

# MAINE STATE LEGISLATURE

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SEVENTY-SIXTH LEGISLATURE

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HOUSE

NO. 163

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*House of Representatives, Feb. 5, 1913.*

*Tabled pending reference to a committee, by Mr. Sanborn  
of South Portland, and ordered printed.*

*W. R. ROIX, Clerk.*

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STATE OF MAINE

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

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AN ACT to provide a Charter for South Portland.

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

Section 1. The inhabitants of South Portland, in the  
2 county of Cumberland, shall continue to be a body politic  
3 and corporate by the name and style of South Portland, and  
4 as such shall have, exercise and enjoy all the rights, immu-  
5 nities, powers, privileges and franchises that are now  
6 possessed and enjoyed by said city, and not inconsistent  
7 with the provisions of this act, or are herein granted or  
8 conferred, and shall be subject to all the duties and obli-

9 gations now incumbent on said city as a corporation that  
10 are not inconsistent with the provisions of this act, and  
11 may ordain and publish such by-laws, ordinances and regu-  
12 lations as shall be needful for the government and welfare  
13 of said city and its inhabitants, and impose fines for the  
14 violation thereof not exceeding twenty dollars for any  
15 offence, which may be recovered by action of debt or on  
16 complaint before the municipal court of said city, and under  
17 the same name shall be known in law and be capable of  
18 contracting and of suing and being sued in all courts and  
19 places.

Sect. 2. Chapter two hundred forty-two of the Private  
2 and Special Laws of eighteen hundred and ninety-five and  
3 all acts amendatory of and additional thereto, with the  
4 exceptions hereinafter specifically made, are hereby re-  
5 pealed.

Sect. 3. The administration of all fiscal, prudential and  
2 municipal affairs of said city with the government thereof  
3 shall be vested in a board to be denominated the city coun-  
4 cil, consisting of a mayor and two aldermen, who shall each  
5 give a surety company bond in the sum of five thousand  
6 dollars for the benefit of the inhabitants of South Portland,  
7 the premium to be paid from the treasury of South Port-  
8 land, said bond shall be recorded by the city clerk and  
9 deposited with the treasurer, and be sworn or affirmed for  
10 the faithful performance of their official duties; the salary  
11 of the mayor shall be fifteen hundred dollars, and that of

12 each alderman be twelve hundred dollars, per year.

Sect. 4. The mayor and aldermen shall be the municipal  
2 officers of said city.

Sect. 5. The mayor and aldermen shall each hold office  
2 for a term of three years, except that the alderman of public  
3 welfare and safety first elected under this act shall serve  
4 for two years only, and that the alderman of public works  
5 first elected under this act shall serve for one year only,  
6 so that at each election thereafter one member of the city  
7 council shall be regularly elected for a full term of three  
8 years.

Sect. 6. The annual municipal election shall be held on  
2 the first Monday of March. Every special municipal elec-  
3 tion shall be held on Monday.

Sect. 7. The fiscal year shall begin on the first day in  
2 January of each year.

Sect. 8. The time and purpose of all special municipal  
2 election shall be designated by the mayor, or, in case of his  
3 absence or inability to act, by the alderman whose term  
4 shall then first expire, by proclamation to be published for  
5 three consecutive days, in two newspapers printed in South  
6 Portland, or Portland, the last publication thereof to be  
7 three weeks at least before the time therein designated for  
8 such election. All annual municipal elections shall be held  
9 without call.

Sect. 9. All municipal elections shall be subject to the

2 provisions of law relative to elections so far as the same  
3 shall be applicable thereto.

Sect. 10. Any person, who desires to become a candidate  
2 for an office to be filled at any municipal election, shall be  
3 entitled to have his name printed as a candidate on the offi-  
4 cial ballot to be used thereat, if, at least two weeks before  
5 such election, he shall file in the office of the city clerk a  
6 sworn declaration of his candidacy in a writing of sub-  
7 stantially the following form:

DECLARATION OF CANDIDATE.

