

MAINE STATE LEGISLATURE

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NEW DRAFT.

SEVENTY-NINTH LEGISLATURE

HOUSE

NO. 465

House of Representatives, March 20, 1919.

Majority report (O. N. T. P.) and minority report (O. T. P. N. D.) of Committee on Judiciary. On motion of Mr. Berry of Waterville were tabled for printing pending acceptance of either report.

CLYDE R. CHAPMAN, Clerk.

STATE OF MAINE

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

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

ARTICLE I.

Grant of Powers to the City.

Sect. 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
6 all the duties, liabilities and obligations provided for here-
7 in, or otherwise pertaining to or incumbent upon said city

8 as a municipal corporation; and may enact ordinances, by-
9 laws, and regulations not inconsistent with the constitu-
10 tion and laws of the state of Maine.

ARTICLE II.

City Council.

Sec. 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
4 vested in the city council, which shall exercise its powers
5 in the manner hereinafter provided; and the members there-
6 of shall constitute the board of education. The members
7 of the city council shall be the municipal officers of the
8 city of Waterville for all purposes required by statute or
9 ordinance. The city council is hereby constituted over-
10 seers of the poor of the city of Waterville. As such they
11 may authorize a clerk or agent to sign and send the writ-
12 ten notices and the written answers referred to in sections
13 thirty-five and thirty-six of chapter twenty-nine of the re-
14 vised statutes; and such written notices and written an-
15 swers shall have the same effect as if signed and sent by
16 the members of the city council 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 coun-
2 cil shall meet at the usual place for holding meetings, at
3 ten o'clock A. M. on the first Monday in January follow-
4 ing the regular city election, at which time the councilmen-
5 elect shall be sworn to the faithful discharge of their du-
6 ties by a justice of the peace or by the city clerk. There-
7 after the council shall meet at such time and place as may
8 be prescribed by ordinance or resolution, except that it shall
9 meet regularly twice each month.

Sect. 5. Special meetings. Special meetings may be
2 called by the mayor, or by a majority of all the members
3 of the council. Notice of such meetings shall be served
4 in person upon, or left at the usual dwelling place of, each
5 member 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 re-
12 solve shall be passed until it has been read on two separate
13 days, except when the requirement of a reading on two
14 separate days has been dispensed with by a four-fifths vote
15 of the voting members of the council. The yeas and nays
16 shall be taken upon the passage of all ordinances and en-
17 tered on the record of the proceedings of the council by
18 the clerk. The yeas and nays shall be taken on the passage
19 of any order or resolve when called for by any member
20 of the council. Every ordinance shall require on final
21 passage the affirmative vote of a majority of the voting
22 members of the council. Every ordinance shall be pub-
23 lished in full within ten days after its final passage, and
24 shall take effect and be in force after its approval by some
25 justice of the supreme judicial court.

ARTICLE III.

The Mayor.

Sect. 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 im-
4 pose. He shall be recognized as the official head of the
5 city for ceremonial purposes, and for all purposes of mili-
6 tary law. The title of mayor shall not be considered as
7 conferring upon him any functions of a mayor under the
8 general laws of the state inconsistent with the provisions
9 of this charter.

ARTICLE IV.

Nominations and Elections.

Sect. 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
3 as conveniently may be, examine the copies of the records
4 of the several wards certified as aforesaid and shall cause
5 the persons who shall have been elected councilmen to be
6 notified in writing of their election; but if it shall appear
7 that no person shall have been elected to any office, or if
8 the person elected shall refuse to accept the office, warrants
9 for another election shall be issued forthwith. At any elec-
10 tion five persons receiving the highest number of votes
11 shall be deemed and declared elected to the office of coun-
12 cilmen.

Sect. 2. Warden and ward clerk; eligibility, tenure, quali-
2 fication, 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
9 preside at all ward meetings with the powers of moderators.

