

MAINE STATE LEGISLATURE

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SEVENTY-SIXTH LEGISLATURE

HOUSE

NO. 136

House of Representatives, Feb. 4, 1913.

*Tabled pending reference to a committee, by Mr. Smith of
Auburn, 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 and five
2 of the Private and Special Laws of the State of Maine, ap-
3 proved March fifteen, eighteen hundred and sixty-one, is
4 hereby 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 and qualified

10 voters of said city, which board of mayor and aldermen
11 shall constitute and be called the city council, and shall be
12 sworn or affirmed in the form prescribed by the constitution
13 of the state for state officers; provided the city council shall
14 not vote, assess or appropriate any money for any object
15 or purpose for which the city of Lewiston is not authorized
16 to vote, assess and appropriate money, except for such pur-
17 poses as are authorized by this act. And provided further,
18 that neither the city council, nor any agent or officer for the
19 city, shall borrow or hire money for, or on account of the
20 city or inhabitants thereof, except for the purposes for which
21 the city of Lewiston is now by law authorized to raise
22 money; and all notes, bonds, obligations, scrip or orders,
23 given by the city council or any officer or agent thereof,
24 for money or property obtained for any other purpose, shall
25 be void, except those negotiable, and in the hands of a bona-
26 fide holder for value.'

Sect. 2, Plan A. Section three of said chapter one hun-
dred and 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

11 recommend such measures, as the interest of the city may
12 require. 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
17 be increased or diminished during his term of office. The
18 aldermen 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
21 salary 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
25 that for which it is appropriated; and shall be accountable
26 therefor to the city in such manner as the city council may
27 direct.'

Sect. 2, Plan B. Section three of said chapter one hun-
dred and five is hereby amended, so as to read as follows:

'Sect. 3 The mayor of said city shall be the chief execu-
tive magistrate thereof. It shall be his duty to be vigilant
and active in causing the laws of the State, and ordinances
and regulations of the city, to be executed and enforced, to
exercise a general supervision over the conduct of all sub-
ordinate officers, and to cause violations or neglect on their
part to be punished. He may call special meetings of the
board of aldermen, when in his opinion the interests of the

11 city requires it, by causing a summons or notification to be
12 given in hand, or left at the usual dwelling place of each
13 member of the board. He shall, from time to time, com-
14 municate to the city council such information, and recom-
15 mend such measures, as the interests of the city may re-
16 quire. He shall preside at all meetings of the city council,
17 but shall have only a casting vote. He shall be compen-
18 sated for his services by a salary to be fixed by the city
19 council, payable at stated periods, and shall receive therefor
20 no other compensation, which salary, however, shall not be
21 increased or diminished during his term of office. Each
22 member of the board of aldermen shall receive a salary of
23 two hundred dollars per year, which shall not be increased
24 or diminished during their term of office. They shall re-
25 ceive no other compensation, during the term for which they
26 have been elected, nor be eligible to any office of profit, or
27 emolument, the salary of which is payable by the city. All
28 departments, boards, officers and committees, acting under
29 the authority of the city and entrusted with the expendi-
30 tures of public money, shall expend the same for no other
31 purpose than that for which it is appropriated; and shall
32 be accountable therefor to the city in such manner as the
33 city council may direct.'

Sect. 3, Plan A. Section four of said chapter one hun-
2 dred and five as amended by chapter three hundred and
3 seventeen of the Private and Special Laws of the State of
4 Maine, approved February twenty-one, eighteen hundred

5 and sixty-seven, is hereby amended further, so as to read
6 as follows:

‘Sect. 4. The executive power of said city generally and
8 the administration of police and health departments, with
9 all the powers of selectmen, except as modified by this act,
10 shall be vested in the mayor and aldermen. All the powers
11 of establishing watch and ward, now vested by the laws of
12 the State in the justices of the peace and municipal officers
13 or inhabitants of towns, are vested in the mayor and alder-
14 men, so far as relates to said city; and they are authorized
15 to unite the watch and police departments into one depart-
16 ment and establish suitable regulations for the government
17 of the same. The officers of the police shall be one chief,
18 to be styled the city marshal, so many deputy marshals
19 as the city council may by ordinance prescribe, and so many
20 watchmen and policemen as the mayor and aldermen may
21 from time to time appoint. All other powers now or here-
22 after vested in the inhabitants of said city, and all powers
23 granted by this act, as well as all powers relating to the
24 fire department, shall be vested in the city council. The
25 city council shall keep a record of its proceedings and be
26 judge of the election of its members; and in case of vacan-
27 cies new elections shall be ordered by the mayor and alder-
28 men. The compensation of all subordinate city officers
29 whatsoever, shall be fixed by the city council. All officers
30 of the police and health departments shall be appointed by
31 the mayor and may be removed by the city council for good