I, (name), on oath, declare that I am a candidate for  
10 (name of office) at the election to be held in South Port-  
11 land on Monday, the.....day of.....next; and  
12 further, that I am not a candidate as a nominee or repre-  
13 sentative of, or because of any promised support from,  
14 any political party or organization or any committee or con-  
15 vention thereof.

Signed, .....

17 Dated the.....day of.....

STATE OF MAINE.

19 Cumberland, ss.

Subscribed and sworn to this.....day of.....

Before me,

.....

Justice of the Peace or Notary Public.

And at the same time shall file therewith not less than fifty  
25 individual certificates of the following general form:

I (name), on oath, declare that I am a resident of South  
 27 Portland and qualified to vote at the election to be held on  
 28 Monday, the.....day of.....next; and I hereby  
 29 request that the name of (name of person filing), as a can-  
 30 didate for the office of (mayor or alderman), be printed  
 31 on the official ballot to be used at said election.

I further declare that I have not signed any certificate  
 33 requesting the placing of any other name as a candidate  
 34 for this nomination on the official ballot above described.  
 35 I believe the said (name of candidate) to be of good moral  
 36 character and well qualified to perform the duties of the  
 37 office, and I further declare that I subscribe to this certifi-  
 38 cate in the belief that he is not a candidate as the nominee  
 39 of, or because of any promised support from, any political  
 40 party or organization of any committee or convention  
 41 thereof.

STATE OF MAINE.

43 Cumberland, ss.

Subscribed and sworn to this.....day of.....A. D.....

Before me,

.....

Justice of the Peace or Notary Public.

Sect. 11. The city clerk shall furnish, upon application,  
 2 a reasonable number of blank forms of such declarations  
 3 of candidates and of individual certificates which shall be,  
 4 respectively, of uniform size as determined by the city clerk.

Sect. 12. The city clerk shall preserve all nominations,  
 2 declarations and certificates, filed at his office, for a period  
 3 of three years, during which time they may be examined  
 4 by any voter under such restrictions as the city clerk may  
 5 prescribe, and after which time they may be destroyed.

Sect. 13. Immediately upon the expiration of the time for  
 2 filing nominations, the city clerk shall proceed to prepare  
 3 the official ballots to be used at the election then next to  
 4 take place, and shall cause them to be printed, and such  
 5 official ballots shall be the only ballots to be used at such  
 6 election. The face of the ballots shall be of the following  
 7 form:

#### OFFICIAL BALLOT.

Candidates for (name of office or offices) of South Port-  
 10 land, at an election held on Monday, the.....of.....  
 11 A. D.....

INSTRUCTIONS—To vote for any person, make a cross  
 13 (X) in the square in the appropriate column according to  
 14 your choice, at the right of the name voted for. Vote your  
 15 first choice in the first column; vote your second choice in  
 16 the second column; vote the third column for all the other  
 17 candidates whom you wish to support; vote only one first  
 18 choice, and only one second choice for any one office. Do  
 19 not vote more than one choice for one person, as only one  
 20 choice will count for any one candidate on this ballot.

21 Form of ballot:

OFFICIAL BALLOT.

23 Candidate for (name or office), of South Portland at an  
 24 election held Monday, the.....day of....., A. D.....

	FIRST CHOICE	SECOND CHOICE	OTHER CHOICES

25 Back of ballot.

26 South Portland, Maine, Monday..... A. D.....

OFFICIAL BALLOT.

(Facsimile of Signature)

City Clerk.

Sect. 14. One space shall be left below the printed names  
 2 of the candidates for each office voted for, wherein the  
 3 voter may write the name of any person for whom he may  
 4 wish to vote.

Sect. 15. The name of each person, who has complied  
 2 with the provisions of section 10, hereof, shall be printed  
 3 in the list of candidates on the fact of the ballots, so placed  
 4 as to show for what office he has filed as a candidate, and  
 5 the name of the candidates for each office shall be arranged  
 6 alphabetically, and no other names shall be printed therein.

