

MAINE STATE LEGISLATURE

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SEVENTY-SIXTH LEGISLATURE

SENATE

NO. 284

In Senate, Feb. 7, 1913.

Came from the House referred to the Committee on Legal Affairs, and on motion by Senator Maxwell of Sagadahoc laid on the table for printing pending reference in concurrence.

W. E. LAWRY, Secretary.

STATE OF MAINE

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

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

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

Section 1. The inhabitants of the city of Bath shall continue to be a body politic and corporate, by the name and style of the city of Bath, and as such they and their successors by that name shall have, exercise and enjoy all the rights, immunities, powers, privileges and franchises that are now possessed and enjoyed by the said city, and that are not inconsistent with this act, or are herein granted and conferred, or that may hereafter be granted or conferred; and shall be subject to all the duties and obligations now

10 pertaining to or incumbent on said city as a corporation, that
11 are not inconsistent with this act, and may ordain and estab-
12 lish, in the manner prescribed by law for other cities in the
13 state, such acts, laws, regulations and ordinances, not in-
14 consistent with the constitution and laws of this state, as
15 shall be needful for the government, interest, welfare and
16 good order of the said body politic; and under the same
17 name shall be known in law, and be capable of contracting
18 and being contracted with, suing and being sued, implead-
19 ing and being impleaded, answering and being answered
20 unto, in all courts and places and in all matters whatsoever;
21 may take, hold, purchase, lease, grant and convey such real
22 estate and personal or mixed property or estate as the pur-
23 poses of the corporation may require, within or without the
24 territorial limits thereof, and may have and use a corporate
25 seal, and renew the same when necessary.

Sect. 2 (a) The act entitled An Act to Incorporate the City
2 of Bath, approved June fourth, eighteen hundred and forty-
3 seven, and all acts additional to or amendatory of said act, ex-
4 cepting such of said acts, or portions thereof, as may herein
5 be specifically excepted from repeal, are hereby repealed.

(b) The following sections of the act entitled An Act to
7 Incorporate the City of Bath, approved as aforesaid, to-
8 gether with the following acts or parts of acts additional
9 to or amendatory thereof, shall be and are hereby specifi-
10 cally excepted from repeal, and shall be and are hereby
11 made and constituted, and shall be taken and accepted, as
12 integral parts of this act.

(1) Of the Act entitled An Act to Incorporate the City
14 of Bath, approved June 4, 1847 :

“Sect. 7. The city council shall have exclusive authority and
16 power to lay out any new street or public way in said city,
17 and to estimate the damages any individual may sustain
18 thereby, and shall in other respects be governed by and sub-
19 ject to the same rules and restrictions as are provided in the
20 laws of this state regulating the laying out and repairing
21 streets and public highways. And any person aggrieved by
22 the decision or judgment of said city council, may, so far as
23 relates to damages, have them assessed by a committee or
24 jury as now by law provided ; and the county commissioners
25 for Sagadahoc county shall have power to lay out within said
26 city, any part of any new county road by them laid out in any
27 adjoining town or towns, which shall pass thence into or
28 through said city, according to the provisions of law ; and
29 any highway, town way or bridge which has been or here-
30 after may 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.

“Section 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 for
37 making or repairing any street, sidewalk, crosswalk, bridge,
38 water course or drain, or for erecting, repairing or finish-
39 ing any building or fences ; provided that not more than

40 one-third of the width of the street shall be so occupied.
41 And such materials, so placed by virtue of any license ob-
42 tained as aforesaid, shall not be considered an incumbrance
43 or nuisance in such street; and the city or person or cor-
44 poration, so placing the same shall not be liable for any dam-
45 ages occasioned by such materials.”

(2) Of the act entitled An Act to Authorize the City of
47 Bath to appoint a Harbor Master for the Port of Bath, and
48 Establish Regulations for the Anchoring of Vessels in said
49 Port, approved February 6, 1877.

“Section 1. The city council of the city of Bath are hereby
51 authorized to make such by-laws or ordinances as they may
52 deem expedient, for the location and regulation of vessels
53 in the port of Bath, and to impose penalties for breach of
54 same, not exceeding ten dollars for one offence; provided
55 said laws and ordinances shall not be repugnant to the gen-
56 eral laws of the state.

“Sect. 2. The municipal authorities of the city of Bath
58 may appoint a harbor master for the port of Bath, who shall
59 continue in office until a successor is qualified, and whose
60 duty it shall be to enforce the observance of the by-laws or
61 ordinances aforesaid, and to exercise such powers as may
62 be conferred upon him by the ordinances of the city.”

(3) Of the act entitled An Act additional to “An Act to
64 incorporate the City of Bath, approved February 21, 1878”:

“Section 1. The mayor and aldermen of the city of Bath

66 may license such persons as they deem suitable to be keepers
67 of shops for the purchase, sale or barter of junk, old metals,
68 bones, rags, or of any second-hand articles, and to be dealers
69 therein.