32 cause. All other subordinate officers, now elected by the
33 mayor and aldermen or the city council, shall hereafter
34 be elected by the city council, and such officers may be
35 removed for good cause, by the assent of two-thirds of all
36 the members thereof. Except as otherwise specially pro-
37 vided by this act, all subordinate officers shall be elected
38 annually on the third Monday of March, or as soon there-
39 after as may be, and their term of office shall be for one
40 year, and until others are qualified in their places. All
41 vacancies may be filled by the city council. The city coun-
42 cil shall take care that moneys shall not be paid from the
43 treasury unless granted or appropriated; shall secure a
44 prompt and just accountability by requiring bonds with
45 sufficient penalties and sureties, from all persons trusted
46 with the receipt or custody of the public money; shall have
47 the care and superintendence of the city public buildings,
48 and the custody and management of all the city property,
49 with powers to let or sell what may be legally let or sold;
50 and to purchase, in the name of the city, such real or per-
51 sonal property, not exceeding the sum of eight hundred
52 thousand dollars, including the property now owned by
53 the city, as they may deem of public utility. And the city
54 council shall, as often as once a year, cause to be published
55 for the information of the inhabitants, an account of re-
56 ceipts and expenditures, and a schedule of the city prop-
57 erty; and no money shall be paid from the treasury, unless
58 the same be appropriated by the city council, and upon a

59 warrant signed by the mayor, which warrant shall state the
60 appropriation under which the same is drawn.'

Sect. 3. Plan B. Section four of said chapter one hun-
2 dred and five as amended by chapter three hundred and
3 seventeen of the Private and Special Laws of the State of
4 Maine, approved February twenty-one, eighteen hundred
5 and sixty-seven, is hereby amended further, so as to read
6 as follows:

'Sect. 3. The executive powers of said city generally and
8 the administration of police and health departments, with
9 all the powers of selectmen, except as modified by this act,
10 shall be vested in the mayor and aldermen. All the powers
11 establishing watch and ward, now vested by the laws of
12 the state in the justices of the peace and municipal officers
13 or inhabitants of towns, are vested in the mayor and alder-
14 men so far as relates to said city; and they are authorized
15 to unite the watch and police departments into one depart-
16 ment and establish suitable regulations for the government
17 of the same. The officers of police shall be one chief, to
18 be styled the city marshal, and so many deputy marshals
19 as the city council may by ordinance prescribe, and so
20 many watchmen and policemen as the mayor and aldermen
21 may from time to time appoint. All other powers now or
22 hereafter vested in the inhabitants of said city, and all
23 powers granted by this act, excepting the powers now vested
24 in the fire commission, by chapter fifty-one of the Private
25 and Special Laws of the State of Maine, of eighteen hun-

26 dred and ninety-one, and the board of public works, by
27 chapter two hundred and sixty-three, of the Private and
28 Special Laws of the State of Maine, nineteen hundred and
29 three, shall be vested in the city council. The city council
30 shall keep a record of its proceedings and be judge of the
31 election of its members; and in case of vacancies new elec-
32 tions shall be ordered by the mayor and aldermen. The
33 compensation of all subordinate city officers, excepting
34 those officers whose compensation is fixed by the aforesaid
35 fire commission and Board of Public Works, shall be fixed
36 by the city council. The city marshal shall be appointed
37 by the mayor for a term of one year, and shall be subject
38 to removal at any time by the mayor. All other officers
39 of the police and health departments, shall be appointed
40 by the mayor, by and with the consent of the aldermen,
41 and may be removed by the city council for good cause.
42 All other subordinate officers, now elected by the mayor
43 and aldermen or the city council, shall hereafter be elected
44 by the city council, and such officers may be removed for
45 good cause, by the assent of two-thirds of all the members
46 thereof. Except as otherwise specially provided by this
47 act, all subordinate officers shall be elected annually on the
48 third Monday of March, or as soon thereafter as may be,
49 and their terms of office shall be for one year, and until
50 others are qualified in their places. All vacancies may be
51 filled by the city council. The city council shall take care
52 that moneys shall not be paid from the treasury unless

