

MAINE STATE LEGISLATURE

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SEVENTY-NINTH LEGISLATURE

HOUSE

NO. 101

House of Representatives, February 5, 1919.

On motion of Mr. Berry of Waterville taken from the table and on further motion of same gentleman was retabled for printing and 1000 copies ordered printed. Pending reference to a committee.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Berry of Waterville.

STATE OF MAINE

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

AN ACT to grant a new charter to the city of Waterville.

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

ARTICLE I.

Grant of Powers to the City.

Section 1. Corporate existence retained. The inhabitants
2 of the city of Waterville shall continue to be a municipal
3 corporation under the name of the city of Waterville and
4 as such shall have, exercise and enjoy all the rights, im-
5 munities, powers and privileges, and shall be subject to all
6 the duties, liabilities and obligations provided for herein,

7 or otherwise pertaining to or incumbent upon said city as
8 a municipal corporation; and may enact ordinances, by-
9 laws, and regulations not inconsistent with the constitution
10 and laws of the State of Maine.

ARTICLE II.

City Council.

Section 1. Powers and duties. All the powers granted to
2 the city by this charter and by the laws of this State, ex-
3 cept as otherwise provided by this charter, are hereby vest-
4 ed in the city council, which shall exercise its powers in
5 the manner hereinafter provided; and the members thereof
6 shall constitute the Board of Education. The members of
7 the city council shall be the municipal officers of the city of
8 Waterville for all purposes required by statute or ordinance.
9 The city council is hereby constituted overseers of the poor
10 of the city of Waterville. As such they may authorize a
11 clerk or agent to sign and send the written notices and the
12 written answers referred to in sections thirty-five and thirty-
13 six of chapter twenty-nine of the revised statutes; and such
14 written notices and written answers shall have the same ef-
15 fect as if signed and sent by the members of the city coun-
16 cil themselves.

Sect. 2. The council shall be composed of five members.
2 The members shall be elected at large by and from the
3 qualified voters of the city. The members of the council
4 shall hold office for the term of two years, or until their
5 successors are elected and qualified. Members of the coun-

6 cil shall receive the sum of five dollars for attendance at
7 each meeting, but the number of meetings for which com-
8 pensation shall be received in any one year shall not exceed
9 twenty-five.

Sect. 3. Vacancies; forfeiture of office. In case of the
2 death, resignation, or removal from office of any member
3 of the council, more than six months prior to the next reg-
4 ular city election, the vacancy shall be filled by a special
5 election, the warrants for which shall be issued by the city
6 council. Any member of the council who shall have been
7 convicted of a crime while in office shall thereby forfeit
8 his office.

Sect. 4. Regular meetings and qualification. The council
2 shall meet at the usual place for holding meetings, at ten
3 o'clock A. M. on the first Monday in January following the
4 regular city election, at which time the councilmen-elect
5 shall be sworn to the faithful discharge of their duties by
6 a justice of the peace or by the city clerk. Thereafter the
7 council shall meet at such time and place as may be pre-
8 scribed by ordinance or resolution, except that it shall meet
9 regularly twice each month.

Sect. 5. Special meetings. Special meetings may be called
2 by the mayor, or by a majority of all the members of the
3 council. Notice of such meetings shall be served in person
4 upon, or left at the usual dwelling place of, each member
5 of the council and the city manager.

Sect. 6. Quorum. A majority of the members of the

2 council shall constitute a quorum for the transaction of
3 business, but a smaller number may adjourn from time to
4 time or compel attendance of absent members.