10 of town meetings, and if at any meeting the warden shall
11 not be present, the clerk of the ward shall call the meeting
12 to order and preside until a warden shall be appointed.
13 If neither the warden nor the clerk shall be present, any
14 legal voter in the ward shall preside until a warden shall
15 be appointed and qualified. The clerk shall record all the
16 proceedings and certify the votes given, and deliver over
17 to his successor in office all such records and journals to-
18 gether with all documents and papers held by him in the
19 capacity of clerk. All ward meetings shall be notified and
20 called by the city council in the manner provided in the
21 laws of this state for notifying and calling town meetings
22 by the selectmen of the several towns.

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

Sect. 4. Form of nomination paper. The signatures to
2 the nomination petition need not all be appended to one
3 paper, but to each separate paper there shall be attached
4 an affidavit of the circulator thereof, stating the number
5 of 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
 8 each signature shall be stated the place of residence of the
 9 signer, giving the street and number or other description
 10 sufficient to identify the same. The form of the nomina-
 11 tion petition 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
 5 Waterville on the.....day of.....19 ;
 6 and we individually certify that we are qualified to vote
 7 for a candidate for the above office and that we have not
 8 signed more nomination petitions of candidates for this
 9 office than there are persons to be elected thereto.

Name.....Street and number.....

(Space for signatures)

....., being duly sworn, deposes and says
 2 that he is the circulator of the foregoing petition paper
 3 containing.....signatures, and that the sig-
 4 natures appended thereto were made in his presence and
 5 are the signatures of the persons whose names they purport
 6 to be.

.....

Subscribed and sworn to before me this.....day
 2 of....., 19 .

.....Justice of the Peace (or Notary Public).

This petition, if found insufficient by the election authori-

2 ties, shall be returned to.....at No.....
 3 Street.....

Sect. 5. Filing of nomination paper; must be accom-
 2 panied by acceptance. The nomination papers comprising
 3 a petition shall be assembled and filed with the city clerk,
 4 as one instrument, not earlier than twenty-eight nor later
 5 than fourteen days, exclusive of Sundays, before the day
 6 of the election. No nomination shall be valid unless the
 7 candidate shall file with the city clerk in writing his ac-
 8 ceptance of the nomination not later than fourteen days
 9 before the day of the election.

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

Sect. 7. Ballots, etc., to be furnished by city clerk.
 2 Specimen ballots and official ballots for use in all city elec-
 3 tions 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 pro-
 3 vided in the preceding section shall be arranged according
 4 to lot under the title of the office to be filled. Lot shall
 5 be drawn by the city clerk, at which drawing the candi-
 6 dates or their representatives shall be entitled to be pres-
 7 ent. The ballots shall be without party mark or desig-
 8 nation. The full name and residence of each candidate shall

9 be given. At the left of each name shall be a square with-
 10 in which the voter shall place a cross to designate his
 11 choice. Blank spaces shall be left at the end of the list
 12 of the candidates for each office, in which the voter may
 13 insert the name of any person not printed on the ballot,
 14 for whom he desires to vote.

The ballot shall be printed substantially as follows:

CITY OF WATERVILLE

Ward ()

Regular (or Special) City Election

(Date)

Official Ballot

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
 3 deface the ballot return it and obtain another.

.....

For Councilmen

.....

....John Doe.....(Res.).....

....Richard Roe.....(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.

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

Sect. 10. State laws not inconsistent applicable. The
2 provisions of the laws of the state of Maine relating to
3 the qualification of electors, registration, the manner of
4 voting, the duties of election officers, and all other par-
5 ticulars in respect to the management of elections, so far
6 they may be applicable, shall govern all municipal elections
7 except as otherwise provided in this charter.

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ARTICLE V.

Administrative Officers.

