

MAINE STATE LEGISLATURE

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EIGHTIETH LEGISLATURE

HOUSE

NO. 160

House of Representatives, February 18, 1921.

Referred to Committee on Judiciary and 1000 copies ordered printed. Sent up for concurrence.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Gardiner of Gardiner.

STATE OF MAINE

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

AN ACT Entitled "An Act to Amend An Act to Provide a
Charter for the City of Gardiner," as Amended.

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

Section 1. Chapter two hundred and forty-four of the
2 private and special laws of nineteen hundred and thirteen,
3 entitled "An Act to provide a charter for the city of Gardi-
4 ner," is hereby amended by adding to section eleven, after
5 the word "organization" in the eighteenth line thereof, the
6 following: 'That I will not exceed the amount of twenty-five
7 dollars for my election expenses, or allow any person or
8 persons to do the same in my behalf, and that I will not
9 hire or allow anyone to hire, or accept the free use of any

10 automobile, or any other conveyance for the transportation
11 of any voters to or from the polls for my benefit.' So that
12 said section as amended shall read as follows:

'Sect. 11. Any person who is qualified to vote for a candi-
2 date for mayor or alderman, and who is a candidate for
3 such office, may have his name, as such candidate, printed
4 on the official ballots to be used at a preliminary election for
5 nominations provided that he shall, at least ten days before
6 such preliminary election for nominations, file with the city
7 clerk a statement in writing of his candidacy in the follow-
8 ing form:

STATEMENT OF CANDIDATE.

I, (———) on oath declare that I live (at number ——,
2 if any) on (name of street) in the city of Gardiner; that I
3 am a voter therein qualified to vote for a candidate for
4 (mayor or alderman) for (state the term) to be voted for
5 at the preliminary election for nominations to be held on
6 Tuesday the —— day of ———, 19—; and that I am not
7 a candidate as the nominee or representative of, or because
8 of any promised support from, any political party or any
9 committee or convention representing or acting for any
10 political party or organization; that I will not exceed the
11 amount of twenty-five dollars for my election expenses, or
12 allow any person or persons to do the same in my behalf,
13 and that I will not hire or allow any one to hire, or accept
14 the free use of any automobile, or any other conveyance for

15 the transportation of any voters to or from the polls for
16 my benefit.

STATE OF MAINE.

Kennebec, ss.

Subscribed and sworn to on this _____ day of _____,
19—, before me,

Signed, _____

Justice of the Peace,
(or Notary Public.)

17 and at the same time shall file therewith a petition for nom-
18 ination which shall consist of not less than twenty-five in-
19 dividual certificates in the following form:

PETITION FOR NOMINATION.

Individual Certificate.

I, (_____) on oath declare that I live (at
2 number —, if any) on (name of street) in the city of
3 Gardiner; that I am a voter therein qualified to vote for a
4 candidate for (mayor or alderman) for (state the term) to
5 be voted for at the preliminary election for nominations to
6 be held on Tuesday, the _____ day of _____, 19—,
7 and do hereby join in a petition that the name of (name of
8 candidate) as a candidate for nomination to the office of
9 (mayor or alderman of public safety and charities, or al-
10 derman of streets and highways) be printed on the official
11 ballots to be used at the said preliminary election for nom-
12 inations.

I further declare that I have not signed any other cer-
2 tificate for the nomination of any other candidate for the

3 above mentioned office at the said preliminary election for
4 nominations; I believe that the said (name of candidate) is
5 of good moral character and that he is well qualified to
6 perform the duties of the office, and I certify also that
7 I join in this petition in the belief that he has not become
8 a candidate as the nominee or representative of, or be-
9 cause of any promised support from, any political party
10 or any committee or convention representing or acting for
11 any political party or organization.

STATE OF MAINE.

Kennebec, ss.

Subscribed and sworn to on this———day of———,
19—, before me,

(Signed) _____

Justice of the Peace
(or Notary Public.)'