“Sect. 2. The licenses to such persons shall designate the
71 place where the business is to be carried on, and the persons
72 licensed shall be subject to such conditions, restrictions and
73 regulations as may be prescribed by the mayor and alder-
74 men of said city, and the license shall continue in force for
75 one year unless sooner revoked.

“Sect. 3. No person, unless licensed as aforesaid, shall
77 keep any shop or place for the purchase, sale or barter of
78 the articles aforesaid, or for the storage thereof, or to be
79 a dealer therein; nor shall any person so licensed keep such
80 shop or be a dealer in said articles in any other place or
81 manner than is as designated in his license, or after notice
82 to him that said license has been revoked, under the penalty
83 of twenty dollars for each offence, to be recovered by com-
84 plaint in the municipal court of said city, or by indict-
85 ment.”

(3) Of the act entitled An Act for the Establishment and
87 Maintenance of a Public Library in the City of Bath, ap-
88 proved February 25, 1887:

“Section 1. The city of Bath, by a majority vote of both
90 branches of the city council, may annually appropriate a
91 sum not exceeding fifty cents for each of its ratable polls
92 in the preceding year, for the maintenance and increase of

93 a public library, however founded and established, that has
94 been dedicated to the free use of its citizens.

“Sect. 2. The city of Bath is authorized to combine with
96 any individual or association, or body corporate for the pur-
97 pose of establishing, maintaining and increasing a free pub-
98 lic library within its limits, on such terms and conditions as
99 may be agreed upon by the vote of its council and written
100 assent of its mayor.

“Sect. 3. Said city is authorized to accept and hold, and
102 the Patten Library Association to transfer all the books
103 and property of the latter, to be held in perpetual trust for
104 the public use, on such terms and conditions as may be
105 mutually agreed by said association and the city council,
106 as to its control and management.”

(4) Of the act entitled An Act authorizing the city of
108 Bath to elect directors to represent stock owned by said
109 city, approved April 18, 1854.

“Section 1. The city council of the city of Bath is hereby
111 authorized and empowered, annually to elect such number
112 of directors as may be deemed necessary by said city coun-
113 cil, to represent any stock legally owned by said city of
114 Bath, in any bridge, ferry or other company.”

(5) Of the act entitled An Act to amend the charter of
116 the city of Bath, approved March 7, 1883:

“The city council of the city of Bath shall have exclusive
118 authority to lay out, alter, widen, or discontinue any and
119 all streets or public ways in said city, and as far as extreme

120 low water mark, without petition therefor, all proceedings
121 under this act to be in conformity to the provisions of
122 chapter twenty-six of the public laws of the year eighteen
123 hundred and seventy-two.”

(6) Of the act entitled An Act additional to “An Act to
125 incorporate the city of Bath,” approved February 2, 1877:

“The mayor and aldermen of the city of Bath, and their
127 successors, shall, at all times, forever, be authorized and
128 empowered to take, receive and hold all sums of money or
129 amounts of personal property, and all grants or devises of
130 lands or tenements, heretofore given or granted to them
131 by deed or will, or otherwise, or that may hereafter be so
132 given or granted to them, in trust, for indigent, imbecile
133 or aged persons, inhabitants of said city, or for any other
134 charitable object within said city; with power to invest and
135 manage the same according to the will or direction of the
136 donors; and with powers to institute and maintain or de-
137 fend all suits in law or in equity, relating to such rights of
138 property.”

(6) Of the act entitled An Act authorizing the city of
140 Bath to elect weighers of coal, and surveyors of granite,
141 approved February 29, 1860:

“Sect. 2. The city council of the city of Bath is hereby
143 authorized and empowered to elect annually one or more
144 suitable persons, as in their judgment they may deem nec-
145 essary, whose duty it shall be to act as surveyors of granite,
146 stone, and stone work of every description.”

Sect. 3. (a) 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.

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

To the Department of Accounts and Finances: Collection,
13 purchasing, accounting, auditing, treasury, sinking fund,
14 claims, schools, public library, city clerk, printing, and such
15 other matters as may from time to time be assigned to it by
16 the city council.

To the Department of Public Safety and Charities: Fire
18 protection, police protection, poor (including the city alms
19 house and farm), soldiers' relief, and state aid, licenses,
20 elections, legal affairs, parks, cemeteries, public buildings
21 (including school buildings), health, inspection of buildings,
22 milk, animals, weights and measures, and such other matters
23 as may from time to time be assigned to it by the city
24 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. 4. The city council shall consist of a mayor and two
2 aldermen, elected as hereinafter provided.

Sect. 5. The annual election of the city of Bath shall be
2 held on the first Monday in December. Every special elec-
3 tion relating to municipal affairs shall be held on Monday.

