

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

SEVENTY-SEVENTH LEGISLATURE

SENATE

NO. 92

In Senate, Feb. 12, 1915.

Introduced under suspension of rules, referred to Portland Delegation and ordered printed. Sent down for concurrence.

W. E. LAWRY, Secretary.

STATE OF MAINE

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

AN ACT creating a single board form of representative government in the city of Portland.

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

Section 1. That the city of Portland, Maine, may become organized as a city under the provisions of this act by proceeding as hereinafter provided.

Sect. 2. Upon petition of electors equal in numbers to twenty-five per centum of the votes cast for all candidates for mayor at the last preceding municipal election, the mayor shall, by proclamation, submit the question of organizing as a city under this act at a special election to be held at a time specified therein, and within two months after the petition is filed. If said plan is not adopted at the

8 special election, the question of adopting such plan shall
9 not be resubmitted to the voters of said city for adoption
10 within two years thereafter, and then the question to adopt
11 shall be submitted upon the presentation of a petition
12 signed by electors equal in number to twenty-five per
13 centum of the votes cast for all candidates for mayor
14 of said city at the last preceding general municipal elec-
15 tion.

At such election the proposition to submit shall be, "Shall
17 the proposition to organize the city of Portland under chap-
18 ter (naming chapter containing this act) of the acts of
19 the seventy-seventh Maine legislature be adopted?" and
20 the election thereupon shall be conducted, the vote can-
21 vassed, and the result declared in the same manner as pro-
22 vided by law in respect to other elections in said city. If
23 a majority of votes cast shall be in favor thereof, the city
24 shall thereupon proceed to the election of a mayor and
25 four councilmen, as hereinafter provided. Immediately
26 after such proposition is adopted, the mayor shall trans-
27 mit to the governor, to the secretary of state, and to the
28 state auditor, each a certificate stating that such propo-
29 sition was adopted. At the next regular election in said
30 city after the adoption of such proposition there shall be
31 elected a mayor and councilmen.

Sect. 3. All laws governing said city of Portland and
2 not inconsistent with the provisions of this act, shall apply
3 to and govern said city when organized under this act.

4 All by-laws, ordinances and resolutions lawfully passed and
5 in force in said city under its former organization shall
6 remain in force until altered or repealed by the council
7 under the provisions of this act. The territorial limits of
8 said city shall remain the same as under its former organ-
9 ization, and all property rights and property of every de-
10 scription which were vested in said city under its former
11 organization, shall vest in the same under the organiza-
12 tion herein contemplated, and no right or liability either in
13 favor or against it, existing at the time, and no suit or
14 prosecution of any kind shall be affected by such change,
15 unless otherwise provided for in this act.

Sect. 4. There shall be elected at the first municipal elec-
2 tion held under this act a mayor and four councilmen.

If any vacancy occurs in any such office the remaining
4 members of said council shall appoint a person to fill such
5 vacancy during the balance of the unexpired term, subject
6 to the provisions of section 20.

Said officers shall be nominated and elected at large. Said
8 officers shall qualify and their terms of office shall begin
9 on the first Monday after their election. The terms of
10 office of the mayor and councilmen or aldermen in said
11 city in office at the beginning of the terms of office of the
12 mayor and councilmen first elected under the provisions
13 of this act shall then cease and determine as soon as the
14 council by resolution declare.

Of the officers (mayor and councilmen) first elected the

16 mayor shall, unless removed, serve four years; and the two
17 councilmen receiving the highest number of votes shall,
18 unless removed, serve four years; and the other two coun-
19 cilmen elected shall, unless removed, serve two years.

At each regular biennial election thereafter there shall
21 be elected for terms of four years a mayor, or mayor and
22 councilmen, or councilmen, to fill the offices made vacant
23 by the expiration of the terms of office of former incum-
24 bents.

Sect. 5. Candidates to be voted for at all general muni-
2 cipal elections at which a mayor and councilmen are to be
3 elected under the provisions of this act shall be nominated
4 by a primary election, and no other names shall be placed
5 upon the general ballot except those selected in the manner
6 hereinafter prescribed. The primary election for such
7 nomination shall be held on the second Monday preceding
8 the general municipal election. The election officers ap-
9 pointed for the general election shall be the election offi-
10 cers for the primary election, and it shall be held at the
11 same place, so far as possible, and the polls shall be opened
12 and closed at the same hours, with the same clerks as are
13 required for said general municipal election. Any person
14 desiring to become a candidate for mayor or councilman
15 shall, at least ten days prior to said primary election, file
16 with the said clerk a statement of such candidacy, in sub-
17 stantially the following form:

18 State of Maine, Cumberland County, ss.

I (.....) being first duly sworn, say that I
20 reside at..... street, city of Portland, county of
21 Cumberland, state of Maine; that I am a qualified voter
22 therein; that I am a candidate for nomination to the office
23 of (mayor of councilman) to be voted upon at the primary
24 election to be held on the.....Monday of.....
25 19...., and I hereby request that my name be printed upon
26 the official primary ballot for nomination by such primary
27 election for such office.