Sect. 7. Procedure. The council shall keep a record of
2 its proceedings and shall be the judge of the qualification
3 and election of its own members. The council may deter-
4 mine its own rules of procedure and punish members for
5 misconduct. The meetings of the council shall be open to
6 the public. The council shall act only by ordinance, order
7 or resolve; and all ordinances, orders, and resolves, except
8 resolves making appropriations, shall be confined to one
9 subject which shall be clearly expressed in the title. The
10 appropriation resolves shall be confined to the subject of
11 appropriations. No ordinance and no appropriation resolve
12 shall be passed until it has been read on two separate days,
13 except when the requirement of a reading on two separate
14 days has been dispensed with by a four-fifths vote of the
15 voting members of the council. The yeas and nays shall
16 be taken upon the passage of all ordinances and entered on
17 the record of the proceedings of the council by the clerk.
18 The yeas and nays shall be taken on the passage of any
19 order or resolve when called for by any member of the
20 council. Every ordinance shall require on final passage the
21 affirmative vote of a majority of the voting members of
22 the council. Every ordinance shall be published in full
23 within ten days after its final passage, and shall take effect
24 and be in force after its approval by some justice of the
25 supreme judicial court.

ARTICLE III.

The Mayor.

Section 1. Eligibility, election and tenure of office. A
2 mayor shall be elected by and from the city council and
3 shall hold office for a term of two years or until his suc-
4 cessor is elected and qualified.

Sect. 2. Vacancy. In case of the death, resignation, or
2 removal from office of the mayor, the vacancy for the un-
3 expired term shall be filled by and from the city council,
4 and he shall hold office for the unexpired term or until his
5 successor is elected and qualified.

Sect. 3. Powers and duties. The mayor shall preside at
2 all meetings of the council and shall perform such other
3 duties, consistent with his office, as the council may impose.
4 He shall be recognized as the official head of the city for
5 ceremonial purposes, and for all purposes of military law.
6 The title of mayor shall not be considered as conferring
7 upon him any functions of a mayor under the general laws
8 of the state inconsistent with the provisions of this charter.

ARTICLE IV.

Nominations and Elections.

Section 1. Date of elections and procedure as to determin-
2 ing result. On the second Wednesday in December in the
3 year nineteen hundred and nineteen and biennially there-
4 after the qualified voters of the city, voting in the wards
5 as at present formed, and with the same qualifications as
6 to ward residence as now provided by the revised statutes,

7 shall ballot for the members of the city council; all the
8 votes cast for the councilmen shall be sorted, counted, de-
9 clared and registered in open ward meeting, by causing the
10 names of the persons voted for and the number of votes
11 given for each to be written on the ward record at length.

In the year nineteen hundred and nineteen, the board of
2 aldermen, and thereafter the city council, shall, as soon as
3 conveniently may be, examine the copies of the records of
4 the several wards certified as aforesaid and shall cause the
5 persons who shall have been elected councilmen to be noti-
6 fied in writing of their election; but if it shall appear that
7 no person shall have been elected to any office, or if the
8 person elected shall refuse to accept the office, warrants for
9 another election shall be issued forthwith. At any election
10 five persons receiving the highest number of votes shall be
11 deemed and declared elected to the office of councilmen.

Sect. 2. Warden and ward clerk; eligibility, tenure, qual-
2 ification, powers and duties, vacancies; ward meetings; how
3 called. The wardens and ward clerks of the several wards,
4 then in office, shall preside at the first election and there-
5 after, the wardens and ward clerks of each ward shall be
6 appointed by the city council from the voters of the ward
7 for which they are appointed. They shall be sworn to the
8 faithful performance of their duties. The warden shall pre-
9 side at all ward meetings with the powers of moderators of
10 town meetings, and if at any meeting the warden shall not
11 be present, the clerk of the ward shall call the meeting to

12 order and preside until a warden shall be appointed. If
13 neither the warden nor the clerk shall be present, any legal
14 voter in the ward shall preside until a warden shall be ap-
15 pointed and qualified. The clerk shall record all the pro-
16 ceedings and certify the votes given, and deliver over to his
17 successor in office all such records and journals together
18 with all documents and papers held by him in the capacity
19 of clerk. All ward meetings shall be notified and called by
20 the city council in the manner provided in the laws of this
21 state for notifying and calling town meetings by the select-
22 men of the several towns.

Sect. 3. Nominations and elective offices to be made by
2 petition. The nomination of all candidates for elective of-
3 fices provided for by this charter shall be by petitions. The
4 petitions of candidates for councilman shall be signed by at
5 least fifty qualified voters of the city. No voter shall sign
6 petitions for more than five candidates and should he do
7 so his signature shall be void as to the petition or petitions
8 last filed.

