

MAINE STATE LEGISLATURE

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NEW DRAFT A

SEVENTY-SEVENTH LEGISLATURE

HOUSE

NO. 920

House of Representatives, March 24, 1915.

Ordered printed pending acceptance of either report.

C. C. HARVEY, Clerk.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND FIFTEEN

AN ACT to grant a new charter to the City of Bangor, Penobscot County, State of Maine, repealing all laws or parts of laws in conflict herewith.

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

ARTICLE I.

RIGHTS OF THE CITY.

Section I. The inhabitants of the City of Bangor, in the
2 County of Penobscot, shall continue to be a body politic and
3 corporate by the name of the City of Bangor, and as such
4 shall have, exercise and enjoy all the rights, immunities,
5 powers, privileges and franchises and be subject to all the
6 duties and obligations now appertaining to or incumbent

7 upon said city as a municipal corporation, or appertaining
8 to or incumbent upon the inhabitants or officers thereof,
9 and may ordain and publish such acts, ordinances, laws and
10 regulations, not inconsistent with the constitution and laws
11 of this State, as shall be needful to the good order of said
12 body politic, and impose fines, and penalties for the breach
13 thereof not exceeding fifty dollars for any one offense which
14 may be recovered to the use of the said city, by action of
15 debt, or on complaint before the municipal court in said city.

ARTICLE II.

ELECTIVE OFFICERS.

Sect. 2. The elective officers of the city shall consist of
2 five supervisors, constituting the city council, and no
3 others.

One of the supervisors shall be supervisor of administra-
5 tion and ex-officio mayor; one shall be supervisor of finance;
6 one shall be supervisor of public safety; one shall be super-
7 visor of public works; one shall be supervisor of public
8 property. Each of these five supervisors shall be elected
9 at large by the qualified voters of the whole city, and each
10 shall have charge of the division of city affairs indicated by
11 his official title, subject to the reservations of power and
12 duty to school committee, to the library trustees and to the
13 water board, elsewhere provided in this act.

TERMS OF OFFICE.

Sect. 3. The terms of all elective officers shall com-
2 mence at ten o'clock in the forenoon of the first Monday

3 in April following their election, and shall be for three years
4 each, and until ten o'clock in the forenoon of the first Mon-
5 day in April following the election of their successors and
6 until their successors shall qualify to act in their stead; pro-
7 vided, however, that the terms of office of the supervisor of
8 public safety and of the supervisor of public works first
9 elected under this act shall be two years only, and the term
10 of the supervisor of public property first so elected shall
11 be one year only.

SALARIES.

Sect. 4. The salaries of all elective officers shall be as es-
2 tablished by ordinance proposed in accordance with the pro-
3 visions of this act, provided, that until thus established the
4 salary of the supervisor of administration shall be at the
5 rate of twenty-five hundred dollars per year, the salary of
6 each of the other four supervisors shall be at the rate
7 of eighteen hundred dollars per year, each of these five sal-
8 aries to be payable in equal monthly installments, and pro-
9 vided further, that a change in salary shall apply only to
10 such officers as enter upon full terms of office after the en-
11 actment of said change.

No elective officer shall receive any compensation for any
13 service he may render the city during his term of office,
14 other than that which is provided in this section.

No elective officer shall, during the term for which he was
16 chosen, be eligible, either by appointment, or by election by
17 the city council, or by the school committee, or by the water

18 board or library trustees, to any office other than that for
19 which he was chosen, the salary of which is payable by the
20 city, or shall during such term hold any such other office.

INTEREST IN CONTRACTS AND FRANCHISES.

Sect. 5. It shall be unlawful for a member of the city
2 council, or for any officer or employee of the city, directly
3 or indirectly, to make a contract with the city or to receive
4 any commission, discount, bonus, gift, contribution or re-
5 ward from any person or corporation making or performing
6 a contract with the city. A violation of any provision of
7 this section shall render the contract in respect to which
8 the violation occurs voidable at the option of the city.
9 Any person violating the provisions of this section shall be
10 punished by a fine of not more than one thousand dollars,
11 or by imprisonment for not more than one year, or by both
12 such fine and imprisonment.

VACANCIES AND HOW FILLED.

Sect. 6. If for any reason whatsoever a vacancy occurs in
2 the city council, whether as to the mayor or one or more of
3 the other supervisors, the city council shall by its remaining
4 members call a special city election to fill the vacancy or
5 vacancies for the unexpired term or terms respectively, and
6 this shall be repeated from time to time as often as may be
7 necessary, except that if such vacancy or vacancies occur less
8 than three months prior to any city election, the vacancy or
9 vacancies shall remain unfilled until the date of such elec-

10 tion and the work may, at the discretion of the council, be
11 apportioned by the council among the remaining supervisors
12 without extra compensation.

A vacancy shall exist when an elective officer fails without
14 good cause to qualify within thirty days after notice of his
15 election, dies, resigns, removes from the city, absents him-
16 self continuously therefrom for three months, is convicted of
17 a felony, or judicially declared a lunatic.

ARTICLE III.

ELECTIONS.

DATE OF ANNUAL ELECTIONS.

Sect. 7. A municipal election shall be held in the city on
2 the third Monday in March next after the adoption of this
3 charter, and on the third Monday of March in every year
4 thereafter, which shall be known as the general municipal
5 election. All other municipal elections that may be held
6 shall be known as special municipal elections.

NOMINATIONS BY PETITION OF TWENTY-FIVE VOTERS.

Sect. 8. The mode of nomination and election of all elect-
2 ive officers of the city to be voted for at any municipal elec-
3 tion shall be as provided in this act.

Sect. 9. The name of the candidate shall be printed upon
2 the ballot, when a petition of nomination shall have been
3 filed in his behalf in the manner and form and under the
4 conditions hereinafter set forth.

Sect. 10. The petition of nomination for each candidate shall be signed by not less than twenty-five qualified voters of the city either on individual certificates in form substantially as follows or on joint papers to the same purport.

PETITION OF NOMINATION.

INDIVIDUAL CERTIFICATE.

7 State of Maine |

8 County of Penobscot | ss.

9 City of Bangor |

I do hereby join in a petition for the nomination of , whose residence is at No..... Street, Bangor, for the office of to be voted for at the municipal election to be held in the City of Bangor, on the day of 19..; and I certify that I am qualified to vote for a candidate for said office, and am not at this time a signer of any other certificate nominating any other candidate for the above named office; that my residence is No. Street, Bangor.

(Signed).....

Witness:

21 (Signed).....

Residence of witness:

No.....Street, Bangor.

The petition of nomination, of which this certificate forms a part, shall, if found insufficient, be returned to at No. Street, Bangor.

BLANK NOMINATION CERTIFICATES FURNISHED BY THE
CITY CLERK.

Sect. 11. It shall be the duty of the city clerk to furnish
2 upon application a sufficient number of forms of such in-
3 dividual certificates or joint nomination petitions, and of ac-
4 ceptances of nomination.

FURTHER PARTICULARS REGARDING NOMINATION CERTIFICATES.

