

MAINE STATE LEGISLATURE

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SEVENTY-FIFTH LEGISLATURE

SENATE

NO. 111

*In Senate, February 17, 1911,
Reported by Mr. Farrington from Committee on Legal
Affairs and ordered printed under joint rules.*

W. C. HANSON, Secretary.

STATE OF MAINE

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

AN ACT to provide a Charter for the City of Gardiner.

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

Section 1. The inhabitants of the city of Gardiner shall
2 continue to be a body politic and corporate, by the name
3 and style of the City of Gardiner, and as such they and their
4 successors by that name shall have, exercise and enjoy all
5 the rights, immunities, powers, privileges and franchises
6 that are now possessed and enjoyed by the said city, and
7 that are not inconsistent with this act, or are herein grant-
8 ed and conferred, or that may hereafter be granted or con-
9 ferred; and shall be subject to all the duties and obliga-
10 tions now pertaining to or incumbent on the said city as
11 a corporation that are not inconsistent with this act, and

12 may ordain and establish, in the manner prescribed by law
13 for other cities in the State, such acts, laws, regulations and
14 ordinances, not inconsistent with the Constitution and Laws
15 of this State, as shall be needful for the government, in-
16 terest, welfare and good order of the said body politic; and
17 under the same name shall be known in law, and be capable
18 of contracting and being contracted with, suing and being
19 sued, implead and being impleaded, answering and being
20 answered unto, in all courts and places and in all matters
21 whatever; may take, hold and purchase, lease, grant and
22 convey such real and personal or mixed property or estate
23 as the purposes of the corporation may require, within or
24 without the limits thereof, and may take, have and use a
25 corporate seal, and change and renew the same at pleasure.

Sect. 2. The act entitled "An Act to incorporate the City
2 of Gardiner," approved August eleventh in the year of our
3 Lord one thousand eight hundred and forty-nine, and all
4 acts additional to or amendatory of the said act, except-
5 ing such portions of the said acts as may herein specifically
6 be excepted from repeal, are hereby repealed.

Sect. 3. The following Sections of the act entitled "An
2 Act to incorporate the City of Gardiner," approved August
3 eleventh in the year of our Lord one thousand eight hun-
4 dred and forty-nine, together with the following acts ad-
5 ditional to or amendatory of the aforesaid act, shall be
6 and are hereby specifically excepted from repeal as afore-
7 said, and shall be and are hereby made and constituted in-
8 tegral parts of this act:

AN ACT TO INCORPORATE THE CITY OF
GARDINER.

Approved August eleventh in the year of our Lord one
12 thousand eight hundred and forty-nine.

'Sect. 7. The City Council shall have exclusive authority
14 and power to lay out any new street or public way, or
15 widen or otherwise alter or discontinue any street or pub-
16 way, in said city, and to estimate the damages any individ-
17 ual may sustain thereby, and shall in all other respects be
18 governed by and subject to the same rules and restrictions
19 as are by law provided in this State, for regulating the
20 laying out of public highways and repairing streets. And
21 any person aggrieved by the decision or judgment of said
22 City Council may, so far as relates to damages, have them
23 assessed by a committee or jury, as now by law provided;
24 and the county commissioners for Kennebec county shall
25 have power to lay out within said city any part of any
26 new county road, that shall be by them laid out in any ad-
27 joining town or towns, and shall pass thence into or through
28 said city, according to the provisions of law; and any
29 highway, townway or bridge, which has been or may here-
30 after be located within said town or city, between high
31 and low water mark, shall nevertheless be deemed to be
32 legally located and established.

Sect. 9. The City Council shall have power, on such
34 terms and conditions as they may think proper, to authorize

35 and empower any person or corporation to place in any
36 street for such time as may be necessary, any materials
37 for making or repairing any street, sidewalk, bridge, wa-
38 ter course or drain, or for erecting, repairing or finish-
39 ing any building or fences: Provided, that not more than
40 one-third the width of the street shall be so occupied.

CHAPTER 392.

Private and Special Laws of 1850.

Section 1. The City Council of the City of Gardiner
44 may make and establish such necessary ordinances as they
45 may deem expedient, for the location and regulation of
46 vessels in the harbor within said city, and may annex pen-
47 alties for the observance of the same, not exceeding twen-
48 ty dollars for one offense: Provided, said ordinances shall
49 not be repugnant to the constitution and laws of the State.

Sect. 2. The City Council may annually appoint one or
51 more harbormasters, whose duty it shall be to enforce the
52 observance of such ordinances as may be established under
53 the provisions of this act, and to exercise such powers as
54 may be conferred upon them by said ordinances, at the ex-
55 pense of the city.

Sect. 3. This act shall be in force from and after its ap-
57 proval by the Governor.

CHAPTER 592.

Private and Special Laws of 1852.

Section 1. The City Council for the City of Gardiner

61 are hereby authorized and empowered to pass any ordi-
62 nance or ordinances regulating or forbidding the erection
63 of any wooden buildings on any street or streets in said
64 city, when they may deem it necessary or conducive to the
65 public safety.

Sect. 2. This act shall be in force from and after its ap-
67 proval by the Governor.'

Sect. 4. (1) The administration of city affairs shall be
2 and hereby is divided and classified under three department
3 heads as follows:

Department of accounts and finances, of which the mayor
5 shall be the executive head.

Department of public safety and charities, of which one
7 alderman shall be the executive head.

Department of streets and highways, of which the other
9 alderman shall be the executive head.