Sect. 4. Form of nomination paper. The signatures to
2 the nomination petition need not all be appended to one pa-
3 per, but to each separate paper there shall be attached an
4 affidavit of the circulator thereof, stating the number of
5 signers of such paper and that each signature appended
6 thereto was made in his presence and is the genuine signa-
7 ture of the person whose name it purports to be. With each
8 signature shall be stated the place of residence of the signer,

9 giving the street and number or other description sufficient
10 to identify the same. The form of the nomination petition
11 shall be substantially as follows:

We, the undersigned electors of the city of Waterville,
2 hereby nominate, whose residence is
3, for the office of,
4 to be voted for at the election to be held in the city of Water-
5 ville on the day of, 19 ; and
6 we individually certify that we are qualified to vote for a
7 candidate for the above office and that we have not signed
8 more nomination petitions of candidates for this office than
9 there are persons to be elected thereto.

10 Name Street and Number

11 (Space for signatures)

12, being duly sworn, deposes and says that
13 he is the circulator of the foregoing petition paper contain-
14 ing signatures, and that the signatures
15 appended thereto were made in his presence and are the
16 signatures of the persons whose names they purport to be.

17

18 Subscribed and sworn to before me this day of
19 19 .

20 Justice of the Peace (or Notary Public.)

21 This petition, if found insufficient by the election authorities,
22 shall be returned to at No.
23 Street

Sect. 5. Filing of nomination paper; must be accompanied

2 by acceptance. The nomination papers comprising a peti-
3 tion shall be assembled and filed with the city clerk, as one
4 instrument, not earlier than twenty-eight nor later than
5 fourteen days, exclusive of Sundays, before the day of the
6 election. No nomination shall be valid unless the candi-
7 date shall file with the city clerk in writing his acceptance
8 of the nomination not later than fourteen days before the
9 day of the election.

Sect. 6. List of candidates to be published. The city clerk
2 shall certify the list of candidates, and shall cause to be pub-
3 lished in one or more newspapers, circulating in the city,
4 the names and residence of the candidates who have duly
5 filed the above mentioned petitions.

Sect. 7. Ballots, etc., to be furnished by city clerk. Speci-
2 men ballots and official ballots for use in all city elections
3 shall be provided by the city clerk.

Sect. 8. Form of ballot; candidates' names to be arranged
2 by lot. The names of the candidates nominated as provided
3 in the preceding section shall be arranged according to lot
4 under the title of the office to be filled. Lot shall be drawn
5 by the city clerk, at which drawing the candidates or their
6 representatives shall be entitled to be present. The ballots
7 shall be without party mark or designation. The full name
8 and residence of each candidate shall be given. At the left
9 of each name shall be a square within which the voter shall
10 place a cross to designate his choice. Blank spaces shall
11 be left at the end of the list of the candidates for each office,

12 in which the voter may insert the name of any person not
13 printed on the ballot, for whom he desires to vote.

The ballot shall be printed substantially as follows:

2

CITY OF WATERVILLE

3

Ward ()

4

Regular (or special) City Election

5

(Date)

6

Official Ballot

7

Instructions to Voters

To vote for any candidate mark a cross (X) in the square
2 at the left of the name. If you wrongly mark, tear or de-
3 face the ballot, return it and obtain another.

For Councilmen

John Doe(Res.)

Richard Doe(Res.)

John Smith(Res.)

William White(Res.)

Charles Brown(Res.)

Joe Jones(Res.)

William Doe(Res.)

Charles Roe(Res.)

John Jones(Res.)

Charles White(Res.)

Mark a cross (X) in the square at the left of your answer.

Yes Shall

No?

Yes Shall

No?

Sect. 9. Specimen ballots to be published and posted. The
2 city clerk shall cause specimen ballots to be posted in public
3 places and advertised in the newspapers not later than ten
4 days prior to the city election. Such specimen ballots shall
5 be printed on colored paper and marked specimen ballot, and
6 shall contain the names of the certified candidates with the
7 residence of each, instructions to voters, and such measures
8 as may be submitted to the voters. Such ballots shall be
9 without party mark or designation.