Sect. 2. Section thirty-one of chapter two hundred and
2 forty-four of the private and special laws of nineteen hun-
3 dred and thirteen, is hereby amended by adding after the
4 word "treasurer," in the third line thereof, the words 'who
5 shall furnish such bond as shall be fixed by the city council
6 and cannot hold the office of collector of taxes at the same
7 time he is city treasurer;' and by striking out the words
8 "purchasing agent" in the fourth line of said section, and
9 the words "superintendent of streets and highways" in the
10 fourth and fifth lines of said section, so that said section,
11 as amended, shall read as follows:

‘Sect. 31. The city council shall, at the said first meeting and at every annual meeting thereafter, elect by majority vote the following officers; a city clerk, a treasurer, who shall furnish such bond as shall be fixed by the city council, and cannot hold the office of collector of taxes at the same time he is city treasurer, an auditor, a collector of taxes, a chief of police and chief of fire department, a city solicitor, a city physician, a civil engineer, one member of the school committee to serve for three years, and one trustee of the Gardiner Water District to serve for three years, and such other officers as may be necessary or are required by law. At the said first meeting the city council shall also elect, by majority vote, three directors of the public library to serve for three, two and one years, respectively, and annually thereafter shall so elect one director of the public library to serve for three years. Such other officers and assistants as shall be provided for by ordinance, or may be necessary to the proper and efficient conduct of the affairs of the city, or are required by statute, shall be appointed by the heads of the several departments subject to approval by the city council.

Any person elected or appointed to any office by the city council may at any time be removed from such office by vote of a majority of the said council.

Vacancies in any of the offices mentioned in this section, from whatever cause they may arise, may be filled in the manner provided for the original election or appointment, and if filled by election of the city council such election may

5 be made at a regular or at a special meeting thereof.'

Section 32 of chapter 244 of the private and special laws
2 of 1913, is hereby amended by adding after the word
3 "mayor" in the first line thereof, 'shall act as purchasing
4 agent', so that said section as amended shall read as follows:

'Sect. 32. The mayor shall act as purchasing agent, shall
2 have general oversight of all departments of the city gov-
3 ernment and report to the city council for its action all mat-
4 ters requiring attention in either. All notes or bonds which
5 the city is authorized to issue shall be signed by the city
6 treasurer and countersigned by the mayor and one alderman.
7 All contracts and instruments other than notes and bonds,
8 requiring the assent of the city shall be signed by the alder-
9 man who is the head of the department concerned and coun-
10 tersigned by the mayor, except that when such contracts or
11 instruments concern the department of accounts and finances
12 they shall be signed by the mayor and countersigned by one
13 alderman.'

Sect. 3. Section 36 of chapter 244 of the private and
2 special laws of 1913, is hereby amended by striking out the
3 last sentence in said section, and inserting in place thereof
4 the following sentence: 'the city council shall fix the rate
5 of compensation of all subordinate officers and employees,'
6 so that said section as amended shall read as follows:

'Sect. 36. The salary of the mayor shall be twelve hundred
2 dollars per annum and the salary of each alderman shall be
3 one thousand dollars per annum. The salaries shall not be

4 changed except upon petition and procedure as provided in
5 section twenty-five for the introduction and passage of ordi-
6 nances, by vote of the qualified voters of the city, at any
7 annual city election. The city council shall fix the rate of
8 compensation of all subordinate officers and employees.'