(Signed)

Subscribed and sworn to (or affirmed) before me by
30on this.....day of.....19....

(Signed)

32 and shall at the same time file therewith the petition of at
33 least twenty-five qualified voters requesting such candidacy.
34 Each petition shall be verified by one or more persons as
35 to the qualifications and residence, with street number, of
36 each of the persons so signing the said petition, and the
37 said petition shall be substantially the following form:

PETITION ACCOMPANYING NOMINATION
STATEMENT.

The undersigned, duly qualified electors of the city of
41 Portland and residing at the places set opposite our re-
42 spective names hereto, do hereby request that the name of
43 (name of candidate) be placed on the ballot as a candidate
44 for nomination for (name of office) at the primary elec-

45 tion to be held in such city on the.....Monday of
 4619.... We further state that we know him
 47 to be a qualified elector of said city and a man of good
 48 character and qualified in our judgment for the duties of
 49 such office.

Names of Qualified Electors	Number	Street

Immediately upon the expiration of the time of filing the
 53 statements and petitions for candidacies, the clerk of said
 54 city shall cause to be published for three successive days
 55 in all the daily newspapers published in the city, in proper
 56 form, the names of the persons as they are to appear upon
 57 the primary ballot, and if there be no daily newspapers,
 58 then in two issues of any other newspapers that may be
 59 published in said city; and the said city clerk shall there-
 60 upon cause the primary ballots to be printed, authenticated
 61 with a fac-simile of his signature. Upon the said ballot
 62 the names of the candidates for mayor, arranged alpha-
 63 betically, shall first be placed, with a square at the left
 64 of each name, and immediately below the words, "Vote
 65 for one." Following these names, likewise arranged in
 66 alphabetical order, shall appear the names of the candi-
 67 dates for councilmen, with a square at the left of each
 68 name, and below the names of such candidates shall appear
 69 the words, "Vote for four," or "Vote for two," as the
 70 case may be. The ballot shall be printed upon plain, sub-
 71 stantial white paper, and shall be headed:

CANDIDATES FOR NOMINATION FOR MAYOR
AND COUNCILMEN OF THE CITY OF PORT-
LAND AT THE PRIMARY ELECTION

75 but shall have no party designation or mark whatever.

76 The ballots shall be in substantially the following form:

(Place a cross in the square preceding the names of the
78 parties you favor as candidates for the respective posi-
79 tion.)

OFFICIAL PRIMARY BALLOT.

CANDIDATES FOR NOMINATION FOR MAYOR AND COUNCIL-
MEN OF THE CITY OF PORTLAND AT THE PRIMARY ELEC-
TION.

For Mayor:

(Name of Candidate.)

(Vote for one.)

For Councilmen:

(Name of Candidate.)

(Vote for four) or (Vote for two) as the case may be.

Official Ballot attest:

(Signature).....

City Clerk.

Having caused said ballots to be printed, the said clerk
94 shall cause to be delivered at each polling place a number
95 of said ballots equal to twice the number of votes cast in
96 such polling places at the last general municipal election
97 for mayor. The persons who are qualified to vote at the

98 general municipal election shall be qualified to vote at such
99 primary election, and the law applicable to challenges at
100 a general municipal election shall be applicable to chal-
101 lenges made at such primary election. Election officers
102 shall, immediately upon the closing of the polls, count
103 the ballots and ascertain the number of votes cast in such
104 polling place for each candidate, and make returns there-
105 of the city clerk, upon proper blanks to be furnished by
106 the said clerk, within six hours of the closing of the
107 polls. On the day following the said primary election,
108 the said city clerk shall canvass said returns so received
109 from all the polling places, and shall make and publish
110 in all the newspapers of said city, at least once, the result
111 thereof. Said canvass by the city clerk shall be made
112 publicly. The two candidates receiving the highest num-
113 ber of votes for mayor shall be the candidates, and the
114 only candidates, whose names shall be placed upon the
115 ballot for mayor at the next succeeding general election,
116 and the eight candidates receiving the highest number of
117 votes for councilman, or all such candidates if less than
118 eight, shall be the candidates, and the only candidates
119 whose names shall be placed upon the ballot for council-
120 men at such municipal election. All electors of the city
121 of Portland who by the laws governing cities of the state
122 of Maine acting under special charter would be entitled
123 to vote for the election of officers at any general muni-
124 cipal election in such cities, shall be qualified to vote at