Sect. 10. State laws not inconsistent applicable. The pro-
2 visions of the laws of the State of Maine relating to the qual-
3 ification of electors, registration, the manner of voting, the
4 duties of election officers, and all other particulars in re-
5 spect to the management of elections, so far as they may be
6 applicable, shall govern all municipal elections except as
7 otherwise provided in this charter.

ARTICLE V.

Administrative Officers.

Section 1. Enumeration. There shall be the following ad-
2 ministrative officers and boards:

(a) The following officers and boards shall be appointed
2 by ballot by a majority vote of the voting members of the
3 council: City manager, superintendent of schools, clerk, city
4 solicitor, treasurer, and tax collector, auditor, assessors of
5 taxes, planning board, and board of health.

(b) The following officers and boards shall be appointed

2 by the city manager, subject to confirmation by the city
3 council: City engineer, superintendent of streets, wire in-
4 spector, plumbing inspector, inspector of buildings, city phy-
5 sician, city marshal, chief of the fire department, all other
6 department heads whose position may be from time to time
7 created by ordinance, and, upon recommendation of head
8 of departments, all minor officers and employees.

Sect. 2. Scope of ordinance or resolve. The council shall
2 have power by ordinance or resolve:

(a) To create any new appointive office.

(b) To assign or authorize the city manager to assign the
2 duties of two or more offices to one officer.

(c) To divide the duties of any office between two or more
2 offices.

(d) To authorize the appointment of assistants or depu-
2 ties in any office.

Sect. 3. Civil service; exception. The city council shall
2 provide by ordinance for a system of civil service rules for
3 the appointment, promotion, lay-off, reinstatement, suspen-
4 sion, and removal of the members of the Police department
5 and the Fire department except that the chief of the Fire
6 department and the city marshal shall be appointed or re-
7 moved as hereinbefore provided.

Sect. 4. Appointive officers; tenure, removal. All ap-
2 pointive officers and boards, whose terms are not specified
3 in this charter, shall hold office at the pleasure of the ap-
4 pointing power.

Sect. 5. Salaries. The council shall fix by order the salaries of the appointees of the council. Salaries of the appointees of the city manager shall be fixed by the city manager, subject to the approval of the council.

Sect. 6. City manager ; eligibility. The city manager shall be chosen by the council solely on the basis of his executive and administrative qualifications, and need not be a resident of the city of Waterville or the State of Maine at the time of his appointment.

Sect. 7. Powers and duties of city manager. The city manager shall be the administrative head of the city government, and shall be responsible to the council for the administration of all departments. The powers and duties of the city manager shall be as follows :

(a) To see that the laws and ordinances are enforced.

(b) To exercise control over all departments and divisions created herein, or that may hereafter be created.

(c) To make appointments and removals as provided in this charter.

(d) To attend meetings of the council, and recommend for adoption such measures as he may deem expedient.

(e) To keep the council fully advised as to the business, financial condition and future needs of the city.

(f) To perform such other duties as may be prescribed by this charter or required by ordinance of the council.

Sect. 8. Vacancy in office of city manager. During the vacancy in the city manager's office, and during the ab-

3 sence or disability of the manager, the council may designate a properly qualified person to perform the duties of manager and fix his compensation.

Sect. 9. Duties of administrative officers prescribed by manager. Duties of administrative officers will be prescribed by the manager. Such duties shall not be inconsistent with the provisions of this charter.

Sect. 10. Assessors of taxes; appointment, tenure of office, vacancies, powers and duties. At its first meeting in January, nineteen hundred and twenty, or as soon thereafter as may be, the city council shall appoint three assessors of taxes for a term of two years. The assessors shall hold office until their successors are appointed and qualified. If for any reason, a vacancy occurs in the membership of the board of assessors, the vacancy shall be filled forthwith by the council, for the unexpired term. The assessors thus appointed shall exercise the same powers and be subject to the same duties and liabilities that similar officers of the several towns and cities in the State may exercise, and are subject to, under laws of the State.