Sect. 4. Section 39 of chapter 244 of the private and
2 special laws of 1913 is hereby amended by striking out the
3 word "by" in the fifteenth line thereof, and inserting in place
4 thereof the word 'as', after the word "mayor"; also by add-
5 ing to said section the following: 'The mayor as purchas-
6 ing agent shall purchase all other property required for the
7 city, save that when other property is required in amounts
8 of \$300 or over, the city council shall advertise for sealed
9 bids therefor, reserving the right to accept or reject any or
10 all bids or parts of bids, and such bids shall be addressed
11 to said council and shall be accepted or rejected by said
12 council, and upon the acceptance of any such bids or parts
13 of bids, the mayor as purchasing agent, shall issue orders
14 on contracts therefor. Should the city council fail to receive
15 any such bids, said council may instruct the mayor, as pur-
16 chasing agent, to purchase said property in the open mar-
17 ket;' so that said section as amended shall read as follows:

'Sect. 39. The duties of the superintending school com-
2 mittee, as prescribed by the laws of the state, except as
3 herein otherwise provided, shall be performed by a school
4 committee of three members, which shall also and in like
5 manner have charge of the high school.

The purchase of any site for a school building, the purchase of any building for school purposes, the plans for any alteration of any school building, the plans for any new school building, and the execution of any such plans for the alteration of old buildings or the building of new ones, subject to the provisions of chapter eighty-eight of the public laws of nineteen hundred and nine, shall be determined, made, adopted and carried out by, and under the supervision of, the school committee acting jointly with the members of the city council.

The mayor, as the purchasing agent, shall purchase all books, stationery, school apparatus and schoolroom supplies required by the school committee or the superintendent of schools acting for them, but all ordinary repairs of school buildings and supplies or furniture for such buildings shall be made and purchased by the city council on recommendation by the school committee or the superintendent of schools acting for them.

The members of the superintending school committee whose terms of office have not expired when the first election by the city council is held under this act, shall serve out their unexpired term as members of the school committee aforesaid.

The mayor, as purchasing agent, shall purchase all other property required for the city, save that when other property is required in amounts or \$300 or over, the city council shall advertise for sealed bids therefor, reserving the right to accept or reject any or all bids or parts of bids, and such

6 bids shall be addressed to said council and shall be accepted
7 or rejected by said council, and upon the acceptance of any
8 such bids or parts of bids, the mayor as purchasing agent,
9 shall issue orders or contracts therefor.

Should the city council fail to receive any such bids, said
2 council may instruct the mayor, as purchasing agent, to pur-
3 chase said property in the open market.'

Sect. 5. Section 35 of chapter 244 of the private and
2 special laws of 1913 is hereby amended by striking out all
3 of said section, and substituting in place thereof the follow-
4 ing: 'The city council shall, on or before the 7th day of
5 each month, publish in a newspaper published in the city, if
6 there be any, and in the nearest daily newspaper printed in
7 Kennebec county, a statement showing the amount of each
8 appropriation with the total credits and charges thereto and
9 the balance thereunder to the first of the current month; and
10 also a summary of its proceedings during the preceding
11 month. At the end of the municipal year it shall cause a full
12 and complete examination of all books and accounts of the
13 city to be made by certified public accountants, and shall
14 publish the result of such examinations in pamphlet form.'
15 so that said section, as amended, shall read as follows:

'Sect. 35. The city council shall, on or before the 7th day
2 of each month, publish in a newspaper published in the city,
3 if there be any, and in the nearest daily newspaper printed
4 in Kennebec county, a statement showing the amount of
5 each appropriation with the total credits and charges there-
6 to and the balance thereunder to the first of the current

7 month; and also a summary of its proceedings during the
8 preceding month.

At the end of the municipal year it shall cause a full and
2 complete examination of all books and accounts of the city
3 to be made by certified public accountants, and shall publish
4 the result of such examinations in pamphlet form.'