53 granted or appropriated; shall secure a prompt and just
54 accountability by requiring bonds with sufficient penalties
55 and sureties, from all persons trusted with the receipt or
56 custody of the public money; shall have the care and super-
57 intence of the city public buildings and the custody and
58 management of all the city property, except such as is now
59 by law under the care, custody and management of the
60 school committee, the Board of Public Works and the fire
61 commission, of said city, with powers to let or sell, what
62 may be legally let or sold; and to purchase in the name of
63 the city, such real or personal property, not exceeding the
64 sum of eight hundred thousand dollars, including the prop-
65 erty now owned by the city, as they may deem of public
66 utility. And the city council shall, as often as once a year,
67 cause to be published for the information of the inhab-
68 itants, an account of receipts and expenditures, and a
69 schedule of the city property; and no money shall be paid
70 from the city treasury unless the same be appropriated by
71 the city council, and upon a warrant signed by the mayor,
72 which warrant shall state the appropriation under which
73 the same is 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,
9 act, ordinance, resolve or order, is presented to the mayor
10 for his approval. The city council shall enter the objec-
11 tions at large on its journal and proceed to reconsider the
12 same. If upon such reconsideration, it shall be passed by
13 a vote of two-thirds of all the members of the board of
14 aldermen, it shall have the same effect as if signed by the
15 mayor. The mayor shall have the right to approve as a
16 whole any resolve or order involving the appropriation and
17 expenditure of money, or to approve or disapprove specifi-
18 cations thereof, and the portions approved shall thereby be
19 in force in like manner as if no part thereof had been dis-
20 approved, and the portion or portions disapproved shall
21 thereupon take the same course as herein provided, as
22 though said resolve or order has been disapproved as a
23 whole. In case of vacancy in the office of mayor when
24 said law, act, ordinance, resolve or order, be finally passed,
25 the same shall be valid without approval. In case any
26 ordinance, order, resolution or vote, involves the appro-
27 priation or expenditure of money to an amount which may
28 exceed three hundred dollars, the laying of an assessment,
29 or the granting to a person or corporation of any right
30 in, over or under any street or other public ground of said
31 city, the affirmative votes of a majority of all the members
32 of the city council shall be necessary for its passage. Every
33 such ordinance, order, resolution or vote, shall be read twice,

34 with an interval of at least three days between the two read-
35 ings, before being finally passed, and the vote upon its final
36 passage shall be taken by roll call.'

Sect. 5, Plan A. Section seventeen of said chapter one
2 hundred and five, as amended by chapter three hundred and
3 fifty-eight of the Private and Special Laws of the State of
4 Maine, approved March twenty-eight nineteen hundred and
5 three, 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 qualified voters of the city voting in their
8 respective wards. One alderman shall be elected by each
9 ward, being a resident in the ward where elected, and two
10 aldermen shall be elected at large by the qualified voters of
11 said city, voting in their respective wards. All said officers
12 shall be elected by ballot, by a plurality of the votes given,
13 and shall hold their offices one year from the third Monday
14 in March, and until others shall be elected in their places.'

Sect. 5, Plan B. Section seventeen of said chapter one
2 hundred and five as amended by chapter three hundred and
3 fifty-eight of the Private and Special Laws of the State of
4 Maine, approved March twenty-eight, nineteen hundred and
5 three, is hereby further amended, so as to read as follows:

'Sect. 17. The mayor and the nine members of the board
7 of aldermen, all of whom shall be inhabitants and qualified
8 voters of the city of Lewiston, shall be elected from the
9 citizens at large, voting in their respective wards. At the
10 first election under this act there shall be elected nine mem-