Sect. 16. At least seven days before the date of holding  
 2 a municipal election, the city clerk shall cause to be pub-



3 lished in two daily newspapers, printed in South Portland  
4 or Portland, a substantial likeness of the official ballot to  
5 be used thereat.

Sect. 17. Before every municipal election, the board of  
2 registration shall be in session as required by law for other  
3 elections.

Sect. 18. No ballot used at any municipal election shall  
2 bear any other writing or printing than as prescribed here-  
3 in, nor shall they bear any distinguishing mark or color, or  
4 any significant device.

Sect. 19. As soon as the polls are closed, the proper  
2 officers shall immediately open the ballot boxes, take there-  
3 from and count the ballots in public view, and enter the  
4 total number thereof on a tally sheet, provided therefor by  
5 the city clerk. They shall also carefully enter the number  
6 of the first choice, second choice, and other choice votes for  
7 each candidate on said tally sheet, and make return thereof  
8 to the city clerk on a blank by him to be provided therefor.

Only one vote shall be counted for any candidate on any  
10 one ballot, all but the highest of two or more choices on  
11 one ballot for one and the same candidate being void.

If two and not more choices for any one office are voted  
13 in the first choice column on any one ballot, they shall both  
14 be counted as second choices, and all other choices voted  
15 on that ballot for that office shall be counted as other  
16 choices.

If three or more choices for any one office are voted in the  
18 first choice column on any one ballot, all choices voted on  
19 that ballot for that office shall be counted as other choices.

If two or more choices for any one office are voted in the  
21 second choice column on any one ballot, they shall be  
22 counted as other choices.

Except as hereinbefore provided, all choices shall be  
24 counted as marked on the ballot.

Upon receipt of all the returns, the city clerk shall imme-  
26 diately determine the successful candidates as hereinafter  
27 provided in this section.

The person receiving a majority, as hereinafter defined in  
29 this section, of first choice votes cast at an election for any  
30 office shall be elected to that office, provided, that if no  
31 candidate shall receive such a majority of the first choice  
32 votes for such office, then a canvass shall be made of the  
33 second choice votes received by each candidate for the  
34 office; said second choice votes shall then be added to the  
35 first choice votes received by each candidate for the office,  
36 and the candidate receiving the largest number of said first  
37 choice and second choice votes combined, if such votes  
38 constitute a majority, shall be elected thereto; and provided  
39 further, that if no candidate shall have such a majority  
40 after adding the first choice and second choice votes, then  
41 a canvass shall be made of the other choice votes received  
42 by each candidate for the office; said other choice votes  
43 shall then be added to the first choice and the second choice

44 votes received by each candidate for the office, and the  
45 candidate having the largest number of first choice, second  
46 choice and other choice votes combined shall be elected to  
47 such office.

A tie between two or more candidates shall be decided in  
49 favor of the one having the largest number of first choice  
50 votes. If all are equal in that respect then the candidate  
51 having the largest number of second choice votes shall be  
52 elected. If this will not decide, then the result shall be  
53 determined by lot under the direction of the city clerk.

Whenever the word "majority" is used in the section it  
55 shall mean more than one-half of the total number of first  
56 choice votes for the office in question cast at such election.

Sect. 20. When a vacancy occurs in the membership of  
2 the city council, if the unexpired term be one year or more,  
3 a special election, to be called forthwith and to be held not  
4 more than thirty nor less than twenty days after the call  
5 therefor shall be held to fill such vacancy: otherwise, the  
6 city council by its remaining members shall appoint some  
7 suitable person to fill such vacancy for the unexpired term.

Sect. 21. When a special municipal election is held on  
2 the day of the regular municipal election, all candidates  
3 to be elected may be voted for on one ballot; but no municipi-  
4 pal election shall ever be held on the day of a general elec-  
5 tion.

Sect. 22. Members of the city council may be recalled  
2 and removed from office by the qualified voters as provided  
3 herein.

Sect. 23. Any qualified voter of the city may make and  
 2 file with the city clerk an affidavit containing the name of  
 3 the officer sought to be removed, and a statement of the  
 4 grounds of removal. The city clerk shall thereupon fur-  
 5 nish such voter with a sufficient number of blank petitions  
 6 for removal, which shall be of the following tenor:

PETITION FOR REMOVAL.

