the person
9 sought to be removed, shall be filed in the office of the city

10 clerk at least thirty-five days before an annual election. Such
11 petition shall contain a general statement of the grounds for
12 which the removal is sought. It need not be on one paper,
13 but may consist of several distinct papers each containing
14 such demand, and substantially upon the same grounds; and
15 all papers containing such demand and statement, which in
16 any one day shall be filed in the office of the city clerk shall
17 be deemed parts of the same petition. Each signer shall add
18 to his signature his place of residence, giving the street and
19 street number, if any. One signer of each paper shall make
20 oath upon his information and belief before a notary public
21 or a justice of the peace that the statements therein made are
22 true, and that each signature to such paper is the genuine
23 signature of the person whose name it purports to be. The
24 city clerk, with the assistance of the board of registration,
25 shall examine the petition to ascertain whether or not it is
26 signed by the requisite number of qualified voters as above
27 described, and shall attach to said petition his certificate
28 showing the result of his examination.

If the petition, as filed, shall be certified by the city clerk
30 to be sufficient, he shall present the same to the municipal
31 council, at least thirty days before an annual election and the
32 municipal council shall call the election so demanded, which
33 shall be held at said annual election. The municipal coun-
34 cil shall make or cause to be made all arrangements for hold-
35 ing such election and the same shall be held and conducted,
36 returns thereof made and the result thereof declared in all

37 respects as in the case of other city elections. The successor
38 of any officer so removed shall hold the office during the un-
39 expired term of his predecessor. Any person sought to be
40 removed may be a candidate at such election, and unless he
41 requests otherwise in writing, the city clerk shall place his
42 name on the official ballots without nomination. The can-
43 didate receiving the highest number of votes shall be declared
44 elected. If some person other than the incumbent receives
45 the highest number of votes, the incumbent shall thereupon
46 be deemed to be removed from the office. In case a person
47 other than the incumbent, receiving the highest number of
48 votes shall fail to make oath before the city clerk or a jus-
49 tice of the peace, within thirty days after his election, faith-
50 fully to perform the duties of the office, the office shall be
51 deemed vacant. If the incumbent receives the highest num-
52 ber of votes, he shall continue in office until the end of the
53 term which he was serving at the time of such election unless
54 sooner removed therefrom by new and like proceedings.
55 The name of no candidate other than that of the person
56 sought to be removed, shall be printed on the official ballots
57 to be used at such election, unless such candidate be nomi-
58 nated as hereinbefore provided, at a preliminary election for
59 nominations.

INITIATIVE.

Sect. 45. If a petition, signed by a number of the voters
2 of said city, qualified to vote at city elections, equal to at
3 least ten per cent. of the aggregate number of votes cast for

4 candidates for mayor at the last preceding annual city elec-
5 tion at which a mayor was elected, and requesting the mu-
6 nicipal council to pass an ordinance therein set forth or re-
7 ferred to, shall be filed in the office of the city clerk, the
8 municipal council shall provided that said ordinance be one
9 which the municipal council shall, after this act takes effect,
10 have a legal right to pass. The municipal council shall pass
11 the ordinance therein set forth or referred to, without altera-
12 tion, within twenty days after such attachment of certificate
13 of sufficiency, or submit the same to the qualified voters of
14 the city at the next annual city election.

The votes upon such ordinance at an annual city election
16 shall be taken by ballot in answer to the question, "Shall the
17 ordinance (stating the nature of the same) be passed?"
18 which shall be printed on the ballots after the list of candi-
19 dates. If a majority of the qualified voters voting on the
20 proposed ordinance shall vote in favor thereof it shall there-
21 upon become a valid and binding ordinance of the city, and
22 no such ordinance passed as aforesaid by the municipal
23 council, upon petition as aforesaid, or which shall be adopted
24 as aforesaid at any such annual city election shall be repealed
25 or amended except by the qualified voters of the city at an
26 annual city election.

Any number of ordinances requested by petition as afore-
28 said, may be voted upon at the same election, in accordance
29 with the provisions of this section.