11 bers of the board of aldermen. No voter shall vote for
12 more than nine. The three candidates receiving the largest
13 number of votes at said election shall hold office for three
14 years, the three receiving the next largest number of votes
15 shall hold office for two years, the three receiving the next
16 largest number of votes shall hold office for one year. At
17 the first election, in case two or more persons elected shall
18 receive an equal number of votes, those who are seniors by
19 age, shall, for the division into classes hereby required, be
20 classified as if they had received the larger number of votes
21 in the order of ages. Thereafter at each municipal elec-
22 tion, there shall be chosen at large, three members of the
23 board of aldermen to hold office for a term of three years.
24 No voter shall vote for more than three. All of said terms
25 shall begin with the third Monday of March following the
26 election. Any caucus of any political party, which at the
27 gubernatorial election next preceding, polled at least one
28 per cent of the entire vote cast in the State for governor,
29 may, by causing certificates of nomination to be duly filed
30 with the city clerk of said city at least seven days, exclu-
31 sive of Sundays, previous to the day of the municipal elec-
32 tion, make one nomination for the office of mayor, and as
33 many nominations of members of the board of aldermen
34 as are to be elected at the said municipal election. Any
35 caucus of any political party qualified as aforesaid, may, by
36 causing certificates of nomination to be duly filed with the
37 city clerk, within the time and in the manner aforesaid,

38 make nominations in each of the several wards of the city,
39 of one member of the superintending school committee, one
40 warden, and one ward clerk, to be voted for at the said
41 municipal election. The names of candidates for every
42 office to be elected under this act shall be arranged on the
43 ballot, under the designation of the office, in alphabetical
44 order according to surnames. Blank spaces shall be left
45 at the end of the list of candidates for each different office,
46 equal to the number to be elected thereto, in which the
47 voter may insert the name of any person not printed on
48 the ballot, for whom he wishes to vote for such office. No
49 party designations shall appear on any ballot in any munic-
50 ipal election held under the provisions of this act. Ballots
51 shall be so printed so as to give each voter an opportunity
52 to designate by cross (X) in a square at the right of the
53 name of each candidate, his choice of candidates, and upon
54 the ballots may be printed such directions as will aid the
55 voter; for example, "vote for one," "vote for three," and
56 the like. No voter shall vote for more than one candidate
57 for mayor, nor more than the number of members of the
58 board of aldermen to be elected at said municipal election,
59 one member of the superintending school committee, one
60 warden and one ward clerk. Nominations of candidates
61 for mayor and aldermen, may be made by nomination
62 papers signed in the aggregate for each candidate by quali-
63 fied voters of said city, in number not less than two hun-
64 dred. Nominations of candidates for member of the super-

65 intending school committee, warden and ward clerk in the
66 several wards of said city, may be made by nomination
67 papers, signed in the aggregate for each candidate, by
68 twenty-five qualified voters of their respective wards. Each
69 voter signing a nomination paper, shall make his signature
70 in person and add to it his place of residence, and each
71 voter may subscribe to one nomination for each office to be
72 filled and no more. Nomination papers shall, before being
73 filed, be submitted to the city clerk, and he shall forthwith
74 certify thereon what number of the signatures are quali-
75 fied voters of the city; one of signers to each separate
76 paper shall swear to the truth thereof, and the certificate
77 of such oath shall be annexed to, or made upon the nomi-
78 nation papers. All of said officers shall be elected by bal-
79 lot by a plurality of the votes given. The mayor, warden
80 and ward clerk, shall hold their offices for one year from
81 the third Monday of March next following the election,
82 and until others are qualified and chosen. The member of
83 the superintending school committee shall hold his office
84 two years from the first Monday in September next after
85 his election. The members of the board of aldermen shall
86 hold their offices for the terms provided by this act.'

Sect. 6, Plan A. Section nineteen of said chapter one
2 hundred and five, as amended by said chapter three hundred
3 and fifty-eight, of the Private and Special Laws of the
4 State of Maine, approved March twenty-eight, nineteen

5 hundred and three, is further amended so as to read as
6 follows:

