

# MAINE STATE LEGISLATURE

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SEVENTY-NINTH LEGISLATURE  
HOUSE NO. 194

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House of Representatives, Feb. 19, 1919.

Reported by Mr. Murchie from Committee on Judiciary and ordered printed under joint rules.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Thomas of South Portland.

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STATE OF MAINE

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

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AN ACT to Amend the Charter of the City of South Portland.

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

Section 7, chapter 242 of the Private and Special Laws of  
2 Maine of 1895, is hereby amended by striking out the word  
3 "one" in the twelfth line of said section and inserting in  
4 the place thereof the word 'two.' so that said section as  
5 amended shall read as follows:

'Sect. 7. The city council shall secure a prompt and just  
2 accountability by requiring bonds with sufficient penalty  
3 and surety or sureties, from all persons trusted with the  
4 receipt, custody or disbursement of money; the city coun-  
5 cil shall also have the care and superintendence of the city  
6 buildings, and the custody and management of all city

7 property and trust funds for the benefit of schools, public  
8 library, parks, cemeteries and for any other beneficial pur-  
9 pose, whether acquired by purchase or legacy ; with power  
10 to let or sell what may be legally let or sold, and to pur-  
11 chase and take, in the name of the city, real and personal  
12 property for municipal purposes to an amount not exceed-  
13 ing two hundred thousand dollars in addition to that now  
14 held by the town, and shall, as often as once a year, cause  
15 to be published for the information of the inhabitants, a  
16 particular account of the receipts and expenditures and a  
17 schedule of the city property and the city debt. The city  
18 shall have the power to establish by ordinance such offi-  
19 cers as may be necessary for municipal government not  
20 provided for by this act, and to elect such subordinate of-  
21 ficers as may be elected by towns under general laws of  
22 the state for whose election or appointment other provision  
23 is not made ; to define their duties and fix their compensa-  
24 tion ; to act upon all matters in which authority is now giv-  
25 en to said town of South Portland, and to determine what  
26 streets, if any, shall be lighted and upon what terms. The  
27 city council shall appropriate annually the amount neces-  
28 sary to meet the expenditures of the city for the current  
29 municipal year. The city council shall have exclusive au-  
30 thority to lay out, widen or otherwise alter or discontinue  
31 any and all streets or public ways in said city, and as far  
32 as extreme low water mark, and to estimate all damages  
33 sustained by owners of land taken for such purpose. A

34 committee of the council shall be appointed whose duty  
35 shall be to lay out, alter, widen or discontinue any street  
36 or way, first giving notice of the time and place of their  
37 proceedings to all parties interested, by an advertisement  
38 in two newspapers printed in South Portland or Portland,  
39 for three weeks at least, next previous to the time appoint-  
40 ed. The committee shall first hear all parties interested,  
41 and then determine and adjudge whether the public con-  
42 venience requires such street or way to be laid out, altered  
43 or discontinued, and shall make a written return of their  
44 proceedings, signed by a majority of them, containing the  
45 bounds and descriptions of the street or way, if laid out  
46 or altered, and the names of the owners of the land taken,  
47 when known, and the damages allowed therefor; the re-  
48 turn shall be filed in the city clerk's office at least seven  
49 days previous to its acceptance by the city council. The  
50 street or way shall not be altered or established until the  
51 report is accepted by the city council. And the report so  
52 filed shall not be altered or amended before it comes up  
53 before the city council for action. A street or way shall  
54 not be discontinued by the city council, except upon the  
55 report of said committee. The committee shall estimate  
56 and report the damages sustained by the owners of the  
57 lands adjoining that portion of the street or way which is  
58 so discontinued; their report shall be filed with the city  
59 clerk seven days at least before its acceptance. Any party  
60 aggrieved by their decision may appeal therefrom as pro-

61 vided by law in the case of town ways. If a street or way  
62 is discontinued before the damages are paid or recovered  
63 for the land taken, the land owners shall not be entitled  
64 to recover such damages, but the committee in their report  
65 discontinuing the same shall estimate and include all the  
66 damages sustained by the land owner, including those  
67 caused by the original location of the streets; and in such  
68 cases, if any appeal has been regularly taken, the appellant  
69 shall recover his costs. The city shall not be compelled  
70 to construct or open any street or way thus hereafter es-  
71 tablished, until in the opinion of the city council, the pub-  
72 lic good requires it to be done; nor shall the city inter-  
73 fere with possession of the land so taken by removing there-  
74 from materials or otherwise, until they decide to open said  
75 street. The city council may regulate the height and width  
76 of the sidewalks in any public square, places, streets, lanes  
77 or alleys in said city; and may authorize hydrants, drinking  
78 fountains, posts and trees to be placed along the edge of  
79 the sidewalks, and may locate and construct culverts and  
80 reservoirs within the limits of any street or way in said  
81 city whenever they deem it needful. Every law, act, ordi-  
82 nance, resolve or order of the city council excepting rules  
83 and orders of parliamentary character, shall be presented  
84 to the mayor. If not approved by him he shall return it  
85 with his objections in writing at the next stated session of  
86 the city council, which shall enter the objections at large  
87 on its journal and proceed to reconsider the same. If, upon

88 reconsideration, it shall be passed by vote of two-thirds  
89 of all the members of the board, it shall have the same  
90 force as if approved by the mayor. In case of vacancy in  
91 the mayor's office, this section shall not apply to any act of  
92 the council. In case the mayor fails to either sign or return  
93 the bill at the next session, then it becomes a law as though  
94 he had signed it.