Sect. 11. City planning board. The city planning board shall consist of five members, each to serve two years.

Sect. 12. Powers and duties of planning board; city engineer to be chief engineer of board; board of health to submit recommendations. It shall be the duty of the city planning board to keep itself informed of the progress of city planning in this and other countries, to make studies and

6 recommendations for the improvement of the plan of the
7 city with a view to the present and future movement of traf-
8 fic, the convenience, health, recreation, general welfare, and
9 other needs of the city dependent on the city plan; to con-
10 sider and report upon the designs and their relation to the
11 city plan, of all new public ways, lands, buildings, bridges,
12 and all other public places and structures, of additions to
13 and alterations in those already existing, and the layout or
14 plotting of new sub-divisions of the city. All acts of the
15 council or of any other branch of the city government af-
16 fecting the city plan shall be submitted to the board for re-
17 port and recommendations. The council may at any time
18 call upon the board to report with recommendations, and
19 the board of its own volition may also report to the council
20 with recommendations on any matter which, in the opinion
21 of either body, affects the plan of the city.

Any person, firm or corporation proposing to lay out, lo-
2 cate, relocate or construct for public use, any private street
3 or way in a city after the establishment therein of the plan-
4 ning board under the provisions hereof shall, before open-
5 ing such street or way for public use, submit to said board
6 suitable plans and profiles of the street or way, so prepared
7 as to show also the method of drainage of the adjacent or
8 contiguous territory, all in accordance with such rules and
9 regulations as the board may prescribe. Upon the receipt
10 of the said plans, with a petition for their approval, the
11 board shall give a public hearing thereon after giving no-

12 tice of the same by publication once in each of two succes-
13 sive weeks in a newspaper published in the city, the last
14 publication to be at least two days before the hearing; and
15 after the hearing, the board may alter such plans and may
16 determine where such streets or ways shall be located and
17 the width and grades thereof, and shall so designate on said
18 plans. The plans, as approved or modified by the boards,
19 shall then be signed by the members of the board, or by a
20 majority of them, and filed in the office of the city engineer,
21 who shall attest thereon the date of filing. The city engi-
22 neer shall then present said plans to the city council for its
23 rejection or approval. Thereafter no street or way in the
24 territory to which the plans relate shall be laid out or con-
25 structed except in accordance therewith, or with such fur-
26 ther plans as may subsequently be approved by the board
27 and city council.

Any matter referred by the council to the board shall be
2 acted upon by the board within thirty days of the date of
3 reference, unless a longer or shorter period is specified by
4 the council.

The board shall submit to the council an annual report
2 summarizing the activities of the board for the fiscal year,
3 the recommendations made by it to the council during the
4 year and the action of the council during the year on any
5 and all recommendations made by the board in that year.

The city engineer shall serve as chief engineer of the city
2 planning board. The board of health of the city shall ad-

3 vise the planning board from time to time of any municipal
4 improvements within the scope of the planning board which,
5 in the opinion of the board of health, would improve the
6 healthfulness of the city.

Sect. 13. Planning board to act as park commissioners.
2 The planning board shall be a board of park commission-
3 ers and as such shall have the powers and duties of park
4 commissioners provided for by section eighty-four of chap-
5 ter four of the revised statutes.

Sect. 14. Board of Health; composition, appointment and
2 tenure of office; vacancies. At its first meeting in nineteen
3 hundred and twenty, or as soon thereafter as may be, the
4 city council shall appoint a board of health of three mem-
5 bers, one for a term of one year, one for a term of two
6 years, and one for term of three years, and annually there-
7 after there shall be appointed by the city council one mem-
8 ber of the board of health for a term of three years.

The members of the board of health shall hold office un-
2 til their successors are appointed and qualified. If for any
3 reason a vacancy occurs in the membership of the board
4 of health, the vacancy shall be filled forthwith by the coun-
5 cil for the unexpired term.

ARTICLE VI.

Business and Financial Provisions.

