

# MAINE STATE LEGISLATURE

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**EIGHTIETH LEGISLATURE**

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**HOUSE**

**NO. 162**

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House of Representatives, February 18, 1921.

Referred to Committee on Portland Delegation and 2500  
copies ordered printed. Sent up for concurrence.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Murray 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 inhabi-  
2 tants of the city of Portland shall continue to be a body  
3 politic and corporate by the name of the City of Portland,  
4 and shall have, exercise and enjoy all the rights, immunities,  
5 powers, privileges and franchises and shall be subject to all  
6 the duties, liabilities and obligations provided for herein, or  
7 otherwise pertaining to or incumbent upon said city as a  
8 municipal corporation, or to the inhabitants or municipal

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

## ARTICLE II.

### City Council.

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

The members of the city council shall be and constitute the  
2 municipal officers of the city of Portland for all purposes  
3 required by statute, and except as otherwise herein specifi-  
4 cally provided, shall have all powers and authority given to  
5 and perform all duties required of municipal officers, under  
6 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 re-

3 quired of overseers of the poor for cities by statute or other-  
4 wise. As such overseers of the poor they may authorize a  
5 clerk or agent to sign in their name and sent written notices  
6 and the written answers referred to or required in sections  
7 thirty-five and thirty-six of chapter twenty-nine of the re-  
8 vised statutes, and such written notices and written answers,  
9 so signed, shall have the same effect as if signed by one or  
10 more of said overseers and sent by a member or members of  
11 said overseers personally.

All the powers of establishing a watch and ward now vest-  
2 ed by the laws of the state in the justices of the peace and  
3 municipal officers or inhabitants of towns, are vested in the  
4 city council; so far as relates to said city; and they are au-  
5 thorized to unite the watch and police departments into one  
6 department and establish suitable regulations for the gov-  
7 ernment of same. All other powers now or hereafter vested  
8 in the inhabitants of said city, and all powers granted by this  
9 act, except as otherwise provided, as well as all powers re-  
10 lating to the fire department, shall be vested in said city  
11 council.

Sect. 2. Composition, election, tenure of office, etc. The  
2 council shall be composed of the mayor and twelve alder-  
3 men. The aldermen shall be elected, one from each ward  
4 by and from the qualified voters thereof, and three shall be  
5 elected at large from the qualified voters of the city. The  
6 mayor shall be ex-officio president of the council. The  
7 aldermen shall hold office for the term of three years or until

8 their successors are elected and qualified except as hereafter  
9 provided in article five, section one, of this act.

Sect. 3. Vice-President At the first meeting, or as soon  
2 afterward as possible, the city council shall elect one of its  
3 members as vice-president of the council for the ensuing  
4 year who, in the absence of the mayor, shall preside at all  
5 meetings of the council and in the case of any vacancy in the  
6 office of mayor, he shall exercise all the powers and perform  
7 all the duties of the office, so long as such vacancy shall re-  
8 main; he shall continue to have a vote in the council, but  
9 shall not have the veto power. The city council, in the ab-  
10 sence of the mayor and vice-president, shall choose a chair-  
11 man pro tempore who shall exercise the powers of vice-  
12 president.

Sect. 4. Vacancies, Forfeiture of Office. Whenever, by  
2 reason of death, resignation, disqualification, removal from  
3 office, or any other cause, a vacancy in the council shall  
4 occur, if such vacancy exists more than six months prior to  
5 the next regular city election, the vacancy shall be filled for  
6 the remainder of the unexpired term by a special election,  
7 and the warrant for such special election shall be issued by  
8 the mayor. Any alderman who shall cease to be a resident  
9 of the ward from which he was elected, or who shall have  
10 been convicted of a crime while in office, after due notice  
11 and hearing, and the production of the records of such con-  
12 viction, shall thereby forfeit his office.

Sect. 5. Regular Meetings and Qualifications. The council  
2 shall meet at the usual place for holding meetings at ten

3 o'clock A. M. on the second Monday in December following  
4 the regular city election, at which time the mayor-elect and  
5 the aldermen-elect shall be sworn to the faithful discharge  
6 of their duties by a justice of the peace or by the city clerk.  
7 The council shall, at its first meeting, or as soon thereafter  
8 as possible, establish by ordinance or resolution, a regular  
9 place and times for holding its meetings, and shall meet  
10 regularly at least twice a month.