South Portland, .....

9 To the Honorable City Council:

The undersigned, ....., being a qualified voter in  
 11 South Portland, and being informed that it is desired to  
 12 remove ..... from the office of ....., in said  
 13 city, for the following reasons. (Here insert grounds of  
 14 removal as stated in affidavit), hereby declares his belief  
 15 that the said grounds of removal exist and that they are  
 16 sufficient, and he hereby joins in the request that you call  
 17 a special election as provided by law for the election of his  
 18 successor.

Signed, .....

He shall at the same time make record of the affidavit and  
 21 of the fact and number of such blank petitions furnished.  
 22 At the expiration of thirty days he shall examine such of  
 23 said petitions as may have been in the meantime returned  
 24 to him and shall compare the same with the voting lists  
 25 last used. The execution of every such petition by a voter  
 26 must be verified by the affidavit of some person who actu-  
 27 ally saw the signing of the petition; provided, that a gen-

28 eral affidavit in verification of any number of signatures  
29 may be made by one person. If he shall find a number of  
30 such petitions so verified to have been signed by qualified  
31 voters of the city, equal to one-sixth of the total number  
32 of such qualified voters, asking for a special election for  
33 choosing a successor to the same office, he shall forthwith  
34 so notify the city council, who shall immediately order an  
35 election to be held on a Monday fixed by it, not less than  
36 thirty nor more than forty-five days after the date of the  
37 city clerk's notice: provided, that if any other municipal  
38 election is to occur within sixty days after the date of said  
39 notice, the city council may, in its discretion, order the re-  
40 moval election to be held on the same date therewith. If  
41 a vacancy occurs in said office after a removal election has  
42 been ordered, such election shall proceed as otherwise here-  
43 in provided.

Sect. 24. Any officer sought to be removed may be a  
2 candidate to succeed himself, and unless he otherwise re-  
3 quest in writing, the city clerk shall place his name on the  
4 official ballot without nomination. The nomination of other  
5 candidates, the publication of the proclamation for such  
6 removal election, and the conduct of the same, shall be in  
7 accord with the provisions of this act, relating to municipal  
8 elections.

Sect. 25. The incumbent shall continue to hold office until  
2 and unless he be removed therefrom in consequence of such  
3 removal election, but if, at such election, he be re-elected,

4 he shall still be subject to recall, except as provided in the  
5 section following. If he be not re-elected and the person  
6 elected to succeed him fail for ten days to qualify, the  
7 office shall then be deemed vacant.

Sect. 26. No recall petition shall be filed against any offi-  
2 cer within three months after his qualification nor within  
3 six months of the date of expiration of his term, nor in  
4 case of an officer re-elected at a removal election, within  
5 six months after the date of such removal election.

Sect. 27. No person who has been removed from office  
2 by recall, or who has resigned from office pending recall  
3 proceedings, shall be eligible to any city office within two  
4 years thereafter.

Sect. 28. The city council as then newly constituted shall  
2 meet on the second Monday in March of each year and  
3 make choice of subordinate city officials.

Sect. 29. As soon as may be after the organization of  
2 the city council first to be chosen under the provisions of  
3 this act, it shall by vote divide the territory of the city into  
4 three voting precincts, which division shall be made solely  
5 with reference to the convenience of the voters in reaching  
6 the polls, and shall appoint for each precinct a precinct  
7 chairman and a precinct clerk whose terms of office shall  
8 be for one year. Election clerks shall be chosen for each  
9 precinct as is provided by law for wards in cities, and all  
10 provisions of law respecting wardens and ward clerks and  
11 not inconsistent with the provisions of this act, shall apply

12 to precinct chairmen and precinct clerks respectively. The  
13 division of the city into precincts shall not be revised  
14 oftener than once in ten years, and, when once made, the  
15 wards of South Portland shall be forever abolished.

