

# MAINE STATE LEGISLATURE

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**EIGHTIETH LEGISLATURE**

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**HOUSE**

**NO. 106**

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House of Representatives, February 11, 1921.

Referred to Committee on Portland Delegation and 4000 copies ordered printed. Sent up for concurrence.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Brewster of Portland.

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**STATE OF MAINE**

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**IN THE YEAR OF OUR LORD ONE THOUSAND  
NINE HUNDRED AND TWENTY-ONE**

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AN ACT to Grant a New Charter to the City of Portland.

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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 Portland shall continue to be a body politic  
3 and corporate by the name of the city of Portland, and  
4 shall have, exercise and enjoy all the rights, immunities,  
5 powers, privileges and franchises 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, or to the inhabitants or mu-

9 nicipal authorities thereof; and may enact reasonable by-  
10 laws, regulations and ordinances for municipal purposes,  
11 not inconsistent with the constitution and laws of the State  
12 of Maine, and impose penalties for the breach thereof, not  
13 exceeding one hundred dollars in any one case, to be recov-  
14 ered for such uses as said by-laws, regulations or ordinances  
15 shall provide.

#### ARTICLE II

Section 1. **Powers and Duties.** The administration of all  
2 the fiscal prudential and municipal affairs of said city, with  
3 the government thereof, except the general management,  
4 care, conduct and control of the schools of said city which  
5 shall be vested in a school committee as hereinafter pro-  
6 vided, and also, except as otherwise provided by this char-  
7 ter, shall be and are vested in one body of five members,  
8 which shall constitute and be called the city council, all  
9 of whom shall be inhabitants of said city, and shall be  
10 sworn in the manner hereinafter prescribed. Said city coun-  
11 cil shall exercise its powers in the manner hereinafter pro-  
12 vided.

The members of the city council shall be and constitute  
2 the municipal officers of the city of Portland for all pur-  
3 poses required by statute, and, except as otherwise herein  
4 specifically provided, shall have all powers and authority  
5 given to and perform all duties required of municipal offi-  
6 cers, and mayors of cities under the laws of this state.

The city council is hereby constituted the overseers of the  
2 poor of the city of Portland and shall perform all duties  
3 required of overseers of the poor for cities by statute or  
4 otherwise. As such overseers of the poor they may author-  
5 ize a clerk or agent to sign in their name and send written  
6 notices and the written answers referred to or required in  
7 sections thirty-five and thirty-six of chapter twenty-nine  
8 of the revised statutes, and such written notices and writ-  
9 ten answers, so signed, shall have the same effect as if  
10 signed by one or more of said overseers and sent by a  
11 member or members of said overseers personally.

All the powers of establishing a watch and ward, now  
2 vested by the laws of the state in the justices of the peace  
3 and municipal officers, or inhabitants of towns, are vested  
4 in the said city council; so far as relates to said city; and  
5 they are authorized to unite the watch and police depart-  
6 ments into one department and establish suitable regula-  
7 tions for the government of the same.

All other powers now or hereafter vested in the inhabit-  
2 ants of said city, and all powers granted by this act, ex-  
3 cept as herein otherwise provided, as well as all powers  
4 relating to the fire department, shall be vested in said city  
5 council.

**Sect. 2. Composition, Election, Tenure of Office, etc.** The  
2 city council shall be composed of five members elected at  
3 large from the qualified voters of the city. At the first  
4 election of members of the city council the member elect

5 who shall receive the largest number of votes cast at such  
6 election shall hold office for five years, the member elect  
7 who shall receive the second largest number of votes cast  
8 at such election shall hold office for four years, the mem-  
9 ber elect who shall receive the third largest number of  
10 votes cast at such election shall hold office for three years,  
11 the member elect who shall receive the fourth largest num-  
12 ber of votes cast at such election shall hold office for two  
13 years and the fifth member elect shall hold office for one  
14 year, and each shall hold office until his successor is elected  
15 and qualified.

Each member shall be entitled to receive as salary the  
2 sum of five hundred dollars per annum, payable quarterly,  
3 for all services rendered, and shall not be eligible to any  
4 office of emolument or profit under the city charter or ordi-  
5 nances.

Sect. 3. **Chairman.** At the first meeting, or as soon there-  
2 after as possible, the city council shall elect one of its mem-  
3 bers as chairman of the council for the ensuing year, or  
4 until his successor is elected and qualified, and the city  
5 council may fill for the unexpired term any vacancy as  
6 chairman that may occur.

If the chairman shall fail from sickness, disability, ab-  
2 sence from the city or other cause to attend to and perform  
3 the duties incumbent on him as such chairman, the remain-  
4 ing members of the city council may by unanimous vote,  
5 after notice and hearing, terminate the term of office of

6 said chairman and remove him therefrom and thereupon  
7 may elect some other member of said city council chair-  
8 man and such newly elected member shall thereupon and  
9 thereafter hold the office and perform the duties of chair-  
10 man for the balance of that year, or until his successor is  
11 elected and qualified.

The chairman shall preside at all meetings of the council,  
2 and shall perform such other duties, consistent with this  
3 office, as the council may provide. He shall be entitled to  
4 vote, and his vote shall be counted upon all matters and  
5 things as a vote of other members of the council. The  
6 chairman shall be recognized as the official head of the  
7 city for ceremonial purposes, and for all purposes of mili-  
8 tary law. In the temporary absence of the chairman the  
9 city council may select a chairman pro tempore from among  
10 its number.

Sect. 4. **Vacancies, Forfeiture of Office.** In case of a  
2 vacancy caused by the death, resignation, removal from  
3 the city, or removal from office, as hereinafter provided, of  
4 any member of the city council more than six months prior  
5 to the next regu'ar city election, the vacancy shall be filled  
6 by a special election, the warrants for which shall upon  
7 vote of the city council be issued by a member of the city  
8 council by vote designated for that duty.

Any member of the city council who shall be convicted  
2 of a crime while in office shall, after due notice and hearing

3 and the production of the records of such conviction, for-  
4 feit his office.

Sect. 5. **Regular Meetings and Qualifications.** The city  
2 council shall meet at the usual place for holding meetings  
3 at ten o'clock, A. M., on the first Monday in January fol-  
4 lowing the regular city election, and at said meeting the  
5 councilmen elect shall be sworn to the faithful discharge  
6 of their duties by a justice of the peace, or by the city  
7 clerk. The council shall, at its first meeting, or as soon  
8 thereafter as possible, establish by ordinance or resolution  
9 a regular place and times for holding its meetings, and  
10 shall meet regularly at least twice in each month.