The municipal council may submit a proposition for the

31 repeal of any such ordinance, or for amendments thereof, to
32 be voted upon at any succeeding annual city election; and
33 should such proposition so submitted receive a majority of
34 the votes cast thereon at such election, the ordinance shall
35 thereby be repealed or amended accordingly. The votes up-
36 on such repeal or amendment at an annual city election shall
37 be taken by ballot in answer to the question, "Shall the or-
38 dinance (stating the nature of the same) be repealed, or
39 amended (stating the nature of the amendment)," which
40 shall be printed on the ballots after the list of candidates.
41 Whenever any such ordinance or proposition is required by
42 this act to be submitted at any election as aforesaid, the city
43 clerk shall cause the same to be published once in each of
44 the daily newspapers published in said city; such publica-
45 tion to be not more than twenty nor less than five days before
46 the submission of the ordinance or proposition to be voted on.

Petitions under the provisions of this section may consist
48 of one or more distinct papers. In each of such papers the
49 ordinance, the passage of which is requested, shall be set
50 forth or referred to, and all such papers filed in any one
51 day in the office of the city clerk shall be deemed to be parts
52 of the same petition. Such petitions shall be signed, sworn
53 to as to signatures, examined, presented to the municipal
54 council, shall have the city clerk's certificate of sufficiency or
55 insufficiency attached thereto.

Any ordinance, passed under the provisions of this section
57 by the municipal council upon petition, or by the voters, may

58 prescribe such penalty for its violation as the municipal
59 council, after this act takes effect, shall have a right to affix
60 to a like ordinance for a breach thereof.

When the voters make or pass an ordinance as provided in
62 this act, such ordinance shall take effect and be in force at
63 the time therein specified without presentation to or approval
64 by the mayor.

REFERENDUM.

Sect. 46. If, during the ten days next following the passage
2 of an act or ordinance by the municipal council, a petition,
3 signed by a number of the voters of said city, qualified to
4 vote at city elections equal to at least ten per cent. of the ag-
5 gregate number of votes cast for candidates for mayor at the
6 last preceding annual city election at which a mayor was
7 elected and protesting against the passage of such act or
8 ordinance, shall be filed in the office of the city clerk, such
9 act or ordinance shall be suspended from going into opera-
10 tion, and it shall be the duty of the municipal council to re-
11 consider the same, and if it is not entirely repealed, the mu-
12 nicipal council shall submit it, as is provided in Section 45
13 to the qualified voters of the city and the said ordinance shall
14 not go into effect or become operative unless a majority of
15 the voters, qualified as aforesaid, voting on the same shall
16 vote in favor thereof. The votes upon such ordinance at an
17 annual city election shall be taken by ballot in answer to the
18 question. "Shall the act or ordinance (stating the nature of

19 the same) take effect?" which shall be printed on the ballots
20 after the list of candidates.

21 Petitions under the provisions of this section may consist
22 of one or more distinct papers. In each of such papers the
23 ordinance, the passage of which is protested, shall be set
24 forth or referred to, and all such papers filed in any one day
25 shall be deemed to be parts of the same petition. Such pe-
26 titions shall be signed, sworn to as to signatures, examined,
27 presented to the municipal council, shall have the city clerk's
28 certificate of sufficiency or insufficiency attached thereto.

Sect. 47. It shall not be necessary for the validity of any
2 petition or statement provided for or required by the pro-
3 visions of this act that any signer thereof add to his signa-
4 ture any residence other than the name of the street, and
5 street number, if there be any, at which he resides at the time
6 of signing.

GENERAL MEETING.

Sect. 48. General meeting of the citizens qualified to vote
2 in city affairs, may from time to time be held to consult upon
3 the public good, to instruct their representatives, and to take
4 all lawful measures to obtain redress of any grievance ac-
5 cording to the right secured to the people by the constitution
6 of this state, and such meetings shall be duly warned by the
7 municipal council, upon requisition of sixty qualified voters.
8 The city clerk shall act as clerk of such meetings, and record
9 the proceedings upon the city records.

REPEAL.