Sect. 12. Each certificate shall be a separate paper. All
2 certificates shall be of uniform size as determined by the
3 city clerk. Each certificate shall contain the name and
4 signature of one signer thereof and no more. Each certifi-
5 cate shall contain the name of one candidate and no more.
6 In case a voter has signed two or more conflicting peti-
7 tions only that one of his conflicting signatures which was
8 included in the petition first presented to the city clerk, as
9 provided in section thirteen of this act, shall be valid. Each
10 witness may be any qualified voter of Bangor except the
11 candidate named in the certificate.

NOMINATING PETITIONS—HOW AND WHEN PRESENTED.

Sect. 13. Petitions of nominations shall be presented to
2 the city clerk not earlier than thirty nor later than twenty
3 days before the election. The city clerk shall endorse on
4 each petition the exact time at which it was presented to
5 him, and by whom it was presented. All papers constituting
6 a petition of nomination shall be presented to the city clerk

7 at one time, except as is provided in section fourteen of
8 this act.

NOMINATING PETITIONS MAY BE AMENDED.

Sect. 14. When a petition of nomination is presented to
2 the city clerk for filing, he shall forthwith examine the same
3 and ascertain whether it conforms to the provisions of this
4 act. If found not to conform thereto, he shall then and
5 there in writing on said petition state the reason why such
6 petition cannot be filed, and shall within two days return
7 the petition to the person named therein as the person to
8 whom it shall be returned. The petition may then be
9 amended and again, but not later than two days not including
10 Sunday or a legal holiday, after said petition shall have
11 been returned, be presented to the city clerk, as in the first
12 instance. The city clerk shall forthwith proceed to examine
13 the amended petition as hereinbefore provided.

Sect. 15. If either the original or the amended petition of
2 nomination be found sufficiently signed and witnessed as
3 hereinbefore provided, the city clerk shall file the same
4 forthwith: Provided, that no amended petition shall be pre-
5 sented later than sixteen days before election.

DATE OF FILING NOMINEE'S ACCEPTANCE.

Sect. 16. Any person nominated under this article shall
2 file his acceptance, his signature thereto witnessed by a
3 qualified voter of Bangor, with the city clerk not later than
4 sixteen days before the day of election, and in the absence

5 of such acceptance the name of the candidate shall not ap-
6 pear on the ballot.

FORM OF NOMINEE'S ACCEPTANCE.

Sect. 17. The acceptance mentioned in the preceding sec-
2 tion shall be substantially in the following form:

3 State of Maine |
4 County of Penobscot | ss
5 City of Bangor |

I,, having heretofore been nominated
7 for the office of, in the city of Bangor,
8 to be voted for at the municipal election to be held in the
9 said city on the day of,
10 19.., do hereby accept the said nomination, and I hereby
11 declare that I am a qualified voter of said city, that my resi-
12 dence is at No. Street, Bangor, and that
13 I have not become, and am not a candidate for any other
14 office to be voted for at said election.

(Signed).....

Witness:

17 (Signed).....

Residence of witness:

No.....Street, Bangor.

PRESERVATION OF NOMINATION PETITIONS.

Sect. 18. The city clerk shall preserve in his office for a
2 period of four years from the time of the respective filing
3 of the same, all petitions of nomination, and all certificates,

4 acceptances, and memoranda belonging thereto, filed under
5 this act, but shall thereafter destroy the same.

PUBLICATION OF LISTS OF CANDIDATES.

Sect. 19. The city clerk shall, not later than the four-
2 teenth day before every election, certify the list of candi-
3 dates, with their residences, whose names are entitled to
4 appear on the ballot, as being the list of candidates nomi-
5 nated as required by this act, together with the offices for
6 which they are respectively candidates at such election, des-
7 ignating whether such election is for a full or for an unex-
8 pired term; and he shall file in his office said certified list
9 of names and offices, and he shall cause to be published be-
10 fore such election, in three successive issues of at least two
11 newspapers of general circulation published in the City of
12 Bangor, or in any different or additional manner that may
13 be provided by ordinance, an election notice which shall
14 contain said certified list of names of candidates and offices
15 to be filled, and the time and the places of holding such
16 election.

PREPARATION OF BALLOTS.

Sect. 20. The city clerk shall cause ballots for each gen-
2 eral and special municipal election to be prepared, printed,
3 and authenticated as provided by the constitution and laws
4 of the State, except as is otherwise required by this act.
5 The ballots shall contain the full list and correct names of
6 all the offices to be filled, and the names and residences of
7 all the candidates respectively therefor.

FORM OF BALLOT AND METHOD OF VOTING.

Sect. 21. Except that the crosses here shown shall be
2 omitted, and that in place of the names and offices here
3 shown shall be substituted the names and residences of the
4 actual candidates and the offices for which they are re-
5 spectively nominated, the ballots shall be in substantially
6 the following form:

General (or special) municipal election, City of Bangor.
8 (Inserting date thereof.)

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

If you wrongly mark, tear, or deface this ballot, return it.
19 and obtain another.

For Supervisor of Administration	First Choice	Second Choice	Other Choices
Richard Roe			X
James Hoe	X		
John Doe		X	
Henry Poe			X
Louis Coe			
For Supervisor of Finance			
Frank Smith	X		
Harry Jones		X	
Fred Brown			
For Supervisor of Public Safety			
Hiram Black			
Robert White	X		

Sect. 22. One space shall be left below the printed names
2 of the candidates for each office to be voted for, wherein the
3 voter may write the name and residence of any person for
4 whom he may wish to vote.

PARTY DESIGNATIONS EXCLUDED FROM BALLOT.

Sect. 23. The names and residences of candidates for the
2 same office shall be printed on the ballot in the order in
3 which they may be drawn by the city clerk, whose duty it
4 shall be to make such drawing and to give each candidate
5 an opportunity to be present thereat personally or by one
6 representative. Nothing on the ballot shall be indicative
7 of the source of the candidacy or of the support of any
8 candidate. No ballot shall have printed thereon any party
9 or political designation or mark, and there shall not be ap-
10 pended to the name of any candidate any such party or
11 political designation or mark, or anything indicating his
12 views or opinions. There shall also appear on the ballot
13 all questions required by law, or by this act, to be submitted
14 to a vote of the qualified voters of the city.

DISTRIBUTION OF SAMPLE BALLOTS.

Sect. 24. The city clerk shall, at least ten days before
2 the election, cause to be printed a sufficient number of sam-
3 ple ballots, upon paper of different color but otherwise
4 identical with the ballot to be used at the election, and shall
5 distribute the same to registered voters at his office.

CANVASS OF RETURNS AND DETERMINATION OF RESULTS
OF ELECTION.

Sect. 25. As soon as the polls are closed, the election
2 clerks 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 the tally sheet provided therefor
5 by the city clerk. They shall also count and enter the
6 number of the first-choice, second-choice and other-choice
7 votes for each candidate on said tally sheet and make return
8 thereof to the city clerk as provided by law.

Only one vote shall be counted for any candidate on any
10 one ballot, all but the highest of two or more choices on one
11 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 on
15 that ballot for that office shall be counted as other-choices.

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

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

Except as hereinbefore provided all choices shall be count-
23 ed as marked on the ballot.

The city clerk shall then determine the successful candi-
25 dates as hereinafter provided in this section.

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

A tie between two or more candidates shall be decided
44 in favor of the one having the largest number of first-choice
45 votes. If two or more are equal in that respect, then the
46 candidate among them having the largest number of second-
47 choice votes shall be elected. If this will not decide, then
48 the result shall be determined by lot under the direction of
49 the city clerk.