Sect. 1. Enumeration. There shall be the following administrative officers and boards:

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

(b) The following officers and boards shall be appointed by the city manager, subject to confirmation by the city council: City engineer, superintendent of streets, wire inspector, plumbing inspector, inspector of buildings, city physician, city marshal, chief of the fire department, all other department heads whose position may be from time to time created by ordinance, and, upon recommendation of head of departments, all minor officers and employees.

(c) Advisory school committee. The council, or duly authorized board of education, shall at its first regular meeting, on the first Monday in January following the regular city election, appoint an "advisory school committee" so called; said committee shall consist of four men and three women, all being citizens of Waterville, Maine; said committee shall be invested with the rights, powers and obligations of superintending school committee and school agents, (except the power to appropriate and expend money raised for school purposes), and shall perform all the du-

11 ties required of school committees by the laws of the state,
12 except the appropriating and expending of money raised
13 for school purposes, which power shall be vested in the
14 city council, the duly constituted board of education, but
15 said city council or board of education, shall only have
16 authority as to the appropriating and expending of money
17 raised for school purposes.

(d) Tenure of office of the advisory committee. Three
2 members of said advisory school committee shall be ap-
3 pointed for a term of one year, three for a term of two
4 years and one for a term of three years, and afterward
5 on the first Monday in January of each year a member
6 or members shall be appointed for three years to fill the
7 vacancies, caused by expiration of terms. Any other va-
8 ncancies may be filled for the unexpired term.

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
2 the duties of two or more offices to one officer.

(c) To divide the duties of any office between two or
2 more 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
3 for the appointment, promotion, lay-off, reinstatement, sus-

4 pension, and removal of the members of the police depart-
5 ment and the fire department except that chief of the fire
6 department and the city marshal shall be appointed or
7 removed 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
2 salaries of the appointees of the council and of the advisory
3 school committee. Salaries of the appointees of the city
4 manager shall be fixed by the city manager, subject to the
5 approval of the council.

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

Sect. 7. Powers and duties of city manager. The city
2 manager shall be the administrative head of the city gov-
3 ernment, and shall be responsible to the council for the
4 administration of all departments. The powers and duties
5 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
2 created herein, or that may hereafter be created.

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

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

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

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

Sect. 8. Vacancy in office of city manager. During the
2 vacancy in the city manager's office, and during the absence
3 or disability of the manager, the council may designate
4 a properly qualified person to perform the duties of man-
5 ager and fix his compensation.

Sect. 9. Duties of administrative officers prescribed by
2 manager. Duties of administrative officers will be pre-
3 scribed by the manager. Such duties shall not be incon-
4 sistent with the provisions of this charter.

Sect. 10. Assessors of taxes; appointment, tenure of office,
2 vacancies, powers and duties. At its first meeting in Jan-
3 uary, nineteen hundred and twenty, or as soon thereafter
4 as may be, the city council shall appoint three assessors
5 of taxes for a term of two years. The assessors shall hold
6 office until their successors are appointed and qualified. If
7 for any reason, a vacancy occurs in the membership of the
8 board of assessors, the vacancy shall be filled forthwith
9 by the council, for the unexpired term. The assessors thus
10 appointed shall exercise the same powers and be subject

11 to the same duties and liabilities that similar officers of
12 the several towns and cities in the state may exercise, and
13 are subject to, under laws of the state.

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

Sect. 12. Powers and duties of planning board; city en-
2 gineer to be chief engineer of board; board of health to
3 submit recommendations. It shall be the duty of the city
4 planning board to keep itself informed of the progress of
5 city planning in this and other countries, to make studies
6 and recommendations for the improvement of the plan of
7 the city with a view to the present and future movement
8 of traffic, the convenience, health, recreation, general wel-
9 fare, and other needs of the city dependent on the city
10 plan; to consider and report upon the designs and their
11 relation to the city plan, of all new public ways, lands,
12 buildings, bridges, and all other public places and struc-
13 tures, of additions to and alterations in those already ex-
14 isting, and the layout or plotting of new sub-divisions of
15 the city. All acts of the council or of any other branch
16 of the city government affecting the city plan shall be sub-
17 mitted to the board for report and recommendations. The
18 council may at any time call upon the board to report with
19 recommendations, and the board of its own volition may
20 also report to the council with recommendations on any
21 matter which, in the opinion of either body, affects the
22 plan of the city.