Sect. 6. Special Meetings. Special meetings may be called  
2 by the mayor and in the case of his absence, disability or  
3 refusal, may be called by a majority of the members of the  
4 city council. Notice of such meeting shall be served in per-  
5 son or left at the residence of each member of the city coun-  
6 cil at least twenty-four hours before the time for holding  
7 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 to  
4 time or compel attendance of absent members. At least  
5 twenty-four hours notice of the time and place of holding  
6 such adjourned meeting shall be given to all members who  
7 were not present at the meeting at which adjournment was  
8 taken.

Sect. 8. Procedure. The city council shall keep a record  
2 of its proceedings and shall be the judge of the qualification  
3 and election of its own members. The city council shall  
4 determine its own rules of procedure and punish members

5 for misconduct. The meetings of the city council shall be  
6 open to the public. The city council shall act only by ordi-  
7 nance, order or resolve. All ordinances, orders or resolves,  
8 except orders or resolves making appropriations of money,  
9 shall be confined to one subject which shall be clearly ex-  
10 pressed in the title. The appropriation order or resolve shall  
11 be confined to the subject of appropriations only. No ordi-  
12 nance and no appropriation resolve shall be passed until it  
13 has been read on two separate days, except when the re-  
14 quirement of a reading on two separate days has been dis-  
15 pensed with by a unanimous vote of the voting members of  
16 the city council. The yeas and nays shall be taken upon the  
17 passage of all ordinances and entered on the record of the  
18 proceedings of the city council by the clerk. The yeas and  
19 nays shall be taken on the passage of any order or resolve  
20 when called by any member of the city council. Every ordi-  
21 nance shall require on final passage the affirmative vote of  
22 the majority of the voting members of the city council, and  
23 shall take effect and be in full force from and after it shall  
24 have received final passage by the city council and has been  
25 approved by some justice of the supreme judicial court.  
26 Within ten days after said approval by such justice, said  
27 ordinance shall be published in full in one or more of the  
28 newspapers published in said Portland, but the failure to  
29 publish said ordinance shall not affect its validity or force.

### ARTICLE III.

#### The Mayor.

Section 1. Eligibility, Election, Tenure of Office. The

2 mayor shall be elected by and from the qualified voters of  
3 the city. He shall hold office for a term of three years or  
4 until his successor is elected and qualified, except that when  
5 elected to fill a vacancy he shall hold office only for the un-  
6 expired term or until his successor is elected and qualified.

Sect. 2. In case of the death, resignation, disqualification,  
2 or removal from office of the mayor, more than six months  
3 prior to the next regular election, the vacancy for the unex-  
4 pired term shall be filled by a special election, the warrant  
5 for which shall be issued by the council. Whenever the  
6 office of mayor becomes vacant within six months prior to a  
7 regular city election, whenever the office of mayor is vacant  
8 pending election, or whenever the mayor for any reason is  
9 unable to attend to the duties of his office, the vice-president  
10 of the city council shall perform the duties of mayor.

Sect. 3. Powers and Duties. The mayor shall be the chief  
2 executive magistrate of the city. He shall preside at all  
3 meetings of the council and shall have a voice and vote in  
4 all proceedings and actions of the council except as here-  
5 after provided. He shall appoint all administrative and ex-  
6 ecutive officers and heads of departments subject to con-  
7 firmation by the aldermen and may remove all of such offi-  
8 cers and heads of departments, after a hearing, by and with  
9 the advice and consent of the aldermen for inefficiency or  
10 other cause. He shall cause the laws, ordinances and regu-  
11 lations of the city to be faithfully executed and enforced,  
12 and exercise a general supervision over the conduct of all  
13 officers. He shall from time to time communicate to the



14 council such information and recommend such measures as  
15 the business and interests of the city may, in his opinion,  
16 require. He shall receive a salary which shall be fixed by  
17 the aldermen and which shall not be diminished during his  
18 term of office. He shall exercise all the functions of mayor  
19 under the general laws of the state not inconsistent with the  
20 provisions of this charter.