Sect. 6. **Special Meetings.** Special meetings may be called  
2 by the chairman, and in case of his absence, disability or  
3 refusal, may be called by a majority of the members of  
4 the city council. Notice of such meeting shall be served  
5 in person or left at the residence of each member of the  
6 city council at least twenty-four hours before the time for  
7 holding said special meeting.

Sect. 7. **Quorum.** A majority of the members of the city  
2 council shall constitute a quorum for the transaction of  
3 business, but a smaller number may adjourn from time  
4 to time. At least twenty-four hours' notice of the time  
5 and place of holding such adjourned meeting shall be given  
6 to all members who were not present at the meeting from  
7 which adjournment was taken.

Sect. 8. **Procedure.** The city council shall keep a record  
2 of its proceedings and shall be the judge of the qualifica-  
3 tion and election of its own members. The city council  
4 shall determine its own rules of procedure and make law-  
5 ful regulations for enforcing the same. The meetings of  
6 the city council shall be open to the public. The city coun-  
7 cil shall act only by ordinance, order or resolve; all ordi-  
8 nances, orders and resolves, except orders or resolves mak-  
9 ing appropriations of money, shall be confined to one sub-  
10 ject which shall be clearly expressed in the title. The ap-  
11 propriation order or resolve shall be confined to the sub-  
12 ject of appropriations only. No ordinance and no appro-  
13 priation resolve shall be passed until it has been read on  
14 two separate days, except when the requirement of a read-  
15 ing on two separate days has been dispensed with by a  
16 four-fifths vote of the voting members of the city council.  
17 The yeas and nays shall be taken upon the passage of all  
18 ordinances and entered on the record of the proceedings  
19 of the city council by the clerk. The yeas and nays shall  
20 be taken on the passage of any order or resolve when called  
21 for by any member of the city council. Every ordinance  
22 shall require on final passage the affirmative vote of a  
23 majority of the voting members of the city council. Ev-  
24 ery ordinance before final passage shall be published,  
25 marked "Proposed Ordinance," in one or more of the daily  
26 newspapers published in Portland, and shall take effect  
27 and be in full force, from and after it shall have received



28 final passage by the council council and have been approved  
29 by some justice of the supreme judicial court. Within ten  
30 days after said approval by such justice said ordinance  
31 shall be published in full in one or more of the newspapers  
32 published in said Portland, but the failure to publish said  
33 ordinance either before or after final passage shall not af-  
34 fect its validity or force.

### ARTICLE III

#### Superintending School Committee

Section 1. **Composition, Eligibility, Election, Tenure of**  
2 **Office, Special Provision.** The superintending school com-  
3 mittee shall consist of one member elected from each ward  
4 by the qualified voters thereof and three female members  
5 elected at large from the qualified voters of the city. They  
6 shall hold office for a term of two years and until their  
7 successors are elected and qualified. The members in of-  
8 fice at the time this charter is accepted shall continue to  
9 hold office for the balance of the term for which they were  
10 originally elected. The city council shall designate one of  
11 its members to serve as chairman of the school committee,  
12 but he shall have no vote as such chairman, except in case  
13 of a tie vote.

Sect. 2. **Organization, Qualification, Quorum.** The su-  
2 perintending school committee shall meet for organization  
3 at four o'clock P. M. on the first Monday in January fol-  
4 lowing the regular city election. The members elect shall  
5 be sworn to the faithful discharge of their duties by a jus-

6 tice of the peace or by the city clerk, and a record made  
7 thereof. A majority of the whole number elected shall be  
8 a quorum.

Sect. 3. **Powers, Duties.** The superintending school com-  
2 mittee shall have all the powers, and perform all the duties  
3 in regard to the care and management of the public schools  
4 of said city, which are now conferred and imposed upon  
5 superintending school committees by the laws of this state,  
6 except as otherwise provided in this charter. They shall  
7 annually, and whenever there is a vacancy, elect a super-  
8 intendent of schools for the current municipal year, who  
9 shall have the care and supervision of said public schools  
10 under their direction, and act as secretary of their board;  
11 they shall fix his salary at the time of his election, which  
12 shall not be increased during the year for which he is  
13 elected, except by consent of the city council, and may at  
14 any time dismiss him if they deem it proper and expedient.  
15 They shall annually, as soon after the organization of their  
16 board as practicable, furnish to the city council an esti-  
17 mate in detail of the several sums required during the en-  
18 suing municipal year for the support of public schools, and  
19 shall not increase the salaries of the superintendent and  
20 teachers, or any other expenditures, beyond the amounts  
21 specified therefor in such estimate, except by consent of  
22 the city council. No member of the committee shall re-  
23 ceive any compensation for his services.

Sect. 4. **Vacancies.** Whenever, from any cause, a vacancy in the superintending school committee shall occur, the city council, by a majority vote of all the members shall appoint a qualified voter of the city, and if it is a vacancy in a ward committeeman, then they shall appoint a resident of the ward where the vacancy exists, and the term of office of the member so appointed shall continue until the next election, and until his successor is elected and qualified.

#### ARTICLE IV

##### Nominations and Elections

Section 1. **Date of Elections and Procedure to Determine Results.** At the first election after this charter is in force, to be held on the first Monday in December, A. D. nineteen hundred and twenty-one, the qualified voters of the city shall ballot for five councilmen, and for such members at large, if any, of the superintending school committee as is necessary to fill the office of those whose term expires that year, and the qualified voters of each ward shall, at the same time, ballot for a warden, a ward clerk and two constables for his ward and in case there is more than one voting precinct or island ward in any ward, then the qualified voters of each such precinct and island ward shall vote for a warden and a ward clerk for his precinct or island ward, as well as for said two constables from the ward at large, and the qualified voters of each ward in

16 which the term of the member of the superintending school  
17 committee from such ward is then vacant or expires that  
18 year, shall vote for a member of the superintending school  
19 committee from such ward; and thereafter, on the first  
20 Monday in December in each year, a regular municipal  
21 election shall be held and the qualified voters of the city  
22 shall ballot for a councilman to fill the unexpired term of  
23 any councilman whose office is then vacant, if any such  
24 vacancy then exists, but whose term of office would not  
25 then have normally expired and for a councilman to fill  
26 the office of the councilman whose term of office expires  
27 that year and for such members at large, if any, of the  
28 superintending school committee as is necessary to fill the  
29 office of those whose term expires that year or for the un-  
30 expired term in which there is a vacancy; and the qualified  
31 voters of each ward shall, at the same time, ballot for a  
32 member of the school committee from such ward if the  
33 term of the member is expiring, or if there is a vacancy,  
34 for the unexpired term, and a warden, a ward clerk and  
35 two constables for his ward and in case there is more than  
36 one voting precinct or island ward in any ward, then the  
37 qualified voters of each such precinct and island ward shall  
38 vote for a warden and a ward clerk for his precinct or island  
39 ward as well as for said two constables from said ward at  
40 large.