Sect. 6. Section 34 of chapter 244 of the private and
2 special laws of 1913, is hereby amended by adding before the
3 word "no" in the first line thereof, the words 'no new ordi-
4 nance, no amendment to nor repeal of an ordinance and';
5 and before the word "such" in the seventeenth line thereof,
6 the words 'such new ordinances, or amendments to, or re-
7 peal of ordinances or'; and by striking out everything after
8 the word "twenty-six" in the nineteenth line thereof, so that
9 said section as amended shall read as follows:

'Sect. 34. No new ordinance, no amendment to, nor repeal
2 of an ordinance, and no order, resolution or vote appropriat-
3 ing money in excess of three hundred dollars, or making, or
4 authorizing the making of any contract involving a liability
5 on the part of the city in excess of three hundred dollars, nor
6 any order, resolution or vote ordering any street improve-
7 ment or sewer, or granting any franchise, or giving any
8 right to occupy or use the streets, highways, bridges or pub-
9 lic places in the city for any purpose for which municipal
10 consent may be necessary, shall be passed by the city coun-
11 cil unless it be proposed in writing and remain on file in the
12 office of the city clerk and be published by him twice in one

13 daily newspaper of this city, if there be any, and in the
14 nearest daily newspaper published in Kennebec county, at
15 least one week before its final passage, except an order, res-
16 olution or vote for the immediate preservation of the public
17 peace, health or safety, which contains a statement of its
18 urgency.

Such new ordinances, or amendments to, or repeal of ordi-
2 nances, or such orders, resolutions or votes, as are required
3 to be published under the provisions of this section shall be
4 subject to the provisions of section twenty-six.'

Section 26 of chapter 244 of the private and special laws of
2 1913 is hereby amended by striking out all of said section
3 and substituting in place thereof the following: 'If during
4 the fourteen days following the day on which any new ordi-
5 nance, amendment to, or repeal of an ordinance, or such an
6 order, resolution or vote, required to be published under
7 section 34, has been passed by the city council, a petition,
8 signed by at least three hundred of the voters of the said
9 city, qualified to vote at city elections, and protesting against
10 the passage of any ordinance, amendment to, or repeal of
11 any ordinance, or the passage of any order, resolution or
12 vote, shall be filed in the office of the city clerk, such ordi-
13 nance, amendment to, or repeal of an ordinance, and such
14 order, resolution or vote, shall be suspended from going
15 into operation, and it shall be the duty of the city council to
16 reconsider the same, and if the said council does not so re-
17 consider and rescind its vote, they shall submit it, as is pro-
18 vided in sub-division B of section twenty-five, to the qual-

19 ified voters of the city, and the said ordinance, amendment
20 to or repeal of an ordinance and the said order, resolution
21 or vote shall not go into effect or become operative unless a
22 majority of the voters, qualified as aforesaid, voting on the
23 ordinance, amendment to or repeal of an ordinance, or on
24 the said order, resolution or vote shall vote in favor thereof.

The votes upon said ordinance, amendment to or repeal of
2 an ordinance or on said order, resolution or vote shall be
3 taken by ballot, in answer to the question: 'Shall the or-
4 dinance, amendment to or repeal of an ordinance, or the
5 said order, resolution or vote (stating the nature of the
6 same) take effect?' which shall be printed on the ballot after
7 the list of candidates if there be any.

Petitions under the provisions of this section may consist
2 of one or more distinct papers. In each of such papers the
3 ordinance, amendment to or repeal of an ordinance, or the
4 order, resolution or vote, the passage of which is protested,
5 shall be set forth or referred to, and all such papers filed in
6 any one day in the office of the city clerk shall be considered
7 parts of the same petition. Such petitions shall be signed,
8 sworn to as to signatures, examined, re-examined, presented
9 to the city council, shall have the city clerk's certificate of
10 sufficiency or insufficiency attached thereto, and may be
11 supplemented in the same manner as petitions filed under
12 section twenty-four,' so that said section as amended shall
13 read as follows:

'Sect. 26. If during the fourteen days following the day

2 on which any new ordinance, amendment to, or repeal of an
3 ordinance, or such an order, resolution or vote, required to
4 be published under section thirty-four, has been passed by
5 the city council, a petition, signed by at least three hundred
6 of the voters of the said city, qualified to vote at city elec-
7 tions, and protesting against the passage of any ordinance,
8 amendment to, or repeal of any ordinance, or the passage of
9 any order, resolution or vote, shall be filed in the office of
10 the city clerk, such ordinance, amendment to, or repeal of
11 an ordinance, and such order, resolution or vote, shall be
12 suspended from going into operation, and it shall be the
13 duty of the city council to reconsider the same, and if the
14 said council does not so reconsider and rescind its vote, they
15 shall submit it, as is provided in sub-division B of section
16 twenty-five, to the qualified voters of the city, and the said
17 ordinance, amendment to or repeal of an ordinance and the
18 said order, resolution or vote shall not go into effect or be-
19 come operative unless a majority of the voters, qualified as
20 aforesaid, voting on the ordinance, amendment to or repeal
21 of an ordinance, or on the said order, resolution or vote shall
22 vote in favor thereof.

The votes upon said ordinance, amendment to or repeal of
2 an ordinance or on said order, resolution or vote shall be
3 taken by ballot, in answer to the question: 'Shall the ordi-
4 nance, amendment to or repeal of an ordinance, or the said
5 order, resolution or vote (stating the nature of the same)
6 take effect,' which shall be printed on the ballot after the
7 list of candidates if there be any.

Petitions under the provisions of this section may consist
2 of one or more distinct papers. In each of such papers the
3 ordinance, amendment to or repeal of an ordinance, or the
4 order, resolution or vote, the passage of which is protested,
5 shall be set forth or referred to, and all such papers filed in
6 any one day in the office of the city clerk shall be considered
7 parts of the same petition. Such petitions shall be signed,
8 sworn to as to signatures, examined, re-examined, presented
9 to the city council, shall have the city clerk's certificate of
10 sufficiency or insufficiency attached thereto, and may be sup-
11 plemented in the same manner as petitions filed under sec-
12 tion twenty-four.'

Sect. 7. Chapter two hundred and forty-four of the pri-
2 vate and special laws or nineteen hundred and thirteen is
3 further amended by adding the following section:

'Sect. 44. Meetings of the qualified voters of the city
2 shall be held on the first Tuesday of May, and on the first
3 Tuesday of November of each year, at eight o'clock P. M.
4 in the Assembly hall of the Gardiner high school, at which
5 any matters pertaining to the affairs of the city may be dis-
6 cussed. The mayor and the two aldermen shall be present.
7 The meeting shall be called to order by the mayor or one
8 of the aldermen, and the voters present shall choose a chair-
9 man and a clerk. The conduct of such meetings shall be
10 governed by the rules of parliamentary procedure. Notice
11 of such meetings shall be published by the city council in
12 the nearest daily newspaper seven days prior to and upon the
13 date therefor.'

Sect. 8. Chapter two hundred and forty-four of the private and special laws of nineteen hundred and thirteen is further amended by adding the following section:

‘Sect. 45. At the next annual city election following the adoption of this amendment and at each annual city election thereafter, an advisory board, consisting of two members from each voting precinct, shall be elected by the duly qualified voters of each such precinct, and candidates for said board shall be nominated by and from the duly qualified voters of each such precinct, and shall be nominated and elected in the manner of and under the provisions for nominating and electing members of the city council, except that only ten individual certificates of nomination shall be required for each candidate.

The advisory board shall attend all regular meetings of the city council, may discuss and advise with said council upon any matters pertaining to city affairs, and said council and the heads of departments shall furnish all the information on city affairs required by said board.

All votes taken by said board at such joint meetings shall be by yeas and nays called and recorded by the city clerk, but said votes shall not be binding on said council.’