Sect. 30. On the day of its organization, or as soon there-  
2 after as may be, the city council shall elect a city clerk  
3 and a city treasurer who shall also be collector of taxes,  
4 the term of each of which offices shall be two years, except  
5 that the city clerk first to be chosen shall serve by virtue  
6 of such election, but one year; and annually thereafter the  
7 city council shall elect a successor to that one of those offi-  
8 cials whose term shall then expire. They shall also elect  
9 for a term of one year, a city solicitor, a city physician, a  
10 city electrician, and such other subordinate city officials as  
11 are now or may hereafter be required by ordinance to be  
12 elected and determine the compensation to be paid to each,  
13 provided that any official elected by the council may, by  
14 unanimous vote thereof, be removed.

Sect. 31. No member of the city council shall be eligible,  
2 during the term for which he shall be elected, to any office  
3 mentioned or provided for in the preceding section, nor  
4 shall any member of the city council nor any such officer  
5 receive from the city treasury any money for any services  
6 performed or anything furnished, excepting the compensa-  
7 tion determined by or under the provisions of this act, pro-  
8 vided that the expenses actually incurred by any such mem-  
9 ber or officer, in the discharge of his official duty, may be

10 repaid him by the city.

Sect. 32. The city council shall have and possess, and its  
2 members shall severally exercise all legislative, executive  
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, city, council, assessors, overseers  
6 of the poor and commissioner of public works, as had,  
7 possessed and exercised by them, acting severally or col-  
8 lectively in councils, boards, or committees, except as the  
9 same may be inconsistent with the provisions of this act.

Sect. 33. The administration of city affairs shall be and  
2 hereby is divided and classified under three department  
3 heads, as follows:

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

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

Department of public works, of which another alderman  
9 shall be the executive head.

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

To the department of finance and accounts: valuation,  
13 assessment (except as provided in section 35), collection,  
14 accounting, auditing, treasury, sinking fund, loans and  
15 funding, claims, printing and such other matters as may  
16 from time to time be assigned thereto by the city council.

To the department of public welfare and safety: fire,



18 police, poor, licenses and permits, elections, parks, public  
19 buildings, health, inspection of buildings and such other  
20 matters as may from time to time be assigned thereto by  
21 the city council.

To the department of public works: streets, sidewalks,  
23 sewers, lighting, bridges, electrical affairs, public service  
24 corporations, engineering, harbor and such other matters  
25 as may from time to time be assigned thereto by the city  
26 council.

The mayor and aldermen shall be and are hereby consti-  
28 tuted assessors and overseers of the poor. The mayor shall  
29 be the first assessor and the alderman of public welfare and  
30 safety shall be chairman of the board of overseers of the  
31 poor.

Sect. 34. All present existing officers, 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 officeholders whose offices are so inconsistent  
5 shall terminate on the second Monday in March next after  
6 the first municipal election to be held under the provisions  
7 of this act.

Sect. 35. The city council shall determine the policies to  
2 be pursued and the work to be undertaken in each depart-  
3 ment, but each member shall have full power to carry out  
4 the policies, or to have the work performed in his depart-  
5 ment as directed by the city council.

Sect. 36. Each member of the city council shall have

2 authority to appoint superintendents of such of the sub-  
3 departments belonging to his department, whose compen-  
4 sation shall be determined by the city council, as he may  
5 deem necessary, and may remove them at any time. Em-  
6 ployees in the several sub-departments shall be appointed  
7 and removed at pleasure by their respective superintendents.

Sect. 37. The city council may enact such ordinances not  
2 contrary to law as it may deem necessary, but before being  
3 enacted they must be given a reading at two regular meet-  
4 ings in their final form, and upon enactment must be ap-  
5 proved by the mayor and be published for three successive  
6 days in two newspapers printed in South Portland or Port-  
7 land. Until the enactment of such ordinances, the existing  
8 ordinances, so far as the same are consistent with the pro-  
9 visions of this act, shall be and remain in force.