Section 1. Accounts to be audited; report to be submit-
2 ted. Accounts shall be kept by the auditor showing the fi-
3 nancial transactions of all departments of the city. Forms

4 for all such accounts shall be prescribed by the auditor with
5 the approval of the city manager. Accounts shall be kept
6 in such a manner as to show fully at all times the financial
7 condition of the city. The auditor shall furnish to the man-
8 ager, prior to the first regular meeting of the council in
9 each month, a report containing in detail the receipts and
10 disbursements of the city on all accounts, the expenditures
11 made and the obligations incurred during the preceding cal-
12 endar month, and a balance sheet showing the financial con-
13 dition of the city, of the several funds, and the total un-
14 expended balance to the credit of each department.

Sect. 2. Auditor to be qualified accountant. All of the
2 accounts of the city shall be audited annually by a qualified
3 accountant to be chosen by the council.

Sect. 3. Auditor to publish monthly statement. Reports
2 of other administrative officers. The auditor shall publish
3 each month a statement of the financial condition of the city.

Each of the administrative officers and boards shall annual-
2 ly, on such a date as may be fixed by the council, render to
3 the manager a full report of the transactions of his depart-
4 ment for the year. On the basis of these reports, the man-
5 ager shall prepare and publish an annual report. In addi-
6 tion to a summary of the services rendered by the various
7 departments the report shall show:

1. Receipts classified according to sources.
2. Expenditures classified according to objects. The
2 classification of receipts and expenditures in the report shall

3 conform in general to the classification in the auditor's
4 books.

3. Balance sheets.

4. Such other financial information as may be required by
2 the council.

Sect. 4. Budget estimates to be submitted by city man-
2 ager. Not later than one month before the end of the fiscal
3 year the city manager shall submit to the council budget
4 estimates for the ensuing fiscal year. This budget shall be
5 compiled from detailed information furnished by the admin-
6 istrative officers and boards on blanks, the forms of which
7 shall be designated by the city manager; and shall contain:

(a) Exact statement of the financial condition of the city.

(b) Itemized statement of appropriations recommended
2 for current expenses, and for permanent improvements, with
3 comparative statements in parallel columns of expenditures
4 for the current and next preceding fiscal year. An increase
5 or decrease in any item shall be indicated.

(c) Itemized statement of estimated revenue from all
2 sources other than taxation; and a statement of taxes re-
3 quired, with comparative figures from the current and the
4 next preceding year.

(d) Such other information as may be required by the
2 council.

The budget shall be published not later than two weeks
2 after its submission to the council. The council shall fix
3 a time and place for holding a public hearing upon the

4 budget, and shall give the public notice of such hearing,
5 which shall be at least ten days before the final passage of
6 the appropriation resolve.

Sect. 5. Annual appropriation resolve. Not later than one
2 month after the beginning of the fiscal year the council
3 shall pass an annual appropriation resolve, which shall be
4 based on the budget submitted by the city manager.

The total amount appropriated shall not exceed the esti-
2 mated revenue of the city.

Before the annual appropriation resolve has been passed
2 the council may make appropriations for current depart-
3 mental expenses, chargeable to the appropriations of the
4 year when passed, to an amount sufficient to cover the nec-
5 essary expenses of the various departments until the annual
6 appropriation resolve is in force.

Sect. 6. Reserve fund. The council in the appropriation
2 resolve shall provide for a reserve fund from which trans-
3 fers may be made only by vote of the council, and no trans-
4 fer of any money shall be made from any fund other than
5 this reserve fund until the end of the fiscal year, at which
6 time, after all warrants have been paid out of the various
7 funds, the auditor shall transfer to this reserve fund any
8 remaining balance or balances in these various funds, ex-
9 cept balances in the school fund; the council may then au-
10 thorize a transfer from the reserve fund to any other fund
11 in which there is an overdraft created by any actual emer-
12 gency.

Sect. 7. Borrowing power limited; suitable provisions to
2 be made for support of poor. The borrowing of money by
3 and for the city shall be limited as to form and purpose ac-
4 cording to provisions eight and nine of article seven of
5 this charter. The credit of the city shall not in any man-
6 ner be loaned to, or in aid of, any individual, association,
7 or corporation except that suitable provisions may be made
8 for the aid and support of the poor of the city.