All votes cast for the several officers shall be sorted,  
2 counted, declared and registered in open ward meeting, as

3 provided by statute. The ward clerk shall forthwith de-  
4 liver to each person elected warden or ward clerk a certifi-  
5 cate of his election and shall forthwith deliver to the city  
6 clerk a certified copy of the record of such election.

After the first election held under this charter the then  
2 municipal officers and thereafter the city council shall,  
3 as soon as it conveniently can, examine the copies of the  
4 records of the several wards, certified as aforesaid, and  
5 shall cause the persons who shall have been elected council-  
6 men or members of the superintending school committee  
7 to be notified in writing of their election; if it shall appear  
8 that at the first election five councilmen have not been  
9 elected, or, if, after the first election, it shall appear that  
10 no person has been elected councilman, or if the person  
11 elected shall refuse to accept the office, warrants for an-  
12 other election to fill such vacancy shall be issued forth-  
13 with.

If it shall appear that at the first election to be held under  
2 this charter five councilmen have not been elected, the mu-  
3 nicipal officers then in office shall continue to hold office  
4 and perform their duties until five councilmen have been  
5 duly elected.

**Sect. 2. Warden and Ward Clerk. Eligibility, Tenure,**  
2 **Qualifications, Powers and Duties, Vacancies, Ward Meet-**  
3 **ings, and How Called.** The warden and ward clerk, chosen  
4 as provided in the preceding section, shall be residents of  
5 the ward and precinct for which they are elected and shall

6 hold their office for one year from the first Monday in Jan-  
7 uary following their election, and until others have been  
8 chosen and qualified in their stead. The warden and the  
9 ward clerk shall be sworn to the faithful performance of  
10 their duties by a person qualified under the statutes of the  
11 state to administer oaths, and a certificate of such oath  
12 shall be entered by the clerk on the records of said ward.  
13 The warden shall preside at all ward meetings, with the  
14 powers of moderators of town meetings, and if at any meet-  
15 ing the warden shall not be present, the clerk of the ward  
16 shall call the meeting to order and preside until a warden  
17 pro tempore shall be chosen. The warden shall have all  
18 rights and powers now held by the warden of such ward.  
19 If neither the warden nor the ward clerk shall be present,  
20 any legal voter in the ward may preside until a clerk pro  
21 tempore shall be chosen and qualified. Immediately fol-  
22 lowing the election of a clerk pro tempore a warden pro  
23 tempore shall be chosen. The clerk shall record all the  
24 proceedings and certify the votes given and deliver over  
25 to his successor in office all such records and journals in  
26 his possession or under his control, together with all docu-  
27 ments and papers held by him in his capacity as clerk. The  
28 ward clerk shall have and perform all rights and duties  
29 now held and performed by the ward clerk of such ward,  
30 so far as consistent with this charter. All ward meetings  
31 shall be notified and called by the city council in the man-  
32 ner provided by the laws of this state for notifying and

34 calling town meetings by the selectmen of the several towns.

Sect. 3. **Nominations for Elective Officers to Be Made by**  
2 **Petition.** The nomination of all candidates for elective of-  
3 fices provided for by this charter shall be by petition. The  
4 petition of a candidate for councilman shall be signed by  
5 not less than three hundred nor more than five hundred  
6 qualified voters of the city. The petition of candidates for  
7 superintending school committeemen at large shall be  
8 signed by not less than twenty-five nor more than one hun-  
9 dred qualified voters of the city. The petition of candi-  
10 dates for the superintending school committeemen from the  
11 several wards, and for warden, for ward clerk and for con-  
12 stable shall be signed by not less than twenty-five nor more  
13 than one hundred qualified voters of the ward wherein the  
14 candidate is to be elected. No voter shall sign petitions  
15 for more than one candidate for each office to be filled at  
16 the election, and should any voter sign more than one such  
17 petition, his signature shall be counted only upon the first  
18 petition filed, and shall be held void upon all other petitions.

Sect. 4. **Form of Nomination Paper.** The signatures to  
2 the nomination papers need not all be affixed to one nom-  
3 ination petition, but to each separate petition there shall  
4 be attached an affidavit of the circulator thereof stating  
5 the number of signers on each petition, and that each signa-  
6 ture appended thereto was made in his presence and is the  
7 genuine signature of the person whose name it purports to  
8 be. With each signature shall be stated the place of resi-

9 dence of the signer giving the street and number on the  
10 street, or their description sufficient to identify the same.  
11 The form of the nomination petition shall be substantially  
12 as follows:

To the City Clerk of the City of Portland:

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

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

(Signed) .....

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

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



If this petition is deemed insufficient by the city clerk he  
 2 shall forthwith notify by mail ..... at  
 3 No. .... street.

Sect. 5. **Filing Nomination Papers. Acceptances of Nom-**  
 2 **inations Must Be Filed.** The nomination petitions for any  
 3 one candidate shall be assembled and united into one peti-  
 4 tion, and filed with the city clerk not earlier than thirty  
 5 nor later than sixteen days before the day of election. No  
 6 nomination shall be valid unless the candidate shall file with  
 7 the city clerk in writing not later than fourteen days, ex-  
 8 clusive of Sundays, before the day of election, his consent,  
 9 accepting the nomination, agreeing not to withdraw, and,  
 10 if elected, to qualify.

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 of the daily newspapers  
 4 published in said Portland the names, residences and office  
 5 to which nominated of the candidates who have duly filed  
 6 the above described petitions and acceptances.

Sect. 7. **Ballots, Etc., to Be Prepared by the City Clerk.**  
 2 Specimen ballots and official ballots for use in all city elec-  
 3 tions shall be prepared by the city clerk and furnished by  
 4 the city.

Sect. 8. **Form of Ballot.** Ballots for use in elections  
 2 under this charter shall contain the names of the various  
 3 candidates, with their residence and the office for which  
 4 they are a candidate, and shall be furnished with four col-

5 umns for crosses to the right of the candidate's name and  
6 residence, and said columns shall be headed, respectively,  
7 "First Choice," "Second Choice," "Third Choice" and  
8 "Other Choices," and shall be of substantially the form  
9 provided in the following section:

Sect. 9. The face of the ballot shall be of the following  
2 form:

CITY OF PORTLAND.

Regular (or Special) City Election.

OFFICIAL BALLOT.

Candidates for office in the city of Portland at an election  
2 held on Monday, the                    day of                    A. D. .