(2) The following sub-departments shall be and hereby
11 are created and assigned to the general departments:

To the department of accounts and finances: Valuation,
13 assessment (except as provided in Section twenty-eight),
14 collection, purchasing, accounting, auditing, treasury, sink-
15 ing fund, claims, schools, public library, city clerk, print-
16 ing, and such other matters as may from time to time be
17 assigned to it by the city council.

To the department of public safety and charities: Fire,
19 police, poor, city alms house, soldiers' relief and state aid,
20 licenses, elections, legal affairs, parks, public buildings in-

21 cluding school buildings, liquor agency, health, inspection
22 of buildings, inspection of milk, inspection of animals,
23 weights and measures, and such other matters as may from
24 time to time be assigned to it by the city council.

To the department of streets and highways: Streets, side-
26 walks, culverts, bridges, street lighting, electrical affairs,
27 street watering and cleaning, sewers, engineering, harbor,
28 and such other matters as may from time to time be assigned
29 to it by the City Council.

Sect. 5. The annual election of the City of Gardiner shall
2 be held on the Tuesday next following the last Monday in
3 November. Every special election relating to municipal af-
4 fairs shall be held on a Tuesday.

Sect. 6. The municipal year shall begin at ten o'clock
2 in 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.

Sect. 7. (1) At the first city election held after the ac-
2 ceptance and under the provisions of this act, there shall
3 be elected, the mayor for the term of the three municipal
4 years next following his election; one alderman for the
5 department of public safety and charities for the term of
6 the two municipal years next following his election; and
7 one alderman for the department of streets and highways
8 for the term of the one municipal year next following his
9 election.

(2) At the second annual city election held after the

11 acceptance and under the provisions of this act there shall
12 be elected one alderman for the term of the three municipal
13 years next following his election.

(3) At the third annual city election held after the ac-
15 ceptance and under the provisions of this act, there shall
16 be elected at the annual city election one alderman for the
17 term of the three municipal years next following his elec-
18 tion, and annually thereafter at the annual city election, the
19 mayor or one alderman, to succeed the mayor or the alder-
20 man who is serving the last year of his term, for the term
21 of the three municipal years next following his election.

(4) The number of aldermen of the said city shall be
23 two, who shall act with the mayor and with the mayor shall
24 be called and known as the city council.

(5) Except as aforesaid, and except as to filling vacan-
26 cies under the provisions of Sections twenty-three and twen-
27 ty-four of this act, no city officers shall be elected at any
28 city election.

(6) The above mentioned officers shall be elected by and
30 from the qualified voters of the city and may be residents
31 of any part thereof.

(7) Members of the city council elected under the pro-
33 visions of this Section or of Sections twenty-three or twen-
34 ty-four of this act shall serve for the terms for which they
35 were severally elected or until their successors are duly
36 elected and qualified.

Sect. 8. (1) Except as otherwise provided in Section

2 twenty-four of this act there shall not be printed on the
3 official ballots to be used at any annual or special city elec-
4 tion of the said city the name of any person as a candidate
5 for the office of mayor or alderman unless such person be
6 nominated as a candidate at a preliminary election for nom-
7 inations to be held as provided in this act.

(2) There shall not be printed on the official ballots to
9 be used at a preliminary election for nominations the name
10 of any person as a candidate for nomination unless such
11 person shall have filed, within the time limit fixed by Sec-
12 tion eleven of this act, the statement of his candidacy and
13 the petition for nomination required by the provisions of
14 that Section.

Sect. 9. On the second Tuesday preceding every annual
2 or special city election at which any officer mentioned in
3 Section seven is to be elected, there shall be held a pre-
4 liminary election for nominations for the purpose of nom-
5 inating candidates for such offices as, under the provisions
6 of this act, are to be filled at such annual or special city
7 election.

No special election of mayor or an alderman shall be
9 held until after the expiration of forty days from the call-
10 ing of the preliminary election for nominations. At every
11 preliminary election for nominations the polls shall be
12 opened at eight o'clock in the forenoon and kept open un-
13 til four o'clock in the afternoon, and except as otherwise
14 provided in this act every such preliminary election for

15 nominations shall be called by the same officers and held
16 in the same manner as an annual city election, the polling
17 places shall be designated, provided and furnished, official
18 ballots, special ballots, ballot boxes, voting lists, specimen
19 ballots, blank forms, apparatus and supplies shall be pro-
20 vided for every such preliminary election for nominations
21 in the same number, kind and manner and by the same
22 officials as at an annual city election, and the same officers
23 shall officiate as at an annual city election.

Sect. 10. The provisions of law relating to election offi-
2 cers, voting places for elections, election apparatus and
3 blanks, calling and conduct of elections, qualifications of
4 voters, manner of voting at elections, counting and recount-
5 ing of votes at elections, corrupt practices, and penalties,
6 shall apply to such preliminary elections for nominations,
7 except as otherwise provided in this act.

Sect. 11. Any person who is qualified to vote for a can-
2 didate for mayor or alderman, and who is a candidate for
3 such office, may have his name, as such candidate, printed
4 on the official ballots to be used at a preliminary election
5 for nominations provided that he shall, at least ten days
6 before such preliminary election for nominations, file with
7 the city clerk a statement in writing of his candidacy in the
8 following form:

Statement of Candidate.

I, (————) on oath declare that I live (at number
 11 —, if any) on (name of street) in the city of Gardiner;
 12 that I am a voter therein qualified to vote for a candidate
 13 for (mayor or alderman) for (state the term) to be voted
 14 for at the preliminary election for nominations to be held
 15 on Tuesday the ——— day of ———, 19—; and that
 16 I am not a candidate as the nominee or representative of,
 17 or because of any promised support from, any political
 18 party or any committee or convention representing or act-
 19 ing for any political party or organization.

STATE OF MAINE.