Sect. 6. The municipal year shall begin at ten o'clock in
2 the forenoon on the first Monday of January, and shall con-
3 tinue until ten o'clock in the forenoon on the first Monday
4 of January next following.

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

(b) At the second annual city election held after the ac-
10 ceptance and under the provisions of this act, there shall be
11 elected one alderman for the term of three municipal years
12 next following his election, who shall be the executive head
13 of the department of streets and highways for the term for
14 which he is elected.

(c) At the third annual city election held after the accept-
16 ance and under the provisions of this act, there shall be

17 elected one alderman for the term of the three municipal
18 years next following his election, who shall be the executive
19 head of the department of public safety and charities for
20 the term for which he is elected ; and annually, thereafter, at
21 the annual city election, the mayor or one alderman, to suc-
22 ceed the mayor or alderman who is serving the last year of
23 his term, for the term of the three municipal years next fol-
24 lowing his election.

(d) Except as aforesaid, and except as to filling vacan-
26 cies under the provisions of section eighteen of this act, no
27 city officers shall be elected at any city election.

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

(f) Members of the city council elected under the pro-
32 visions of this section shall serve for the terms for which
33 they were severally elected, or until their successors are duly
34 elected and qualified.

Sect. 8. There shall not be printed on the official ballots
2 to be used at any election the name of any person as a can-
3 didate for the office of mayor or alderman unless such per-
4 son shall have filed within the time limit fixed by section
5 nine of this act, the statement of his candidacy, and the peti-
6 tion, required by the provisions of that section.

Sect. 9. Any person who is qualified to vote for a candi-
2 date for mayor or alderman, and who is a candidate for
3 such office, may have his name, as such candidate printed on

4 the official ballots to be used at the election for such officers
 5 provided that he shall, at least ten days, Sundays and legal
 6 holidays excepted, before such election file with the city
 7 clerk a statement in writing of his candidacy, in the follow-
 8 ing form:

STATEMENT OF CANDIDATE.

I, () on oath declare that I live (at num-
 11 ber , if any) on (name of street) in the city of Bath;
 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 election for choosing such officer on the first
 15 Monday of December, 19 ; that I am a candidate for said
 16 office, and that I am not a candidate as a nominee or repre-
 17 sentative of, or because of any promised support from, any
 18 political party, or any committee, caucus or convention rep-
 19 resenting or acting for any political party of organization.

21 State of Maine.

22 Sagadahoc, ss.

Subscribed and sworn to, by the said _____
 24 on this _____ day of _____, 19 ,
 25 before me.

(Signed) _____

Justice of the Peace
 (or Notary Public)

29 and shall at the same time file therewith a petition which
 30 shall contain the names and individual signatures of not less

31 than one hundred legal and registered voters of the city of
32 Bath, qualified to vote at such election, in the following
33 form:

PETITION OF VOTERS.

We, the undersigned, severally declare that we live in the
36 city of Bath, at the street and number written opposite our
37 respective names; that we are voters in said city of Bath,
38 legally qualified to vote for a candidate for (mayor or alder-
39 man) for (state the term) to be voted for at the municipal
40 election to be held in the city of Bath, on Monday, the
41 day of _____ 19__ ; and we do hereby join in a petition
42 that the name of (name of candidate) as a candidate for
43 election to the office of (mayor, or alderman of public safety
44 and charities, or alderman of streets and highways) be
45 printed on the official ballots to be used at said election.

We further, severally, declare, that we have not signed a
47 similar petition for any other candidate for the above men-
48 tioned office for said election; we further, severally, believe
49 that the said (name of candidate) is of good moral character,
50 and that he is well qualified to perform the duties of said
51 office; and we severally certify also that we severally join
52 in this petition in the belief that he has not become a can-
53 didate as the nominee or representative of, or because of any
54 promised support from, any political party or any commit-
55 tee, caucus or convention representing or acting for any
56 political party or organization.

(Names of Petitioners)

One of the signers to each such separate paper shall swear
 59 to the truth thereof, and the certificate of such oath, in the
 60 form following, shall be annexed to, or made upon, each of
 61 said nomination papers.

(Form of Oath)

63 State of Maine.

64 Sagadahoc, ss.

On this day of 19 , personally
 66 appeared , one of the signers of this
 67 petition and made oath that he believes the several signatures
 68 thereto to be the genuine signatures of the several persons
 69 signing the same, and that the statements of the voter's qual-
 70 ifications and residence therein made, are true, before me,

 Justice of the Peace (or Notary Public)

Each candidate may file with the city clerk as many peti-
 74 tions of the foregoing tenor as he chooses, but no single
 75 petition shall contain the names of less than fifteen legally
 76 qualified voters of said city.

Each voter signing one of the petitions aforesaid shall make
 78 his signature, and add to it his place of residence, in person,
 79 and each voter may subscribe to one petition for each office
 80 to be filled, and no more.