Sect. 9. This act shall take effect as to the city of Gardiner only when accepted, as hereinafter provided, by the electors of said city qualified to vote in a municipal election. All of the first eight sections shall be submitted to be voted upon by the qualified electors of said city at a special election to be held on the second Tuesday of September in the

7 year nineteen hundred and twenty-one, at which special
8 election this act shall be submitted to the qualified voters of
9 the city and on petition of at least one hundred and fifty
10 duly qualified voters of the city of Gardiner that said special
11 election shall be held at that day. Petitions addressed to the
12 city council and signed by qualified voters of the city, re-
13 questing that a special election be held at which this act
14 shall be submitted to the qualified voters of the said city,
15 may be filed in the office of the city clerk at any time on or
16 before the second Tuesday of August in the year nineteen
17 hundred and twenty-one. Each signer of such petition shall
18 add to his signature the name of the street on which he
19 lives at the time of signing, and the street number of his
20 house if there be any. Such petitions need not be sworn to.
21 Within the seven days next after the said second Tuesday
22 of August, the city clerk shall examine the petitions so filed
23 and ascertain the aggregate number of qualified voters of
24 the city who have signed them, and he shall forthwith pre-
25 sent the petitions to the city council with his certificate set-
26 ting forth the aggregate number of qualified voters of the
27 city who have so signed. If it shall appear from the said
28 certificate that such aggregate number is at least one hun-
29 dred and fifty, the city council shall forthwith call a special
30 election to be held on the second Tuesday of September in
31 the year nineteen hundred and twenty-one, at which special
32 election this act shall be submitted to the qualified voters of
33 the city.

The ballots to be used in said election shall be in such form

2 as to permit each of said first eight sections of this act to
3 be voted on separately, on the following eight questions:

I. Shall the amendment to section eleven of the charter of
2 the city of Gardiner, relating to election expenses, be
3 adopted?

II. Shall the amendment to sections thirty-one and thirty-
2 two of the charter of the city of Gardiner, relating to the
3 duties of mayor and election and qualification of subordinate
4 officers, be adopted?

III. Shall the amendment to section thirty-six of the char-
2 ter of the city of Gardiner, relating to compensation of
3 subordinate officers and employees, be adopted?

IV. Shall the amendment to section thirty-nine of the
2 charter of the city of Gardiner, relating to purchase of prop-
3 erty by mayor, as purchasing agent, and city council, be
4 adopted?

V. Shall the amendment to section thirty-five of the char-
2 ter of the city of Gardiner, relating to monthly reports by
3 the city council, be adopted?

VI. Shall the amendment to sections thirty-four and
2 twenty-six of the charter of the city of Gardiner, relating to
3 the passage, or repeal of, or amendments to ordinances, or
4 orders, resolutions or votes by the city council and providing
5 a referendum thereon, be adopted?

VII. Shall section forty-four additional to the charter of
2 the city of Gardiner, providing for semi-annual meetings of
3 the qualified voters of the city, be adopted?

VIII. Shall section forty-five additional to the charter of the city of Gardiner, providing for an advisory board to the city council, be adopted?

Opposite and to the right of each of said questions shall be printed the two words, 'Yes' and 'No,' with the usual squares in which the voter is to mark in the manner required by law to express his opinion. Other brief and suitable explanation of the subject matter submitted may be printed on the ballots which in other respects shall conform with all the requirements of law. Such of the sections so submitted as shall receive more affirmative than negative votes at said election shall be deemed to have been accepted and shall thereupon be in full force and effect. The result of said election shall be declared by the city council and due certificate thereof filed with the city clerk and with the secretary of state. A printed copy of the full text of this act shall be posted with each notice of said election, and two copies shall be kept posted in each voting place in said city during said election and a copy in each of the voting booths.

Sect. 10. All acts and parts of acts inconsistent herewith and all provisions of the charter and ordinances of the said city of Gardiner inconsistent with this act are hereby modified so as to conform to the provisions of this act; but this section shall take effect as to the subject matter covered by sections one, two, three, four, five, six, seven and eight when and only as far as said sections, or any of them, are finally accepted by the electors of the city of Gardiner as provided in section nine.

Sect. 11. This act shall take effect in ninety days after
2 the final adjournment of the legislature so far as is neces-
3 sary for the election authorized in section nine.