21 Kennebec, ss.

Subscribed and sworn to on this ——— day of ———,
 23 19—, before me,

Signed, _____,
Justice of the Peace,
(or Notary Public).

27 and at the same time shall file therewith a petition for nom-
 28 ination which shall consist of not less than twenty-five in-
 29 dividual certificates in the following form:

PETITION FOR NOMINATION.

Individual Certificate.

I, (————) on oath declare that I live (at num-
 33 ber —, if any) on (name of street) in the City of
 34 Gardiner: that I am a voter therein qualified to vote for

35 a candidate for (mayor or alderman) for (state the term)
 36 to be voted for at the preliminary election for nominations
 37 to be held on Tuesday the ——— day of ———, 19—,
 38 and do hereby join in a petition that the name of (name of
 39 candidate) as a candidate for nomination to the office of
 40 (mayor, or alderman of public safety and charities, or alder-
 41 man of streets and highways) be printed on the official
 42 ballots to be used at the said preliminary election for nom-
 43 inations.

I declare further that I have not signed any other certifi-
 45 cate for the nomination of any other candidate for the above
 46 mentioned office at the said preliminary election for nom-
 47 inations; I believe that the said (name of candidate) is
 48 of good moral character and that he is well qualified to
 49 perform the duties of the office, and I certify also that I
 50 join in this petition in the belief that he has not become
 51 a candidate as the nominee or representative of, or because
 52 of any promised support from any political party or any
 53 committee or convention representing of acting for any po-
 54 litical party or organization.

STATE OF MAINE.

56 Kennebec, ss.

Subscribed and sworn to on this ——— day of ———,
 58 19—, before me,

(Signed)

Justice of the Peace,
(or Notary Public).

Sect. 12. It shall be the duty of the city clerk to furnish
2 upon application a reasonable number of forms of such
3 statements of candidates and of individual certificates of
4 petition for nomination. All certificates must be of a uni-
5 form size as determined by the city clerk and each must
6 be a separate paper.

Sect. 13. On the first day, not being Sunday or a legal
2 holiday, following the expiration of the time for filing the
3 above described statements and petitions, the city clerk shall
4 cause to be published in one daily newspaper published in
5 the city, if there be any, otherwise in the nearest daily news-
6 paper published in Kennebec county, the names and resi-
7 dences of the candidates for nomination who have duly filed
8 the above mentioned statements and petitions and the offices
9 and terms for which they are candidates for nomination,
10 as they are to appear on the official ballots to be used at
11 the preliminary election for nominations. The city clerk
12 shall thereupon prepare the ballots to be used at such pre-
13 liminary election for nominations and shall cause them to
14 be printed, and the ballots so prepared shall be the official
15 ballots and the only ballots used at such preliminary elec-
16 tion for nominations. They shall be headed on the face of
17 the ballot as follows:

OFFICIAL NOMINATING BALLOT.

Candidates for nomination for (mayor, alderman of pub-
20 lic safety and charities, alderman of streets and highways—

17 the heads immediately below the titles of the respective
18 offices. There shall also be printed on the said ballots four
19 lines forming a square of half an inch immediately to the
20 left of the name of each candidate and of the spaces left
21 for the insertion of additional names, to receive the cross
22 of the voter. There shall also be printed on the said bal-
23 lots the following directions to voters: "To vote for any
24 person make a cross with a black lead pencil (x) in the
25 square at the left of the name of the person you wish to
26 vote for"; printed in bold faced type directly below the
27 heading: the word "for" immediately before the title of
28 each office for which there are candidates to be nominated;
29 and the words "vote for one," "vote for two," as the con-
30 ditions may require, on the same line with, and directly fol-
31 lowing each title.

Sect. 15. (1) No ballot used at any annual or special
2 city election or at any preliminary election for nominations
3 shall have printed thereon any party or political designation
4 or mark, and there shall not be appended to the name of
5 any candidate any such party or political designation or
6 mark or anything showing how he was nominated or in-
7 dicating his views or opinions, nor shall any mark, char-
8 acter or device whatsoever be printed on the said ballots,
9 except as provided in Sections thirteen and fourteen of this
10 act.

(2) Ballots for all annual and special city elections shall
12 be printed in exact conformity with the rules for printing

13 of ballots for preliminary elections for nominations laid
14 down in Sections thirteen and fourteen of this act, with the
15 exceptions that the words "nominating" and "preliminary"
16 shall be omitted from the headings of face and back, and
17 that the additions specified in Sections twenty-four, twen-
18 ty-five and twenty-six of this act shall be made when re-
19 quired.

Sect. 16. (1) The provisions of law in relation to nom-
2 inations by caucus shall not be applicable to any municipal
3 nomination or election.

(2) Before every preliminary election for nominations
5 the city council shall cause to be made a registration of
6 voters to vote at such preliminary election for nominations,
7 and at the city election for which the said preliminary elec-
8 tion for nominations is held. Such registration shall be
9 made in accordance with the provisions of the state law
10 governing registration and it shall include all those who,
11 between the time when the registration books for such reg-
12 istration shall be closed and the date of the city election
13 for which such preliminary election for nominations is held,
14 will become eligible for registration.

Sect. 17. The election officers shall immediately, upon
2 the closing of the polls at preliminary elections for nom-
3 inations, count the ballots and ascertain the number of votes
4 cast in the voting places where they officiate, for each per-
5 son for nomination to each office, and shall make return

6 thereof to the city clerk forthwith upon blanks to be fur-
7 nished as in city elections.