**Instructions.**

To vote for any person, make a cross (X) in the square  
2 at the right of the name voted for, and in the proper column  
3 according to your choice.

Vote your first choice in the first column; vote your second  
2 choice in the second column; vote your third choice in the  
3 third column; vote in the fourth column for all the other  
4 candidates whom you wish to support.

Do not vote more than one choice for one person, as only  
2 one choice will count for any one candidate on this ballot.

For (name of the office to be filled) ( ) to be chosen. Vote for ( ) on each choice.	First Choice	Second Choice	Third Choice	Other Choices
Name of candidate and residence.				
Name of candidate and residence.				
For (name of the office to be filled) ( ) to be chosen. Vote for ( ) on each choice.	First Choice	Second Choice	Third Choice	Other Choices
Name of candidate and residence.				

Back of Ballot.

Portland, Maine, Monday,                   , A. D.

OFFICIAL BALLOT.

City (or Ward)

(Facsimile of Signature)

City Clerk.

Sect. 10. **Rotation of Names of Candidates.** The city  
2 clerk in preparing all ballots for election under this charter,  
3 shall arrange the names of all qualified candidates for each  
4 office in alphabetical order according to surnames, except  
5 as hereinafter provided. In any case where the names of  
6 four or more persons appear on one ballot for city council  
7 or superintending school committee, the city clerk shall  
8 have printed as many sets of ballots as there are candidates.  
9 Each set of ballots shall begin with the name of a different  
10 candidate, the other names being arranged thereafter in  
11 regular alphabetical order, commencing with the name next  
12 in alphabetical order after the one that stands first on that  
13 set of ballots. When the last name is reached in alpha-  
14 betical order it shall be followed by the name that begins  
15 with the first letter represented in the list of names and by  
16 the others in regular order. The ballots so printed shall  
17 then be combined in blocks of fifty so as to have the fewest  
18 possible ballots having the same order of names printed  
19 thereon together in the same block.

Sample ballots shall be printed from the arrangement of  
2 the first group of ballots to be printed as above provided.

Sect. 11. **Count of Ballots.** As soon as the polls are  
2 closed, the warden shall immediately open the ballot boxes,  
3 take therefrom the ballots and sort, count and declare them  
4 in open meeting in the presence of the ward clerk; and the  
5 ward clerk shall form a list of the persons voted for with  
6 the number and character as to choice of the votes for each  
7 person against his name, shall make a fair record thereof in  
8 the presence of the warden, and in open ward meeting enter  
9 the total number thereof on a tally sheet provided by the  
10 city clerk. The ward clerk shall enter the number of the  
11 first choice, second choice, third choice and other choice  
12 votes, for each candidate opposite the name of such candi-  
13 date on said tally sheet, and make return thereof to the city  
14 clerk on a blank by said city clerk to be provided. Only  
15 one vote shall be counted for any candidate on any one bal-  
16 lot. If two or more choices are marked on one ballot for  
17 one and the same candidate, the highest choice marked shall  
18 be counted, except as otherwise herein provided, and all  
19 other marks considered void. If a ballot contains either  
20 first choice, second choice or third choice votes in excess  
21 of the number of offices to be filled, no vote in the column  
22 showing such excess shall be counted. Except as herein-  
23 before provided, all choices shall be counted as marked on  
24 the ballot.

Sect. 12. **Returns. Canvass.** Upon receipt of the re-  
2 turns, after the first election under this charter, the then

3 municipal officers and thereafter the city council shall de-  
4 termine the successful candidates as hereinafter provided  
5 in this section.

The person receiving a majority of first choice votes, cast  
2 at an election for any office, shall be elected to that office;  
3 if no candidate received such a majority of the first choice  
4 votes for such office, then a canvass shall be made of the  
5 second choice votes received by each candidate for the  
6 office; all second choice votes received by any candidate  
7 shall then be added to the first choice votes received by said  
8 candidate for the office, and the candidate receiving the  
9 largest number of first choice and second choice votes com-  
10 bined, if such total votes constitute a majority, shall be  
11 elected to said office. If no candidate shall receive a ma-  
12 jority of the first choice and second choice votes combined,  
13 then a canvass shall be made of the third choice votes re-  
14 ceived by each candidate for said office, and all third choice  
15 votes received by any candidate shall then be added to the  
16 total of the first choice and second choice votes for such  
17 candidate, and the candidate receiving the largest number  
18 of said total first choice, second choice and third choice  
19 votes, if such total constitutes a majority, shall be elected  
20 to said office; if no candidate shall have such a majority  
21 after adding the first choice, second choice and third choice  
22 votes, then a canvass shall be made of the other choice votes  
23 received by each candidate for the office, and such other

24 choice votes shall then be added to the total of the first  
25 choice, second choice and third choice votes received by  
26 such candidate, and the candidate having the largest num-  
27 ber of first choice, second choice, third choice and other  
28 choice votes combined, shall be elected to such office.

A tie vote between two or more candidates shall be decided  
2 in favor of the one having the highest number of first choice  
3 votes. If they each received an equal number of first choice  
4 votes, then the one who received the highest number of sec-  
5 ond choice votes shall be deemed elected. If they each re-  
6 ceived the same number of first choice and second choice  
7 votes, then the candidate receiving the highest number of  
8 third choice votes shall be deemed elected. If they each  
9 received the same number of first choice, second choice,  
10 third choice and other choice votes, then the tie shall be  
11 determined by lot under the direction of the city clerk.

Whenever the word "majority" is used in this section it  
2 shall mean more than one-half of the total number of valid  
3 ballots cast at such election for the candidate whose elec-  
4 tion is being canvassed.

Sect. 13. **Specimen Ballots to be Published and Posted.**  
2 The city clerk shall cause specimen ballots to be posted in  
3 public places in each ward and voting precinct and adver-  
4 tised in the newspapers not later than ten days prior to the  
5 city election. Such specimen ballots shall be printed on  
6 colored paper and marked specimen ballots, and shall con-

7 tain the names of the certified candidates with the residence  
8 of each, instructions to voters, and such measures as may  
9 be submitted to the voters. Such ballots shall be without  
10 party mark or designation.

Sect. 14. **Recall Provisions.** Any member of the city  
2 council may be recalled and removed therefrom by the  
3 electors of the city as herein provided.