Sect. 4. Veto Power. Every ordinance, order or resolve,  
2 excepting rules and orders of a parliamentary character  
3 shall be presented to the mayor and if he approve he shall  
4 sign it; if not, he shall return it with his objections at the  
5 next stated session of the city council, provided said stated  
6 session is held at least one week after the aforesaid ordi-  
7 nance, order or resolve is presented to the mayor for his  
8 approval; the city council shall enter the objections at large  
9 on its journal and proceed to reconsider the same. The mayor  
10 shall have no voice or vote in such reconsideration. If upon  
11 such reconsideration it shall be passed by a vote of two-  
12 thirds of all the aldermen it shall have the same effect as if  
13 signed by the mayor. If the ordinance, order or resolve  
14 shall not be returned by the mayor at the next stated meet-  
15 ing which shall be held at least one week after same has  
16 been presented to the mayor, it shall have the same effect  
17 as if he had signed it. The mayor shall have the right to  
18 approve as a whole any resolve or order involving the ap-  
19 propriation and expenditure of money, or to approve or dis-  
20 approve specific items thereof, and the portions so approved  
21 shall thereby be in force in like manner as if no part thereof

22 had been disapproved and the portion or portions disap-  
23 proved shall thereupon take the same course as herein pro-  
24 vided as though said resolve or order had been disapproved  
25 as a whole. In case of vacancy in the office of mayor when  
26 said ordinance, order or resolve be finally passed, the same  
27 shall be valid without approval.

#### ARTICLE IV.

##### Superintending School Committee.

Section 1. Composition, Eligibility, Election, Tenure of  
2 Office, Special Provision. The superintending school com-  
3 mittee shall consist of the mayor, president ex-officio, and  
4 one member elected from each ward by the qualified voters  
5 thereof and three members elected at large from the quali-  
6 fied voters of the city. They shall hold office for a term of  
7 three years and until their successors are elected and quali-  
8 fied. The members in office at the time this charter is ac-  
9 cepted shall continue to hold office for the balance of the  
10 term for which they were originally elected.

Sect. 2. Organization, Qualification, Quorum. The su-  
2 perintending school committee shall meet for organization  
3 at four o'clock P. M. on the second Monday in December  
4 following 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 the city clerk and a record made thereof.  
7 A majority of the whole number elected shall be a quorum.

Sect. 3. Powers and Duties. The superintending school  
2 committee shall have all the powers and perform all the  
3 duties in regard to the care and management of said public

4 schools of said city which are now conferred and imposed  
5 upon the superintending school committees by the laws of  
6 this state, except as otherwise provided in this charter. They  
7 shall annually, and whenever there is a vacancy, elect a su-  
8 perintendent 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 elected,  
13 except by consent of the city council, and may at any time  
14 dismiss him if they deem it proper and expedient. They shall  
15 annually, as soon after the organization of their board as  
16 practical, furnish to the city council an estimate in detail of  
17 the several sums required during the ensuing municipal year  
18 for the support of public schools, and shall not increase the  
19 salaries of the superintendent and teachers, or any other ex-  
20 penditures beyond the amount specified in such estimate, ex-  
21 cept by consent of the city council. No member of the com-  
22 mittee shall receive any compensation for his services.

Sect. 4. All powers, obligations and duties in regard to  
2 said public schools, not conferred and imposed upon said  
3 committee by the provisions of this act, shall be and are  
4 hereby vested in the city council of said city.

Sect. 5. Vacancies. Whenever from any cause a vacancy  
2 in the superintending school committee shall occur, the city  
3 council vote by a majority vote of all the members, shall  
4 elect a qualified voter of the city and if it is a vacancy in a  
5 ward committeeman, then they shall elect a resident of the

6 ward where the vacancy exists and the term of office of the  
7 member so elected shall continue until the next election and  
8 until his successor is elected and qualified.

#### ARTICLE V.

##### Nominations and Elections.

Section 1. Date of Elections and Procedure to Determine  
2 Results. At the first election after this charter is in force,  
3 to be held on the first Monday in December, A. D. 1921, and  
4 every three years thereafter, the qualified voters of the city  
5 shall ballot for a mayor, and on said first Monday in De-  
6 cember, A. D. 1921, said qualified voters shall, in addition  
7 thereto, ballot for one alderman at large for a term of one  
8 year, one alderman at large for a term of two years, and one  
9 alderman at large for a term of three years, and for such  
10 members at large, if any, of the superintending school com-  
11 mittee as is necessary to fill the office of those whose term  
12 expires that year, and the qualified voters of each ward shall  
13 at the same time ballot for a warden, a ward clerk and two  
14 constables for such ward and in case there is more than  
15 one voting precinct or island ward in any ward, then the  
16 qualified voters of each said precinct and island ward shall  
17 vote for a warden and a ward clerk for such precinct or  
18 island ward, as well as for two constables from the ward  
19 at large, and the qualified voters of each ward in which  
20 the term of the member of the superintending school com-  
21 mittee from such ward is then vacant or expires that year,  
22 shall vote for a member of the superintending school com-  
23 mittee from such ward; and in addition thereto the quali-