Any person, firm or corporation proposing to lay out, locate, relocate or construct for public use, any private street or way in the city after the establishment therein of the planning board under the provisions hereof shall, before opening such street or way for public use, submit to said board suitable plans and profiles of the street or way, so prepared as to show also the method of drainage of the adjacent or contiguous territory, all in accordance with such rules and regulations as the board may prescribe. Upon the receipt of the said plans, with a petition for their approval, the board shall give a public hearing thereon after giving notice of the same by publication once in each of two successive weeks in a newspaper published in the city, the last publication to be at least two days before the hearing; and after the hearing, the board may alter such plans and may determine where such streets or ways shall be located and the width and grades thereof, and shall so designate on said plans. The plans, as approved or modified by the boards, shall then be signed by the members of the board, or by a majority of them, and filed in the office of the city engineer who shall attest thereon the date of filing. The city engineer shall then present said plans to the city council for its rejection or approval. Thereafter no street or way in the territory to which the plans relate shall be laid out or constructed except in accordance therewith, or with such further plans as may subsequently be approved by the board 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
3 advise the planning board from time to time of any mu-
4 nicipal improvements within the scope of the planning
5 board which, in the opinion of the board of health, would
6 improve the healthfulness of the city.

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

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

8 member of the board of health for a term of three years.

The members of the board of health shall hold office until
2 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.

Sect. 1. Accounts to be audited; report to be submitted.
2 Accounts shall be kept by the auditor showing the financial
3 transactions of all departments of the city. Forms for all
4 such accounts shall be prescribed by the auditor with the
5 approval of the city manager. Accounts shall be kept in
6 such a manner as to show fully at all times the financial
7 condition of the city. The auditor shall furnish to the
8 manager, prior to the first regular meeting of the council
9 in each month, a report containing in detail the receipts
10 and disbursements of the city on all accounts, the expendi-
11 tures made and the obligations incurred during the pre-
12 ceding calendar month, and a balance sheet showing the
13 financial condition of the city, of the several funds, and
14 the total unexpended balance to the credit of each depart-
15 ment.

Sect. 2. Auditor to be qualified accountant. All of the
2 accounts of the city shall be audited annually by a quali-
3 fied 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
4 city.

Each of the administrative officers and boards shall an-
2 nually, on such a date as may be fixed by the council,
3 render to the manager a full report of the transactions of
4 his department for the year. On the basis of these re-
5 ports, the manager shall prepare and publish an annual
6 report. In addition to a summary of the services rendered
7 by the various 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
2 by the council.

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

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

(b) Itemized statement of appropriations recommended
2 for current expenses, and for permanent improvements,
3 with comparative statements in parallel columns of ex-
4 penditures for the current and next preceding fiscal year.
5 An increase 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
2 one 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
5 necessary expenses of the various departments until the
6 annual 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
10 authorize a transfer from the reserve fund to any other
11 fund in which there is an overdraft created by any actual
12 emergency.

Sect. 7. Borrowing power limited; suitable provisions to
2 be made for support of poor. The borrowing of money
3 by and for the city shall be limited as to form and pur-
4 pose according to provisions eight and nine of article six
5 of this charter. The credit of the city shall not in any
6 manner be loaned to, or in aid of, any individual, associ-
7 ation, or corporation except that suitable provisions may
8 be made 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
9 by posting a notice of the same in two public places in
10 the city of Waterville and advertising same in two daily
11 newspapers published in Kennebec county at least two weeks
12 before final action by the council, and the approval of four-
13 fifths of all the members of the council.

