

# MAINE STATE LEGISLATURE

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SEVENTY-EIGHTH LEGISLATURE

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HOUSE

NO. 150

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*House of Representatives, Feb. 7, 1917.*

*Referred to Committee on Judiciary and fifteen hundred copies ordered printed. Sent up for concurrence.*

*W. R. ROIX, Clerk.*

*Presented by Mr. Farrington of Augusta.*

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STATE OF MAINE

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

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AN ACT to amend the Charter of the City of Hallowell.

Whereas it is necessary for the several questions, submitted to be voted upon by the provisions of this act, to be so submitted at the regular annual election to be held in the City of Hallowell on the first Monday of March, nineteen hundred seventeen, in order to render this act effective; and whereas, in the judgment of the Legislature, these facts render the passage of this act immediately necessary for the preservation of the public peace, health and safety and constitute an emergency within the meaning of the constitution; now therefore,

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

Section 1. The municipal election for the choice of  
2 mayor, aldermen, city constables, and such other officers as  
3 may hereafter be elected at large, of the city of Hallowell,  
4 and of wardens and ward clerks of the several wards in  
5 said city, shall be held on the second Monday of December,  
6 annually, beginning with the year nineteen hundred seven-  
7 teen, instead of on the first Monday of March. Said of-  
8 ficers chosen at any annual election and all subordinate  
9 officers or agents for the city now elected or appointed for  
10 a term of one year (not including the city marshal and  
11 street commissioner) shall hold their offices one year from  
12 the first Monday of January next following said election,  
13 and until others shall be elected or appointed and qualified  
14 in their places, subject to removal as now provided by the  
15 charter and ordinances of said city; except that those that  
16 shall be chosen at the election to be held on the first Monday  
17 of March in the year nineteen hundred seventeen and said  
18 subordinate officers or agents shall hold their offices from  
19 the second Monday of March in the year nineteen hundred  
20 seventeen until the first Monday of January in the year  
21 nineteen hundred eighteen, and until their successors are  
22 elected or appointed and qualified in their places; provided,  
23 however, that if section two of this act shall be accepted,  
24 as hereinafter provided, by the electors of said city, then  
25 the municipal election shall be held biennially, instead of an-  
26 nually, beginning with the second Monday of December in

27 the year nineteen hundred seventeen, and the aforesaid of-  
28 ficers chosen at any biennial election and said subordinate  
29 officers or agents shall hold their offices two years from the  
30 first Monday of January next following said biennial elec-  
31 tion, and until their successors are elected or appointed and  
32 qualified in their places, subject to removal as aforesaid; ex-  
33 cept that those that shall be chosen at the election to be held  
34 on the first Monday of March in the year nineteen hundred  
35 seventeen and said subordinate officers or agents shall hold  
36 their offices from the second Monday of March in the year  
37 nineteen hundred seventeen until the first Monday of Jan-  
38 uary in the year nineteen hundred eighteen, and until their  
39 successors are elected or appointed and qualified in their  
40 places.

Sect. 2. The municipal election for the choice of mayor,  
2 aldermen, city constables, and such other officers as may  
3 hereafter be elected at large, of the city of Hallowell, and  
4 of wardens and ward clerks of the several wards in said  
5 city, shall be held once in two years instead of annually, and  
6 all subordinate officers or agents for the city, now elected  
7 or appointed for a term of one year (not including the city  
8 marshal and street commissioner) shall be elected or ap-  
9 pointed, in the manner now provided therefor, and all  
10 vacancies in such offices filled for a term of two years and  
11 until others shall be elected or appointed and qualified in  
12 their places; anything in the charter or ordinances of said  
13 city of Hallowell to the contrary notwithstanding, but said

14 subordinate officers or agents shall be subject to removal as  
15 now provided by said charter and ordinances. If section  
16 one of this act shall be accepted by the electors of said city,  
17 the officers chosen at the municipal election to be held on  
18 the first Monday of March in the year nineteen hundred  
19 seventeen and all said subordinate officers or agents shall  
20 hold their offices from the Monday following said municipal  
21 election until the first Monday of January in the year nine-  
22 teen hundred eighteen and until their successors are elected  
23 or appointed and qualified in their places, and thereafter  
24 the municipal election shall be held on the second Monday  
25 of December biennially, beginning with the second Monday  
26 of December in the year nineteen hundred seventeen, and  
27 the officers chosen at any biennial December election and all  
28 said subordinate officers or agents shall hold their offices  
29 two years from the first Monday of January following said  
30 municipal election and until their successors are elected or  
31 appointed and qualified in their places, subject to removal  
32 as aforesaid. If said section one shall not be accepted by  
33 the electors of said city, then the municipal election shall be  
34 held on the first Monday of March in the year nineteen hun-  
35 dred seventeen and biennially thereafter on the first Mon-  
36 day of March, and the officers chosen at any biennial March  
37 election beginning with the March Municipal election in the  
38 year nineteen hundred seventeen, which in such case is  
39 deemed the first biennial election, and all said subordinate  
40 officers or agents shall hold their offices two years from the