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

APPROPRIATION FOR SPECIAL ELECTIONS.

Sect. 26. To cover the cost of special municipal elections
2 provided for in this act, the city council shall appropriate
3 at the time of issuing the warrants for such election such
4 sums as are necessary, the same to be taken from any un-
5 expended balances at the end of the fiscal year, or carried
6 forward as a deficit to the next year and then cared for by a
7 special appropriation.

STATE ELECTION LAWS.

Sect. 27. Except as otherwise provided in this act, the
2 laws of the State governing annual city elections, special
3 elections of city officers and special elections in cities shall
4 so far as they may be applicable, govern such election in
5 said city. No informalities in conducting municipal elec-
6 tions shall invalidate the same if they have been conducted
7 fairly and in substantial conformity with the requirements
8 of this charter.

ARTICLE IV.

POWERS AND DUTIES OF THE MAYOR.

Sect. 28. The mayor shall be the chief executive officer
2 of the city, supervisor of administration and president of
3 the city council, and shall preside at all meetings at which
4 he is present. He shall also be a member of and chairman
5 of the school committee, the water board, and the board of
6 trustees of the Public Library.

He shall see that the laws of the State, the provisions of
8 this act, and the ordinances, resolutions, orders and regula-
9 tions of the city are duly enforced.

He shall sign all contracts, bonds and other instruments re-
11 quiring the assent of the city, and shall take care that the
12 provisions of the same are duly executed. All legal process-
13 es against the city shall be served upon the mayor or acting
14 mayor.

He shall have the right to vote on all questions coming
16 before the city council, but shall have no power of veto.

He shall have such other duties, rights and powers as may
18 be provided by ordinance, not in conflict with this act.

During the absence or inability of the mayor to act, the
20 supervisor of finance shall, as acting mayor, assume the
21 duties and exercise all the rights and powers of the mayor:
22 Provided, that, in the absence or inability so to act, of the
23 supervisor of finance, the city council may select another
24 from their number to perform the duties of the acting
25 mayor.

ARTICLE V.

THE CITY COUNCIL.

POWERS AND PROCEDURE.

Sect. 29. The city council shall have and possess, and the
2 city council and its members shall exercise all the legislative
3 powers of the city, except as such powers are hereinafter
4 reserved to the school committee, to the water board, to
5 the library trustees, and to the qualified voters of the city.

6 and the city council and its members severally or collective-
7 ly, as hereinafter provided, shall have, possess, and shall,
8 themselves or through such officers as they may elect or ap-
9 point, exercise all the other powers, rights and duties, had,
10 possessed, and exercised, immediately prior to the adoption
11 of this act, by the mayor, board of aldermen, common coun-
12 cil, the board of health, and all other boards, commissions
13 and committees of the city and their members, severally or
14 collectively, except such as are herein conferred upon the
15 school committee, the water board and library trustees.

The city council shall be the final judge of the election and
17 qualification of all elective officers of the city, and shall
18 determine its own rules of procedure except as otherwise
19 herein specified.

The city council shall prescribe the time and place of its
21 meetings and the manner in which special meetings thereof
22 may be called. The city clerk shall be the clerk of the city
23 council, and shall sign and attest all measures passed by
24 the city council: Provided, that any supervisor may, in case
25 of need, upon authorization by the city council, perform
26 this duty. A majority of all the members shall constitute
27 a quorum to do business, but a less number may adjourn.
28 The city council shall sit with open doors at all legislative
29 sessions, and shall keep a journal of its proceedings, which
30 shall be a public record.

APPOINTMENT OF OFFICERS BY COUNCIL.

Sect. 30. The city council shall, at its first meeting under
2 this act, or as soon as practicable thereafter, and as vacan-
3 cies may thereafter occur, elect, by a majority vote of all
4 members of the city council, the following officers: A city
5 treasurer and a city collector of taxes each for one year;
6 a city clerk, a city solicitor, and a city auditor, each for
7 three years.

In the same manner the city council shall elect three city
9 assessors, one for three years, one for two years and one
10 for one year; and shall thereafter fill the place of each city
11 assessor whose term expires by electing his successor for
12 three years; or in case of a vacancy occurring before the
13 expiration of the term of any city assessor, a person to
14 serve until the expiration of such term.

In the same manner the city council shall elect a registrar
16 of voters for four years in place of each registrar whose
17 term expires; or in case of a vacancy occurring before the
18 expiration of the term of any registrar, a person to serve
19 until the expiration of such term.

The city council shall also elect in a similar manner any
21 other officers necessary to the proper and efficient conduct
22 of the affairs of the city, whose election by the city council
23 shall be provided for by ordinance, or whose election is
24 herein provided for.

The officers provided for in section thirty of this act shall
26 be subject to such regulations as the city council may adopt

27 in so far as said regulations do not conflict with the duties of
28 said officers as prescribed by law.

The compensation of these officers shall be fixed by the city
30 council.

No member of the city council shall be elected or appointed
32 to any office, position, or employment, the compensation of
33 which was increased or fixed by the city council while he
34 was a member thereof, until after the expiration of one year
35 from the date when he ceased to be such a member.

CIVIL SERVICE.

Sect. 31. All officers and employees of the city shall be
2 elected or appointed with reference to their qualifications
3 and fitness and for the good of the public service without
4 reference to their political faith or party affiliations.

Sect. 32. The municipal council shall have the power from
2 time to time to create, fill and discontinue offices and em-
3 ployments, other than those already existing; and may re-
4 move any such officer or employee, and may by resolution
5 or otherwise prescribe, limit or change the compensation of
6 such officer or employee.

All persons elected or appointed by the municipal coun-
8 cil for the city's service and all persons employed by the
9 municipal council or its officers in the city's service shall
10 be selected under such civil service rules as shall be adopted
11 by the municipal council.

The head of any department or any superintendent or fore-
13 man in charge of municipal work, may suspend any sub-

14 ordinate under his control for inefficiency, neglect of duty
15 or disobedience of orders; but such employee shall have
16 the right of appeal to an authority, next above such sus-
17 pending authority, and shall be discharged only by that
18 higher authority, and the decision of the municipal council,
19 if appealed to, shall in all cases be final.

LEGISLATIVE PROCEDURE OF CITY COUNCIL.

Sect. 33. (a) In legislative session, the city council shall
2 act by ordinance, resolution, order or vote.

(b) The ayes and nays shall be taken upon the passage
4 of all ordinances and resolutions, and entered upon the
5 journal of its proceedings. Upon the request of any mem-
6 ber, the ayes and nays shall be taken and recorded upon
7 any order or vote. Every ordinance, resolution, order or
8 vote passed by the city council shall, except as is provided
9 in section twenty-nine of this act, require on final passage
10 the affirmative vote of a majority of all the members of
11 the city council.

(c) No ordinance shall be passed finally on the date on
13 which it is introduced, except in cases of special emergency,
14 for the preservation of the public peace, health or safety.

(d) No ordinance shall be regarded an emergency meas-
16 ure unless the emergency is defined and declared in a pre-
17 amble thereto separately voted on and receiving the affirm-
18 ative vote of four members of the city council.