125 all elections under this act; and the ballot at such gen-
126 eral municipal election shall be in the same general form
127 for such primary election, so far as possible, and in all
128 elections in such city the election precinct, polling places,
129 method of conducting election, canvassing the vote and
130 announcing the results, shall be the same as by law pro-
131 vided for election of officers in such cities, so far as the
132 same are applicable and not inconsistent with the pro-
133 visions of this act.

Sect. 6. Any person who shall agree to perform any ser-
2 vices in the interest of any candidate for any office pro-
3 vided for in this act, in consideration of any money or
4 other valuable thing for such services performed in the
5 interest of any candidate shall be punished by a fine not
6 exceeding three hundred dollars (\$300) or be imprisoned
7 in the county jail not exceeding thirty (30) days.

Sect. 7. Any person offering a bribe, either in money
2 or other consideration, to any elector for the purpose of
3 influencing his vote at any election provided for in this
4 act, or any elector entitled to vote at any such election
5 receiving and accepting any such bribe or other considera-
6 tion; and any person making false answer to any of the
7 provisions of this act relative to his qualifications to vote
8 at said election; any person wilfully voting or offering
9 to vote at such election who has not a legal right to do so,
10 or who is not twenty-one years of age, or is not a citizen
11 of the United States; or knowing himself not to be quali-

12 fied elector at the place where he offers to vote; any per-
13 son knowingly procuring, aiding or abetting any violation
14 thereof shall be deemed guilty of a misdemeanor and upon
15 conviction shall be fined a sum not less than one hundred
16 dollars (\$100), nor more than five hundred dollars (\$500),
17 and be imprisoned in the county jail not less than ten (10)
18 nor more than ninety (90) days, and be disfranchised for
19 five years.

In construing the language relating to penalties for the
21 violation of the provisions of this act the word "and" shall
22 be construed as and, and not as "or," and nothing in the
23 statutes of the state of Maine shall warrant any other con-
24 struction.

Sect. 8. Said city of Portland shall be governed by a
2 council consisting of the mayor and four councilmen, cho-
3 sen as provided in this act, each of whom shall have the
4 right to vote on all questions coming before the council.
5 Three members of the council shall constitute a quorum,
6 and the affirmative vote of three members shall be neces-
7 sary to adopt any motion, resolution or ordinance, or pass
8 any measure unless a greater number is provided for in
9 this act. Upon every vote the yeas and nays shall be called
10 and recorded, and every motion, resolution or ordinance
11 shall be reduced to writing and read before the vote is taken
12 thereon. The mayor shall preside at all meetings of the
13 council at which he is present; he shall have no power to
14 veto any measure, but every resolution or ordinance passed

15 by the council must be signed by the mayor, or by two
16 councilmen, and be recorded, before the same shall be in
17 force.

Sect. 9. The council shall have and possess, and the coun-
2 cil and its members shall exercise all executive, legislative
3 and judicial powers and duties now had, possessed and
4 exercised by the mayor, city council, solicitor, assessors,
5 treasurer, auditor, city engineer and all other executive and
6 administrative offices now or hereafter existing in said city.
7 The executive and administrative powers, authority and
8 duties in said city shall be distributed into and among five
9 departments, as follows:

1. Department of Public Affairs. (All Departments.)
2. Department of Finance and Public Property. (Fi-
12 nance, accounts and public buildings.)
3. Department of Public Safety. (Police, fire and
14 health.)
4. Department of Streets and Public Improvements.
16 (Streets, parks and public grounds.)
5. Department of Education and Aid. (Schools and
18 poor.)

It shall be the duty of the mayor of the city organized
20 under the provisions of this act to give due regard to the
21 proper enforcement of all laws, and to see that any person
22 or persons, corporation or corporations, violating the pro-
23 visions of this act are promptly prosecuted for such viola-
24 tion, and such prosecution may also be ordered at any time
25 by a majority vote of the city council.