Before filing said petition the city clerk shall examine the
 82 same and certify thereon what number of the signatures are
 83 names of qualified voters in said city. The certificates of
 84 candidates, and the petitions aforesaid, being filed, and be-

85 ing in apparent conformity with the provisions hereof, shall
86 be deemed to be valid; and if not in apparent conformity,
87 they may be amended under oath, within the ten days limit
88 hereinbefore fixed.

Sect. 10. The provisions of law in relation to nominations
2 by caucus shall not be applicable to any election under this
3 act.

Sect. 11. No ballot used at any annual or special election
2 under this act shall have printed thereon any party or politi-
3 cal designation or mark, and there shall not be appended to
4 the name of any candidate any such party or political desig-
5 nation or mark, or anything showing how he was nominated,
6 or indicating his views or opinions, nor shall any mark, char-
7 acter or device whatsoever be printed on said ballots except
8 as provided in sections twelve and twenty of this act.

Sect. 12. The name of each person who has filed a state-
2 ment and accompanying petition, as aforesaid, and his resi-
3 dence and the title and term of office for which he is a can-
4 didate, shall be printed on the face of the ballots, and the
5 name of no other person shall be printed thereon. The
6 names of candidates shall be printed in lists arranged in
7 alphabetical order in a single column with the titles of the
8 respective offices. Blank spaces shall be left at the end of
9 each list of candidates for election to the different offices,
10 equal to the number to be elected thereto, in which the voter
11 may insert the name of any person not printed on the ballot
12 for whom he desires to vote for election to such office.

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

Sect. 13. On the ninth and two succeeding days, not be-
2 ing Sundays or legal holidays, preceding the day fixed for
3 the annual or special city election, the city clerk shall cause
4 to be published in a daily newspaper published in the city,
5 if there be any, otherwise in any other newspaper printed
6 therein, a call for such election and shall append thereto the
7 names and residences of the candidates nominated as here-
8 inbefore provided, and the offices and terms for which they
9 are candidates, as they are to appear on the official ballots
10 to be used at such election. He shall also at the same time

11 cause the chief of police, or some constable of said city, to
12 post a copy of said call for election and list of candidates,
13 printed in like form, at all the polling places in the city, and
14 make return of his doings.

Sect. 14. Before every annual or special city election the
2 city council shall cause to be made a registration of voters
3 eligible to vote at such election. Such registration shall be
4 made in accordance with the provisions of the state law gov-
5 erning registration and it shall include all those who, between
6 the time when the registration books for such registration
7 shall be closed and the date of the city election for which
8 such registration is made, will become eligible for regis-
9 tration.

Sect. 15. The election officers shall immediately, upon the
2 closing of the polls, count the ballots and ascertain the num-
3 ber of votes cast in the voting places where they officiate,
4 for each person for election to each office, and shall make
5 return thereof to the city clerk upon blanks to be furnished
6 by him, as in other elections.

The city council shall, as soon as conveniently may be, ex-
8 amine the records and returns of the clerks of the several
9 voting precincts, and shall cause the person or persons who
10 shall have been elected, to be notified, in writing, of his or
11 their election within twenty-four hours.

Sect. 16. The person receiving the greatest number of
2 votes for any office at an annual or special city election shall
3 be elected to said office, and shall be so declared, but except

4 as otherwise provided in this act, the laws of the state gov-
5 erning annual city elections, special elections of city officers
6 and special elections in cities shall, so far as they are appli-
7 cable, govern such elections in the city of Bath.

Sect. 17. 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 drawn
4 by the city clerk in the presence of both aldermen, to per-
5 form them, and if he also be absent or unable from any
6 cause to perform such 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 styled "acting mayor," and except
11 as otherwise provided in this act, shall possess and exercise
12 the powers of mayor, but only in matters not admitting of
13 delay.

Sect. 18. If there be a vacancy by failure to elect or other-
2 wise, in the city council, whether as to the mayor or one or
3 more aldermen, the council shall, within seven days, by its
4 remaining members appoint a special city election to fill the
5 vacancy or vacancies for the unexpired term or terms re-
6 spectively, except that if such vacancy or vacancies occur
7 less than six months before the annual city election, the city
8 council shall, by its remaining members, fill such vacancy
9 or vacancies for the remainder of said six months; and at
10 the next regular city election the duly qualified voters of

11 said city shall elect a member of said city council to serve
12 for the remainder of the term of the member originally
13 chosen. A person appointed or elected to fill such vacancy
14 shall before entering upon the duties of his office, take oath
15 before a notary public or justice of the peace, which oath
16 shall be duly signed by said officer and said notary and jus-
17 tice, and filed in the office of the city clerk, to perform faith-
18 fully the duties of said office.