**Procedure for filing recall petition.** Any elector of the  
2 city may make and file with the city clerk an affidavit con-  
3 taining the name or names of the member or members whose  
4 removal is sought and a statement for the grounds for re-  
5 moval. The clerk shall thereupon deliver to the elector  
6 making such affidavit copies of petition blanks for such  
7 removal, printed forms of which we shall keep on hand.  
8 Such blanks shall be issued by the clerk with his signature  
9 and official seal thereto attached; they shall be dated and  
10 addressed to the city council, shall contain the name of the  
11 person to whom issued, the number of blanks so issued,  
12 and the name of the person or persons whose removal is  
13 sought. A copy of the petition shall be entered in a record  
14 book to be kept in the office of the city clerk. The recall  
15 petition, to be effective, must be returned and filed with the  
16 city clerk within thirty days after the filing of the affidavit.  
17 The petition before being returned and filed shall be signed  
18 by electors of the city to the number of at least twenty-five  
19 per cent of the number of electors who cast their votes at



20 the last preceding regular municipal election, and to every  
21 such signature shall be added the place of residence of the  
22 signer, giving the street and number or other description  
23 sufficient to identify the place. Such signatures need not  
24 all be on one paper, but the circulator of every such paper  
25 shall make an affidavit that each signature appended to the  
26 paper is the genuine signature of the person whose name  
27 it purports to be. All such recall papers shall be filed as  
28 one instrument, with the endorsements thereon of the names  
29 and addresses of three persons designated as filing the same.

**Examination and amendment of recall petitions.** Within  
2 ten days after the filing of the petition the clerk shall as-  
3 certain whether or not the petition is signed by the requisite  
4 number of electors and shall attach thereto his certificate  
5 showing the result of such examination. If his certificate  
6 shows the petition to be insufficient, he shall forthwith so  
7 notify in writing one or more of the persons designated on  
8 the petition as filing the same; and the petition may be  
9 amended at any time within ten days after the giving of  
10 said notice, by the filing of a supplementary petition upon  
11 additional papers, issued, signed and filed as provided here-  
12 in for the original petition. The clerk shall, within ten  
13 days after such amendment, make like examination of the  
14 amended petition, and attach thereto his certificate of the  
15 result. If then found to be insufficient, or if no amend-  
16 ment was made, he shall file the petition in his office and  
17 shall notify each of the persons designated thereon as filing

18 it of that fact. The final finding of the insufficiency of a  
19 petition shall not prejudice the filing of a new petition for  
20 the same purpose.

**Calling of recall election.** If the petition or amended peti-  
2 tion shall be certified by the city clerk to be sufficient he  
3 shall submit the same with his certificate to the city council  
4 at its next meeting and shall notify the member or mem-  
5 bers whose removal is sought of such action. The city  
6 council shall thereupon, within ten days of the receipt of  
7 the city clerk's certificate, order an election to be held not  
8 less than forty nor more than sixty days thereafter. Pro-  
9 vided, that if any other municipal election is to occur within  
10 ninety days after the receipt of said certificate, the city  
11 council may in its discretion provide for the holding of the  
12 removal election on the date of such other municipal elec-  
13 tion. The removal election shall be called and held and  
14 nominations made as in other elections under this charter  
15 except for the specific limitations of this section.

**Form of ballot to recall councilmen.** Unless the member  
2 or members whose removal is sought shall have resigned  
3 within ten days after the receipt by the city council of the  
4 city clerk's certificate, the form of the ballot at such elec-  
5 tion shall be as nearly as may be: "Shall A be recalled?  
6 Shall B be recalled?" etc., the name of the member or mem-  
7 bers whose recall is sought being inserted in place of A, B,  
8 etc., and the ballot shall also contain the names of the can-

9 didates nominated in place of the men recalled, as follows:  
10 "Candidates for the place of A, if recalled; Candidates for  
11 the place of B, if recalled," etc., but the men whose recall  
12 is sought shall not themselves be candidates upon such  
13 ballot.

In case a majority of those voting for and against the  
2 recall of any official shall vote in favor of recalling such  
3 official he shall be thereby removed, and in that event the  
4 candidate who receives the highest number of votes for his  
5 place shall be elected thereto for the balance of the unex-  
6 pired term.

If the officer or officers sought to be removed shall have  
2 resigned within ten days after the receipt, by the city coun-  
3 cil of the city clerk's certificate referred to in this section  
4 above, the form of ballot at the election shall be the same,  
5 as nearly as may be, as the form in use at a regular municipi-  
6 pal election.

**Procedure on refusal of city council.** Should the city  
2 council fail or refuse to order an election as herein pro-  
3 vided, such election may be ordered by any justice of the  
4 supreme judicial court.

Sect. 15. **State Laws Not Inconsistent Applicable.** The  
2 provisions of the laws of the state of Maine relating to the  
3 qualifications of electors, registration, the manner of voting,  
4 the duties of election officers, and all other particulars in  
5 respect to preparation for, conducting and management of

6 elections, so far as they may be applicable, shall govern all  
7 municipal elections of Portland, except as otherwise pro-  
8 vided in this charter.

## ARTICLE V.

### Administrative Officers.

Section 1. **Titles and Appointment.** There shall be the  
2 following administrative 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 city council: city manager, city clerk, corporation counsel,  
4 treasurer and tax collector, auditor, gas agent, assessors of  
5 taxes, park commissioners, board of health, city hall music  
6 commission, trustees of Evergreen cemetery, recreation  
7 commission, two members board of registration, and they  
8 may elect nine constables at large.

(b) The following officers shall be appointed by the city  
2 manager, subject to confirmation by the city council; com-  
3 missioner of public works, city electrician, city physician,  
4 inspector of buildings, chief of police, chief of the fire de-  
5 partment, all other department heads whose position may  
6 from time to time be created by ordinance; and, except as  
7 herein otherwise provided, upon recommendation of the  
8 heads of their departments, all minor officers and employees.

Sect. 2. **Power of Council with Regard to Appointive**  
2 **Officers and Boards.** The council shall have power by  
3 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 officers 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 Rules for Police and Fire Depart-  
2 ments.** The city council shall provide by ordinance for a  
3 system of civil service rules for the appointment, promotion,  
4 lay-off, reinstatement, suspension and removal of the mem-  
5 bers of the police department and of the fire department,  
6 other than the chiefs of said departments, and for a civil  
7 service commission to administer the same.

Sect. 4. **Term of Service.** All appointive officers whose  
2 terms of service are specified herein to be for a fixed term,  
3 shall be removable by the city council upon written charges,  
4 notice and hearing, if upon such hearing they are adjudged  
5 guilty of the charges preferred.

All other appointive officers shall hold office during the  
2 pleasure of the city council.

Sect. 5. **Compensation of Officers.** The city council shall  
2 fix by order the salaries of the appointees of the city coun-  
3 cil. Salaries of the appointees of the city manager shall  
4 be fixed by the city manager, subject to the approval of the  
5 city council.