‘Sect. 19. On the first Monday of March, nineteen hun-
8 dred and fourteen, the qualified electors in each ward shall
9 ballot for mayor, one alderman, a warden, a ward clerk,
10 one member of the superintending school committee, and
11 two aldermen at large. The ward clerk within twenty-four
12 hours after such election, shall deliver to the persons elected,
13 certificates of their election and shall forthwith deliver to
14 the city clerk a certified copy of the records of such elec-
15 tion, a plain and intelligible abstract of which shall be en-
16 tered by the city clerk on the city records. If the choice
17 of any such officers is not effected on that day, the meeting
18 shall be adjourned to another day, not more than two days
19 thereafter, to complete such election, and may so adjourn
20 from time to time until the election is completed. The board
21 of aldermen shall as soon as conveniently may be, examine
22 the copies of the records of the several wards, certified as
23 aforesaid, and shall cause the person who shall have been
24 elected mayor by a plurality of the votes given in all the
25 wards, to be notified in writing of his election. But if it
26 shall appear that no person shall have been elected, or if the
27 person elected shall refuse to accept the office, the said board
28 shall issue their warrant for another election; and in case
29 the citizens shall fail on a second ballot to elect a mayor,
30 the city council shall, from the four highest candidates voted
31 for at the second election and returned, elect a mayor for

32 the ensuing year; and in case of a vacancy in the office of
33 mayor, by death, resignation or otherwise, it shall be filled
34 for the remainder of the term by a new election in the
35 manner hereinbefore provided for the choice of said officer.
36 The oath or affirmation prescribed by this act, shall be ad-
37 ministered to the mayor by the city clerk or any justice of
38 the peace in said city. The aldermen elect shall meet on
39 the third Monday in March at ten o'clock in the forenoon,
40 when the oath or affirmation required by the second section
41 of this act shall be administered to the members present,
42 by the mayor or any justice of the peace. The city council
43 shall by ordinance, determine the time of holding stated or
44 regular meetings of the board, and shall also, in a like man-
45 ner, determine the manner of calling special meetings and
46 the persons by whom the same shall be called; but until
47 otherwise provided by ordinance, special meetings shall be
48 called by the mayor by causing a notification to be left at
49 the usual residence or place of business of each member of
50 the board.'

Sect. 6, Plan B. Section nineteen of said chapter one hun-
2 dred and five, as amended by said chapter three hundred and
3 fifty-eight, of the Private and Special Laws of the State
4 of Maine, approved March twenty-eight, nineteen hundred
5 and three, is further amended so as to read as follows:

'Sect. 19. On the first Monday of March, nineteen hun-
7 dred and fourteen, the qualified voters in each ward shall
8 ballot for mayor, nine aldermen at large, one member of

9 the superintending school committee, a warden and ward
10 clerk, and annually thereafter on the first Monday of March,
11 the qualified voters in each ward shall ballot for mayor,
12 three aldermen at large, one member of the superintend-
13 ing school committee, a warden and ward clerk. The ward
14 clerk in each of the several wards within twenty-four hours
15 after such election, shall deliver to the persons elected in
16 his ward by a plurality of the votes given, certificates of
17 their election, and shall forthwith deliver to the city clerk
18 a certified copy of the records of such election, a plain and
19 intelligible abstract of which shall be entered by the city
20 clerk on the city records. If the choice of any such offi-
21 cers is not effected on that day, the meeting shall be ad-
22 journed to another day, not more than two days thereafter,
23 to complete such election, and may so adjourn from time
24 to time, until the election is completed. The board of al-
25 dermen shall as soon as conveniently may be, examine the
26 copies of the records of the several wards, certified as afore-
27 said, and shall cause the person who shall have been elected
28 mayor by a plurality of the votes given in all the wards,
29 and the persons who have been elected aldermen in accord-
30 ance with the provisions of this act, to be notified of their
31 election. But if it shall appear that no person shall have
32 been elected mayor, or if it shall appear that the full num-
33 ber of aldermen to be elected at such election have not been
34 elected, or if the person or persons elected shall refuse to
35 accept the offices, the board shall issue their warrants for

