

MAINE STATE LEGISLATURE

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SEVENTY-SIXTH LEGISLATURE

HOUSE

NO. 10

House of Representatives, Jan. 10, 1913.

Tabled pending reference to a committee by Mr. Scates and ordered printed.

W. R. ROIX, Clerk.

STATE OF MAINE

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

AN ACT to Amend the Charter of the City of Lewiston.

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

Section 1. Section two of Chapter one hundred five of the
2 private and special laws of the State of Maine, approved
3 March fifteen, eighteen hundred and sixty-one, is hereby
4 amended, so as to read as follows:

‘Sect 2. The administration of all fiscal, prudential and
6 municipal affairs of said city, with the government thereof,
7 shall be vested in one principal magistrate to be styled the
8 mayor, and one board of nine to be denominated the board
9 of aldermen, all of whom shall be inhabitants of said city;
10 which board of mayor and aldermen shall constitute and be
11 called the city council; and shall be sworn or affirmed in the

12 form prescribed by the constitution of the state for state of-
13 ficers; *provided* the city council shall not vote, assess or
14 appropriate any money for any object or purpose for which
15 the city of Lewiston is not authorized to vote, assess and
16 appropriate money, except for such purposes as are author-
17 ized by this act. And *provided further*, that neither the city
18 council, nor any agent or officer for the city, shall borrow or
19 hire money for, or on account of the city or inhabitants there-
20 of, except for the purposes for which the city of Lewiston
21 is now by law authorized to raise money; and all notes,
22 bonds, obligations, scrip or orders, given by the city council
23 or any officer or agent thereof, for money or property ob-
24 tained for any other purpose, shall be void, except those ne-
25 gotiable, and in the hands of a *bonafide* holder for value.'

Sect. 2. Section three of said chapter one hundred and
2 five is hereby amended, so as to read as follows:

'Sect. 3. The mayor of said city shall be the chief execu-
4 tive magistrate thereof. It shall be his duty to be vigilant
5 and active, in causing the laws of the state, and ordinances
6 and regulations of the city, to be executed and enforced, to
7 exercise a general supervision over the conduct of all sub-
8 ordinate officers, and to cause violations or neglect of duty
9 on their part to be punished. He shall, from time to time,
10 communicate to the city council such information, and rec-
11 ommend such measures, as the interest of the city may re-
12 quire. He shall preside at all meetings of the city coun-
13 cil, but shall have only a casting vote. He shall be com-

14 pensated for his services by a salary to be fixed by the city
15 council, payable at stated periods, and shall receive therefor
16 no other compensation, which salary, however, shall not be
17 increased or diminished during his term of office. The al-
18 dermen shall not be entitled to receive any salary or other
19 compensation during the term for which they are elected,
20 nor be eligible to any office of profit or emolument, the sal-
21 ary of which is payable by the city; and all departments,
22 boards, officers and committees, acting under the authority
23 of the city and entrusted with the expenditures of public
24 money, shall expend the same for no other purpose than that
25 for which it is appropriated; and shall be accountable there-
26 for to the city in such manner as the city council may direct.'

Sect. 3. Section four of said chapter one hundred and five
2 as amended by chapter three hundred and seventeen of the
3 private and special laws of the state of Maine, approved
4 February twenty-one, eighteen hundred and sixty-seven, is
5 hereby amended further, so as to read as follows:

'Sect. 4. The executive powers of said city generally and
7 the administration of police and health departments, with all
8 the powers of selectmen, except as modified by this act, shall
9 be vested in the mayor and aldermen. All the powers of es-
10 tablishing watch and ward, now vested by the laws of the
11 state in the justices of the peace and municipal officers or in-
12 habitants of towns, are vested in the mayor and aldermen,
13 so far as relates to said city; and they are authorized to unite
14 the watch and police departments into one department and

15 establish suitable regulations for the government of the same.
16 The officers of police shall be one chief, to be styled the city
17 marshal, so many deputy marshals as the city council may
18 by ordinance prescribe, and so many watchmen and police-
19 men as the mayor and aldermen may from time to time ap-
20 point. All other powers now or hereafter vested in the in-
21 habitants of said city, and all powers granted by this act,
22 as well as all powers relating to the fire department, shall
23 be vested in the city council. The city council shall keep a
24 record of its proceedings and be judge of the election of its
25 members; and in case of vacancies new elections shall be
26 ordered by the mayor and aldermen. The compensation of
27 all subordinate city officers whatsoever, shall be fixed by the
28 city council. All officers of the police and health depart-
29 ments shall be appointed by the mayor and may be removed
30 by them for good cause. All other subordinate officers, now
31 elected by the mayor and aldermen or the city council, shall
32 hereafter be elected by the city council, and such officers
33 may be removed for good cause, by the assent of two-thirds
34 of all the members thereof. Except as otherwise specially
35 provided in this act, all subordinate officers shall be elected
36 annually on the second Monday of March, or as soon there-
37 after as may be, and their term of office shall be for one year,
38 and until others are qualified in their place. All vacancies
39 may be filled by the city council. The city council shall take
40 care that moneys shall not be paid from the treasury unless
41 granted or appropriated; shall secure a prompt and just ac-