Sect. 6. **Appointment and Qualification of the City Manager.** The city manager shall be chosen by the city council solely on the basis of his executive and administrative qualifications, and need not be a resident of the city of Portland or of the state of Maine at the time of his appointment. He shall give bond for the faithful discharge of his duties to the city of Portland in such sum as the city council shall determine and direct, and with surety or sureties to be approved by the city council. The premium on his bond shall be paid by the city.

Sect. 7. **Powers and Duties of the City Manager.** The city manager shall be the administrative head of the city and shall be responsible to the city 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, but he shall delegate to the chief of the police department the active duties connected therewith regarding criminal misdemeanors.

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

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

(d) To attend meetings of the city council, except when his removal is being considered, and recommend for adoption such measures as he may deem expedient.

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

3 and to furnish the city council with all available facts, fig-  
4 ures and data connected therewith, when requested.

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

Sect. 8. **Substitute.** During any vacancy in the office of  
2 city manager, and during the absence or disability of the  
3 city manager, the city council may designate a properly  
4 qualified person to perform the duties of manager and fix  
5 his compensation; while so acting he shall have the same  
6 powers and duties as those given to and imposed on the  
7 city manager. Before entering on his duties, he shall give  
8 bond to the city of Portland in a sum and with surety or  
9 sureties to be approved by the city council. The premium  
10 on said bond is to be paid by the city.

Sect. 9. **Duties of Administrative Officers Other than**  
2 **Manager.** Duties of administrative officers other than the  
3 city manager may be prescribed by the city council. Such  
4 duties shall not be inconsistent with the provisions of this  
5 charter.

Sect. 10. **Assessors of Taxes.** The term of office of each  
2 assessor of taxes, in office at the time of the adoption of  
3 this charter, shall continue for the balance of the term to  
4 which he was elected, and until his successor is elected and  
5 qualified; at the expiration of said term, and annually there-  
6 after, the city council shall appoint an assessor of taxes  
7 who shall hold office for a term of three years, unless sooner

8 removed under other provisions of this charter. If for any  
9 reason, a vacancy occurs in the membership of the board  
10 of assessors, the vacancy shall be filled forthwith by the  
11 city council for the unexpired term. The assessors ap-  
12 pointed as above provided shall exercise the same powers  
13 and be subject to the same duties and liabilities that similar  
14 officers of the several towns and cities in the state may  
15 exercise, and may now or hereafter be subject to under the  
16 laws of the state. The assessors may appoint one or more  
17 assistant assessors in each ward, whose duty it shall be to  
18 furnish the assessors with all the necessary information rela-  
19 tive to persons and property taxable. The compensation of  
20 such, assistant assessors shall be fixed by the city council  
21 but such assistant assessors shall hold office during the pleas-  
22 ure of the assessors.

**Sect. 11. Park Commission, Term and Compensation.**

2 The term of office of each member of the park commission,  
3 at the time of the adoption of this charter, shall continue  
4 for the balance of the term to which he was appointed, and  
5 until his successor is elected and qualified; at the expiration  
6 of said term and annually thereafter, the city council shall  
7 appoint a member of the park commission by ballot who  
8 shall hold office for a term of three years, unless sooner  
9 removed under other provisions of this charter. If for any  
10 reason, a vacancy occurs in the membership of the park  
11 commission, the vacancy shall be filled forthwith by the



12 city council for the unexpired term. The commissioner,  
13 appointed as above provided, shall exercise the same powers  
14 and be subject to the same duties as other members of said  
15 park commission.

Sect. 12. **Park Commission.** The park commissioners  
2 shall have the powers and compensation and perform the  
3 duties given to and prescribed for the park commission of  
4 the city of Portland by the laws of the state of Maine.

Sect. 13. **Tax to be Assessed.** To enable said commission  
2 to extend the work of the Back Bay and Fore River com-  
3 mission and to make improvements, to enlarge the park  
4 areas, to maintain the said public grounds and cemeteries  
5 under their charge, and to pay for additions to said grounds  
6 and cemeteries already acquired, or to be acquired by the  
7 city of Portland, a tax of one mill on the dollar shall be  
8 assessed annually by the assessors of said city of Portland  
9 upon all estates and property subject to taxation in said  
10 city, to be taken at the last regular valuation. The amount  
11 of said tax, when raised, shall be set aside as a special fund  
12 to be expended by said commission for the purposes speci-  
13 fied in this charter; provided, however, that one per cent  
14 of the amount of the above tax shall be reserved by the  
15 city treasurer each year to cover any uncollected portion  
16 of this tax and carried to the credit of the account known  
17 as overlayings and abatements.

Sect. 14. **Duties and Powers of Park Commission.** It  
2 shall be the duty of the park commission to keep itself in-

3 formed of the progress of city planning in this and other  
4 countries; to make studies and recommendations for the  
5 improvement of the plan of the city with a view to the  
6 present and future movement of traffic, the convenience,  
7 health, recreation, general welfare and other needs of the  
8 city, dependent on the city plan, of all new public streets,  
9 ways, sewers, conduits, land, buildings, bridges and all other  
10 public places and structures, of additions and alterations in  
11 those already existing, and of the layout or plotting of new  
12 subdivisions of the city. All acts of the city council or of  
13 any other branch of the city officers or departments affect-  
14 ing the city plan shall be submitted to the park commission  
15 for report and recommendation. The city council may at  
16 any time call upon the park commission to report with  
17 recommendations, and the commission of their own volition  
18 may also report to the city council with recommendations  
19 on any matter which, in the opinion of either body, affects  
20 the plan of the city.

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

The commission shall submit to the city council an annual  
2 report, summarizing the activities of the commission for the  
3 then past fiscal year; the recommendations made by it to  
4 the city council during the year, and what, if anything, has

5 been done by the city council or otherwise in connection  
6 with the said recommendations.

The commissioner of public works shall serve as chief en-  
2 gineer of the park commission. The board of health of the  
3 city shall advise the park commission, from time to time,  
4 of any municipal improvements within the scope of the park  
5 commission, which, in the opinion of the board of health,  
6 would improve the healthfulness of the city.

Sect. 15. **Board of Health.** The term of office of each  
2 member of the board of health, in office at the time of the  
3 adoption of this charter, shall continue for the balance of  
4 the term to which he was appointed, and until his successor  
5 is appointed and qualified; at the expiration of the said  
6 term, and annually thereafter, the city council shall appoint  
7 a member of the board of health who shall hold office for  
8 a term of three years, unless sooner removed under other  
9 provisions of this charter. If for any reason a vacancy  
10 occurs in the membership of the board of health, the vacancy  
11 shall be filled by the city council for the unexpired term.