Sect. 18. On the first day, not being a legal holiday,
2 following such preliminary election for nominations, the
3 city clerk shall canvass the said returns so received from
4 the election officers and shall forthwith determine the re-
5 sult of such canvass and publish the same in one daily news-
6 paper published in the city, if there be any; otherwise in
7 the nearest daily newspaper published in Kennebec county.

Sect. 19. The two persons receiving at a preliminary elec-
2 tion for nominations the greatest number of votes for nom-
3 ination to an office shall be the only candidates for that
4 office whose names shall be printed on the official ballots
5 to be used at the annual or special city election, for the
6 making of nominations for which such preliminary election
7 for nominations was held.

Sect. 20. On the tenth and two succeeding days, not be-
2 ing Sundays or legal holidays, preceding the day fixed for
3 an annual or special city election the city clerk shall cause
4 to be published in one daily newspaper published in the
5 city, if there be any, otherwise in the nearest daily news-
6 paper published in Kennebec county, a call for such elec-
7 tion and shall append thereto the names and residences of
8 the candidates nominated at the preliminary election for
9 nominations held for such election and the offices and terms
10 for which they are candidates, as they are to appear on the
11 official ballots to be used at such election. He shall also,

12 at the same time, cause the chief of police or a police offi-
13 cer to post a copy of said call for election and list of can-
14 didates, printed in like form, at all the polling places in
15 the city, and make return of his doings.

Sect. 21. The person receiving the greatest number of
2 votes for any office at an annual or special city election shall
3 be elected to the said office and shall be so declared, but
4 except as here provided and as otherwise provided in this
5 act, the laws of the state governing annual city elections,
6 special elections of city officers and special elections in cities
7 shall, as far as they are applicable, govern such elections in
8 the city of Gardiner.

Sect. 22. Upon the death, resignation or absence of the
2 mayor or upon his inability to perform the duties of his
3 office, one of the two aldermen shall be chosen, by lot
4 drawn by the city clerk in the presence of both aldermen,
5 to perform them, and if he also be absent or unable from
6 any cause to perform said duties, they shall be performed by
7 the other alderman, until the mayor or alderman first chosen
8 is able to attend to the said duties, or until the vacancy is
9 filled as hereinafter provided. The person upon whom such
10 duties devolve shall be called "Acting Mayor," and, except
11 as otherwise provided in this act, shall possess the powers
12 of mayor, but only in matters not admitting of delay.

Sect. 23. If there be a vacancy, by failure to elect or
2 otherwise, in the city council, whether as to the mayor or
3 one or more aldermen, the council shall, within seven days,

4 by its remaining members appoint a special city election to
5 fill the vacancy or vacancies for the unexpired term or terms
6 respectively, except that if such vacancy or vacancies occur
7 less than four months before the annual city election, the
8 city council shall, by its remaining members, fill such va-
9 cancy or vacancies for the remainder of the said four
10 months. A person elected to fill any such vacancy shall,
11 before entering upon the duties of his office, take oath be-
12 fore the judge of the municipal court of the city of Gardi-
13 ner, or a justice of the peace faithfully to perform the same.

Sect. 24. Any member of the city council may be re-
2 moved at any time by the voters qualified to vote at city
3 elections by the following method of procedure: A petition
4 signed by a number of such voters equal to at least twenty-
5 five per cent. of the aggregate number of votes cast for
6 candidates for mayor or alderman at the last preceding an-
7 nual city election at which a mayor or alderman was elect-
8 ed, but not less than two hundred and fifty such voters,
9 and demanding an election of a successor of the person
10 whom they seek to remove, shall be filed in the office of
11 the city clerk. Such petition shall contain a general state-
12 ment of the grounds on which the removal is sought. It
13 need not be on one paper, but may consist of several dis-
14 tinct papers each containing such demand substantially up-
15 on the same grounds; and all papers containing such de-
16 mand and statement, which in any one day shall be filed.
17 in the office of the city clerk, shall be deemed parts of

18 the same petition. Each signer shall add to his signature
19 his place of residence, giving the street and street number,
20 if any. One signer of every such paper shall make oath
21 upon his information and belief before a notary public or
22 a justice of the peace that the statements therein made are
23 true, and that each signature to such paper is the genuine
24 signature of the person whose name it purports to be.

Within ten days after the date of filing such petition the
26 city clerk shall examine the petition to ascertain whether
27 or not it is signed by the requisite number of qualified vot-
28 ers as above prescribed, and shall attach to the said petition
29 his certificate showing the result of his examination, and
30 shall publish his said certificate in the next following issue
31 of one daily newspaper published in the city, if there be
32 any, otherwise in the nearest daily newspaper published in
33 Kennebec county. If from the city clerk's certificate so
34 published the petition appears to be signed by an insufficient
35 number of voters, it may be supplemented within ten days
36 after the date of such certificate by other papers signed
37 and sworn to as aforesaid, and all such other papers con-
38 taining a like demand and statement, and signed and sworn
39 to as aforesaid, which shall be filed in the office of the clerk
40 within the said ten days, shall be deemed supplemental to
41 the original petition.

The city clerk shall, within ten days after such supple-
43 mentation, make a like examination of the amended peti-
44 tion, and attach thereto a new certificate, and publish the

45 same as aforesaid, and if it appears from such new certifi-
46 cate so published that the petition still lacks the requisite
47 number of signatures, it shall be returned to the person or
48 persons who filed it, without prejudice however, to the fil-
49 ing of a new petition to the same effect.