The council shall determine the powers and duties to be performed by, and assign them to the appropriate department; shall prescribe the powers and duties of officers and employees; may assign particular officers and employees to one or more of the departments, may require an officer or employee to perform duties in two or more departments; and may make such other rules and regulations as may be necessary or proper for the efficient and economical conduct of the business of the city.

Sect. 10. The mayor shall be superintendent of the department of public affairs, and the council shall at the first regular meeting after election of its members designate by majority vote one councilman to be superintendent of the department of finance and public property; one to be superintendent of the department of public safety; one to be superintendent of the department of streets and public improvements; and one to be superintendent of the department of education and aid. Such designation shall be changed whenever it appears that the public service would be benefited thereby. The council shall, at said first meeting, or as soon as practicable thereafter, elect by majority vote the following officers: A city clerk, solicitor, assessors, treasurer, auditor, city engineer, city physician, chief of police, chief of fire department, and such other officers and assistants as shall be provided for by ordinance and necessary to the proper and efficient conduct of the affairs of the city. Any officers or assistants elected or appointed by the council may be removed from office at any time by

20 a vote of a majority of the members of the council, except
21 as otherwise provided for in this act.

Sect. 11. The city council shall require the city treasurer,
2 the city auditor, and such other employees as may be en-
3 trusted with the receipt or distribution of money to give
4 bonds, in such amount and with such sureties as it shall
5 deem proper.

The council shall have power from time to time to create,
7 fill and discontinue offices and employments other than here-
8 in prescribed, according to their judgment of the needs
9 of the city; and may by majority vote of all the members
10 remove any such officer or employee, except as otherwise
11 provided for in this act; and may by resolution or other-
12 wise prescribe, limit or change the compensation of such
13 officers or employees.

Sect. 12. The mayor and councilmen shall have an office
2 at the city hall, and shall devote their entire time during
3 reasonable business hours to the affairs of the city; and
4 their total compensation shall be as follows: The mayor's
5 annual salary shall be four thousand dollars (\$4000), and
6 each councilman three thousand five hundred dollars
7 (\$3500). Such salaries shall be payable in equal monthly
8 installments.

Upon petition signed by electors in number equal to twen-
10 ty-five per centum of the total number of votes cast for
11 candidates for mayor at the last previous election at which
12 a mayor was elected, the question of increasing or dimin-
13 ishing the salaries of the mayor and councilmen may be

14 voted upon at the next regular election occurring not less
15 than thirty (30) days after such petition is filed, and the
16 decision thus made shall raise or lower said salaries to the
17 figure set forth in the petition, and upon the ballot, which
18 shall also state the amount at which it is desired to fix such
19 salaries.

Every other officer or assistant shall receive such salary
21 or compensation as the council shall by ordinance provide,
22 payable in equal monthly installments.

The salary or compensation of all other employees of such
24 city shall be fixed by the council and shall be payable month-
25 ly or at such shorter periods as the council shall determine.

Sect. 13. Regular meetings of the council shall be held
2 on the first Monday after the election of councilmen, and
3 thereafter at least once each month. The council shall
4 provide by ordinance for the time of holding regular meet-
5 ings, and special meetings may be called from time to time
6 by the mayor or two councilmen. The council may hold
7 private conferences at any time, but all motions relating
8 to the affairs of the city and all votes taken shall be in
9 open meeting at which the public are at liberty to be pres-
10 ent; and if such meeting is a special meeting a notice of
11 the same shall be posted in a conspicuous place in the office
12 of the city clerk at least twenty-four hours before the hour
13 of holding such meeting, and a notice of such meeting
14 shall be published in at least one paper published in said
15 city before such meeting is held.

The mayor shall be president of the council and preside

17 at its meetings, and shall supervise all departments and
18 report to the council for its action all matters requiring
19 attention in either. The superintendent of the department
20 of accounts and finances shall be vice president of the coun-
21 cil, and in case of vacancy in the office of mayor, or ab-
22 sence or inability of the mayor, shall perform the duties
23 of the mayor.