Sect. 19. If a petition signed by a number of the voters
2 of said city qualified to vote at city elections, equal to at
3 least twenty-five per cent. of the aggregate number of votes
4 cast for candidates for mayor or aldermen at the last pre-
5 ceding annual election for such officers, but not less in num-
6 ber than two hundred and fifty of such voters, and request-
7 ing the city council to pass an ordinance or to take other
8 action therein specifically set forth, shall be filed in the
9 office of the city clerk, the city council shall, provided that
10 the ordinance be one, or the other action be such, as the
11 city council shall, after this act takes effect, have a legal
12 right to enact or to take, (a) pass the said ordinance, or
13 take the said action, without alteration, within twenty days
14 after the clerk has attached his certificate of the sufficiency,
15 as provided in section nine, to such petition; or (b) forth-
16 with, within the twenty days aforesaid appoint a special
17 election, unless an election is fixed for a date within ninety
18 days after the city clerk has attached the aforesaid certifi-
19 cate of sufficiency, and at such regular or special election

20 submit such ordinance or proposed action without altera-
21 tion to the voters of the city qualified as aforesaid.

If, however, a petition otherwise like the one above de-
23 scribed, but signed by a number of such qualified voters
24 equal to at least ten per cent., but less than twenty-five per
25 cent. of the aggregate number of votes cast as aforesaid
26 for candidates for mayor or aldermen, and not less than
27 one hundred such voters, shall be filed as aforesaid, the
28 city council shall (c) pass the ordinance or take the action
29 therein set forth, without alteration, within twenty days
30 after the city clerk shall have attached his aforesaid cer-
31 tificate of insufficiency; or (d) shall suspend action thereon
32 until said petition shall be supplemented by a sufficient num-
33 ber of voters, as hereinafter provided.

If from the city clerk's certificate the petition appears to
35 be signed by an insufficient number of voters, and the city
36 council so determines, it may be supplemented within ten
37 days after the date of such certificate by other petitions of
38 like tenor signed as aforesaid, and all such other petitions
39 which shall be filed with the city clerk within said ten days,
40 shall be deemed supplemental to the original petition.

The city clerk shall within ten days after such supplemen-
42 tation make a like examination of the amended petition
43 and attach thereto a new certificate, and if it appears
44 from such new certificate that the petition still lacks
45 the requisite number of signatures, the city council shall
46 return it to the person or persons who filed it, without

47 prejudice, however, to the filing of a new petition to the
48 same effect.

But if the petition as originally filed, or as supplemented,
50 shall be certified by the city clerk as sufficient, he shall pre-
51 sent it to the city council, who shall thereupon act upon it
52 as provided in sub-divisions (a) or (b) of this section.

Sect. 20. If during the fourteen days next following the
2 day the record of its action on any matter is entered upon
3 the journal of its proceedings by the city clerk, a petition,
4 signed by a number of the voters of said city, qualified to
5 vote at city elections, equal to at least twenty-five per cent.
6 of the aggregate number of votes cast for candidates for
7 mayor and aldermen at the last preceding annual city elec-
8 tion, but not less than two hundred and fifty such votes in
9 number and protesting against the passage of such ordinance,
10 or the taking of any affirmative action on such matter by
11 the city council, shall be filed in the office of the city clerk,
12 such ordinance or action shall be suspended, and it shall be
13 the duty of the city council to reconsider the same or to
14 submit it, as provided in section nineteen, sub-division (b)
15 to the qualified voters of said city, and the said ordinance
16 shall not go into effect or become operative, or the said
17 action be taken by the city council, unless a majority of the
18 voters qualified as aforesaid, voting on the ordinance or
19 action submitted, shall vote in favor thereof. The votes
20 upon such ordinance or action shall be taken by ballot in
21 answer to the question "Shall the ordinance, (or action as

22 the case may be, and stating the nature of the same) take
23 effect?" which shall be printed on the ballots after the list
24 of candidates, if there be any.

Petitions under the provisions of this section may consist
26 of one or more distinct papers. In each of such papers the
27 ordinance or action the passage or taking of which is pro-
28 tested, shall be set forth, and all such papers filed within
29 the fourteen days aforesaid shall be considered parts of the
30 same petition. Such petitions shall be signed, sworn to as
31 to signatures, examined, re-examined, presented to the city
32 council, have the clerk's certificate of sufficiency or insuffi-
33 ciency attached thereto, and may be supplemented in the
34 same manner as petitions filed under sections nine and nine-
35 teen.

Sect. 21. General meetings of the citizens of said city
2 qualified to vote in city elections, may, from time to time,
3 be held, to consult upon the public good; to advise their
4 representatives in the legislature and in the city council;
5 and to take all lawful measures to obtain redress of any
6 grievances according to the rights secured to the people by
7 the constitution and laws of this state; and such meetings
8 may and shall be warned by the mayor and aldermen upon
9 the request of thirty qualified voters of said city, and shall
10 be held under the provisions of the law of the state govern-
11 ing town meetings.