If the petition, as originally filed or as supplemented, shall
51 be certified by the city clerk and published as sufficient, he
52 shall present it to the city council without delay, and the
53 city council shall grant the election demanded, and shall
54 fix a date therefor which shall be not less than forty nor
55 more than fifty days after the presentation of the petition
56 by the city clerk to the city council. The city council shall
57 make or cause to be made all arrangements for holding the
58 election demanded, and it shall be called, held and conduct-
59 ed, returns thereof shall be made, and the results thereof
60 shall be declared, in all respects as in the case of other city
61 elections. The successor of any officer so removed shall
62 hold the office during the unexpired term of his predecessor.
63 Any person whose removal is thus sought may be a candi-
64 date at such election, and unless he request otherwise in
65 writing, the city clerk shall place his name on the official
66 ballot without nomination. The candidate receiving the
67 greatest number of votes shall be declared elected. If some
68 person other than the incumbent receive the greatest num-
69 ber of votes, the incumbent shall thereupon be adjudged
70 to be removed from the office. In case a person, other than
71 the incumbent, receiving the greatest number of votes shall

72 fail to make oath before the city clerk or a justice of the
73 peace, within thirty days after his election, faithfully to
74 perform the duties of the office, the office shall be deemed
75 vacant. If the incumbent receive the greatest number of
76 votes, he shall continue in office until the end of the term
77 he was serving at the time of such election, unless sooner
78 removed by new and like proceedings. The name of no
79 candidate other than that of the person whose removal is
80 sought shall be printed on the official ballots to be used at
81 such election, unless such candidate be nominated as here-
82 inbefore provided at a preliminary election for nominations.

Sect. 25. If a petition, signed by a number of the voters
2 of the said city qualified to vote at city elections equal to
3 at least twenty-five per cent. of the aggregate number of
4 votes cast for candidates for mayor or alderman at the last
5 preceding annual city election at which a mayor or alder-
6 man was elected, but not less than two hundred and fifty
7 such voters, and requesting the city council to pass an ordi-
8 nance therein set forth or referred to, shall be filed in the
9 office of the city clerk, the city council shall, provided that
10 the said ordinance be one which the city council shall, after
11 this act takes effect, have a legal right to pass, (a) pass the
12 said ordinance without alteration, within twenty days after
13 the city clerk has attached his certificate of sufficiency to
14 such petition, or (b) forthwith, after the expiration of the
15 twenty days aforesaid appoint a special election, unless an
16 election is fixed for a date within ninety days after the city

17 clerk has attached the aforesaid certificate of sufficiency,
18 and at such special or regular election submit such ordi-
19 nance without alteration to the voters of the city qualified
20 as aforesaid.

If, however, a petition otherwise like the above described
22 petition, but signed by a number of such qualified voters
23 equal to at least ten per cent., but less than twenty-five
24 per cent. of the aggregate number of votes cast as afore-
25 said for candidates for mayor or aldermen, and not less
26 than one hundred such voters, shall be filed as aforesaid,
27 the city council shall (c) pass the ordinance therein set
28 forth or referred to, without alteration, within twenty days
29 after the city clerk has attached the aforesaid certificate
30 of sufficiency, or (d) shall submit the said ordinance to
31 the qualified voters of the city at the next annual city elec-
32 tion.

The votes upon such ordinance, submitted as aforesaid,
34 shall be taken by ballot in answer to the question: "Shall
35 the ordinance (stating the nature of the same) be passed "
36 which shall be printed on the ballots after the list of can-
37 didates, if there be any. If a majority of the qualified
38 voters voting on the proposed ordinance shall vote in favor
39 thereof, it shall thereupon become a valid and binding or-
40 dinance of the city, subject to any provision of statute law
41 relative to approval, publication or notice, and no such
42 ordinance passed as aforesaid by the city council, upon
43 petition as aforesaid, or which shall be adopted as afore-

44 said at any such regular or special election, shall be re-
45 pealed or amended except by the qualified voters of the
46 city voting at any election not specially called for the
47 purpose.

Any number of ordinances requested by petition as afore-
49 said may be voted upon at the same election in accordance
50 with the provisions of this Section, but there shall not be
51 more than one special election in any period of six months
52 for that purpose.

The city council may submit a proposition for the repeal
54 of any such ordinance, or for amendments thereof, to be
55 voted upon at any succeeding annual city election; and
56 should such proposition so submitted receive a majority
57 of the votes cast thereon at such election, the ordinance shall
58 thereby be repealed or amended accordingly.

The votes upon such repeal or amendment at an annual
60 city election shall be taken by ballot in answer to the ques-
61 tion: "Shall the ordinance (stating the nature of the same)
62 be repealed, or amended (stating the nature of the amend-
63 ment)?" which shall be printed on the ballots after the list
64 of candidates if there be any.

The city council may also submit any ordinance proposed
66 by them to the qualified voters at any annual or special
67 city election; to be voted on by ballot at such election;
68 and the manner in which such an ordinance shall be sub-
69 mitted to the voters, and the form in which the question
70 shall be printed on the official ballots shall be as prescribed

71 for ordinances submitted by petition, and amendments or
72 repeals submitted by the city council as aforesaid.

Whenever any such ordinance or proposition is required by
74 this act to be submitted at any election as aforesaid, the
75 city clerk shall cause it to be published twice in one daily
76 newspaper published in the said city, if there be any, and
77 in the nearest daily newspaper published in Kennebec coun-
78 ty; such publication to be not more than twenty nor less
79 than five days before the submission of the ordinance or
80 proposition to be voted on.

Petitions under the provisions of this Section may consist
82 of one or more distinct papers. In each of such papers
83 the ordinance, the passage of which is requested, shall
84 be set forth or referred to, and all such papers filed in any
85 one day in the office of the city clerk shall be considered
86 parts of the same petition. Such petitions shall be signed,
87 sworn to as to signatures, examined, re-examined, present-
88 ed to the city council, shall have the city clerk's certificate
89 of sufficiency or insufficiency attached thereto, and may be
90 supplemented in the same manner as petitions filed under
91 Section twenty-four.