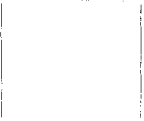
36 another election; and in case the citizens shall fail on a
37 second ballot to elect such officer or officers, the city coun-
38 cil shall, from the candidates voted for at the second elec-
39 tion and returned, elect such officer or officers, for the full
40 term of the office or offices for which they shall have been
41 candidates. In case of a vacancy in the office of mayor,
42 by death, resignation or otherwise, it shall be filled for the
43 remainder of the term by a new election in the manner
44 hereinbefore provided for the choice of said officer. In
45 case of a vacancy occurring in the office of any member
46 of the board of aldermen, the board of aldermen shall elect
47 by a vote of a maority of all of the members of said board,
48 a qualified voter of said city to fill the vacancy for the re-
49 mainder of the municipal year. The vacancy for the re-
50 mainder of the unexpired term shall be filled at the next
51 annual municipal election. The oath or affirmation pre-
52 scribed by this act, shall be administered to the mayor by
53 the city clerk, or any justice of the peace in said city. The
54 aldermen elect shall meet on the third Monday of March
55 at ten o'clock in the forenoon, when the oath or affirma-
56 tion required by the second section of this act shall be
57 administered to the members present by the mayor or any
58 justice of the peace. The city council shall by ordinance,
59 determine the time of holding stated or regular meetings
60 of the board.'


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

‘Sect. 20. After the organization of a city government
4 and the notification of a mayor, and when a quorum of
5 the board of aldermen shall be present, said board, the
6 mayor presiding, shall proceed to choose a permanent chair-
7 man, who, in the absence of the mayor, shall preside at
8 all meetings of the board, and in case of a vacancy in the
9 office of mayor, he shall exercise all the powers and per-
10 form all the duties of the office so long as such vacancy
11 shall remain; he shall continue to have a vote in the board,
12 but shall not have the veto power. The board of alder-
13 men in the absence of the mayor and permanent chairman,
14 shall choose a president pro tempore, who shall exercise
15 the powers of a permanent chairman. The city clerk shall
16 be the clerk of the city council. He shall perform such
17 duties as shall be prescribed by the city council, and shall
18 also perform all the duties and exercise all the powers now
19 incumbent on him by law. He shall give notice in two or
20 more papers printed in said city, of the time and place of
21 regular ward meetings; the time of such meetings when
22 not fixed by law, shall be determined by the board of alder-
23 men. In case of the temporary absence of the city clerk,
24 the mayor and aldermen may appoint a 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 the following
5 plans, at meetings in the several wards in said city, duly

6 warned by the mayor and aldermen. The vote shall be
 7 taken by printed ballot in the following form. The voter
 8 shall make a cross in the space at the right of the plan
 9 which he desires to have adopted. No ballot shall be count-
 10 ed upon which the voter has made a cross in both spaces.

Plan A. The city council to consist of a mayor and nine
 aldermen, one alderman to be elected from each
 ward, and two aldermen to be elected at large.
 The control of the Fire Department to be vest-
 ed in the city council. The City Marshal to be
 appointed by the Mayor by and 
 with the consent of the city coun-
 cil as now by law provided.

Plan B. The city council to consist of a mayor and nine
 aldermen, all of whom shall be elected from the
 city at large. The control of the Fire Depart-
 ment to remain as at present, in the Fire Com-
 mission. The City Marshal to be appointed
 by the Mayor for one year, sub- 
 ject to removal at any time by
 the Mayor.

The same proceedings shall be had for the sorting, count-
 28 ing, declaring and recording of the returns of said votes
 29 as is provided for the election of mayor; and the board of
 30 aldermen shall compare the returns of the several ward
 31 officers of the votes given in on the two plans submitted
 32 under this act. If it appears that a majority of the votes

33 cast under the provisions of this act, are given in favor of
34 Plan A of this act, then sections two, three, five and six
35 of Plan A of this act, shall be adopted and shall take effect ;
36 and sections two, three, five and six of Plan B of this act
37 shall be inoperative. If it appears that a majority of the
38 votes cast under the provisions of this act, are given in
39 favor of Plan B of this act, then sections two, three, five
40 and six of Plan B of this act shall be adopted and shall
41 take effect, and sections two, three, five and six of Plan A,
42 shall be inoperative. And the mayor shall be notified and
43 forthwith make proclamation of the fact, and the plan
44 adopted by a majority of the voters, shall thereupon take
45 effect. Sections one, four, seven, eight and nine of this
46 act shall take effect ninety days after the recess of this
47 legislature.

Sect. 9. All acts and parts of acts inconsistent with this
2 act, or with such parts of this act as shall be adopted by
3 the legal voters of the city of Lewiston in the manner here-
4 in prescribed, are hereby repealed, from and after the time
5 when one of the plans hereby submitted shall have been
6 adopted, and the government shall have organized there-
7 under.