Sect. 14. Every ordinance or resolution appropriating
2 money or ordering any street improvement or sewer, or
3 making or authorizing the making of any contract, or grant-
4 ing any franchise or right to occupy or use the streets,
5 highways, bridges or public places in the city for any pur-
6 pose, shall be complete in the form in which it is finally
7 passed, and remain on file with the city clerk for public
8 inspection at least one week before the final passage or
9 adoption thereof. No franchise or right to occupy or use
10 the streets, highways, bridges of public places in the city
11 shall be granted, renewed or extended, except by ordinance,
12 and every franchise or grant for interurban or street rail-
13 ways, gas or water works, electric light or power plants,
14 heating plants, telegraph or telephone systems, or other
15 public service utilities within said city, must be authorized
16 or approved by a majority vote of the electors voting there-
17 on at a general or special election; and special elections for
18 such purpose may be called by the council on their own
19 volition or on petition of the required number of electors.

The council shall have full power to vote all ordinary
21 expenditures for the conduct and maintenance of city af-

22 fairs, but all unusual and extraordinary expenditures over
23 and above an amount equal to one mill upon the taxable
24 property of the city as shown by the last previous valua-
25 tion, shall first be submitted to the electors of said city,
26 who shall determine by their votes whether or not such
27 expenditure shall be made.

Fifty voters of the city may address a petition to the city
29 council requesting a public hearing upon any municipal
30 question, whereupon the mayor, or acting mayor, shall, with-
31 in thirty days, order such hearing at which it shall be the
32 duty of the members of the city council to be present.

Sect. 15. No officer or employee elected or appointed in
2 said city shall be interested, directly or indirectly, in any
3 contract or job of work or materials, or the profits thereof,
4 or services to be performed for the city; and no such offi-
5 cer or employee shall be interested directly or indirectly,
6 in any contract or job for work or materials, or the profits
7 thereof, or services to be furnished or performed for any
8 person, firm or corporation operating interurban railway,
9 street railway, gas works, water works, electric light or
10 power plant, heating plant, telegraph line, telephone ex-
11 change, or other public utility within the territorial limits
12 of said city. No such officer or employee shall accept or
13 receive, directly or indirectly, from any person, firm or
14 corporation operating within the territorial limits of said
15 city, any interurban railway, street railway, gas works, wa-
16 ter works, electric light or power plant, heating plant, tele-
17 graph line or telephone exchange, or other business using

18 or operating under a franchise, any frank, free ticket or
19 free service, or accept or receive, directly or indirectly,
20 from any such person, firm or corporation, any other ser-
21 vice upon terms more favorable than is granted to the
22 general public. Any violation of the provisions of this
23 section shall be a misdemeanor, and every such contract
24 or agreement shall be void.

Such prohibition of free transportation shall not apply to
26 policemen or firemen in uniform; nor shall any free service
27 to city official heretofore provided by any franchise or
28 ordinance be affected by this section. Any officer or em-
29 ployee of said city, who, by solicitation or otherwise, shall
30 exert his influence directly to influence other employees of
31 said city to adopt his political views or to favor any par-
32 ticular person or candidate for office, or who shall in any
33 manner contribute money, labor, or other valuable thing
34 to any person for election purposes, shall be guilty of a
35 misdemeanor, and upon conviction shall be punished by a
36 fine not exceeding three hundred dollars (\$300) or by im-
37 prisonment in the county jail not exceeding thirty (30)
38 days.

Sect. 16. Immediately after organizing, the council shall
2 by ordinance appoint three civil service commissioners, who
3 shall hold office, one until the first Monday in April in the
4 second year after his appointment, and one until the first
5 Monday in April of the fourth year after his appointment,
6 and one until the first Monday in April of the sixth year
7 after his appointment. Each succeeding council shall, as

8 soon as practicable after organizing, appoint one commis-
9 sioner for six years, who shall take the place of the com-
10 missioner whose term of office expires. The chairman of
11 the commission for each biennial period shall be the mem-
12 ber whose term expires first. No person while on the said
13 commission shall hold or be a candidate for any office of
14 public trust. Two of said members shall constitute a quo-
15 rum to transact business. The commissioners must be citi-
16 zens of Maine, and residents of the city for more than
17 three years next preceding their appointment.

The council may remove any of said commissioners dur-
19 ing their term of office for cause, a majority voting in
20 favor of such removal, and shall fill any vacancy that may
21 occur in said commission for the unexpired term. The
22 city council shall provide suitable rooms in which the said
23 civil service commission may hold its meetings. They shall
24 have a clerk, who shall keep a record of all its meetings,
25 said city to supply the said commission with all necessary
26 equipment to properly attend to such business.

(a) Before entering upon the duties of their office, each
28 of said commissioners shall take and subscribe an oath,
29 which shall be filed and kept in the office of the city clerk,
30 to support the constitution of the United States and the
31 state of Maine, and to obey the laws, and to aim to secure
32 and maintain an honest and efficient force, free from par-
33 tisan distinction or control, and to perform the duties of
34 his office to the best of his ability.