(e) No ordinance making a grant, renewal or extension,
20 whatever its kind or nature, of any franchise or special

21 privilege shall be passed as an emergency measure, and no
22 such grant, renewal or extension shall be made otherwise
23 than by ordinance.

(f) The enacting clause of all ordinances passed by the
25 city council shall be in these words:—Be it ordained by the
26 city council of the City of Bangor.

Sect. 34. Every proposed ordinance or loan order, except
2 emergency measures as defined in section thirty-three, this
3 act, shall be published once in full in at least two newspapers
4 of the city, or in any different or additional manner that
5 may be provided by ordinance, at least ten days before its
6 final passage. After such final passage, it shall, in the same
7 manner as before, again be published once, as amended and
8 completed, except in the case of an emergency ordinance
9 which may be passed as hereinbefore provided, and which
10 shall take effect upon its passage and shall be so published
11 at the earliest possible moment.

Sect. 35. No ordinance passed by the city council, except
2 an emergency ordinance, shall take effect until ten days after
3 its final passage and subsequent publication.

Sect. 36. No ordinance or section thereof shall be amend-
2 ed or repealed except by an ordinance regularly adopted.

ARTICLE VI.

EXECUTIVE AND ADMINISTRATIVE DIVISIONS.

Sect. 37. The executive and administrative powers, author-
2 ity and duties of the city, not expressly reserved to the school

3 committee, to the water board and to the library trustees,
4 shall be distributed among five divisions as follows:

- I. Administration.
- II. Finance.
- III. Public Safety.
- IV. Public Works.
- V. Public Property.

The city council shall determine the policies to be pursued
11 and the work to be undertaken in each division, but each
12 supervisor shall have full power to carry out the policies or
13 to have the work performed in his division as directed by
14 the city council.

ADMINISTRATION.

Sect. 38. The supervisor of administration shall be ex-
2 officio mayor and the chief officer of the city. He shall
3 have supervision of the city clerk, of the city attorney, of
4 the civil service, of weights and measures, of any other city
5 business not otherwise provided for in this act or by ordi-
6 nance, and shall have the further powers and discharge the
7 further duties elsewhere in this act assigned to him. His
8 part of the city administration so far as it differs from that
9 of the other supervisors shall be included under the desig-
10 nation of the division of administration.

FINANCE.

Sect. 39. The supervisor of finance shall have supervision
2 over the estimates of the probable expenditures of the city
3 government for each fiscal year; over the collection of all

4 revenues of the city; over the several city sinking funds;
5 over the purchase of all city supplies, except those pur-
6 chased under the authority of the school committee, the
7 water board and the library trustees; over all city printing;
8 and in general over all financial affairs of the city for which
9 provision is not otherwise made herein.

PUBLIC SAFETY.

Sect. 40. The supervisor of public safety shall have super-
2 vision over police departments, fire departments, city hos-
3 pitals, care of the poor, including outside aid and the city
4 home; military and State aid, inspection of milk and vine-
5 gar, inspection of animals, collection of garbage, and the
6 work of the city physician.

PUBLIC WORKS.

Sect. 41. The supervisor of public works shall have super-
2 vision of streets, sidewalks, street lighting, street watering,
3 collection of ashes, sewers, bridges, electrical affairs, inspec-
4 tion of wires, and engineering.

PUBLIC PROPERTY.

Sect. 42. The supervisor of public property shall have
2 supervision of the inspection, construction and maintenance
3 of public buildings, except the maintenance of school build-
4 ings and school grounds, and the public library, and property
5 under the jurisdiction of the water board, of building laws
6 and the inspection of buildings, of cemeteries, of the parks,
7 and of the harbor and wharves.

REDISTRIBUTION OF DUTIES AMONG DIVISIONS.

Sect. 43. All executive and administrative powers, authority and duties, not otherwise provided for in this act, may be assigned to a suitable division by the city council by ordinance, and changes in the assignments made in this act may be made by ordinance by affirmative vote of four members of the city council, or by the people upon initiative petition as hereinafter provided.

POWER OF APPOINTMENT AND REMOVAL.

Sect. 44. Each supervisor shall, except as is otherwise provided in section thirty of this act, appoint a qualified person to serve as the head of each of the departments within his division and may remove him at any time for cause stated in the order for removal. The employes in each department shall be appointed and removed by the head of that department.

RECORDS AND REPORTS.

Sect. 45. Each of said supervisors shall keep a record book in which shall be recorded a brief but clear and comprehensive record of all affairs of the division under his charge as soon as performed and shall monthly render to the city council a full report of all operations of such division and shall annually, and oftener if required by the city council, make a synopsis thereof for publication. All such records shall be open for public inspection. The city council shall provide for the publication of such annual or other reports and of such parts of the quarterly reports, or of

11 such other information regarding city affairs as it may deem
12 advisable.

FISCAL YEAR DEFINED.

Sect. 46. The fiscal year of the city shall commence on
2 the first Monday in April, and continue till the first Monday
3 in April of the calendar year following.

ESTIMATES.

Sect. 47. On or before the first day of February of each
2 year, the supervisors shall send to the supervisor of finance
3 a careful, detailed estimate in writing of the appropriations
4 required for the business and proper conduct of their re-
5 spective divisions during the next ensuing fiscal year.

COUNCIL MAKES APPROPRIATIONS AND FIXES TAX LEVY.

Sect. 48. On or before the fifteenth day of February in
2 each year, the supervisor of finance, the water board, the
3 school committee and the library trustees shall submit to
4 the city council an estimate of the probable expenditure of
5 the city government for the next ensuing fiscal year, stating
6 the amount required to meet the interest and maturing bonds
7 of the outstanding indebtedness of the city, and showing
8 specifically the amount necessary to be provided for each
9 fund and department; also an estimate of the amount of
10 income from all other sources of revenue, exclusive of taxes
11 upon property, and the probable amount required to be
12 levied and raised by taxation to defray all expenses and
13 liabilities of the city.

The city council shall thereupon determine the sum to
15 be raised by taxation and make the appropriations in detail
16 for the next ensuing fiscal year.

OATHS OF OFFICE.

Sect. 49. Every supervisor shall, before he enters upon
2 the duties of his office, qualify by being sworn by a justice
3 of the peace or notary public in the State, to the faithful
4 performance of his duties, and a record thereof kept by the
5 city clerk.

ARTICLE VII.

SCHOOL COMMITTEE.

Sect. 50. The superintending school committee of the City
2 of Bangor shall consist of seven members, one of whom
3 shall be the mayor who shall be chairman of the board, the
4 other six to be elected by the city council.

At the first regular meeting of the city council after the
6 adoption of this charter, and thereafter at the regular meet-
7 ing of the city council in April each year, as the terms of
8 office of the present school committee shall expire, shall be
9 elected by the city council, two persons resident of said city,
10 to be members of the school committee, to hold their office
11 for a term of three years and until their successors are
12 elected and qualified in their stead; Provided, nevertheless,
13 that the members of the school committee in office at the
14 time of the first election held under this charter, shall hold
15 such office according to the terms of their election.

The city council may annually elect an agent, whose duties shall be prescribed by the superintending school committee.

ARTICLE VIII.

WATER BOARD.