Sect. 38. All notes and bonds which the city may be  
2 authorized to issue shall be signed by the city treasurer and  
3 countersigned by the mayor. All other instruments re-  
4 quiring execution on behalf of the city shall be signed by  
5 the mayor and one alderman, except that the city council  
6 may, by vote, delegate such authority to any city official.

Sect. 39. The city council shall hold regular meetings  
2 weekly and shall determine by ordinance the time when  
3 they shall be held. Special meetings may be held whenever  
4 required, and, except as otherwise herein provided, any  
5 business may be lawfully transacted at any meeting at  
6 which all the members are present.

Sect. 40. Any order, resolution or vote involving the  
2 appropriation or expenditure of money to an amount which  
3 may exceed three hundred dollars, the laying of an assess-  
4 ment, the alienation of any public property to the value of  
5 \$300, or the granting of any right in, over or under any  
6 street or other public ground of the city shall be read in its  
7 final form at two regular meetings before it may have final  
8 passage.

Sect. 41. A general appropriation bill shall be passed  
2 before the 1st day of May, annually. No sum appropriated  
3 for a specific purpose shall be expended for any other pur-  
4 pose, provided that in the month of December of each year  
5 it may be lawful for the city council, by unanimous vote,  
6 to transfer unexpended balances or portions thereof to over-  
7 drawn appropriations. No money shall be paid out of the  
8 city treasury except on orders signed by the mayor and  
9 designating the appropriation from which such orders are  
10 to be paid.

Sect. 42. All warrants directed to the collector of taxes  
2 shall run to him and his successors in office. He shall col-  
3 let all uncollected taxes and assessments in whatever year  
4 laid or assessed, and at the expiration of his term of office  
5 his power as collector shall wholly cease. All sales, dis-  
6 tresses and all other official acts commenced by him may  
7 lawfully be continued and completed by his successor in  
8 office, and unreturned warrants may be returned to him.  
9 Before entering upon the duties of his office as treasurer

10 and collector he shall file with the city clerk a bond, with  
11 sureties, to be approved by the city council in such penal  
12 sum as the city council shall require, conditioned for the  
13 faithful performance of his duties.

Sect. 43. The superintending school committee, to consist  
2 of three members one of whom is to be elected annually  
3 in the same manner as is provided for the election of a  
4 member of the council, shall perform all the duties, have  
5 all the powers and be subject to all the liabilities of super-  
6 intending school committees of towns as now is or here-  
7 after may be prescribed by law; provided that at the first  
8 election to be held under this act, one member of the school  
9 committee shall be elected for one year, one member shall  
10 be elected for two years, and one member shall be elected  
11 for three years.

Sect. 44. All officers of the police department shall be  
2 nominated by the alderman of public welfare and safety  
3 and may be appointed by him unless objected to by both  
4 the other members of the city council. Their compensation  
5 and the nature and extent of their service, shall be deter-  
6 mined by the city council.

Sect. 45. The city council, acting as municipal officers,  
2 shall have authority to lay out, alter or discontinue any  
3 street or way, first giving notice of the time and place of  
4 their proceedings to all parties interested, by an advertise-  
5 ment published once a week for three successive weeks in  
6 some newspaper printed in South Portland or Portland.

7 They shall then hear all parties interested and thereupon  
8 determine and adjudge whether public convenience requires  
9 such street or way to be laid out, altered or discontinued,  
10 and shall make a written return of their proceedings, signed  
11 by a majority of them, containing a description and the  
12 bounds of the way, if laid out or altered, and the names of  
13 the owners of the land taken, when known, and the dam-  
14 ages allowed therefor. The returns shall be filed with the  
15 city clerk, and when it shall have remained on file for at  
16 least seven days it shall be presented to the city council,  
17 without alteration, for confirmation. When a way is dis-  
18 continued the council shall estimate and incorporate into  
19 their return a statement of the damages sustained by the  
20 owners of the land adjoining that portion thereof which  
21 is discontinued. Any party aggrieved by the decision in  
22 laying out, altering or discontinuing a street or way, or in  
23 estimating damages, may appeal therefrom as is provided  
24 by law in the case of town ways.