(b) Said commission shall, on the first Monday of April

36 and October of each year, or oftener if it shall be deemed
37 necessary, under such rules and regulations as may be pre-
38 scribed by the council, hold examinations for the purpose
39 of determining the qualifications of applicants for posi-
40 tions, which examination shall be practical and shall fairly
41 test the fitness of the persons examined to discharge the
42 duties of the position to which they seek to be appointed.
43 Said commission shall as soon as possible after such ex-
44 amination, certify to the council double the number of
45 persons necessary to fill vacancies, who, according to its
46 records, have the highest standing for the position they
47 seek to fill as a result of such examination, and all vacan-
48 cies which occur, that may come under civil service, prior
49 to the date of the next regular examination, shall be filled
50 from said list so certified; provided, however, that should
51 the list for any cause be reduced to less than three for any
52 division, the council or the head of the proper department
53 may temporarily fill a vacancy, but not to exceed thirty
54 days.

(c) All persons subject to such civil service examina-
56 tions shall be subject to removal from office or employ-
57 ment by the council for misconduct or failure to perform
58 their duties under such rules and regulations as it may
59 adopt, and the chief of police, chief of the fire department,
60 or any superintendent or foreman in charge of municipal
61 work, may peremptorily suspend any subordinate then un-
62 der his direction for neglect of duty or disobedience of
63 his orders, but shall, within twenty-four hours thereafter,

64 report such suspension or discharge, and the reason there-
65 for, to the superintendent of his department, who shall
66 thereupon affirm or revoke such discharge or suspension,
67 according to the facts.

Such employee (or the officer discharged or suspending
69 him) may, within five days of such ruling, appeal there-
70 from to the council, which shall fully hear and determine
71 the matter.

(d) The council shall have the power to enforce the
73 attendance of witnesses, the production of books and pa-
74 pers, and power to administer oaths in the same manner
75 and with like effect, and under the same penalties, as in
76 the case of magistrates exercising criminal or civil juris-
77 diction under the statutes of Maine.

Said commissioners shall make annual report to the coun-
79 cil, and it may require a special report from said commis-
80 sioners at any time; and said council may prescribe such
81 rules and regulations for the proper conduct of the busi-
82 ness of the said commission as shall be found expedient
83 and advisable.

(e) The council shall have power to pass suitable ordi-
85 nances imposing suitable penalties for the punishment of
86 persons violating any of the provisions of this act relating
87 to the civil service commission.

(f) The provisions of this section shall apply to all
89 appointive officers and employees of such city, except those
90 especially named in section 10 of this act, commissioners
91 of any kind, election officials, the mayor's secretary and
92 assistant solicitor where such officers are appointed.

All officers and employees in said city shall be elected or
94 appointed with reference to their qualifications and fitness,
95 and for the good of the public service, and without refer-
96 ence to their political faith or party affiliations.

It shall be unlawful for any candidate for office, or any
98 officer in said city, directly or indirectly, to give or prom-
99 ise any person or persons any office, position, employment,
100 benefit, or any thing of value, for the purpose of influ-
101 encing or obtaining the political support, aid or vote of
102 any person or persons.

Every elective officer in said city shall, within thirty days
104 after qualifying, file with the city clerk, and publish at
105 least once in a daily newspaper of general circulation, his
106 sworn statement of all his election and campaign expenses,
107 and by whom such funds were contributed.

Any violation of the provisions of this section shall be
109 a misdemeanor and be a ground for removal from office.

Sect. 17. The council shall each month print in pamphlet
2 form a detailed itemized statement of all receipts and ex-
3 penses of the city and a summary of its proceedings dur-
4 ing the preceding month, and furnish printed copies there-
5 of to the state library, the city or public library, the daily
6 newspapers of the city, and to persons who shall apply
7 therefor at the office of the city clerk. At the end of each
8 year the council shall cause a full and complete examina-
9 tion of all books and accounts of the city to be made by
10 competent accountants, and shall publish the result of such

11 examination in the manner provided for publication of
12 statements of monthly expenditures.

Sect. 18. At the beginning of the term of office, of the
2 first council elected in said city under the provisions of
3 this act, the appropriations for the expenditures of the city
4 government for the current fiscal year have been made,
5 said council shall have power, by ordinance, to revise, or
6 repeal or change said appropriations and to make addi-
7 tional appropriations.