Sect. 51. At the first regular meeting of the city council after the adoption of this charter, and thereafter, annually, on the first Monday of April of each year, there shall be chosen by the city council, two persons residents of said city, to be members of said water board, to hold their office for a term of three years, and until their successors are chosen and qualified in their stead; Provided, nevertheless, that the members of said water board in office at the time of the first election under this charter, shall hold their office according to the terms of their election. Any vacancy arising in the membership of said board, shall, for the unexpired term, be filled in the manner above prescribed, by the city council. Any member of said board may be removed by a vote of the city council.

ORGANIZATION.

Sect. 52. The persons so chosen, together with the mayor of the city and his successors for the time being, shall constitute the Bangor Water Board. The mayor and his successors shall, while in office, be ex-officio president of said board, having, however, only a casting vote. A majority of said persons thus elected shall, annually, as soon as may be after the choice of new members, organize by their choice of clerk of said board. He shall be a resident of Bangor,

9 but not a member of said board, and shall give bond, to the
10 approval of said board, for the faithful discharge of his
11 duties. After the choice of a clerk, each year, they may
12 proceed to choose a superintendent of the water works of
13 said city, and to appoint such other officer or officers as
14 they may deem necessary for the management of said water
15 works. They may prescribe the duties of all the officers
16 by them chosen or appointed, fix their terms of office, re-
17 move them at their discretion, and fix their compensation
18 subject to the approval of the council.

POWERS AND DUTIES.

Sect. 53. Said board shall have and exercise all the un-
2 executed powers vested in said city council by an act for
3 supplying the City of Bangor with water, approved Feb-
4 ruary 22, 1875, and an act to amend the same, approved
5 February 11, 1876, so far as the same can be legally dele-
6 gated; and shall perform all the duties required of said
7 city by said two acts, and by any ordinance or order of the
8 city council touching said water works.

Said water board shall receive all the apparatus, tools,
10 materials and property belonging to said city, and designed
11 for or used in connection with said works. They shall have
12 the entire charge, superintendence and oversight of all
13 structures, works, arrangements and apparatus provided for,
14 or used in aid of supplying said city with water. They may
15 proceed to complete said works and fishway connected there-
16 with, so far as the same can be done with money appro-

17 priated therefor; but in no case to expend money or to
18 incur liabilities beyond the specific appropriation for such
19 purpose.

SCHEDULE OF PROPERTY.

Sect. 54. Said board shall make a schedule of all the
2 apparatus, tools, materials and property received by them,
3 and of all additions that shall from time to time be made
4 to the same, and that are kept during the municipal year,
5 and shall enter an inventory thereof in a book kept for that
6 purpose; and on the first Monday of March, in each year,
7 return a correct list thereof in their annual report to the
8 city council.

WATER SUPPLY.

Sect. 55. Said board shall, in consultation with the chief
2 engineer of the fire department, make all necessary arrange-
3 ments for a sufficient supply of water for use at fires, in
4 the most efficient and suitable manner; and they shall also
5 in consultation with the mayor and council, arrange for
6 such supply of water as may be required for operating any
7 public fountain or ornamental public water works, or flush-
8 ing and cleansing any public sewer or drain, or any other
9 use clearly distinct from that of ordinary water takers.

And in order to account for the use of the water and power
11 furnished to the various departments of the city, the said
12 city shall annually appropriate for the use of the water
13 department the sum of twelve thousand dollars, and the
14 committee on finance shall annually add and include this

15 sum in the list of each year's appropriations, which said
16 sum of twelve thousand dollars, so each year appropriated
17 shall each year be placed in a sinking fund and which sink-
18 ing fund shall be drawn upon only as occasion may require
19 to retire outstanding and maturing notes or bonds issued
20 by the city in aid of its water system.

REPAIRS AND RATES.

Sect. 56. If it shall at any time come to the knowledge
2 of the chief engineer of the fire department, that any fire
3 hydrant is out of order, or is inaccessible on account of
4 snow, ice, or other obstruction, he shall forthwith notify
5 the clerk of said water board, or the superintendent, of that
6 fact, and said board shall immediately repair said hydrant
7 or remove said obstruction. Said board shall have exclu-
8 sive charge of the supplying of water to private water
9 takers, and may make all necessary arrangements therefor;
10 establishing all such regulations as may be deemed by them
11 judicious, and amending, fixing and ordaining all schedules
12 and tariffs of water rates that may be proper. All such
13 regulations and water rates, with all alterations thereof, shall
14 be reported to the city council for approval, and when so
15 approved, shall have all the force of ordinances of the city,
16 and may be enforced in like manner; but the use of water
17 shall not be allowed to any person, persons or occupation
18 free of charge.

COLLECTION OF RENTS AND DUES.

Sect. 57. Said board shall collect all rents and dues for
2 water; and all rents and bills for the use of water, remain-
3 ing due and unpaid for the space of thirty days after the
4 same becomes due, shall be deposited with the city treasurer,
5 to be by him collected according to law. All sums of money
6 received by said water board for the use of water, or for
7 the use or sale of any matter or thing held by them on
8 account of said water works, shall be paid weekly to the
9 city treasurer and a receipt taken therefor, and the same
10 shall be credited by him to the water department, to which
11 use it shall be exclusively appropriated, and shall not be
12 drawn out except on the mayor's order. The entire amount
13 of prices, rents and tolls for water received of water takers,
14 shall be annually set apart by the city treasurer to pay the
15 interest on the Bangor water loan bonds, the expense of
16 carrying on or running said works and repairing the same,
17 and for the creation of a sinking fund to pay and extinguish
18 said bonds at maturity.

CONTRACTS AND EXPENSES.

Sect. 58. Said board shall once in each calendar month,
2 previous to the last Friday thereof, meet and examine all
3 bills and claims by them incurred on account of said water
4 works; and all claims approved by them shall be certified
5 by their clerk, and passed to the city council for allowance;
6 and when allowed, and passed by the city council, shall be
7 paid by the mayor's order on the city treasury, water de-

8 partment. A full statement of all contracts, obligations and
9 pecuniary arrangements entered into by said water board,
10 shall from time to time be seasonably deposited with the
11 city treasurer. They shall keep a record of their proceed-
12 ings, and on or before the first Monday of March, June,
13 September and December, in each year, make such report
14 to the city council as may be required; and on or before
15 the first Monday of March, in each year, make to said
16 council a full report in detail, of all their official acts and
17 doings, for the preceding year.

BOOKS OF BOARD.

Sect. 59. All books of said board shall always be open
2 to the inspection of any member of the city council, and all
3 their acts subject to review and correction by said council.

INTEREST IN CONTRACTS.

Sect. 60. No member of said board, and no person acting
2 under their appointment, shall be a party to any contract,
3 bargain, or sale of material connected with the water supply
4 or works, wherein said board, the city council, or any mem-
5 ber thereof, shall be the other party; and all such contracts,
6 bargains and agreements shall be utterly void as to said city.
7 The members of said board shall receive no compensation
8 for their services, and neither they, nor any officer chosen
9 or appointed under their authority, shall demand or receive
10 any gratuitous fee or reward for services from any person,

11 in connection with his duty, unless the city council shall have
12 previously fixed the compensation for special services to be
13 rendered, and consented to the acceptance of the gratuity
14 or reward offered.

INJURIES TO HYDRANTS.