Sect. 8. Bond issue not to be made without public notice;
2 purposes. Money may be borrowed by the issue and sale
3 of bonds and notes, pledged on the credit of the city, for
4 the acquisition of land, the construction and equipment of
5 buildings, and other permanent public improvements, and
6 the payment or refunding of bonds, notes and certificates
7 of indebtedness previously issued. No order providing for
8 the issue of bonds shall be passed without public notice by
9 posting a notice of the same in two public places in the city
10 of Waterville and advertising same in two daily newspapers
11 published in Kennebec county at least two weeks before final
12 action by the council, and the approval of four-fifths of all
13 the members of the Council.

Sect. 9. Sinking fund to be established; how invested. Un-
2 til the bonding indebtedness of the city of Waterville, in
3 force at the time of the adoption of this charter, is paid, the
4 city council shall raise and set apart each year for a sinking
5 fund, a sum equivalent to two per cent of the total appro-
6 priation for that year. The sinking fund shall be applied

7 only to the payment of that bonded indebtedness of the
8 city.

The sinking fund shall be invested in the bonds of the
2 city or in such other bonds as savings banks in this state
3 may from time to time be authorized to hold for invest-
4 ment, or may be deposited in such banking institutions as
5 may be approved by the city council.

Sect. 10. Money to be paid out only on warrants; pro-
2 visions. Money shall be paid out only on warrants on the
3 city treasury issued by the auditor and countersigned by the
4 city manager.

The auditor shall examine all pay rolls, bills and other
2 claims and demands against the city and shall issue no war-
3 rant for payment unless he finds that the claim is in proper
4 form, correctly computed and duly certified, and legally
5 payable.

The auditor may require any claimant to make oath to
2 the validity of a claim, may investigate any claim, and for
3 such purpose or purposes may examine witnesses under
4 oath.

Sect. 11. Bonds to be required of certain officers. The
2 city council shall require bonds, with sufficient sureties, from
3 all persons trusted with the collection, custody, or disburse-
4 ment of the public moneys.

Sect. 12. All receipts to be paid into city treasury. All
2 moneys received by any officer, employee, or agent of the
3 city for, or in connection with, the business of the city shall

4 forthwith be paid into the city treasury, and shall be de-
5 posited with such responsible banking institutions as the
6 council may determine. All interest from such deposits shall
7 accrue to the benefit of the city.

Sect. 13. Purchasing agent; powers and duties; city man-
2 ager to act temporarily. The purchasing agent shall pur-
3 chase all supplies for the city and for the several officers
4 and boards thereof, except supplies for the schools, which
5 he shall purchase only upon requisition by the superintend-
6 ing school committee.

The purchasing agent shall see to the delivery of supplies
2 to each department and take and file receipts therefor. He
3 shall conduct all sales of property unfit or unnecessary for
4 the city's use, after such sales have been authorized by the
5 council.

The city manager shall act as purchasing agent until the
2 council by ordinance shall provide for the appointment of
3 a purchasing agent.

ARTICLE VII.

Public Utilities.

Section 1. Public utility franchises, how granted. All pub-
2 lic utility franchises, and all renewals, amendments, and
3 extensions thereof shall be granted or made only by a four-
4 fifths vote of the voting members of the council. No fran-
5 chise and no renewal or amendment thereof shall be granted
6 or made within three months after the application therefor
7 is filed with the city clerk, nor within thirty days after the

8 publication in full of the proposed franchise in its final form,
9 nor until a public hearing has been held thereon. No public
10 utility franchise shall be transferable except with the ap-
11 proval of the council.

Sect. 2. City to reserve certain rights. All orders pro-
2 viding for grants, renewals, amendments or extensions of
3 public utility franchises shall retain to the city the follow-
4 ing rights:

(a) To repeal the same by order at any time for non-use,
2 or for failure to begin construction within the time pre-
3 scribed, or otherwise to comply with the terms prescribed;

(b) To require proper and adequate extension of plant
2 and service, and the maintenance of the plant and fixtures
3 at the highest practicable standard of efficiency;

(c) To establish reasonable standards of service and qual-
2 ity of products and prevent unjust discrimination in service
3 or rates;

(d) To impose such other regulations as may be con-
2 ducive to the safety, welfare, and accommodation of the
3 public.