Sect. 26. If during the fourteen days next following the
2 day on which the monthly summary of proceedings is
3 filed with the city clerk as provided in Section thirty-five,
4 a petition, signed by a number of the voters of the said
5 city, qualified to vote at city elections, equal to at least
6 twenty-five per cent. of the aggregate number of votes cast

7 for candidates for mayor or aldermen at the last preceding
8 annual city election at which a mayor or alderman was
9 elected, but not less than two hundred and fifty such voters,
10 and protesting against the passage of any ordinance, shall
11 be filed in the office of the city clerk, such ordinance shall
12 be suspended from going into operation, and it shall be
13 the duty of the city council to reconsider the same, and if
14 the said council do not so reconsider and rescind its vote,
15 they shall submit it, as is provided in subdivision (b) of
16 Section twenty-five, to the qualified voters of the city, and
17 the said ordinance shall not go into effect or become opera-
18 tive unless a majority of the voters, qualified as aforesaid,
19 voting on the ordinance submitted, shall vote in favor there-
20 of. The votes upon such ordinance shall be taken by bal-
21 lot in answer to the question: "Shall the ordinance (stat-
22 ing the nature of the same) take effect?" which shall be
23 printed on the ballots after the list of candidates if there
24 be any.

Petitions under the provisions of this Section may con-
26 sist of one or more distinct papers. In each of such papers
27 the ordinance, the passage of which is protested, shall be
28 set forth or referred to, and all such papers filed in any
29 one day in the office of the city clerk shall be considered
30 parts of the same petition. Such petitions shall be signed,
31 sworn to as to signatures, examined, re-examined, pre-
32 sented to the city council, shall have the city clerk's cer-
33 tificate of sufficiency or insufficiency attached thereto, and

34 may be supplemented in the same manner as petitions filed
35 under Section twenty-four.

Sect. 27. The city of Gardiner shall be governed by a
2 city council, consisting of the mayor and two aldermen
3 chosen as provided in this act, each of whom shall have
4 the right to vote on all questions coming before the coun-
5 cil. Two members of the council shall constitute a quorum.
6 and the affirmative vote of two members shall be necessary
7 to adopt any motion, resolution or ordinance, or pass any
8 measure. Upon every vote the yeas and nays shall be
9 called and recorded, and every motion, resolution or ordi-
10 nance shall be reduced to writing and read before the vote
11 is taken thereon. The city clerk shall be the clerk of the
12 council, and shall keep a journal of its proceedings which
13 shall be a public record. The mayor or acting mayor shall
14 preside at all meetings of the council, and shall have the
15 right to vote on all questions coming before it; he shall
16 have no power to veto any measure, but every resolution
17 or ordinance passed by the council shall be signed by him,
18 and must be attested by the city clerk, and be recorded, be-
19 fore it shall take effect.

Sect. 28. The city council shall have and possess and its
2 members shall severally exercise all executive, legislative
3 and judicial powers and duties, and be subject to any and
4 all liabilities now had, possessed and exercised by or im-
5 posed upon the mayor, aldermen, common council, assess-
6 ors, overseers of the poor and street commissioner, as had,

7 possessed and exercised by them, acting severally or col-
8 lectively in councils, boards, commissions or committees,
9 except as the same may be inconsistent with any of the
10 provisions of this act.

The mayor and the two aldermen shall be and are here-
12 by constituted assessors and overseers of the poor, and as
13 such shall be subject to all the provisions of state law gov-
14 erning such assessors and overseers and shall perform all
15 the duties required by such law of the said officers.

The mayor shall be first assessor and the alderman of
17 public safety and charities shall be chairman of the board
18 of overseers of the poor.

Sect. 29. All present existing offices, councils, boards,
2 commissions and committees which are inconsistent with
3 the provisions of this act shall be abolished, and the tenure
4 of office of office-holders whose offices are so inconsistent,
5 shall terminate, at ten o'clock in the forenoon of the first
6 Monday in January of the year next following the accept-
7 ance of this act.

Sect. 30. The city council elected as provided in this act
2 shall meet at ten o'clock in the forenoon of the first Mon-
3 day in January of each year, beginning with the year next
4 following the acceptance of this act, and those of them
5 whose terms of office then begin shall severally take oath
6 before the judge of the municipal court of the city of Gar-
7 diner, or a justice of the peace, to perform faithfully the
8 duties of their respective offices.

Sect. 31. The city council shall, at the said first meeting
2 and at every annual meeting thereafter, elect by majority
3 vote the following officers: A city clerk, a treasurer, an audi-
4 tor, a purchasing agent, a collector of taxes, a superintendent
5 of streets and highways, a chief of police and chief of fire
6 department, a city solicitor, a city physician, a civil engineer,
7 one member of the school committee to serve for three
8 years, and one trustee of the Gardiner Water District to
9 serve for three years, and such other officers as may be
10 necessary or are required by law. At the said first meeting
11 the city council shall also elect, by majority vote, three di-
12 rectors of the public library to serve for three, two and
13 one years, respectively, and annually thereafter shall so
14 elect one director of the public library to serve for three
15 years. Such other officers and assistants as shall be pro-
16 vided for by ordinance, or may be necessary to the proper
17 and efficient conduct of the affairs of the city, or are re-
18 quired by statute, shall be appointed by the heads of the
19 several departments subject to approval by the city coun-
20 cil.

Any person elected or appointed to any office by the city,
22 council may at any time be removed from such office by vote
23 of a majority of the said council.