Sect. 61. Any person who shall injure any water hydrant
2 connected with or belonging to the Bangor water works,
3 or shall break and enter the same, or shall turn on or off
4 the water in any pipe, or shall make any opening or con-
5 nection with such pipe or hydrant, or remove cover of any
6 hydrant, except in case of fire, without license or permit of
7 said board, or by authority of the mayor and council, shall
8 forfeit and pay for each offense not less than three nor more
9 than twenty dollars, to be recovered in an action of debt in
10 the name of the city treasurer, for the use of said city, or
11 by complaint for the use of said city, before the municipal
12 court, or any other court that may hereafter have jurisdic-
13 tion of the same.

ARTICLE IX.

BANGOR PUBLIC LIBRARY.

HERSEY FUND.—BANGOR PUBLIC LIBRARY.—ADMINISTRATION OF.

Sect. 62. (a) The fund of one hundred thousand dol-
2 lars heretofore received from the trustees of the will of the
3 late Samuel F. Hersey, in adjustment of his bequest to the
4 City of Bangor, shall be forever held in trust by said city,
5 in the manner and for the objects hereinafter provided.

(b) The annual income of said fund is hereby unalter-
7 ably fixed at four thousand dollars; to be perpetually ad-

8 ministered as hereinafter provided, and to be paid by the
9 city treasurer by the order of the mayor and city council, in
10 equal quarterly payments on the first days of January, April,
11 July and October of each year, forever to the trustees here-
12 inafter provided. The charge of the fixed income for and
13 in behalf of the city shall be committed to a board of trus-
14 tees to be styled the "Trustees of the Hersey Fund," to be
15 composed of the mayor and city treasurer ex-officio, who
16 shall respectively act as president and clerk of said board
17 and of three citizens of said city, to be selected in the fol-
18 lowing manner:

At the first regular meeting of the city council in April
20 next after the adoption of this charter at which a vacancy
21 occurs in said board of trustees, and thereafter at the reg-
22 ular meeting of the city council in April, in alternate years
23 biennially as the terms of office of the members of the pres-
24 ent board shall expire, shall be elected by the city council,
25 one person resident of said city to be a member of said
26 board, to hold his office for the term of six years, and until
27 another is elected and qualified in his stead; Provided, nev-
28 ertheless, that the said trustees (not including the mayor
29 and treasurer) in office at the time of the first election held
30 under this charter, shall hold such office according to the
31 terms of their election.

No member of the city council shall be eligible to the office
33 of a member of this board except the mayor, and the elec-
34 tion to the city council of either of said three trustees shall

35 create a vacancy in said board, and any vacancy arising in
36 said board shall, for the unexpired term be filled in the
37 manner above provided by the city council.

Any member of said board may be removed by a majority
39 vote of the city council.

The trustees shall be sworn to the faithful performance of
41 their duties under the trust, and shall receive no compen-
42 sation therefor.

(c) Said board shall devote the net annual income of said
44 fund to the perpetual maintenance of the Bangor Public
45 Library, as now existing and established under authority
46 of the city council and in pursuance with the following
47 agreement entered into between the trustees of the Hersey
48 Fund, and the Bangor Mechanic Association, May 21, 1883,
49 and ratified by the city council, June 5, 1883.

Memorandum of Agreement:

Witnesseth:—Whereas, the said Board of Trustees, cre-
52 ated by an ordinance of said City of Bangor, passed March
53 13, 1883, entitled “An ordinance to provide for the admin-
54 istration of the Hersey Fund,” are authorized by section
55 four of said ordinance to devote certain of “the annual
56 income of said fund to the establishment and perpetual
57 maintenance of a Public Library in Bangor, either inde-
58 pendently or in connection with some existing library;” and
59 whereas, said Bangor Mechanic Association is willing to
60 join said Board of Trustees in the establishment and per-
61 petual maintenance of such Public Library.

Now, therefore, in consideration of the premises, and in
63 order to establish and perpetually maintain such Public Li-
64 brary, the said Bangor Mechanic Association hereby agrees
65 to transfer to the City of Bangor all the books now con-
66 stituting the library of the Bangor Mechanic Association,
67 to be held by the said City of Bangor in trust for a Public
68 Library, to be used in common with such books as may be
69 hereafter purchased by the income of the Hersey Fund, as
70 provided in the aforesaid ordinance, for the purpose of a
71 Public Library.

And said Bangor Mechanic Association further agrees that
73 all books which may hereafter be purchased by proceeds of
74 funds now held in trust by said City of Bangor for said
75 association shall be purchased under the direction of the
76 Board of Managers hereinafter provided for, and shall be
77 held and owned by said City of Bangor in trust in like man-
78 ner as hereinbefore stated.

And in consideration of the premises it is further agreed
80 by and between both of the parties hereto, that the books
81 now constituting the library of the Bangor Mechanic Asso-
82 ciation and such books as shall be hereafter purchased by
83 the proceeds of the funds of the said association and of the
84 Hersey Fund, shall constitute a Public Library to the main-
85 tenance of which the income of the fund of the Bangor
86 Mechanic Association and the income of the Hersey Fund
87 shall be perpetually devoted, and which shall be exclusively
88 and entirely under the control and direction of a board of

89 managers consisting of the Board of Trustees of the Her-
90 sey Fund and of such officers of the Bangor Mechanic As-
91 sociation, not exceeding four in number, as said Mechanic
92 Association may designate as members of said board of
93 managers.

And it is further agreed that the mayor of the city of
95 Bangor, being ex-officio chairman of the Hersey trustees,
96 shall be also chairman of the board of managers of the
97 Public Library. And the library established under the pro-
98 visions of this agreement shall be perpetually known as the
99 Bangor Public Library.

It is also mutually agreed that this agreement shall take
101 effect at the date of the acceptance by said City of Bangor
102 of the conveyance by the Bangor Mechanic Association of
103 the library and books hereinbefore provided for. And it
104 is also agreed that no agreement entered into by the Me-
105 chanic Association for the current year shall be hereby
106 impaired.

(d) The said board shall annually present to the city
108 council, at the regular meeting in February, a report of
109 their action under said trust, with a specific statement of
110 all receipts and disbursements on account of said income
111 for the year then ending.

(e) For the purpose of maintaining a free public library
113 and hereafter providing for the necessary expense of such
114 maintenance, there shall be annually appropriated by the
115 city council under the title of "Library Fund" a sum suffi-

116 cient to meet the estimated current expense of maintaining
117 such library for the benefit of the public; such appropria-
118 tion to be in charge of and expended under the direction
119 of the trustees of the Hersey Fund.

ARTICLE X.

RECALL OF ELECTIVE OFFICERS.

Sect. 63. Every incumbent of an elective office, whether
2 elected by popular vote or appointed to fill a vacancy, is
3 subject to recall by the voters of the city. The procedure to
4 effect such removal from office shall be as follows:

A petition signed by voters of the city equal in number
6 to twenty per centum of the entire first-choice votes cast for
7 mayor at the last preceding general municipal election at
8 which a mayor was elected, demanding an election of a suc-
9 cessor of the officer sought to be removed, shall be addressed
10 to the council and presented to the city clerk. The petition
11 may request such election to be held at a special municipal
12 election or at the next general municipal election. The peti-
13 tion must contain a statement of the reasons for the demand.

FORMS AND CONDITIONS.