The members of the board of health are given the same  
2 powers and authority and are subject to the same duties  
3 and liabilities now held or imposed on the board of health  
4 for the city of Portland.

Sect. 16. **Recreation Commission.** The recreation com-  
2 mission shall be comprised of seven members, three of whom  
3 shall be members of the city council, the city manager, the  
4 chief of police, one member of the school committee, and

5 one member of the park commission. Each member of this  
6 commission shall serve for one year and representatives of  
7 the city council, school committee and park commission  
8 shall be elected on the first Monday in January in each  
9 year, or as soon thereafter as may be, by the body which  
10 they represent. Vacancies shall be filled in the same man-  
11 ner. They shall elect a chairman from their number who  
12 shall be a member of the city council, and shall elect a sec-  
13 retary and other necessary officers to serve at their pleasure.

The members of the recreation commission shall serve  
2 without compensation.

They shall have all the power and authority and be subject  
2 to the same duties and liabilities as now possessed by the  
3 recreation commission for the city of Portland.

Funds for the purpose of carrying out the duties and work  
2 of said recreation commission shall be supplied in the same  
3 way and to the same amount as now provided and supplied,  
4 or may be fixed hereafter.

## ARTICLE VI.

### Business and Financial Provisions.

Section 1. **Accounts and Records.** Accounts shall be kept  
2 by the auditor, showing the financial transactions of all  
3 departments of the city. Forms for all such accounts shall  
4 be prescribed by the auditor, with the approval of the city  
5 council. Accounts shall be kept in such a manner as to  
6 show fully at all times the financial condition of the city.  
7 The auditor shall furnish to the city manager, prior to the

8 first regular meeting of the city council in each month, a  
9 report containing in detail the receipts and disbursements  
10 of the city on all accounts, the expenditures made and the  
11 obligations incurred during the preceding calendar month,  
12 and a balance sheet showing the financial condition of the  
13 city, of the several funds, and the total unexpended balance  
14 to the credit of each department.

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

Sect. 3. **Reports.** The auditor shall publish each month  
2 a statement of the financial condition of the city.

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

(a) Receipts classified according to sources.

(b) 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 books.

(c) Balance sheets.

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

Sect. 4. **Annual Budget.** Not later than one month before the end of the fiscal year, the city manager shall submit to the city council budget estimates for the ensuing fiscal year. This budget shall be compiled from detailed information furnished by the administrative officers and boards, on blanks, the forms of which 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 for current expenses, and for permanent improvements; with comparative statements in parallel columns of expenditures for the current and next preceding fiscal year. An increase or decrease in any item shall be indicated.

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

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

The budget shall be published not later than two weeks after its submission to the city council. The city council shall fix a time and place for holding a public hearing upon the budget, and shall give a public notice of such hearing, which shall be at least ten days before the final passage of the appropriation resolve.

Sect. 5. **Appropriation Resolve.** Not later than one month after the beginning of the fiscal year, the city 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 city council may make appropriations for current de-  
3 partmental expenses, chargeable to the appropriation for  
4 the 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. **Transfers.** The city council in the appropriation  
2 resolve shall provide for a reserve fund from which trans-  
3 fers shall be made only by vote of the city council, and no  
4 transfer of any money shall be made from any fund other  
5 than this reserve fund until the end of the fiscal year, at  
6 which time after all warrants have been paid out of the  
7 various funds against which such warrants have been drawn,  
8 the auditor shall transfer to the reserve fund any balance  
9 or balances then remaining in the various other funds, ex-  
10 cept balances in the school fund; the city council shall then  
11 transfer the full balance then in the reserve fund to the  
12 sinking fund of the city.

Sect. 7. **Borrowing.** The borrowing of money by and for  
2 the city shall be limited as to form and purpose by the pro-  
3 visions of section eight and section nine of article six of  
4 this charter. The credit of the city shall in no manner be  
5 loaned to any individual, association or corporation.

Sect. 8. **Bond Issues.** Money may be borrowed, within  
2 the limits fixed by the constitution and statutes of the state  
3 now or hereafter applying to said Portland, by the issue  
4 and sale of bonds or notes pledged on the credit of the city,  
5 the proceeds to be used for the payment of indebtedness  
6 of the city contracted for the acquisition of land, the con-  
7 struction and equipment of buildings and other permanent  
8 public improvements, and the payment or refunding of  
9 bonds, notes, and certificates of indebtedness previously is-  
10 sued. No order providing for the issue of bonds shall be  
11 passed without public notice given by posting notice of the  
12 same in two public places in the city of Portland, and pub-  
13 lishing said notice in at least two daily newspapers pub-  
14 lished in said Portland at least two weeks before final ac-  
15 tion by the city council, and the approval of four-fifths of  
16 all the members of the city council. Every issue of bonds  
17 shall be payable within a fixed term of years; if said bonds  
18 are issued in payment of indebtedness incurred for a per-  
19 manent improvement, the term of such bonds shall not ex-  
20 ceed the useful life of said improvement; and the term  
21 within which all bonds shall be made payable shall in no  
22 case exceed thirty years. Bonds issued after the adoption  
23 of this charter shall be made payable in equal, annual, serial  
24 installments as pertains to principal and interest shall be  
25 made payable semi-annually. Every order for the issue of  
26 bonds shall provide for a tax levy for each year of an  
27 amount necessary to meet the payment of the annual, serial



28 installment of principal and interest; and such amounts shall  
29 be included in the tax levy for each year until the debt is  
30 extinguished; provided, however, that bonds issued to re-  
31 fund any indebtedness of the city of Portland existing prior  
32 to the adoption of this charter shall not be subject to the  
33 aforesaid requirement of being made payable in equal, an-  
34 nual, serial installments.

Sect. 9. **Temporary Loans.** Money may be borrowed in  
2 anticipation of receipts from taxes during any fiscal year,  
3 but the aggregate amount of such loans outstanding at any  
4 one time shall not exceed eighty per cent of the revenue  
5 received from taxes during the preceding fiscal year. All  
6 such loans shall be paid within the year out of receipts from  
7 taxes for the fiscal year in which said loans are made.  
8 Money may be borrowed in anticipation of money to be  
9 received from the sale of bonds to be issued, in case such  
10 bond issue has been authorized; all such loans shall be paid  
11 within one year and are subject to the provisions of laws  
12 of the state of Maine in relation thereto. This section shall  
13 not limit in any way the power granted to towns and cities  
14 to borrow money as contained in chapter four, section 62,  
15 of the revised statutes or amendments thereof.

Sect. 10. **Sinking Fund.** Until the bonded indebtedness  
2 of the city of Portland in force at the time of the adoption  
3 of this charter is fully paid, the city council shall raise and  
4 set apart each year for a sinking fund a sum equal to two  
5 per cent of the total amount of appropriation for that year.