    If a street or way is discontinued before the damages are  
26 paid or recovered for the land taken, the land owners shall  
27 not be entitled to recover such damages, but the city council  
28 in their return discontinuing the same shall estimate and  
29 include all the damages sustained by the land owner, in-  
30 cluding those sustained by the original laying out of the  
31 streets, and in such case, if any appeal has been regularly  
32 taken, the appellant shall recover costs. The city shall not  
33 be required to open any street or way thus hereafter laid

34 out until, in the opinion of the city council, the public good  
35 requires it, nor shall the city interfere with the land so  
36 taken by removing materials, or otherwise, until they decide  
37 to open the street or way; nor shall they, until they so de-  
38 cide, be required to make payment of damages for land  
39 taken.

Sect. 46. The city clerk shall keep in separate books the  
2 records of the doings of the city council as such and as  
3 municipal officers, and shall, in addition, keep such other  
4 records as they may require. He shall truly record the  
5 vote of every member of the city council voting upon all  
6 questions on which a vote is taken as for or against the  
7 proposition voted upon.

Sect. 47. The city council shall annually determine, by  
2 vote, the papers in which matters required by this act to  
3 be published shall be published, which, if may be, shall be  
4 one representing each of two principal political parties,  
5 and all official municipal advertisements shall be published  
6 in one or the other, or both, of the papers so determined  
7 as may be required by this act, or as may be determined by  
8 the city council.

Sect. 48. Section twenty-three, of chapter two hundred  
2 forty-two, of the Private and Special Laws of eighteen  
3 hundred and ninety-five, as subsequently amended, is here-  
4 by incorporated into, and made a part of this act.

Sect. 49. Section twenty-six, of chapter two hundred and  
2 forty-two, of the Private and Special Laws of eighteen

3 hundred and ninety-five, is hereby incorporated into, and  
4 made a part of this act.

1 Sect. 50. Chapter three hundred and thirty-four, of the  
2 Private and Special Laws of nineteen hundred and seven,  
3 as amended, is hereby incorporated into, and made a part  
4 of this act.

1 Sect. 51. Any office provided for by this act shall become  
2 vacant, if the incumbent thereof ceases to be a resident of  
3 South Portland.

1 Sect. 52. This charter may be amended by the qualified  
2 voters of South Portland, as follows:

1 Upon request in writing of any such voter, stating the sub-  
4 stance and purpose of the amendment desired, the city  
5 solicitor shall frame such amendment in suitable language  
6 for enactment, and return the same to the person making  
7 such request. Whenever the city clerk shall find that there  
8 have been filed in the office, petitions, signed by the qualified  
9 voters of the city, equal in number to ten per cent of the  
10 whole number of registered voters, asking for the submis-  
11 sion of such amendment to the voters (the sufficiency and  
12 genuineness of said petitions to be determined by him, as  
13 provided in the case of petitions for removal from office),  
14 he shall so certify to the city council in writing. The city  
15 council shall thereupon cause the full text of the proposed  
16 amendment to be published for three successive days in  
17 two newspapers printed in South Portland or Portland, and  
18 upon the official ballot to be used at the next succeeding

19 municipal election, occurring more than two weeks after  
20 the last publication, the city clerk shall cause to be placed  
21 a question of the following substantial tenor: "Shall the  
22 charter of South Portland be amended as shown to have  
23 been petitioned for by ten per cent of the voters by certifi-  
24 cate of the city clerk presented to the city council on the  
25 .....day of.....last?" And immediately be-  
26 neath said question he shall cause to be placed two squares  
27 marked "Yes" and "No," respectively, in which the voters  
28 may indicate their desire. The city clerk shall furnish  
29 blanks upon which the proper election officers shall make  
30 return of the vote upon such question, which return shall  
31 be canvassed, and the result declared by the city council  
32 within two weeks thereafter, and if two-thirds of those  
33 voting on the amendment vote to adopt, the amendment  
34 shall take effect upon the result so declared.