The provisions of sections eight to nineteen respecting the
16 forms and conditions of the petition and the mode of veri-
17 fication and certification and filing shall be substantially
18 followed, with such modifications as the nature of the case
19 requires.

If the officer whose removal is sought shall not resign
21 within five days after the petition is filed by the city clerk,

22 and if the petition requests a special election, the council
23 shall cause a special election to be held within forty-five
24 days to determine whether the people will recall said officer,
25 or, if a general municipal election is to occur within sixty
26 days, the council may in its discretion postpone the holding
27 of such election to such general municipal election.

In the published call for the election there shall be printed
29 in not more than two hundred words the reasons for de-
30 manding the recall of the officer as set forth in the recall
31 petition, and in not more than two hundred words the officer
32 may justify his course in office.

The officer whose removal is sought shall be deemed a can-
34 didate and unless he resigns, his name shall be printed on
35 the ballot. The nomination of other candidates and the
36 election shall be in accordance with the provisions of sections
37 eight to twenty-seven.

The officer whose removal is sought shall, if he does not
39 resign, continue to perform the duties of his office until the
40 election, and, if he fail of election, he shall be deemed re-
41 moved from office.

No recall petition shall be filed against any officer until he
43 has actually held his office for at least three months.

No person who has been recalled from an elective office, or
45 who has resigned from such office while recall proceedings
46 were pending against him, shall be appointed to any office
47 within one year after such recall or resignation.

The council may by ordinance make such further regula-

49 tions as may be necessary to carry out the provisions of this
50 section, and to adapt the provisions of sections eight to
51 twenty-seven thereto.

ARTICLE XI.

INITIATIVE AND REFERENDUM.

Sect. 64. A petition, meeting the requirements hereinafter
2 provided and requesting the city council to pass an ordinance,
3 resolution, order or vote, all of these four terms being here-
4 inafter included in the term "measure," therein set forth or
5 designated, shall be termed an initiative petition, and shall be
6 acted upon as hereinafter provided.

SIGNATURE, EXAMINATION AND CERTIFICATION OF INITIATIVE PETITIONS.

Sect. 65. Signatures to initiative petitions need not all be
2 on one paper, but one of the signers of every such paper
3 shall make an affidavit thereto that the statements therein
4 contained are true, and that each signature appended to the
5 paper is the genuine signature of the person whose name it
6 purports to be. All such papers pertaining to any one meas-
7 ure shall be fastened together and shall be filed in the office
8 of the city clerk as one instrument, with the indorsements
9 thereon of the names and addresses of three persons desig-
10 nated as filing the same. With each signature to said peti-
11 tion shall be stated the place of residence of the signer, giv-
12 ing the street and number.

Within five days after the filing of said petition the city
14 clerk shall ascertain, by examination thereof and of the reg-

15 istration books and election returns, by what number of
16 qualified voters the petition is signed and what percentage
17 that number is of the last preceding vote cast in the city for
18 all candidates for Governor of the State, and shall attach
19 thereto his certificate showing the result of such examination.

He shall then forthwith transmit the measure with the said
21 certificate to the city council, and at the same time shall send
22 a copy of said certificate to one or more of the persons des-
23 igned on the petition as filing the same.

TWENTY-FIVE PER CENT. OF VOTERS MAY SECURE PROMPT ADOPT-
TION OF THEIR MEASURE OR A REFERENCE
TO A SPECIAL ELECTION.

Sect. 66. If an initiative petition be signed by voters of
2 the city equal in number to at least twenty-five per cent. of
3 the last preceding vote cast in the city for all candidates for
4 Governor of the State, the city council shall, within twenty
5 days after the date of the clerk's certificate to that effect,
6 either—

(a) Pass said measure without alteration, subject to the
8 referendum vote provided by this act; or,

(b) The city council shall call a special election to be
10 held on a Monday fixed by it not less than fifteen nor more
11 than thirty days after the date of the city clerk's certificate
12 that a sufficient petition has been filed, and shall submit the
13 proposed measure without alteration to a vote of the voters
14 of the city at that election: Provided, however, that if any
15 municipal election is otherwise to occur within ninety days

16 after the date of said certificate, the city council may at its
17 discretion omit the special election and submit the proposed
18 measure to the voters at such other previously pending
19 election.

FIVE PER CENT. OF VOTERS MAY SECURE PROMPT ADOPTION OF
THEIR MEASURE OR A REFERENCE TO THE
NEXT ELECTION.

Sect. 67. If an initiative petition be signed by voters of
2 the city equal in number to at least five per cent., but less
3 than twenty-five per cent. of the last preceding vote cast in
4 the city for all candidates for Governor of the State, as
5 shown in the manner hereinbefore provided, and said pro-
6 posed measure be not passed without alteration by the city
7 council, within twenty days, as provided in section sixty-
8 six of this act, then such proposed measure, without altera-
9 tion, shall be submitted by the city council to a vote of the
10 voters of the city at the next municipal election.

TEN PER CENT. MAY SECURE A REFERENDUM ON MEASURE.

Sect. 68. If, within ten days after the final passage of any
2 measure by the city council, a petition signed by voters of
3 the city equal in number to at least ten per cent. of the last
4 preceding vote cast in the city for Governor of the State, be
5 presented to the city council, protesting against such meas-
6 ure or any part thereof taking effect, the same shall there-
7 upon and thereby be suspended from taking effect; and the
8 city council shall immediately reconsider such measure or
9 part thereof, and if such measure or part thereof be not en-

10 tirely repealed or rescinded, the city council shall submit
11 the same by the method herein provided, to a vote of the
12 voters of the city, either at the next general municipal elec-
13 tion or at a special election which may, in their discretion,
14 be called by them for that purpose, and such measure or part
15 thereof shall forthwith become null and void unless a major-
16 ity of the voters voting on the same at such election shall
17 vote in favor thereof.

The petition provided for in this section shall be termed a
19 referendum petition.

The procedure in respect to such referendum petition shall
21 be the same as that provided in section sixty-four of this
22 act; except that the words "measure or part thereof pro-
23 tested against" shall for this purpose be understood to re-
24 place the word "measure" in that section wherever it may
25 occur, and that similarly the word "referendum" shall be
26 understood to replace the word "initiative" in that section.

COUNCIL MAY ORDER REFERENDUM OF ITS OWN MOTION OR UPON
REQUEST OF THE SCHOOL COMMITTEE, THE WATER
BOARD OR LIBRARY TRUSTEES.

Sect. 69. The city council may, of its own motion and
2 shall, upon request of the school committee, the water board
3 or library trustees in case of a measure originating with those
4 committees and pertaining to the affairs under their admin-
5 istration, submit to a vote of the voters of the city for adop-
6 tion or rejection at a general or special municipal election,
7 any proposed measure, or a proposition for the repeal or

8 amendment of any measure, in the same manner and with
9 the same force and effect as are herein provided for sub-
10 mission on petition.

CONFLICTING MEASURES.

Sect. 70. If two or more proposed measures passed at the
2 same election are in conflict in respect of any of their pro-
3 visions, they shall go into effect in respect of such of their
4 provisions as are not in conflict. In each case of conflict-
5 ing provisions in such measures, that one of the provisions
6 in conflict shall take effect which was contained in that one
7 of such measures which received the greatest number of
8 affirmative votes, and all others of such conflicting provisions
9 shall be void.