The mayor and aldermen may call such meetings from time
13 to time, to be warned and held as aforesaid, whenever they

14 deem it necessary or advisable, to obtain the advice and guid-
15 ance of the voters of said city upon any matter relating to
16 the affairs of said city.

Sect. 22. The city of Bath shall be governed by a city
2 council, consisting of a mayor and aldermen, chosen as pro-
3 vided in this act, each of whom shall have the right to vote
4 upon all questions coming before the council. Two mem-
5 bers of the council shall constitute a quorum, and the affirm-
6 ative vote of two members shall be necessary to adopt any
7 motion, resolution or ordinance, or pass any measure. Upon
8 any vote requiring the expenditure of money, the election
9 of any subordinate officer, agent or official, or upon the re-
10 quest of any member upon any other matter, the yeas and
11 nays shall be called and recorded; and every motion (except
12 parliamentary motions) shall be reduced to writing, signed,
13 and read, before the vote is taken thereon. The city clerk
14 shall be clerk of the council, and shall keep a journal of its
15 proceedings, which shall be a public record. The mayor or
16 acting mayor shall preside at all meetings of the council,
17 and shall have the right, and in the case of a tie it shall be
18 his duty, to vote on all matters coming before it; he shall
19 have no power to veto any measure, but every resolution
20 and ordinance passed by the council shall be signed by him,
21 attested by the city clerk, and be recorded, before it shall
22 take effect.

Regular meetings of the city council shall be held on the
24 first and third Wednesdays of each month, at such stated

25 hour as the council may determine and establish. Special
26 meetings shall be held at such times as the council, or a
27 majority of them may determine. All regular meetings of
28 the council shall be open to the public, and all special meet-
29 ings likewise, unless the council, for good and sufficient rea-
30 son, shall otherwise determine.

Sect. 23. 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, overseers
6 of the poor, street commissioner, and street and sewer com-
7 mission, and school board, as had, possessed and exercised
8 by them, acting severally or collectively in councils, boards,
9 commissions or committees, except as the same may be
10 modified by or be inconsistent with the provisions of this
11 act.

The mayor and aldermen shall be and are hereby consti-
13 tuted overseers of the poor, and as such shall be subject to
14 all the provisions of the law of the state governing such
15 overseers and shall perform all the duties required by law
16 of said officers. The alderman who is the executive head
17 of the department of public safety and charities shall be
18 chairman of the board of overseers of the poor.

Sect. 24. All present existing offices, councils, boards,
2 commissions and committees, except such as are consistent
3 with the provisions of this act, shall be abolished, and the

4 tenure of office-holders whose offices are not thus consist-
5 ent, shall terminate and expire at ten o'clock in the fore-
6 noon of the first Monday in January of the year following
7 the acceptance of this act.

Sect. 25. 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 whose
5 terms of office then begin shall severally take oath before a
6 notary public or justice of the peace, which oath shall be
7 duly signed by said officer and said notary and justice, and
8 filed in the office of the city clerk, to perform faithfully the
9 duties of their respective offices.

Sect. 26. The city council shall at the said first meeting,
2 and at every annual meeting thereafter, elect by majority
3 vote a city clerk, a treasurer, and a collector of taxes, and
4 such other officers as may be required by the laws of the
5 state, and also elect or appoint such other officers, agents
6 and assistants as shall be made necessary by this act or by
7 the ordinances of said city, or may be necessary to the
8 proper and efficient conduct of the affairs of the city.

As soon as reasonably may be after the council provided
10 for by this act shall have taken office, it shall cause the city
11 ordinances now existing, to be collated, revised and amended
12 by some suitable person, not a member of said council, nor
13 holding office thereunder, and when the same shall have
14 been enacted, as collated, revised and amended, by said city

15 council, and such part thereof, as is necessary, has been
16 approved by a justice of the supreme judicial court of Maine,
17 as provided by law, the same shall constitute the ordinances
18 of said city of Bath.

Any person at any time elected or appointed to any office
20 by the city council may at any time after hearing be removed
21 from such office by vote of a majority of said council.

Vacancies in any office mentioned in this section, from
23 whatever cause they may arise, may be filled in the manner
24 provided for the original election or appointment, and if
25 filled by election of the city council such election may be
26 made at any regular or special meeting thereof.

Sect. 27. The mayor shall have general oversight of all
2 departments of the city government and report to the city
3 council all matters requiring attention in either. All notes,
4 bonds or other evidences of indebtedness which the city is
5 authorized to issue shall be signed by the city treasurer, and
6 countersigned by the mayor and one alderman. All con-
7 tracts and instruments other than notes and bonds, requir-
8 ing the assent of the city shall be signed by the alderman
9 who is the head of the department concerned, and counter-
10 signed by the mayor, except that when such contract or in-
11 struments concern the department of accounts and finances
12 they shall be signed by the mayor and countersigned by one
13 alderman.