41 Monday following said first biennial election, and until their  
42 successors are elected or appointed and qualified in their  
43 places, subject to removal as aforesaid.

Sect. 3. The city marshal and the street commissioner  
2 for said city shall be appointed by the mayor and such ap-  
3 pointments shall be made and take effect as soon as con-  
4 venient after the beginning of the mayor's term of office, not  
5 exceeding a period of one month, and said officers shall  
6 hold their respective offices during the term for which the  
7 mayor was elected, and until others are respectively ap-  
8 pointed and qualified in their places, subject to removal  
9 by the mayor at his pleasure; and the mayor shall have  
10 and exercise the same power of appointment to fill any  
11 vacancy from any cause in either of said offices, but any  
12 person so appointed to fill a vacancy from any cause other  
13 than expiration of the term of office, shall hold said office  
14 during the unexpired term of his predecessor, subject to  
15 removal by the mayor at his pleasure.

Provided, however, that the city marshal and street com-  
2 missioner elected at the municipal election to be held on  
3 the first Monday of March in the year nineteen hundred  
4 seventeen shall hold their respective offices as follows:  
5 if section one of this act shall be accepted by the electors  
6 of said city, then as therein provided; otherwise, from the  
7 Monday following said election to the Monday following the  
8 next annual or biennial municipal election held for the elec-  
9 tion of the officers enumerated in sections one and two of

10 this act, and until others are appointed and qualified in their  
11 places.

Sect. 4. Sections one, two, and three of this act shall  
2 take effect only when accepted, as hereinafter provided, by  
3 the electors of said city qualified to vote in a municipal  
4 election. Said sections shall be submitted to be voted upon  
5 by the qualified electors of said city at the regular annual  
6 election to be held on the first Monday of March, nineteen  
7 hundred seventeen. Said election shall be called, advertised  
8 and conducted according to the law relating to municipal  
9 elections in said city. The ballots to be used in said election  
10 shall be in such form as to permit each of said first three  
11 sections of this act to be voted on separately by an expres-  
12 sion of the voter's opinion on the following three questions  
13 relating respectively to said first three sections of this act:

I. Shall the municipal elections, in the city of Hallowell  
2 for the election of mayor, aldermen, constables, other of-  
3 ficers at large and ward officers henceforth be held on the  
4 second Monday of December in order that the municipal  
5 year may begin on the first Monday of January?

II. Shall the mayor, aldermen, constables, other officers  
2 at large and ward officers, be elected and subordinate of-  
3 ficers and agents be elected or appointed, biennially to hold  
4 office for the term of two years?

III. Shall the city marshal and street commissioner be  
2 appointed by the mayor, to serve through the mayor's term  
3 of office, subject to removal by the mayor at his pleasure?

Opposite and to the right of each of said questions shall  
2 be printed the two words "Yes" and "No" with the usual  
3 squares in which the voter is to mark in the manner re-  
4 quired by law to express his opinion. Other brief and suit-  
5 able explanation of the subject matter submitted may be  
6 printed on the ballots which in other respects shall conform  
7 with all the requirements of law. Such of the sections so  
8 submitted as shall receive more affirmative than negative  
9 votes at said election shall be deemed to have been ac-  
10 cepted and shall thereupon be in full force and effect. The  
11 result of said election shall be declared by the mayor and  
12 aldermen, and due certificate thereof filed with the city  
13 clerk and with the secretary of state. A printed copy of  
14 the full text of the first four sections of this act shall be  
15 posted with each notice of said election, and two copies  
16 shall be kept posted in each voting place in said city during  
17 said election.