ENACTING CLAUSES FOR MEASURES VOTED UPON BY THE PEOPLE.

Sect. 71. The enacting clause of any measure adopted by
2 the voters of the city upon proposal by initiative petition,
3 shall be "Be it ordained by the people of the City of Ban-
4 gor;" and of any measure passed by the city council and
5 approved upon referendum shall be "Be it ordained by the
6 city council of the City of Bangor and by the people thereof
7 upon referendum;" and of any measure referred to the
8 people by the city council of its own motion, or upon request
9 of the school committee, or water board or library trustees,
10 as provided in section sixty-nine of this act, shall be, "Be it
11 ordained by the people of the City of Bangor upon referen-
12 dum by the city council thereof;" Provided, that for the
13 word "ordained" shall be substituted the word "resolved," or

14 the word "ordered," respectively, if the measure is a resolu-
15 tion or an order; and for the words, "Be it ordained" shall
16 be substituted the word "Voted" if the measure is a vote.

SAMPLE BALLOTS AND TEXTS OF MEASURES SENT TO EACH VOTER.

Sect. 72. The city clerk shall print and distribute to each
2 voter a sample ballot together with the text of every meas-
3 ure to be submitted to a vote of the voters of the city.

SUBSTANCE OF MEASURES ON BALLOTS—OTHER PROVISIONS.

Sect. 73. The ballots used when voting upon such proposed
2 measure shall state the nature of the measure in terms suffi-
3 cient to show the substance thereof. If a majority of the
4 voters voting on any proposed measure, which has been
5 duly submitted to them as herein provided and which falls
6 within the lawful rights and powers of the city, shall vote in
7 favor thereof, the same shall thereupon go into effect.

Provision shall be made on each ballot for voting upon all
9 proposed measures submitted at that election.

INFORMATION AND ARGUMENTS UPON MEASURES SUPPLIED
TO VOTERS.

Sect. 74. Provisions not in conflict herewith shall be made
2 by ordinance for supplying the voters with information and
3 arguments pro and con upon measures submitted to a vote
4 of the voters of the city and for carrying out the purpose
5 of sections sixty-four to seventy-four inclusive, of this act.

ARTICLE XII.
GENERAL PROVISIONS.

MUNICIPAL YEAR.

Sect. 75. The municipal year shall begin at ten o'clock in
2 the forenoon on the first Monday of April, and shall con-
3 tinue until ten o'clock in the forenoon on the first Monday
4 of April next following.

WARDS.

Sect. 76. The territory of the city shall continue to be
2 divided into seven wards, which shall retain their present
3 boundaries until the same shall be changed by vote of the
4 city council under the general law relating thereto.

GENERAL MEETINGS OF VOTERS.

Sect. 77. General meetings of the voters of the city shall
2 be called by the city council upon petition of at least thirty
3 of the said voters, which petition shall state the purpose or
4 purposes of the meeting. The meeting shall be held not
5 later than three weeks after the filing of the petition, and
6 notice thereof shall be given by the city council on the front
7 page of one or more newspapers published in the city, not
8 less than three times within two weeks after the filing of the
9 petition. A presiding officer shall be chosen for the meeting
10 from those present and the city clerk shall act as the clerk
11 thereof and shall keep complete records of the proceedings.
12 If so requested in said petition, or demanded at said meet-
13 ing, any city officer or officers shall attend the meeting, and
14 if called upon to do so shall place before the meeting any

15 facts, documents or other information relative to the sub-
16 ject matter of the petition.

MUNICIPAL OWNERSHIP.

Sect. 78. The City of Bangor shall have the right and
2 power to acquire by purchase, condemnation or otherwise,
3 and to establish, maintain, equip, own and operate water
4 works, electric light, heat and power works, within the city,
5 and to supply the city and its inhabitants and also persons,
6 firms and corporations outside the city, with water, gas and
7 electricity.

To sell gas, water, electric current and all products of any
9 public utility operated by the city.

To acquire by purchase, condemnation or otherwise, within
11 the city, such lands or other property as may be necessary
12 for the establishment, maintenance and operation of any of
13 the above named public utilities or to provide for and ef-
14 fectuate any other public purpose for which municipalities
15 may condemn land under the general law.

CHARTER SHALL TAKE EFFECT.

Sect. 79. This charter shall take effect upon its enactment,
2 for the annual municipal election to be held next following
3 the enactment of said charter for all things that pertain to
4 said election, which said election shall be held upon the third
5 Monday of March, and it shall go into full force and effect
6 at ten o'clock in the forenoon of the first Monday in April
7 next following said annual election, and the present form of

8 government shall thereupon cease and terminate, except
9 that the appointees of the mayor and city council and all
10 other persons in the service of the city at that time shall con-
11 tinue to draw compensation at the same rate, and to exer-
12 cise like powers, authority and jurisdiction as theretofore,
13 until replaced or until other provision is made.

REQUIREMENTS.

Sect. 80. It shall be the duty of the mayor, the aldermen
2 and common council, and the city clerk in office when this
3 charter is enacted, to comply with all the requirements of
4 this act relating to elections, to the end that all things may
5 be done necessary to the nomination and election of officers
6 first to be elected under this act.

REPEAL.

Sect. 81. All acts and parts of acts inconsistent with this
2 act are hereby repealed; provided, however, that such re-
3 peal shall not affect any act done, or any right accruing or
4 accrued or established, or any suit or proceeding had or be-
5 gun in any civil case before the time when such repeal takes
6 effect, and that no offenses committed and no penalty or for-
7 feitures incurred under the acts or parts of acts hereby re-
8 pealed shall be affected by such repeal; and provided, also,
9 that all persons who at the time said repeal takes effect shall
10 hold any office under said acts shall continue to hold the same
11 according to the tenure thereof, except as is otherwise pro-
12 vided herein, and provided, also, that all by-laws and ordi-
13 nances of the City of Bangor in force at the time when said

14 repeal takes effect, and not inconsistent with the provisions of
15 this act, shall continue in force until the same are repealed
16 or amended, and all officers elected under such by-laws and
17 ordinances shall continue in office according to the tenure
18 thereof.

AMENDMENTS.

Sect. 28. If a petition signed by a number of votes of said
2 city, equal to at least twenty-five per cent of the aggregate
3 number of first-choice votes cast for all candidates for
4 mayor at the last preceding annual city election at which
5 a mayor was elected, and proposing one or more amend-
6 ments to this charter, shall be filed with the city clerk not
7 less than thirty days prior to the third Monday in March,
8 the municipal council shall submit said amendment or
9 amendments without alteration, at the next regular annual
10 election, to the voters of the city. The votes upon such
11 amendment or amendments shall be taken by ballot in an-
12 swer to the question: "Shall the amendment or amend-
13 ments (stating the amendment or amendments) be adopt-
14 ed?" which shall be printed on the ballots after the list of
15 candidates. If a majority of the voters voting on the pro-
16 posed amendment shall vote in favor thereof, it shall be-
17 come a part hereof, when approved by the next succeeding
18 legislature.

Any number of amendments may be voted on at the same
20 election, and amendments may be proposed by the municipal

21 council, without petition, on its own initiative, and filed as
22 above, whenever it deems such amendments wise or neces-
23 sary.