42 countability by requiring bonds with sufficient penalties and
43 sureties, from all persons trusted with the receipt or custody
44 of the public money; shall have the care and superintendence
45 of the city public buildings, and the custody and manage-
46 ment of all the city property, with powers to let or sell what
47 may be legally let or sold; and to purchase, in the name of
48 the city, such real or personal property, not exceeding the
49 sum of eight hundred thousand dollars, including the prop-
50 erty now owned by the city, as they may deem of public
51 utility. And the city council shall, as often as once a year,
52 cause to be published for the information of the inhabitants,
53 an account of receipts and expenditures, and a schedule of
54 the city property; and no money shall be paid from the
55 treasury unless the same be appropriated by the city coun-
56 cil, and upon a warrant signed by the mayor, which war-
57 rant shall state the appropriation under which the same is
58 drawn.'

Sect. 4. Section five of said chapter one hundred and five
2 is hereby amended, so as to read as follows:

'Sect. 5. Every law, act, ordinance, resolve or order, ex-
4 cepting rules and orders of a parliamentary character, shall
5 be presented to the mayor for approval. If not approved
6 by him he shall return it, with his objections, to the city
7 council, at the next stated session, provided that said stated
8 session is held at least one week after the aforesaid law, act,
9 ordinance, resolve or order is presented to the mayor for
10 his approval. The city council shall enter the objections at

11 large on its journal and proceed to reconsider the same. If
12 upon such reconsideration it shall be passed by a vote of
13 two-thirds of all the members of the board of aldermen, it
14 shall have the same effect as if signed by the mayor. The
15 mayor shall have the right to approve as a whole any re-
16 solve or order involving the appropriation and expenditure
17 of money, or to approve or disapprove specific items thereof,
18 and the portions approved shall thereby be in force in like
19 manner as if no part thereof had been disapproved, and the
20 portion or portions disapproved shall thereupon take the
21 same course, as herein provided, as though said resolve or
22 order has been disapproved as a whole. In case of vacancy
23 in the office of mayor when said law, act, ordinance, resolve
24 or order be finally passed, the same shall be valid without
25 approval. In case any ordinance, order, resolution or vote
26 involves the appropriation or expenditure of money to an
27 amount which may exceed three hundred dollars, the laying
28 of an assessment, or the granting to a person or corporation
29 of any right in, over or under any street or other public
30 ground of said city, the affirmative votes of a majority of all
31 the members of the city council shall be necessary for its
32 passage. Every such ordinance, order, resolution or vote
33 shall be read twice, with an interval of at least three days
34 between the two readings, before being finally passed, and
35 the vote upon its final passage shall be taken by roll call.'

Sect. 5. Section seventeen of said chapter one hundred
2 and five as amended by said chapter three hundred and fifty-

3 eight of the private and special laws of the state of Maine,
4 approved March twenty-eight, nineteen hundred and three,
5 is hereby further amended, so as to read as follows:

'Sect. 17. The mayor shall be elected from the citizens at
7 large, by the inhabitants of the city voting in their respective
8 wards. One alderman shall be elected by each ward, being
9 a resident in the ward where elected, and two aldermen shall
10 be elected at large by the inhabitants voting in their respec-
11 tive wards. All said officers shall be elected by ballot, by
12 a plurality of the votes given, and shall hold their offices one
13 year from the third Monday in March, and until others shall
14 be elected in their places.'