ARTICLE VIII.

Miscellaneous Provisions.

Section 1. Offices incompatible. No member of the city
2 council shall during the term for which he was chosen be
3 eligible for any other office the salary of which is payable
4 by the city, or shall during such term hold any such office.

Sect. 2. City officers and employees not to be personally

2 interested in contracts for labor, materials, etc.; not to ac-
3 cept favors from firm or corporation holding city franchise;
4 exceptions. No officer or employee of the city, elected or
5 appointed, shall be interested directly or indirectly in any
6 contract for work or materials, or the purchase thereof, to
7 be furnished or performed for the city. No such officer or
8 employee, except a policeman or fireman, shall accept or
9 receive from any person, firm or corporation acting under
10 a franchise or license from the city, any frank, free pass,
11 free ticket, or free service, or accept directly or indirectly
12 from any such person, firm or corporation, any service upon
13 terms more favorable than those granted to the public gen-
14 erally. This provision shall not apply, however, to any free
15 service now or hereafter provided for by contract, franchise
16 or ordinance.

Sect. 3. Referendum provision, date of meeting, form of
2 question, procedure. This act shall be submitted for approv-
3 al or rejection to the qualified voters of the city of Water-
4 ville at an election to be held the second Monday in Septem-
5 ber in the year nineteen hundred and nineteen and warrants
6 shall be issued for such election in the manner now provided
7 by law for the holding of municipal elections, notifying and
8 warning the qualified voters of said city to meet in the sev-
9 eral ward meetings of said city, there to cast their ballot for
10 the approval or rejection of this act.

The question proposed on said ballot shall be substantially
2 in the following form:

“Shall an act passed by the legislature in the year nineteen
2 hundred and nineteen, approved (insert date), entitled ‘An
3 Act to Grant a New Charter to the City of Waterville,’ be
4 accepted,” otherwise said ballot shall be in form provided
5 by law when a constitutional amendment is submitted to the
6 vote of the people. The provisions of law relating to the
7 preparation of voting lists for municipal elections shall apply
8 to such election and said election shall in all other respects be
9 conducted as municipal elections in said city are now con-
10 ducted by law, and the results thereof shall be determined
11 in the manner now provided by law, for the determination
12 of the election of mayor. If a majority of the ballots de-
13 posited as aforesaid shall reject, this act shall not go into
14 effect, but if a majority of the electors voting at said ward
15 meetings shall approve, then this act shall take effect as
16 herein provided.

Sect. 4. Date when effective. So much of this act as au-
2 thorizes the submission of the acceptance of this charter to
3 the electors of the city of Waterville shall take effect as
4 provided in the constitution of the State, but it shall not
5 take further effect unless accepted by the electors of the
6 city of Waterville as herein before provided. If accepted
7 by the electors of the city, then this act for the purpose of
8 nominating and electing officers hereunder shall take effect
9 on the date of its adoption by the electors, and for all other
10 purposes this act shall take effect on the first Monday in
11 January in the year nineteen hundred and twenty.

Sect. 5. Ordinances not inconsistent continued in force.
2 All ordinances in force at the time when this charter takes
3 effect, not inconsistent with the provisions of this charter,
4 shall continue in force until amended or repealed.

Sect. 6. Existing contracts not invalidated, unless incon-
2 sistent. All rights, actions, proceedings, prosecutions, and
3 contracts of the city or any of its departments, pending or
4 unexecuted when this charter goes into effect and not in-
5 consistent therewith shall be enforced, continued or com-
6 pleted in all respects as though begun or executed here-
7 under.

Sect. 7. Inconsistent statutes repealed when act becomes
2 effective. In case this act is approved in the manner here-
3 inbefore provided, all acts and parts of acts inconsistent
4 herewith are hereby repealed.