Vacancies in any of the offices mentioned in this Section,
25 from whatever cause they may arise, may be filled in
26 the manner provided for the original election or appoint-
27 ment, and if filled by election of the city council such elec-

28 tion may be made at a regular or at a special meeting there-
29 of.

Sect. 32. The mayor shall have general oversight of all
2 departments of the city government and report to the city
3 council for its action all matters requiring attention in
4 either. All notes or bonds which the city is authorized to
5 issue shall be signed by the city treasurer and counter-
6 signed by the mayor and one alderman. All contracts and
7 instruments other than notes and bonds, requiring the as-
8 sent of the city shall be signed by the alderman who is the
9 head of the department concerned and countersigned by
10 the mayor, except that when such contracts or instruments
11 concern the department of accounts and finances they shall
12 be signed by the mayor and countersigned by one alder-
13 man.

Sect. 33. After the first meeting, or the annual meet-
2 ing, of the city council above provided for, regular meet-
3 ings of the city council shall be held at least once each
4 week of every year. The city council shall provide by
5 ordinance for the time of holding regular meetings, and
6 special meetings may be called from time to time by the
7 mayor or the two aldermen.

Sect. 34. No order, resolution or vote appropriating
2 money in excess of three hundred dollars, or making, or
3 authorizing the making of any contract involving a liability
4 on the part of the city in excess of three hundred dollars,
5 nor any order, resolution or vote ordering any street im-

6 provement or sewer, or granting any franchise, or giving
7 any right to occupy or use the streets, highways, bridges
8 or public places in the city for any purpose for which mu-
9 nicipal consent may be necessary, shall be passed by the
10 city council unless it be proposed in writing and remain on
11 file in the office of the city clerk and be published by him
12 twice in one daily newspaper of the city, if there be any,
13 and in the nearest daily newspaper published in Kennebec
14 county, at least one week before its final passage, except
15 an order, resolution or vote for the immediate preservation
16 of the public peace, health or safety, which contains a state-
17 ment of its urgency.

Such orders, resolutions or votes as are required to be
19 published under the provisions of this Section shall be
20 subject to the provisions of Section twenty-six limiting the
21 passage of ordinances, save only that petitions in protest
22 must be filed within the fourteen days next following the
23 final passage of any such order, resolution or vote as here-
24 inbefore provided.

Sect. 35. The city council shall each month print in
2 pamphlet form an itemized statement of all receipts and ex-
3 penditures of the city and a summary of its proceedings
4 during the preceding month, shall file a copy thereof in
5 the office of the city clerk, who shall note thereon the date
6 of such filing, and shall furnish copies thereof to the pub-
7 lic library, to the newspapers published in the city, if there
8 be any, and to the nearest daily newspaper published in

9 Kennebec county, and to persons who shall apply therefor
10 at the office of the city clerk. At the end of the municipal
11 year it shall cause a full and complete examination of all
12 books and accounts of the city to be made by a certified
13 public accountant, and shall publish the result of such ex-
14 amination in the manner above provided for the publication
15 of statements of monthly receipts and expenditures.

Sect. 36. The salary of the mayor shall be twelve hun-
2 dred dollars per annum and the salary of each alderman
3 shall be one thousand dollars per annum. The salaries shall
4 not be changed except upon petition and procedure as pro-
5 vided in Section twenty-five for the introduction and pass-
6 age of ordinances, by vote of the qualified voters of the city,
7 at an annual city election. The city council shall fix the
8 salaries of all subordinate officers.

Sect. 37. No member of the city council shall during
2 the term for which he was chosen be eligible, either by ap-
3 pointment or by election of the city council, to any other
4 office the salary of which is payable by the city, nor shall,
5 during such term, hold any such other office.

Neither the purchasing agent nor any member of the city
7 council shall be interested, directly or indirectly, in any
8 contract or job for work or materials, or the profits there-
9 of, to be furnished or performed for the city.

Sect. 38. The city council may make rules for the con-
2 duct of its business. The mayor may be a member of any
3 of its committees.

Sect. 39. The duties of the superintending school committee, as prescribed by the laws of the State, except as herein otherwise provided, shall be performed by a school committee of three members, which shall also and in like manner have charge of the high school.

The purchase of any site for a school building, the purchase of any building for school purposes, the plans for any alteration of any school building, the plans for any new school building, and the execution of any such plans for the alteration of old buildings or the building of new ones, subject to the provisions of Chapter 88 of the Public Laws of 1909, shall be determined, made, adopted and carried out by, and under the supervision of, the school committee acting jointly with the members of the city council.

The mayor, by the purchasing agent, shall purchase all books, stationery, school-apparatus and schoolroom supplies required by the school committee or the superintendent of schools acting for them, but all ordinary repairs of school buildings and supplies, of furniture for such buildings shall be made and purchased by the city council on recommendation by the school committee or the superintendent of schools acting for them.

The members of the superintending school committee whose terms of office have not expired when the first election by the city council is held under this act, shall serve out their unexpired term as members of the school committee aforesaid.

Sect. 40. Before the first day of April in the year next
2 following the acceptance of this act, the city council, with
3 the advice and assistance of the civil engineer, shall divide
4 the city into not less than seven nor more than ten voting
5 precincts. The division shall not be made with any refer-
6 ence to the old ward lines or regard for the number of
7 voters living in each precinct, but shall be made solely to
8 serve the convenience of voters in voting at municipal, coun-
9 ty, state and national elections. The city council shall spe-
10 cify, appoint or provide a polling place for each of the
11 aforesaid voting precincts, and furnish each such polling
12 place with such furniture and appurtenances as are required
13 by the laws of the state for polling places. The voting pre-
14 cincts and polling places provided as aforesaid shall serve
15 all the purposes of wards and ward rooms under the state
16 laws governing elections, and all reference to wards, ward
17 rooms and polling places in such state laws shall apply to
18 the voting precincts and polling places aforesaid.