Sect. 49. All acts and parts of acts inconsistent with this act are hereby repealed, provided, however, that such repeal shall not affect any act done, or any right accruing or accrued or established, or any suit or proceeding had or begun in any civil case before the time when such repeal takes effect, and that no offences committed and no penalty or forfeitures incurred under the acts or parts of acts hereby repealed shall be affected by such repeal; and provided, also, that all persons who at the time said repeal takes effect shall hold any office under said acts shall continue to hold the same according to the tenure thereof, except as is otherwise provided herein, and provided, also, that all by-laws and ordinances of the city of Waterville in force at the time when said repeal takes effect, and not inconsistent with the provisions of this act, shall continue in force until the same are repealed or amended, and all officers elected under such by-laws and ordinances shall continue in office according to the tenure thereof, except as is otherwise provided herein.

ACCEPTANCE OF CHARTER.

Sect. 50. On or before September 1, 1911, the mayor shall call a special election to be held September 18, 1911, to vote upon the acceptance of this charter, provided, however, if this act shall not be accepted by a majority of the voters present and voting at the election to be held as aforesaid, on September 18, 1911, on or before September 1, A. D. 1912,

7 the mayor shall call a second special election to be held in
8 the manner aforesaid on the third Monday in September, A.
9 D. 1912, to vote upon the acceptance of this charter.

CHARTER SHALL TAKE EFFECT.

Sect. 51. This act shall take effect, as hereinafter pro-
2 vided, upon its acceptance by a majority of the voters present
3 and voting thereon at either of said special elections. The
4 vote shall be taken by ballot in answer to the question, "Shall
5 an act passed by the legislature in the year nineteen hundred
6 and eleven entitled 'An Act to Amend an Act to incorporate
7 the City of Waterville' be accepted?" which shall be printed
8 on the official ballots.

Except in so far as the same may be inconsistent with the
10 provisions of this section, all general laws governing, and
11 applicable to, a special election of a city officer, shall govern
12 and apply to the special election at which this act shall be
13 submitted as aforesaid.

If this act shall so be accepted, it shall take effect upon its
15 acceptance for the annual city election to be held on the first
16 Monday of December, following its acceptance, for prelim-
17 inary election for nominations, to be held, under the pro-
18 visions of this act on the first Monday preceding the afore-
19 said annual city election, for the statements of candidates
20 and petitions accompanying statements of candidates to be
21 filed by persons whose names are to be printed on the official
22 ballots to be used at such preliminary election for nomina-
23 tions and for all things which appertain and relate to said an-

24 qual city election, preliminary election for nominations,
25 statements of candidates and petitions accompanying state-
26 ments of candidates ; and, except as provided in section fifty-
27 three it shall take effect for all other purposes at ten o'clock
28 in the forenoon on the first Monday of January in the year
29 nineteen hundred and twelve.

AMENDMENTS.

Sect. 52. If a petition signed by a number of the voters of
2 said city, qualified to vote at a city election, equal to at least
3 twenty-five per cent of the aggregate number of votes cast
4 for candidates for mayor at the last preceding annual city
5 election at which a mayor was elected, and proposing one or
6 more amendments to this charter shall be filed with the city
7 clerk not less than thirty days prior to the first Monday in
8 December ; the municipal council shall submit said amend-
9 ment or amendments without alteration, at the next regular
10 annual election, to the qualified voters of the city. The votes
11 upon such amendment or amendments shall be taken by bal-
12 lot in answer to the question, "Shall the amendment or
13 amendments; (stating the amendment or amendments) be
14 adopted?" which shall be printed on the ballots after the list
15 of candidates. If a majority of the qualified voters voting
16 on the proposed amendment shall vote in favor thereof, it
17 shall thereupon become a part hereof.

Any number of amendments may be voted on at the same
19 election, and amendments may be proposed by the municipal

20 council, without petition, on its own initiative, and filed as
21 above, whenever it deems such amendments wise or neces-
22 sary.

Sect. 53. So much of this act as authorizes the submission
2 of the question of its acceptance to the qualified voters of
3 said city shall take effect upon its passage.