6 The sinking fund shall be applied only to the payment of  
7 that bonded indebtedness of the city, the payment of which  
8 has not been provided for by payments in serial installments.

The sinking fund shall be invested as provided by the re-  
2 vised statutes of the state of Maine and all acts in addition  
3 thereto and in amendment thereof.

Sect. 11. **Payments.** Money shall be paid out only on  
2 warrants on the city treasury issued by the auditor and  
3 countersigned by the city manager and a member of the  
4 city council to be designated from time to time by said city  
5 council.

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 until he finds that the claim is in proper  
4 form, correctly computed, duly certified and legally due and  
5 payable.

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

Sect. 12. **Bonds of Officers.** The city council shall re-  
2 quire a bond with sufficient surety or sureties, satisfactory  
3 to the city council, from all persons trusted with the col-  
4 lection, custody or disbursement of any of the public  
5 moneys; the premium charges for said bonds to be paid by  
6 the city.

Sect. 13. **Collection and Custody of City Moneys.** All

2 moneys received by any officer, employee or agent of the  
3 city belonging to the city, or for or in connection with the  
4 business of the city, shall forthwith be paid by the officer,  
5 employee or agent receiving the same into the city treasury,  
6 and shall then be deposited by the city treasurer with some  
7 responsible banking institution or institutions to be chosen  
8 by said city council. All interest from all deposits of money  
9 belonging to the city shall accrue to the benefit of the city.

Sect. 14. **Purchasing of Supplies.** The purchasing agent  
2 shall purchase all supplies for the city and for the several  
3 officers and boards thereof, excepting for supplies for the  
4 city schools, which school supplies he shall purchase only  
5 upon requisition by the superintending school committee.

The purchasing agent shall see to the delivery of supplies  
2 to each officer and department to whom they belong, and  
3 take and file receipts therefor. He shall conduct all sales  
4 of property belonging to the city which are unfit or unneces-  
5 sary for the city's use, as now provided by ordinance of  
6 the city of Portland for heads of departments, but only  
7 after such sale has been authorized by the city council, in  
8 place of the mayor as now provided by said ordinance.

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

## ARTICLE VII.

### Public Utilities.

Section 1. **Franchises.** All public utility franchises, here-

2 after granted, and all renewals, amendments, and extensions  
3 thereof shall be granted or made only by a four-fifths vote  
4 of the voting members of the council. No franchise and  
5 no renewal or amendment thereof shall be granted or made  
6 within three months after the application therefor is filed  
7 with the city clerk, nor within thirty days after the publi-  
8 cation 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 city council.

Sect. 2. **Right of Regulation.** All orders providing for  
2 grants, renewals, amendments or extensions of public utility  
3 franchises shall retain to the city the following rights:

(a) To repeal the same by order at any time for non-  
2 use, or for failure to begin construction within the time  
3 prescribed, or for failure to otherwise comply with the  
4 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. **Members of City Council Ineligible for Certain Offices.** No member of the city council shall during the term for which he was chosen be eligible for any other office the salary of which is payable by the city, or shall he during such term hold any such office.

Sect. 2. **No Personal Interest.** No city manager, no member of the city council, no subordinate city officer, no member of any board of commission charged with the expenditure of any money appropriated by the city council or belonging to the city, no officer or employee of the city, elected or appointed, shall be interested, directly or indirectly, in any contract entered into by or in behalf of the city of Portland for work or material, or the purchase thereof, to be furnished to or performed for the city, and all contracts made in violation hereof are void and the city treasurer is expressly forbidden to pay any money out of the city treasury on account of any such contract. No such officer or employee, except a policeman or fireman, shall accept or receive from any person, firm or corporation acting under a franchise or license from the city, any frank, free pass, free ticket, or free service, or accept directly or indirectly from any such person, firm or corporation, any service upon terms more favorable than those granted to the public generally. This provision shall not apply, however, to any free

20 service now or hereafter provided for by contract, franchise  
21 or ordinance.

Sect. 3. **Referendum. Date of Meeting. Form of Question. Procedure.** This act shall be submitted for approval  
2 or rejection to the qualified voters of the city of Portland  
3 at an election to be held the second Monday in September  
4 in the year A. D. nineteen hundred and twenty-one, and  
5 warrants shall be issued for such election in the manner  
6 now provided by law for the holding of municipal elections,  
7 notifying and warning the qualified voters of said city to  
8 meet in the several ward meetings of said city, there to cast  
9 their ballot for the approval or rejection of this act. The  
10 question proposed on said ballot shall be substantially in  
11 the following form:  
12

“Shall an act passed by the legislature in the year nineteen  
2 hundred and twenty-one, approved (insert date) entitled  
3 ‘An Act to Grant a New Charter to the City of Portland’  
4 be accepted,” otherwise said ballot shall be in form pro-  
5 vided by law when a constitutional amendment is submitted  
6 to the vote of the people. The provisions of law relating  
7 to the preparation of voting lists for municipal elections  
8 shall apply to such election and said election shall in all  
9 other respects be conducted as municipal elections in said  
10 city are now conducted by law, and the results thereof shall  
11 be determined in the manner now provided by law for the  
12 determination of the election of mayor. If a majority of  
13 the ballots deposited as aforesaid shall reject, this act shall

14 not go into effect, but if a majority of the electors voting  
15 at said ward meetings shall approve, then this act shall take  
16 effect as herein provided.

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 Portland 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 Portland as hereinbefore provided. If accepted by  
7 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-two.

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.

All rules and regulations of the municipal officers of the  
2 city of Portland in force at the time when this charter  
3 takes effect, not inconsistent with the provisions hereof, shall  
4 continue in force until amended or repealed.

Sect. 6. **Existing Contracts Not Invalidated, Unless In-**  
2 **consistent.** All rights, actions, proceedings, prosecutions,  
3 and 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. **Term of Office, Officers, Boards.** The passage  
2 and acceptance of this act shall not affect the term of office  
3 of such officers, trustees, members of commissions or depart-  
4 ments as may be holding office, with a definite term fixed  
5 by statute, at the time this charter takes effect, but such  
6 officers, trustees, members of commissions, or departments  
7 shall complete the term of office to which they have been  
8 elected or appointed, subject to removal by the municipal  
9 officers, for inefficiency or cause. The term of all other  
10 officers, trustees, members of commissions or departments,  
11 hereafter to be appointed or elected under the provision of  
12 this charter by the city manager or city council, and whose  
13 term of office has not been herein otherwise provided for,  
14 shall terminate on the first Monday of January, nineteen  
15 hundred and twenty-two.