The city council shall cause the division so made, and the
20 polling places so provided, to be published at least twice
21 in one daily newspaper published in the city, if there be
22 any, otherwise in the nearest daily newspaper published in
23 Kennebec county, on the completion of such division, and
24 shall cause the said lists to be posted at the several poll-
25 ing places. The names of qualified voters, as published
26 and posted, shall be grouped severally under the names of

27 the streets, roads, avenues or lanes on which the said vot-
28 ers live, and arranged alphabetically in each group.

After three years from the first division into voting pre-
30 cincts as above provided, and at the end of any three year
31 period thereafter, the city council may revise the aforesaid
32 division, changing the lines of the several voting precincts
33 or providing more such precincts, up to the number of
34 ten, if the convenience of the voters should warrant such
35 change, but in no case making the number of such precincts
36 less than seven.

Sect. 4I. The repeal of the acts specified in Section two
2 of this act shall not affect any act done, or any right ac-
3 cruing or accrued or established, or any suit or proceed-
4 ing had or begun in any civil case before the time when
5 such repeal takes effect, nor shall it affect any offences com-
6 mitted or penalty or forfeiture incurred under the pro-
7 visions of the acts or parts of acts hereby repealed. All
8 persons who at the time said repeal takes effect shall hold
9 any office under the said acts shall continue to hold them
10 according to the tenure thereof, except as otherwise pro-
11 vided herein; moreover all by-laws and ordinances of the
12 city of Gardiner that are in force at the time when the
13 said repeal takes effect, and not inconsistent with the pro-
14 visions of this act, shall continue in force until they are
15 repealed or amended according to the provisions herein
16 made for repealing or amending by-laws and ordinances,
17 and all officers elected under such by-laws and ordinances

18 shall continue in office according to the tenure thereof, ex-
19 cept as is otherwise provided herein.

Sect. 42. Petitions addressed to the board of aldermen
2 and signed by qualified voters of the city, requesting that
3 a special election be held at which this act shall be submit-
4 ted to the qualified voters of the said city, may be filed in
5 the office of the city clerk at any time on or before the
6 second Tuesday of August in the year 1911. Each signer
7 of any such petition shall add to his signature the name of
8 the street on which he lives at the time of signing, and
9 the street number of his house if there be any. Such pe-
10 tition need not be sworn to. Within the seven days next
11 after the said second Tuesday of August, the city clerk
12 shall examine the petitions so filed and ascertain the aggre-
13 gate number of qualified voters of the city who have signed
14 them, and he shall forthwith present the petition to the
15 board of aldermen with his certificate setting forth the ag-
16 gregate number of qualified voters of the city who have
17 so signed. If it shall appear from the said certificate that
18 such aggregate number is at least one hundred and fifty,
19 the board of aldermen shall forthwith call a special elec-
20 tion to be held on the second Tuesday of September in the
21 year 1911, at which special election this act shall be sub-
22 mitted to the qualified voters of the city.

This act shall take effect, as hereinafter provided, upon
24 its acceptance by a majority of the voters voting thereon
25 at the said special election, or at either of the special elec-

26 tions hereinafter provided for. The vote shall be taken by
27 ballot in answer to the question: "Shall an act passed by the
28 Legislature in the year 1911 entitled 'An Act to provide a
29 Charter for the City of Gardiner' be accepted?" which shall
30 be printed on the official ballot.

If, however, the said act be not so accepted at the afore-
32 said special election, it may be again submitted in the man-
33 ner above prescribed, if a petition made and signed as afore-
34 said requesting such resubmission be filed in the office
35 of the city clerk at any time on or before the second Tues-
36 day of August in the year 1912 and be found to be sufficient-
37 ly signed as above provided, at a special election to be called
38 for the second Monday of September in the year 1912 and
39 held on that day.

If on such resubmission the said act should not be so ac-
41 cepted it may be resubmitted a second time, upon petition as
42 above required, signed as hereinbefore prescribed and filed
43 as aforesaid at any time on or before the second Tuesday of
44 August in the year 1913, at a special election to be called
45 as aforesaid for the second Tuesday of September in the
46 year 1913 and held on that day.

Except in so far as they may be inconsistent with this sec-
48 tion of this act, all general laws governing and applicable
49 to a special election of a city officer shall govern and apply
50 to the special elections at which this act shall be submitted
51 or resubmitted as aforesaid.

If this act shall be so accepted, it shall take effect on its

53 acceptance for the annual city election to be held on the
54 Tuesday next following the last Monday in November in
55 the year of its acceptance, for the preliminary election for
56 nominations, to be held, under the provisions of this act, on
57 the second Tuesday preceding the aforesaid annual city elec-
58 tion, for the statements of candidates and petitions accom-
59 panying statements of candidates to be filed by persons
60 whose names are to be printed on the official ballots to be
61 used at such preliminary election for nominations, and for
62 all things which appertain and relate to said annual city
63 election, preliminary election for nominations and state-
64 ments of candidates and petitions. For all other purposes
65 it shall take effect at ten o'clock in the forenoon of the first
66 Monday of January of the year next following the year of
67 its acceptance.

Sect. 43. So much of this act as authorizes the submission
2 of the question of its acceptance to the qualified voters of
3 the said city shall take effect upon its approval by the Gov-
4 ernor, subject to the provisions of amendment ten of the
5 State Constitution.