Sect. 5. Section 3 of Chapter 413 of the Private and  
2 Special Laws of 1850, entitled, An Act to Incorporate the  
3 City of Hallowell, as amended by Chapter 31 of the Private  
4 and Special Laws of 1899, is hereby amended by striking  
5 out all of said section after the word "vote" in the four-  
6 teenth line thereof and by adding the words, "He shall re-  
7 ceive from the city no compensation other than his salary  
8 for any service by him rendered in any other capacity or  
9 agency"; so that said section as amended shall read as fol-  
10 lows:



‘Sect. 3. The mayor of said city shall be the chief executive officer thereof. It shall be his duty to be vigilant and active in causing the laws and regulations of the city to be executed and enforced, to exercise a general supervision over the conduct of all subordinate officers, and to cause their violations or neglect of duty to be punished. He may call special meetings of the board of aldermen, when in his opinion the interests of the city require it, by a notice in one or more of the papers printed in this city, or by causing a summons or notification to be given in hand or left at the usual dwelling place of each member of the board. He shall from time to time, communicate such information, and recommend such measures as the business and interests of the city may in his opinion require. He shall preside in the board of aldermen, but shall have only a casting vote. He shall receive from the city no compensation other than his salary for any service by him rendered in any other capacity or agency.’

Sect. 6. Section 4 of said Chapter 413 of the Private and Special Laws of 1850, as amended by Chapter 148 of the Private and Special Laws of 1887, and by Chapter 31 of the Private and Special Laws of 1899, is hereby amended by striking out the word “fifty” in the thirty-fourth line thereof and inserting the words ‘five hundred’ in place thereof; so that said section as amended shall read as follows:

‘Sect. 4. The executive powers of said city generally, and the administration of police, with all the powers of the

3 selectmen of the town of Hallowell, shall be vested in the  
4 mayor and aldermen as fully as if the same had been herein  
5 particularly enumerated; all other powers now vested in  
6 the inhabitants of said town, and all powers now vested in  
7 the inhabitants of said town, and all powers granted by this  
8 Act shall be vested in the mayor and aldermen. The city  
9 city council shall annually, on the second Monday of March,  
10 or as soon thereafter as conveniently may be, elect and  
11 appoint all the subordinate officers and agents for the city,  
12 except city marshal and street commissioner, for the en-  
13 suing year, including a chief engineer and other engineers  
14 of the fire department, which chief engineer, or in his  
15 absence any other engineers shall have all power and  
16 authority that fire wards now have; shall define their duties  
17 and fix their compensation, in cases where such duties and  
18 compensation shall not be defined and fixed by the laws of  
19 this state; and may remove any officer when in their opinion  
20 sufficient cause for their removal exists. All officers shall be  
21 chosen and vacancies supplied for the current year, except  
22 as hereinafter otherwise directed. All subordinate officers  
23 and agents shall hold their offices during the ensuing year  
24 and until others shall be elected and qualified in their stead,  
25 unless sooner removed by the city council. All moneys  
26 received and collected for and on account of the city, by  
27 any officer or agent thereof, shall forthwith be paid into the  
28 city treasury. The city council shall take care that no  
29 moneys shall be paid from the treasury unless granted or

30 appropriated; shall secure a prompt and just accountability  
31 by requiring bonds with sufficient penalty and sureties from  
32 all persons trusted with the receipt, custody and disburse-  
33 ment of moneys; shall have the care and superintendence  
34 of city buildings and the custody and management of all  
35 city property with power to let or sell what may be legally  
36 let or sold; to purchase and take in the name of the city,  
37 such real or personal property, not exceeding the sum of  
38 five hundred thousand dollars, including the property now  
39 owned by the town, as they may think useful to the public  
40 interest. The fiscal year shall end on the thirty-first day  
41 of December in each year. And the city council shall as  
42 often as once a year, before the first day of February, cause  
43 to be published for the information of the inhabitants, an  
44 account of receipts and expenditures and a schedule of the  
45 city property for said year, and no money shall be paid  
46 from the treasury unless the same be appropriated by the  
47 city council, and upon a warrant signed by the mayor, which  
48 warrant shall state the appropriations under which the same  
49 is drawn. Neither the mayor nor any member of the city  
50 council shall be elected or appointed during his official term,  
51 to any other office under the city government or as agent  
52 of the city for any purpose.'

This section is subject, however, to necessary modification  
2 according to section nine of this act.