Sect. 19. In the construction of this act the following
2 rules shall be observed, unless such construction would be
3 inconsistent with the manifest intent, or repugnant to the
4 context of the statute.

1. When an office or officer is named in any law referred
6 to in this act, it shall be construed to mean the office or
7 officer having the same functions or duties under the pro-
8 visions of this act, or under ordinances passed under au-
9 thority thereof.

2. The word "franchise" shall include every special privi-
11 lege in the streets, highways and public places of the city,
12 whether granted by the state or the city, which does not
13 belong to the citizens generally by common right; but shall
14 not be held to refer to mere police regulations attending
15 the carrying out of a franchise already granted, such as
16 locations given for fixtures necessary for the carrying out
17 of the purpose of a franchise upon which the people have
18 passed, which locations can be granted by the council when-
19 ever the public good demands.

3. The word "electors" shall be construed to mean persons qualified to vote for elective offices at regular municipal elections.

Sect. 20. The holder of any elective office under this act may be removed at any time by the electors qualified to vote for a successor for such incumbent. The procedure to effect the removal of an incumbent of an elective office shall be as follows: A petition signed by electors entitled to vote for a successor to the incumbent sought to be removed, equal in number to at least twenty-five per centum of the entire vote for all candidates for the office of mayor at the last preceding general municipal election, demanding an election for a successor of the person sought to be removed shall be filed with the city clerk, which petition shall contain a general statement of the grounds for which the removal is sought. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature, his place of residence, giving street and number. One of the signers of each such paper shall make oath before an officer competent to administer oaths that the statements therein made are true as he believes, and that each signature to the paper is the genuine signature of the person whose name it purports to be. Within ten days from the date of filing such petition the clerk shall examine and from voters' register ascertain whether or not said petition is signed by the requisite number of qualified electors, and, if necessary, the council shall allow him extra

25 help for the purpose; and he shall attach to said petition
26 his certificate, showing the result of said examination.

If by the clerk's certificate the petition is shown to be in-
28 sufficient, it may be amended within ten days from the
29 date of said certificate. The clerk shall, within ten days
30 after such amendment, make like examination of the amend-
31 ed petition, and if his certificate shall show the same to
32 be insufficient, it shall be returned to the person filing the
33 same; without prejudice, however, to the filing of a new
34 petition to the same effect. If the petition shall be deemed
35 sufficient, the clerk shall submit the same to the council
36 without delay. If the petition shall be found to be suffi-
37 cient, the council shall order and fix a date for holding the
38 election, not less than thirty days or more than forty days
39 from the date of the clerk's certificate to the council that
40 a sufficient petition is filed.

The council shall make, or cause to be made, publication
42 of notice and all arrangements for holding such election,
43 and the same shall be conducted, returned and the result
44 thereof declared, in all respects as are other city elections.
45 The successor of any officer so removed shall hold office
46 during the unexpired term of his predecessor. Any per-
47 son sought to be removed may be a candidate to succeed
48 himself, and unless he requests otherwise in writing, the
49 clerk shall place his name on the official ballot without nom-
50 ination. In any such removal election, the candidate re-
51 ceiving the highest number of votes shall be declared elect-

52 ed. At such election if some other person than the incum-
53 bent receives the highest number of votes the incumbent
54 shall thereupon be deemed removed from office upon quali-
55 fication of his successor. In case the party who receives
56 the highest number of votes should fail to qualify, within
57 ten days after receiving notification of election, the office
58 shall be deemed vacant. If the incumbent receives the
59 highest number of votes he shall continue in office. The
60 same method shall be cumulative and additional to the meth-
61 ods heretofore provided by law.

Sect. 21. Any proposed ordinance may be submitted to
2 the council by petition signed by electors of the city equal
3 in number to the percentage hereinafter required. The
4 signatures, verification, authentication, inspection, certifica-
5 tion, amendment and submission of each petition shall be
6 the same as provided for under section 20 hereof.

