

MAINE STATE LEGISLATURE

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NEW DRAFT.

SEVENTY-SEVENTH LEGISLATURE

SENATE

NO. 282

In Senate, March 6, 1915.

Reported by Sen. Murphy from Portland Delegation and ordered printed under joint rules.

W. E. LAWRY, Secretary.

STATE OF MAINE

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

AN ACT to abolish the office of city solicitor of the City of Portland and to create the office of corporation counsel of the City of Portland, and to determine his duties, tenure of office and salary.

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

Section 1. The office of city solicitor of the City of Portland shall be abolished upon this act taking effect.

Sect. 2. Upon this act taking effect, the mayor shall appoint a corporation counsel for the City of Portland to serve for the term of five years, and thereafter his successors in office shall be appointed by the mayor for the term of five years; provided, however, that any corporation coun-

6 sel may be removed from office for inefficiency, by the mayor
7 with the approval of the aldermen, after a hearing before
8 the mayor and aldermen. No person shall be appointed to
9 said office who shall not have been admitted as an attorney
10 and counsellor of the courts of the State and have been in
11 the active practice of law for at least three years. Should
12 a vacancy occur in the office of corporation counsel, before
13 the expiration of a term, the mayor may, by appointment,
14 fill said vacancy for the unexpired portion of said term.
15 Each corporation counsel shall hold office until his successor
16 shall have been appointed and qualified. The present city
17 solicitor shall be eligible to appointment under the provisions
18 of this section and, if appointed, his term of office shall
19 begin from the time this act takes effect.

Sect. 3. Said corporation counsel shall be furnished a suit-
2 able office in the city hall. He shall give his entire time, dur-
3 ing the hours when other offices in said city hall are open for
4 the transaction of the city's business on secular days, to the
5 duties of his office, and shall receive as compensation there-
6 for an annual salary of twenty-five hundred dollars, paya-
7 ble in equal monthly installments, together with an allowance
8 for clerk hire, the amount to be fixed and determined by the
9 city council.

Sect. 4. It shall be the duty of said corporation counsel, by
2 himself or by some other person by him duly authorized, for
3 whose conduct, skill and faithfulness he shall be accounta-
4 ble, to draft all bonds, deeds, obligations, contracts, leases,

5 agreements, and other legal instruments of whatever nature,
6 which may be required of him by ordinance or order of the
7 mayor and aldermen, or of the city council, or which by any
8 ordinance or order may be requisite to be done and made by
9 the City of Portland, and which by law, usage, or agreement,
10 the city is to be at the expense of drawing. The corporation
11 counsel shall have the right to employ, at the expense of the
12 city, counsel to assist him in cases of emergency and when,
13 in the opinion of the corporation counsel and the mayor,
14 such assistance is deemed to be for the benefit of the city ;
15 provided, however, that the mayor shall approve such re-
16 quest for assistance.

Sect. 5. It shall be the duty of said corporation counsel
2 to commence and prosecute all actions and suits to be com-
3 menced by the city, before any tribunal in this State, wheth-
4 er in law or equity, and also to appear and defend and advo-
5 cate the rights and interests of the city, or any of the offi-
6 cers of the city, in any suit or prosecution for any act or
7 omission in the discharge of their official duties, wherein
8 any estate, right, privilege, ordinances or acts of the city gov-
9 ernment, or any breach of any ordinance, may be brought
10 into question. And said corporation counsel shall also ap-
11 pear before the legislature of this state, or any committee
12 thereof, and there, in behalf of the city, represent, answer
13 for, defend and advocate the interests and welfare of said
14 city, whenever the same may be directly or incidentally af-
15 fected, whether to prosecute or defend the same; and he

16 shall in all matters do all and every professional act, inci-
17 dent to the office, which may be required of him by the city
18 government, or by any joint or special committee thereof,
19 or by any ordinance or order; and he shall, when required,
20 furnish the mayor and aldermen, the common council, or any
21 joint or special committee of either branch thereof, and to
22 any officer of the city government, who may require it in the
23 official discharge of his duties, with his legal opinion on any
24 subject touching the duties of their respective offices.

Sect. 6. Whenever the written opinion of the corporation
2 counsel is required by the city council, or either branch
3 thereof, or by any committee or officer of the city, the cor-
4 poration counsel shall furnish a copy of his written opinion
5 to the city clerk, and the city clerk shall cause the same to
6 be filed and indexed in his office, and the same shall also be
7 filed and indexed in the office of the corporation counsel.

Sect. 7. It shall be the duty of said corporation counsel,
2 annually, in the month of January, to report in writing to
3 the city council all the unfinished business in his depart-
4 ment, including the names, grounds, stages of progress of
5 all suits pending in which the city is a party or is interested;
6 with the names and results of such suits affecting the city as
7 may have been decided or adjusted during the year, and such
8 other information as to the business of his department as he
9 may think important, or the city council may direct; which
10 report shall be published with the other reports to be made
11 to the city council.

Sect. 8. In all acts, parts of acts, orders, and ordinances,
2 of the City of Portland, wherever the words “city solicitor”
3 are used, said words “city solicitor,” are to be construed as
4 meaning “corporation counsel.”

Sect. 9. All acts and parts of acts and ordinances of the
2 City of Portland which relate to, or contain provisions for,
3 the time or method of election of, or term of office of, a city
4 solicitor of the City of Portland, which are inconsistent
5 herewith, are hereby repealed.