Sect. 7. Section 11 of said Chapter 413 of the Private  
2 and Special Laws of 1850 is hereby amended by striking

3 out the word "District" in the nineteenth line thereof and  
4 inserting the word 'Superior' in place thereof and by add-  
5 ing thereto the following:

'And said court shall also have original and exclusive juris-  
2 diction of all offenses arising within said city now cog-  
3 nizable by said court, and concurrent jurisdiction with the  
4 Municipal Court of the City of Augusta and the Gardiner  
5 Municipal Court, of all such offenses arising within the  
6 Town of Chelsea'; so that said section as amended shall  
7 read as follows:

'Sect. 11. A Police Court shall be and hereby is estab-  
2 lished, in and for the city, to be denominated the Municipal  
3 Court of the city of Hallowell, to consist of one judge who  
4 shall be appointed and commissioned in the manner pro-  
5 vided in the constitution, who shall have concurrent juris-  
6 diction with justices of the peace, in all matters civil and  
7 criminal, under twenty dollars, within the county of Kenne-  
8 bec, and original and exclusive jurisdiction in all civil ac-  
9 tions in which both parties interested, or in which the party  
10 plaintiff, and the person or persons summoned as trustees  
11 shall be inhabitants of or residents of said city of Hallowell,  
12 excepting all actions in which said judge may be interested;  
13 and said court shall also have concurrent jurisdiction with  
14 justices of the peace and quorum in all cases of forcible  
15 entry and detainer, arising in said county, and original and  
16 exclusive jurisdiction in all such cases arising in the city,  
17 and shall also have original and exclusive jurisdiction of

18 all violations of the by-laws of said city. And any person  
19 aggrieved by any judgment awarded by said court may ap-  
20 peal therefrom to the Superior Court for said county, in  
21 like manner as if the same had been awarded by any justice  
22 of the peace, or justices of the peace and quorum. And said  
23 court shall also have original and exclusive jurisdiction of  
24 all offenses arising within said city now cognizable by said  
25 court, and concurrent jurisdiction with the Municipal Court  
26 of the City of Augusta and the Gardiner Municipal Court,  
27 of all such offenses arising within the 'Town of Chelsea.'

Sect. 8. Section 20 of said Chapter 413 of the Private  
2 and Special Laws of 1850 as amended by Chapter 31 of the  
3 Private and Special Laws of 1899, is hereby amended by  
4 striking out the words, "he shall give notice in one or two  
5 of the papers printed in said city of the time and place of  
6 regular ward meetings"; so that said section as amended  
7 shall read as follows:

'Sect. 20. The city clerk shall be the clerk of the board  
2 of aldermen; he shall perform such duties as shall be pre-  
3 scribed by the board of aldermen; and shall perform all  
4 duties, and exercise all the powers by law incumbent upon  
5 or vested in, the town clerk of the town of Hallowell; but  
6 the place of regular ward meetings, and also the day and  
7 hour, when not fixed by law, shall be determined by the  
8 board of aldermen. The board of aldermen may, in the  
9 absence of the mayor, choose a president pro tempore, who  
10 shall preside at meetings of the board. The board shall  
11 keep a record of its proceedings, and judge of the election

12 of its own members; and in case of failure of election or  
13 vacancy by death, resignation or otherwise, may order new  
14 elections. A quorum for the transaction of business, shall  
15 consist of a majority of the members thereof; all meetings  
16 of the aldermen shall be open and public, and the presiding  
17 officer shall have the power of moderators of town meet-  
18 ings. At any of said meetings, when any two members  
19 shall request it, the vote shall be taken by yeas and nays,  
20 which shall be recorded by the clerk.'

Sect. 9. This act shall take effect when approved, and all  
2 acts and parts of acts inconsistent herewith, and all pro-  
3 visions of the charter and ordinances of the said city of  
4 Hallowell inconsistent with this act are hereby modified  
5 so as to conform to the provisions of this act; substituting  
6 therein for the words "first Monday in (or of) March"  
7 the words 'second Monday of December,' and for the words  
8 "second Monday in (or of) March" the words 'first Mon-  
9 day of January,' and for the words "annual" or "annually"  
10 the words 'biennial' or 'biennially,' and for the words "one  
11 year" the words 'two years,' and striking out the words  
12 "city marshal" and the words "street commissioner,"  
13 wherever such substitution or striking out is necessary to  
14 effect the intent of this act. But this section shall take  
15 effect as to the subject matter covered by sections one, two,  
16 and three, of this act when and only so far as said first  
17 three sections or any of them are finally accepted by the  
18 electors of said city of Hallowell, as provided in section  
19 four of this act.