Sect. 53. If a petition, signed by fifteen per cent of the  
2 voters, requesting the council to pass an ordinance therein  
3 set forth or referred to, shall be filed in the office of the  
4 city clerk, the council shall, provided that said ordinance  
5 be one which the council shall, after this act shall take  
6 effect, have a legal right to pass, the council shall pass the  
7 ordinance therein set forth or referred to, without altera-  
8 tion, within twenty days after such attachment of certificate  
9 of sufficiency, or submit the same to the qualified voters  
10 of the city at the next annual election.

The votes upon such ordinance at an annual city election



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

Any number of ordinances requested by petition as afore-  
24 said may be voted upon at the same election, in accord-  
25 ance with the provisions of this section.

The municipal council may submit a proposition for the  
27 repeal of any such ordinance, or for amendments thereof,  
28 to be voted upon at any succeeding annual city election;  
29 and should such proposition so submitted receive a majority  
30 of the votes cast thereon at such election, the ordinance  
31 shall thereby be repealed or amended accordingly. The  
32 votes upon such repeal or amendment at an annual city  
33 election shall be taken by ballot in answer to the question,  
34 "Shall the ordinance (stating the nature of the same) be  
35 repealed, or amended (stating the nature of the amend-  
36 ment)," which shall be printed on the ballots after the  
37 list of candidates. Whenever any such ordinance or propo-  
38 sition is required by this act to be submitted at any elec-

39 tion as aforesaid, the city clerk shall cause the same to be  
40 published once in two daily newspapers published in South  
41 Portland or Portland, such publication to be not more than  
42 twenty nor less than five days before the submission of the  
43 ordinance or proposition to be voted on.

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

Any ordinance, passed under the provisions of this section  
54 by the municipal council upon petition, or by the voters,  
55 may prescribe such penalty for its violation as the municipal  
56 council, after this act takes effect, shall have a right to  
57 affix to a like ordinance for a breach thereof.

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

#### REFERENDUM.

Sect. 54. If, during the ten days next following the pas-  
2 sage of an ordinance by the municipal council, a petition,  
3 signed by a number of the voters of said city, qualified to

4 vote at city elections equal to at least ten per cent of the  
5 aggregate number of votes cast for candidates for mayor  
6 at the last preceding annual city election at which a mayor  
7 was elected, and protesting against the passage of such act  
8 or ordinance, shall be filed in the office of the city clerk,  
9 such act or ordinance shall be suspended from going into  
10 operation, and it shall be the duty of the municipal council  
11 to reconsider the same, and if it is not entirely repealed,  
12 the municipal council shall submit it, as is provided in sec-  
13 tion twenty-three, to the qualified voters of the city, and  
14 the said ordinance shall not go into effect or become opera-  
15 tive unless a majority of the voters, qualified as aforesaid,  
16 voting on the same shall vote in favor thereof. The votes  
17 upon such ordinance at an annual city election shall be  
18 taken by ballot in answer to the question, "Shall the act  
19 or ordinance (stating the nature of the same) take effect?"  
20 which shall be printed on the ballots after the list of can-  
21 didates.

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

Sect. 55. It shall not be necessary for the validity of any  
2 petition or statement provided for or required by the pro-  
3 visions of this act that any signer thereof add to his signa-  
4 ture any residence other than the name of the street, and  
5 street number, if there be any, at which he resides at the  
6 time of signing.

Sect. 56. This act shall become effective only after its  
2 acceptance by a majority of those voting at a special elec-  
3 tion to be held for that purpose when called by the mayor  
4 and aldermen and the mayor and aldermen shall issue such  
5 call whenever a petition therefor shall be presented to them  
6 signed by at least fifteen per cent of the total number of  
7 voters in said city. No such special election shall be called  
8 to be held between the first day of January and the fifteenth  
9 day of March in any year, and if so accepted the first elec-  
10 tion to be held under its provisions shall be held on the first  
11 Monday in March next following such acceptance; in case  
12 of its rejection subsequent special election may be called  
13 and held as provided in this section at intervals of not less  
14 than one year.