Sect. 28. The board of assessors shall consist of the may-
2 or, and two other members to be elected by the city council

3 at the beginning of each municipal year. At the first elec-
4 tion of assessors held after this act shall take effect one
5 assessor shall be chosen for two years and one for one year ;
6 and thereafter one assessor for the term of two years shall
7 be chosen annually. Said board of assessors, so consti-
8 tuted, shall be subject to all the provisions of the law of
9 the state governing assessors, and shall perform all the
10 duties required by law of such officers. In all matters com-
11 ing before said board, the mayor, who shall be the chair-
12 man of the board, shall have two votes, and each other
13 member of said board shall have one vote. In the event
14 of a tie vote the matter under consideration shall be referred
15 to the city council whose action thereon shall be binding
16 upon said assessors.

The city council may appoint assistant assessors whose duty
18 it shall be to furnish the assessors with all necessary infor-
19 mation relative to persons and property taxable in the city,
20 and who shall be sworn to the faithful discharge of their
21 duty. All taxes shall be assessed, appointed, committed and
22 collected in the manner prescribed by the laws of the state,
23 but it shall be lawful for the city council to establish further
24 and additional provisions for the collection thereof.

Sect. 29. The members of the city council shall constitute
2 the superintending school committee, which shall perform
3 all the duties required of such committee by the laws of the
4 state. As such superintending school committee they shall
5 have the custody and care, including construction, mainte-

6 nance, repairs and insurance of school buildings, and the
7 purchasing of books and supplies of all kinds for use in the
8 schools.

They shall annually, in the month of June, elect a super-
10 intendent of schools, who shall not be a member of said
11 superintending school committee. In the event of the death,
12 resignation or inability to act, of the superintendent, the
13 superintending school committee may declare the office of
14 superintendent vacant, and elect his successor.

The superintendent of schools shall have authority to em-
16 ploy and discharge teachers in all the schools of the city
17 subject to the approval of the superintending school com-
18 mittee, and shall be solely responsible for the discipline, good
19 order, choice of text-books, courses of study and methods
20 of education established and maintained therein, including
21 the high school. He shall from time to time, as often as
22 required by the superintending school committee, and at
23 least annually, make report to the superintending school
24 committee regarding the attendance of pupils, courses of
25 study, discipline, and qualifications and efficiency of teach-
26 ers, together with such recommendations as he may see fit
27 to make touching the general efficiency of the school system
28 of the city.

He shall attend all meetings of the city council, when the
30 council is sitting as the superintending school committee,
31 and shall have the right to vote on all matters hereinafter
32 committed to him.

Sect. 30. As soon as possible after the beginning of each
2 municipal year, but not later than the fifteenth day of Feb-
3 ruary, the city council shall estimate, in detail as far as
4 possible, the amount and kinds of material and supplies
5 needed for the various city departments, and the amount
6 and value of such labor and services as can be furnished
7 by contract under competitive bids, and shall thereupon
8 advertise for bids for furnishing the city such material,
9 supplies, labor and services, in such quantity and at such
10 times as the same may be called for by the city council, by
11 publishing such advertisement at least once a week for at
12 least three weeks in the newspapers published in the city or
13 Bath, and in at least two newspapers published outside said
14 city. Sealed bids for furnishing all or any part of such
15 material, supplies, labor and services shall be received by
16 the city council at such time as it may designate not later
17 than the first day of April, at which time or earlier, as the
18 city council may designate, such bids shall be opened. The
19 city council shall have the right to reject any or all such
20 bids. If the council shall accept any such bids, contracts
21 in accordance therewith shall be made with the successful
22 bidders. The council may, if they deem it proper or advis-
23 able, require of the successful bidder reasonable security
24 for his proper performance of the contract.

Payments for material, supplies, labor and services so fur-
26 nished shall be made only upon proper vouchers, endorsed
27 by the executive head of the department for which such

28 material, supplies, labor or services were furnished, and
29 stating that such material, supplies, labor or services have
30 been furnished or performed, that they conform in quality
31 and character to the specifications and bid therefor, and
32 that the price charged is the contract price.

Sect. 31. No order, resolution or vote appropriating money
2 in excess of three hundred dollars, or making, or authorizing
3 the making of any contract involving a liability on the part
4 of the city in excess of three hundred dollars, nor any order,
5 resolution or vote ordering any street or sewer improvement,
6 or granting any franchise, or giving any right to occupy or
7 use the streets, highways, bridges, sidewalks or public places
8 in the city for any purpose for which municipal consent may
9 be necessary, shall be passed by the city council unless it
10 be proposed in writing and remain on file in the office of
11 the city clerk and be published by him at least twice in a
12 daily newspaper, if there be any, and, if not, in any other
13 newspaper published in said city, at least one week before
14 its final passage, except an order, resolution or vote for the
15 immediate preservation of the public peace, health or safety,
16 which contains a statement of its urgency.