If the petition accompanying the proposed ordinance be
8 signed by electors in number equal to twenty-five per cen-
9 tum of the votes cast for all candidates for mayor at the
10 last preceding general election, and contains a request that
11 the said ordinance be submitted to a vote of the people if
12 not passed by the council such council shall either

(a) Pass said ordinance without alteration within twenty
14 days after attachment of the clerk's certificate to the accom-
15 panying petition or

(b) Forthwith after the clerk shall attach to the peti-
17 tion accompanying such ordinance his certificate of suffi-
18 ciency, the council shall call a special election, unless a

19 general municipal election is fixed within ninety days there-
20 after, and at such special or general municipal election,
21 if one is so fixed, such ordinance shall be submitted with-
22 out alteration to the vote of the electors of said city. But
23 if the petition is signed by not less than ten but less than
24 twenty-five per centum of the electors, as above defined,
25 then the council shall, within twenty days, pass said ordi-
26 nance without change, or submit the same at the next gen-
27 eral election occurring not less than thirty days after the
28 clerk's certificate of sufficiency is attached to said petition.

The ballots used when voting for said ordinance shall
30 contain these words: "For the Ordinance" (stating the
31 nature of the proposed ordinance), and "Against the Or-
32 dinance" (stating the nature of the proposed ordinance).
33 If a majority of the qualified electors voting on the pro-
34 posed ordinance shall vote in favor thereof, such ordinance
35 shall thereupon become a valid and binding ordinance of
36 the city; and any ordinance proposed by petition, or which
37 shall be adopted by a vote of the people, cannot be repealed
38 except by vote of the people.

Any number of proposed ordinances may be voted upon
40 at the same election, in accordance with the provisions of
41 this section; but there shall be no more than one special
42 election in any period of six months for such purpose.

The council may submit a proposition for the repeal of
44 any such ordinance or for amendments thereto, to be voted
45 upon at any succeeding general city election; and should
46 such proposition so submitted receive a majority of the

47 votes cast thereon at such election, such ordinance shall
48 thereby be repealed or amended accordingly. Whenever
49 any ordinance or proposition is required by this act to be
50 submitted to the voters of the city at any election, the city
51 clerk shall cause such ordinance or proposition to be pub-
52 lished in each of the daily newspapers published in said
53 city; such publication to be not more than twenty or less
54 than five days before the submission of such proposition
55 or ordinance to be voted on.

Sect. 22. No ordinance passed by the council, except
2 when otherwise required by the general law of the state,
3 or by the provisions of this act, except an ordinance for
4 the immediate preservation of the public peace, health or
5 safety, which conatins a statement of its urgency and is
6 passed by a two-thirds vote of the council, shall go into
7 effect before ten days from the time of its final passage;
8 and if during said ten days a petition signed by electors
9 of the city equal in number to at least twenty-five per
10 centum of the entire vote case for all candidates for mayor
11 at the last preceding general municipal election at which a
12 mayor was elected, protesting against the passage of such
13 ordinance, be presented to the council, the same shall there-
14 upon be suspended from going into operation, and it shall
15 be the duty of the council to reconsider such ordinance;
16 and if the same is not entirely repealed, the council shall
17 submit the ordinance, as is provided by sub-section b of
18 section 21 of this act, to the vote of the electors of the
19 city, either at the general election or at a special municipal

20 election to be called for that purpose; and such ordinance
21 shall not go into effect or become operative unless a ma-
22 jority of the qualified electors voting on the same shall
23 vote in favor thereof. Said petition shall be in all respects
24 in accordance with the provisions of said section 21 except
25 as to the percentage of signers, and be examined and cer-
26 tified to by the clerk in all respects as herein provided.

Sect. 23. Any city which shall have operated for more
2 than six years under the provisions of this act may aban-
3 don such organization hereunder, and accept the provisions
4 of the law of the state then applicable to said city, or if
5 now organized under special charter may resume said spe-
6 cial charter by proceeding as follows:

Upon the petition of not less than twenty-five per centum
8 of the electors of said city a special election shall be called,
9 at which the following proposition only shall be submitted:
10 "Shall the city of Portland abandon its organization under
11 chapter (naming chapter) of the acts of the seventy-seventh
12 Maine legislature and become a city under the (stating the
13 charter which it is proposed to substitute for the one under
14 which it is then governed).

If a majority of the votes cast at such special election be
16 in favor of such proposition, the officers elected at the next
17 succeeding biennial election shall be those then prescribed
18 by the provisions of the charter which the city has adopted;
19 and upon the qualification of such officers said city shall
20 become a city under such new form of charter; but such
21 change shall not in any manner or degree affect the prop-

22 erty, right or liabilities of any nature of said city, but shall
23 merely extend to such change in its form of government.

The sufficiency of such petition shall be determined, the
25 election ordered and conducted, and the result declared,
26 generally as provided by section 20 of this act, in so far
27 as the provisions thereof are applicable.