

MAINE STATE LEGISLATURE

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NEW DRAFT

SEVENTY-EIGHTH LEGISLATURE

HOUSE

NO. 576

House of Representatives, March 15, 1917.

Printed under joint rules.

W. R. ROIX, Clerk.

STATE OF MAINE

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

AN ACT to amend the charter of the City of Hallowell

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

Section 1. 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 of
4 wardens and ward clerks of the several wards in said city,
5 shall be held on the second Monday of December, annually,
6 beginning with the year nineteen hundred seventeen, instead
7 of on the first Monday of March. Said officers chosen at
8 any annual election and all subordinate officers or agents for
9 the city now elected or appointed for a term of one year (not
10 including the city marshal and street commissioner) shall

11 hold their offices one year from the first Monday of January
12 next following said election, and until others shall be elected
13 or appointed and qualified in their places, subject to removal
14 as now provided by the charter and ordinances of said city ;
15 except that those chosen at the election held on the first
16 Monday of March in the year nineteen hundred seventeen
17 and said subordinate officers or agents shall hold their offices
18 from the second Monday of March in the year nineteen
19 hundred seventeen until the second Monday of March in the
20 year nineteen hundred eighteen, and until their successors
21 are elected or appointed and qualified in their places ; pro-
22 vided, however, that if section two of this act shall be ac-
23 cepted, as hereinafter provided, by the electors of said city,
24 then the municipal election shall be held biennially, instead
25 of annually, beginning with the second Monday of Decem-
26 ber in the year nineteen hundred seventeen, and the afore-
27 said officers chosen at any biennial election and said subor-
28 dinate officers or agents shall hold their offices two years
29 from the first Monday of January next following said bien-
30 nial election, and until their successors are elected or ap-
31 pointed and qualified in their places, subject to removal as
32 aforesaid ; except that those chosen at the election held on
33 the first Monday of March in the year nineteen hundred sev-
34 enteen and said subordinate officers or agents shall hold their
35 offices from the second Monday of March in the year nine-
36 teen hundred seventeen until the second Monday of March
37 in the year nineteen hundred eighteen, and until their suc-
38 cessors are elected or appointed and qualified in their 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 of 4 wardens and ward clerks of the several wards in said city, 5 shall be held once in two years instead of annually, and all 6 subordinate officers or agents for the city, now elected or ap- 7 pointed for a term of one year (not including the city mar- 8 shal and street commissioner) shall be elected or appointed, 9 in the manner now provided therefor, and all vacancies in 10 such offices filled for a term of two years and until others 11 shall be elected or appointed and qualified in their places; 12 anything in the charter or ordinances of said city of Hallo- 13 well to the contrary notwithstanding, but said subordinate 14 officers or agents shall be subject to removal as now pro- 15 vided by said charter and ordinances. If section one of this 16 act shall be accepted by the electors of said city, said officers 17 chosen at the municipal election held on the first Monday of 18 March in the year nineteen hundred seventeen and all said 19 subordinate officers or agents shall hold their offices from the 20 Monday following said municipal election until the second 21 Monday of March in the year nineteen hundred eighteen and 22 until their successors are elected or appointed and qualified 23 in their places, and thereafter the municipal election shall 24 be held on the second Monday of December biennially, be- 25 ginning with the second Monday of December in the year 26 nineteen hundred seventeen, and said officers chosen at any 27 biennial December election and all said subordinate officers

28 or agents shall hold their offices, except as above provided,
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 as
32 aforesaid. If said section one shall not be accepted by the
33 electors of said city, then the municipal election shall be held
34 on the first Monday of March in the year nineteen hundred
35 seventeen and biennially thereafter on the first Monday of
36 March, and said officers chosen at any biennial March elec-
37 tion beginning with the March municipal election in the year
38 nineteen hundred seventeen, which in such case is deemed
39 the first biennial election, and all said subordinate officers or
40 agents shall hold their offices two years from the Monday
41 following said first biennial election, and until their succes-
42 sors are elected or appointed and qualified in their places,
43 subject to removal as aforesaid.

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

12 vacancy from any cause other than expiration of the term of
13 office, shall hold said office during the unexpired term of his
14 predecessor, subject to removal by the mayor at his pleasure.
15 Provided, however, that the city marshal and street commis-
16 sioner elected at the municipal election held on the first Mon-
17 day of March in the year nineteen hundred seventeen shall
18 hold their respective offices from the Monday following said
19 election to the second Monday of March in the year nine-
20 teen hundred eighteen, and until others are appointed and
21 qualified in their places.