Sect. 6. Section nineteen of said chapter one hundred and
2 five as amended by said chapter three hundred and fifty-
3 eight, of the private and special laws of the state of Maine,
4 approved March twenty-eight, nineteen hundred and three,
5 is further amended, so as to read as follows:

'Sect. 19. On the first Monday in March, nineteen hun-
7 dred thirteen, the qualified electors in each ward shall ballot
8 for a mayor, one alderman, a warden, clerk, and two alder-
9 men at large, and annually thereafter on the first Monday
10 in March the qualified electors in each ward shall ballot for
11 mayor, one alderman, a warden, clerk and two aldermen at
12 large. The ward clerk within twenty-four hours after such
13 election, shall deliver to the persons elected, certificates of
14 their election, and shall forthwith deliver to the city clerk a
15 certified copy of the records of such election, a plain and

16 intelligible abstract of which shall be entered by the city clerk
17 on the city records. If the choice of any such officers is not
18 effected on that day, the meeting shall be adjourned to an-
19 other day, not more than two days thereafter, to complete
20 such election, and may so adjourn from time to time until
21 the election is completed. The board of aldermen shall as
22 soon as conveniently may be, examine the copies of the rec-
23 ords of the several wards, certified as aforesaid, and shall
24 cause the person who shall have been elected mayor by a
25 plurality of the votes given in all the wards, to be notified
26 in writing of his election. But if it shall appear that no
27 person shall have been elected, or if the person elected shall
28 refuse to accept the office, the said board shall issue their
29 warrants for another election; and in case the citizens shall
30 fail on a second ballot to elect a mayor, the city council shall,
31 from the four highest candidates voted for at the second
32 election and returned, elect a mayor for the ensuing year;
33 and in case of a vacancy in the office of mayor, by death,
34 resignation or otherwise, it shall be filled for the remainder
35 of the term by a new election in the manner hereinbefore
36 provided for the choice of said officer. The oath of affirma-
37 tion prescribed by this act, shall be administered to the may-
38 or by the city clerk or any justice of the peace in said city.
39 The aldermen elect shall meet on the third Monday in March
40 at ten o'clock in the forenoon when the oath or affirmation
41 required by the second section of this act shall be adminis-
42 tered to the members present by the mayor or any justice

43 of the peace. The city council shall by ordinance, determine
44 the time of holding stated or regular meetings of the board,
45 and shall also, in like manner, determine the manner of call-
46 ing special meetings and the persons by whom the same shall
47 be called; but until otherwise provided by ordinance, special
48 meetings shall be called by the mayor by causing a notifica-
49 tion to be left at the usual residence or place of business of
50 each member of the board.'

Sect. 7. Section twenty of said chapter one hundred and
2 five is amended, so as to read as follows:

'Sect. 20. After the organization of a city government
4 and the qualification of a mayor, and when a quorum of the
5 board of aldermen shall be present, said board, the mayor
6 presiding, shall proceed to choose a permanent chairman,
7 who, in the absence of the mayor, shall preside at all meetings
8 of the board, and in case of any vacancy in the office of may-
9 or, he shall exercise all the powers and perform all the du-
10 ties of the office so long as such vacancy shall remain; he
11 shall continue to have a vote in the board, but shall not have
12 the veto power. The board of aldermen in the absence of
13 the mayor and permanent chairman, shall choose a presi-
14 dent pro tempore, who shall exercise the powers of a per-
15 manent chairman. The city clerk shall be the clerk of the
16 city council. He shall perform such duties as shall be pre-
17 scribed by the city council, and shall also perform all the du-
18 ties and exercise all the powers now incumbent on him by
19 law. He shall give notice in two or more of the papers

20 printed in said city, of the time and place of regular ward
21 meetings; the time of such meetings when not fixed by law,
22 shall be determined by the board of aldermen. In case of
23 the temporary absence of the city clerk, the mayor and al-
24 dermen may appoint a city clerk pro tempore.'

Sect. 8. At a special election to be held on the second
2 Monday of September, nineteen hundred and thirteen, the
3 legal voters of the city of Lewiston shall be called upon to
4 give in their votes upon the acceptance of this act at meet-
5 ings in the several wards in said city, duly warned by the
6 mayor and aldermen. The vote shall be taken by ballot and
7 shall be in answer to the following question: Shall the act
8 passed by the legislature of the state of Maine in the year
9 nineteen hundred and thirteen entitled "An Act to abolish
10 the common council and increase the membership of the
11 board of aldermen of the city of Lewiston," be accepted?
12 Those in favor of the acceptance of said act shall vote 'yes',
13 and those opposed, 'no'. The same proceedings shall be had
14 for the sorting, counting, declaring and recording of the
15 returns of said votes as is provided for the election of may-
16 or; and the board of aldermen shall compare the returns of
17 the several ward officers of the votes upon the acceptance
18 of this act; and if it appears that a majority of the votes
19 given upon the acceptance of this act are in favor thereof,
20 the mayor shall be so notified and shall forthwith make proc-
21 lamation of the fact, and this act shall thereupon take full
22 effect.

Sect. 9. All acts and parts of acts inconsistent with this
2 act are hereby repealed, from and after the time when this
3 act shall have been accepted as aforesaid, and the government
4 shall have been organized as herein provided.