Sect. 9. Sinking fund to be established; how invested.
2 In the year nineteen hundred and twenty-four and until the
3 bonded indebtedness of the city of Waterville, in force at
4 the time of the adoption of this charter, is paid, the city
5 council shall raise and set apart each year for a sinking
6 fund, a sum equivalent to two per cent of the total appro-
7 priation for that year. The sinking fund shall be applied
8 only to the payment of that bonded indebtedness of the
9 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
4 the city manager.

The auditor shall examine all pay rolls, bills and other
2 claims and demands against the city and shall issue no
3 warrant for payment unless he finds that the claims is in
4 proper form, correctly computed and duly certified, and
5 legally 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
7 shall 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 council act-
6 ing as the superintending 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.

Miscellaneous Provisions.

Sect. 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
3 accept favors from firm or corporation holding city fran-
4 chise; exceptions. No officer or employee of the city, elect-
5 ed or appointed, shall be interested directly or indirectly
6 in any contract for work or materials, or the purchase
7 thereof, to be furnished or performed for the city. No
8 such officer or employee, except a policeman or fireman,
9 shall accept or receive from any person, firm, or corpo-
10 ration acting under a franchise or license from the city,
11 any frank, free pass, free ticket, or free service, or accept

12 directly or indirectly from any such person, firm or cor-
13 poration, any service upon terms more favorable than those
14 granted to the public generally. This provision shall not
15 apply however to any free service now or hereafter pro-
16 vided for by contract, franchise or ordinance.

Sect. 3. Referendum provision, date of meeting, form of
2 question, procedure. This act shall be submitted for ap-
3 proval or rejection to the qualified voters of the city of
4 Waterville at an election to be held the second Monday
5 in October in the year nineteen hundred and nineteen and
6 warrants shall be issued for such election in the manner
7 now provided by law for the holding of municipal elec-
8 tions, notifying and warning the qualified voters of said
9 city to meet in the several ward meeting rooms of said
10 city, there to cast their ballot for the approval or rejection
11 of this act.

The question proposed on said ballot shall be substan-
2 tially 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.

Underneath the above heading there shall be printed three
2 squares. Over the first of said squares shall be printed
3 the word "Yes" and the figure "5." Over the second of
4 said squares there shall be printed the word "Yes" and

5 figure "7." Over the third of said squares there shall be
6 printed the word "No."

If a majority shall vote "No" said act shall not go into
2 effect, but if a majority shall vote "Yes" then said act shall
3 take effect as herein provided. If a majority of those vot-
4 ing "Yes" marked in the first square then the act shall take
5 effect as written. If a majority of those voting "Yes"
6 marked in the second square then this act shall be modified
7 as follows:

Article two, section two, line one, strike out the word
2 "five" and insert the word "seven" and after the word
3 "members" insert the words "one of whom shall be elected
4 by and from each ward." In lines two and three strike
5 out the words "The members shall be elected at large by
6 and from the qualified voters of the city." Article four,
7 section one, line seven, strike out the words "the mem-
8 bers" and insert the words "a member." Article four, sec-
9 tion one, paragraph two, line ten, strike out the word
10 "five" and insert the word "the." After the word "votes"
11 insert the words in each ward." Article four, section three,
12 line five, strike out the word "fifty" and insert the word
13 "ten." In the same line strike out the words "the city"
14 and insert the words "a ward." In line six of the same
15 section strike out the words "five candidates" and insert
16 the words "one candidate."

The provisions of law relating to the preparation of voting
2 lists for municipal elections shall apply to such election.

3 and said election shall in all other respects be conducted
4 as municipal elections in said city are now conducted by
5 law and the results thereof shall be determined in the man-
6 ner now provided by law.

Sect. 4. Date when effective. So much of this act as
2 authorizes the submission of the acceptance of this charter
3 to the electors of the city of Waterville shall take effect
4 as 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
4 or unexecuted when this charter goes into effect and not
5 inconsistent 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.