Sect. 4. Sections one, two, and three of this act shall take
2 effect only when accepted, as hereinafter provided, by the
3 electors of said city. Said sections shall be submitted to be
4 voted upon by the qualified electors of said city at a meeting
5 to be called, advertised and conducted according to the law
6 relating to biennial meetings for the election of senators and
7 representatives, on the second Monday of September follow-
8 ing the passage of this act. The ballots to be used in said
9 meeting shall be prepared by the city clerk and furnished by
10 the city and 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 officers
3 at large and ward officers henceforth be held on the second
4 Monday of December in order that the municipal year may
5 begin on the first Monday of January?

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

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

Opposite and to the right of each of said questions shall be
2 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 meeting shall be deemed to have been accepted
10 and shall thereupon be in full force and effect. The result
11 of said meeting shall be declared by the mayor and alder-
12 men, and due certificate thereof filed with the city clerk and
13 with the secretary of state. A printed copy of the full text
14 of the first four sections of this act shall be posted with each
15 notice of said meeting, and two copies shall be kept posted in
16 each voting place in said city during said meeting.

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 execu-
2 tive officer thereof. It shall be his duty to be vigilant and
3 active in causing the laws and regulations of the city to be
4 executed and enforced, to exercise a general supervision over
5 the conduct of all subordinate officers, and to cause their vio-
6 lations or neglect of duty to be punished. He may call
7 special meetings of the board of aldermen, when in his
8 opinion the interests of the city require it, by a notice in one
9 or more of the papers printed in this city, or by causing a
10 summons or notification to be given in hand or left at the
11 usual dwelling place of each member of the board. He shall
12 from time to time communicate such information and rec-
13 ommend such measures as the business and interests of the
14 city may in his opinion require. He shall preside in the
15 board of aldermen, but shall have only a casting vote. He
16 shall receive from the city no compensation other than his
17 salary for any service by him rendered in any other capac-
18 ity or agency.’

Sect. 6. Section 4 of said Chapter 413 of the Private and
2 Special Laws of 1850, as amended by Chapter 148 of the
3 Private and Special Laws of 1887, and by Chapter 31 of

4 the Private and Special Laws of 1899, is hereby amended
5 by striking out the word "fifty" in the thirty-fourth line
6 thereof and inserting the words 'five hundred' in place
7 thereof; so that said section as amended shall read as fol-
8 lows:

'Sect. 4. The executive powers of said city generally, and
2 the administration of police, with all the powers of the se-
3 lectmen 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 the
6 inhabitants of said town, and all powers granted by this
7 Act shall be vested in the mayor and aldermen. The city
8 council shall annually, on the second Monday of March, or
9 as soon thereafter as conveniently may be, elect and appoint
10 all the subordinate officers and agents for the city, except
11 city marshal and street commissioner, for the ensuing year,
12 including a chief engineer and other engineers of the fire
13 department, which chief engineer, or in his absence any
14 other engineers shall have all power and authority that fire
15 wards now have; shall define their duties and fix their com-
16 pensation, in cases where such duties and compensation shall
17 not be defined and fixed by the laws of this state; and may
18 remove any officer when in their opinion sufficient cause for
19 their removal exists. All officers shall be chosen and va-
20 cancies supplied for the current year, except as hereinafter

21 otherwise directed. All subordinate officers and agents shall
22 hold their offices during the ensuing year and until others
23 shall be elected and qualified in their stead, unless sooner
24 removed by the city council. All moneys received and col-
25 lected for and on account of the city, by any officer or agent
26 thereof, shall forthwith be paid into the city treasury. The
27 city council shall take care that no moneys shall be paid from
28 the treasury unless granted or appropriated; shall secure a
29 prompt and just accountability by requiring bonds with suf-
30 ficient penalty and sureties from all persons trusted with the
31 receipt, custody and disbursement of moneys; shall have the
32 care and superintendence of city buildings and the custody
33 and management of all city property with power to let or sell
34 what may be legally let or sold; to purchase and take in the
35 name of the city, such real or personal property, not exceed-
36 ing the sum of five hundred thousand dollars, including the
37 property now owned by the town, as they may think useful
38 to the public interest. The fiscal year shall end on the thirty-
39 first day of December in each year. And the city council
40 shall as often as once a year, before the first day of Febru-
41 ary, cause to be published for the information of the inhab-
42 itants, an account of receipts and expenditures and a sched-
43 ule of the city property for said year, and no money shall be
44 paid from the treasury unless the same be appropriated by
45 the city council, and upon a warrant signed by the mayor,
46 which warrant shall state the appropriations under which
47 the same is drawn. Neither the mayor nor any member of