Such orders, resolutions or votes as are required to be
18 published under the provisions of this section shall be sub-
19 ject to the provisions of section twenty, save only that peti-
20 tions in protest must be filed within fourteen days next fol-
21 lowing the final passage of any such order, resolution or
22 vote, as hercinbefore provided. And save, further, that

23 any order, resolution, vote or appropriation for the pres-
24 ervation of the public peace, health or safety, containing a
25 statement of its urgency, as hereinbefore provided, shall not
26 be subject to the provisions of section twenty of this act.

Sect. 32. The city council shall cause each month an
2 itemized statement of all receipts and expenditures to be
3 made up by the city auditor or by some competent account-
4 ant, which statement shall also show the balance standing
5 to the credit of each appropriation, and filed in the office of
6 the city clerk as a public record. The council shall publish
7 such monthly statements if it deems it advisable. At the
8 end of the municipal year it shall cause a full and com-
9 plete examination of all books and accounts of the city to
10 be made by the city auditor, or by some competent account-
11 ant, and shall publish the result of such examination, to-
12 gether with the reports of the heads of departments, and
13 cause the same to be distributed among the citizens of said
14 city.

Sect. 33. The salary of the mayor shall be fifteen hun-
2 dred dollars per annum, and the salary of each alderman
3 shall be twelve hundred dollars per annum. The salaries
4 of said officers shall not be changed during the term of office
5 for which said officials were elected, and only upon petition
6 and procedure as provided in section nineteen for the intro-
7 duction and passage of ordinances by vote of the qualified
8 voters of the city, at an annual city election. The city coun-
9 cil shall fix the salaries of all subordinate officers.

Sect. 34. No member of the city council shall during the
2 term for which he was chosen draw any other salary or
3 emolument from the city for any services which he may
4 render, other than the salary as a member of said city
5 council.

Nor shall any member of the city council be pecuniarily
7 interested, directly or indirectly, in any contract or under-
8 taking for work or materials, or the profits thereof, to be
9 performed or furnished for the city.

Sect. 35. The repeal of the acts specified in section two
2 of this act shall not affect any act done, or any act accruing
3 or accrued or established, or any suit or proceeding had or
4 begun in any civil case before the time when such repeal
5 takes effect, nor shall it affect any offences committed or
6 penalty or forfeiture incurred under the provisions of the
7 acts or parts of acts hereby repealed. All persons who at
8 the time said repeal takes effect shall hold any office under
9 the said acts shall continue to hold them according to the
10 tenure thereof, except as otherwise provided herein; more-
11 over all by-laws and ordinances of the city of Bath that
12 are in force at the time when the said repeal takes effect,
13 and not inconsistent with the provisions of this act, shall
14 continue in force until they are repealed or amended accord-
15 ing to the provisions herein made for repealing or amending
16 by-laws and ordinances and all officers elected under such
17 by-laws and ordinances shall continue in office according to
18 the tenure thereof, except as is otherwise provided herein.

Sect. 36. 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 Bath shall be called upon to give
4 their votes upon the acceptance of this act at meetings in
5 the several wards in said city, duly warned by the mayor
6 and aldermen. The vote shall be taken by ballot and shall
7 be in answer to the following question: Shall the act passed
8 by the legislature of the state of Maine in the year nineteen
9 hundred and thirteen entitled "An Act to provide a charter
10 for the City of Bath" be accepted? Those in favor of the
11 acceptance of said act shall vote "yes," and those opposed,
12 "no." The same proceedings shall be had for the sorting,
13 counting, declaring and recording of the returns of said
14 votes as is provided for the election of mayor; and the
15 board of aldermen shall compare the returns of the several
16 ward officers of the votes upon the acceptance of this act;
17 and if it appears that a majority of the votes given upon
18 the acceptance of this act are in favor thereof, the mayor
19 shall be so notified and shall forthwith make proclamation
20 of the fact, and this act shall thereupon take effect.

Sect. 37. If, however, the said act be not so accepted at
2 the aforesaid special election, it may be again submitted in
3 the manner above prescribed, at a special election to be called
4 for the second Monday of September in the year nineteen
5 hundred and fourteen and held on that day.

If on such resubmission the said act should not be so ac-
7 cepted it may be resubmitted a second time, as hereinbefore

8 prescribed, at a special election to be called as aforesaid for
9 the second Monday of September in the year nineteen hun-
10 dred and fifteen and held on that day. If this act shall be
11 so accepted, it shall take effect on the acceptance for the
12 annual city election to be held on the first Monday in De-
13 cember in the year of its acceptance, and for all things
14 which appertain and relate to said annual city election and
15 statements of candidates and petitions. For all other pur-
16 poses it shall take effect at ten o'clock in the forenoon of
17 the first Monday of January of the year next following the
18 year of its acceptance.