48 the city council shall be elected or appointed during his offi-
49 cial term, to any other office under the city government or
50 as agent 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 and
2 Special Laws of 1850 is hereby amended by striking out the
3 word "District" in the nineteenth line thereof and inserting
4 the word 'Superior' in place thereof and by adding thereto
5 the following:

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

'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 provided
5 in the constitution, who shall have concurrent jurisdiction
6 with justices of the peace, in all matters civil and criminal,
7 under twenty dollars, within the county of Kennebec, and
8 original and exclusive jurisdiction in all civil actions in
9 which both parties interested, or in which the party plaintiff,
10 and the person or persons summoned as trustees shall be in-

11 habitants of or residents of said city of Hallowell, except-
12 ing all actions in which said judge may be interested; and
13 said court shall also have concurrent jurisdiction with jus-
14 tices of the peace and quorum in all cases of forcible entry
15 and detainer, arising in said county, and original and exclu-
16 sive jurisdiction in all such cases arising in the city, and shall
17 also have original and exclusive jurisdiction of all violations
18 of the bylaws of said city. And any person aggrieved by any
19 judgment awarded by said court may appeal therefrom to the
20 Superior Court for said county, in like manner as if the
21 same had been awarded by any justice of the peace, or jus-
22 tices of the peace and quorum. And said court shall also
23 have original and exclusive jurisdiction of all offenses arising
24 within said city now cognizable by said court, and concur-
25 rent jurisdiction with the municipal court of the City of
26 Augusta and the Gardiner Municipal Court, of all such
27 offenses arising within the 'Town of Chelsea.'

Sect. 8. Section 20 of said Chapter 413 of the Private and
2 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 of
5 the papers printed in said city of the time and place of regu-
6 lar ward meetings"; so that said section as amended shall
7 read as follows:

'Sect. 20. The city clerk shall be the clerk of the board of
2 aldermen; he shall perform such duties as shall be prescribed
3 by the board of aldermen; and shall perform all duties, and

4 exercise all the powers by law incumbent upon or vested in,
5 the town clerk of the town of Hallowell; but the place of
6 regular ward meetings, and also the day and hour, when not
7 fixed by law, shall be determined by the board of aldermen.
8 The board of aldermen may, in the absence of the mayor,
9 choose a president pro tempore, who shall preside at meetings
10 of the board. The board shall keep a record of its proceed-
11 ings, and judge of the election of its own members; and in
12 case of failure of election or vacancy by death, resignation or
13 otherwise, may order new elections. A quorum for the
14 transaction of business, shall consist of a majority of the
15 members thereof; all meetings of the aldermen shall be open
16 and public, and the presiding officer shall have the power of
17 moderators of town meetings. At any of said meetings, when
18 any two members shall request it, the vote shall be taken by
19 yeas and nays, which shall be recorded by the clerk.'

Sect. 9. All acts and parts of acts inconsistent herewith,
2 and all provisions of the charter and ordinances of the said
3 city of Hallowell inconsistent with this act are hereby modi-
4 fied so as to conform to the provisions of this act; substitut-
5 ing therein for the words "first Monday in (or of) March"
6 the words 'second Monday of December,' and for the words
7 "second Monday in (or of) March" the words 'first Monday
8 of January,' and for the words "annual" or "annually" the
9 words 'biennial' or 'biennially,' and for the words "one year"
10 the words 'two years,' and striking out the words "city mar-
11 shal" and the words "street commissioner," wherever such

12 substitution or striking out is necessary to effect the intent of
13 this act. But this section shall take effect as to the subject
14 matter covered by sections one, two, and three, of this act
15 when and only so far as said first three sections or any of
16 them are finally accepted by the electors of said city of Hal-
17 lowell, as provided in section four of this act.