24 fied voters of each of wards one, four and seven shall bal-  
25 lot by wards for one alderman from each of said wards who  
26 shall be a qualified voter thereof to serve for the term of  
27 one year; and the qualified voters of each of wards two,  
28 five and eight shall ballot by wards for one alderman from  
29 each of said wards who shall be a qualified voter thereof  
30 to serve for the term of two years; and the qualified voters  
31 of each of wards three, six and nine shall ballot by wards  
32 for one alderman from each of said wards who shall be a  
33 qualified voter thereof to serve for the term of three years;  
34 and thereafter on the first Monday in December in each year  
35 a regular municipal election shall be held and the qualified  
36 voters of the city shall ballot for an alderman at large to  
37 fill the unexpired term of any alderman at large whose office  
38 is then vacant, if any such vacancy then exists, but whose  
39 term of office would not then have normally expired and for  
40 an alderman at large to fill the office of the alderman at large  
41 whose term of office expires that year, and for such mem-  
42 bers at large, if any, of the superintending school commit-  
43 tee, as is necessary to fill the office of those whose term ex-  
44 pires that year or for the unexpired term in which there  
45 is a vacancy, and the qualified voters of each ward shall  
46 at the same time ballot for an alderman from such ward,  
47 if the term of the member from such ward is expiring, or  
48 if there is a vacancy for the unexpired term and shall also  
49 ballot for a member of the school committee from such ward  
50 if the term of the member of said committee from such  
51 ward is expiring, or if there is a vacancy, for the unexpired

52 term, and in addition thereto a warden, a ward clerk, and  
53 two constables from such ward and in case there is more  
54 than one voting precinct or island ward in any ward, then  
55 the qualified voters of each said precinct and island ward  
56 shall vote for a warden and ward clerk for such precinct  
57 or island ward as well as for said two constables from said  
58 ward at 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, and the names of the persons voted  
4 for and the number of votes given for each shall be writ-  
5 ten on the ward record at length. The ward clerk shall  
6 forthwith deliver to the persons elected warden, ward clerk,  
7 and constables, certification of their election, and shall forth-  
8 with deliver to the city clerk a certified copy of the record  
9 of such election.

After the first election held under this charter, the then  
2 municipal officers and thereafter the city council, shall, as  
3 soon as it conveniently can, examine the copies of the  
4 records of the several wards, certified as aforesaid, and  
5 cause the persons who shall have been elected mayor, al-  
6 dermen, and members of the superintending school com-  
7 mittee to be notified in writing of their election; but if it  
8 shall appear that no person shall have been elected to any  
9 office, or if the person elected shall refuse to accept the of-  
10 fice, warrants for another election to fill such vacancies  
11 shall be issued forthwith. At any election for any elective  
12 office herein provided for, the person receiving the highest

13 number of votes for such office shall be deemed and declared  
14 elected thereto.

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 from which they are elected and shall  
6 hold their office for one year from the second Monday in  
7 December following the election and until others have been  
8 chosen and qualified in their stead. The warden and ward  
9 clerk shall be sworn to the faithful performance of their  
10 duties by a person qualified under the statutes of the state  
11 to administer oaths and a certificate of such oath shall be  
12 entered by the clerk on the records of said ward. The ward-  
13 en shall preside at all ward meetings, with the powers of  
14 moderator of town meetings, and if at any meeting the  
15 warden shall not be present, the clerk of the ward shall call  
16 the meeting to order and preside until a warden pro tem-  
17 pore shall be chosen. The warden shall have all rights and  
18 powers now held by the warden of such ward. If neither  
19 the warden nor the ward clerk shall be present, any legal  
20 voter in the ward may preside until a clerk pro tempore  
21 shall be chosen and qualified. Immediately following the  
22 election of a clerk pro tempore a warden pro tempore shall  
23 be chosen. The clerk shall record all the proceedings and  
24 certify the votes given and deliver over to his successor in  
25 office all such records and journals in his possession or un-  
26 der his control, together with all documents and papers

27 held by him in his capacity as clerk. The ward clerk shall  
28 have and perform all rights and duties now held and per-  
29 formed by the ward clerk of such ward so far as consistent  
30 with this charter. All ward meetings shall be notified and  
31 called by the city council in the manner provided by the  
32 laws of this state for the notifying and calling of town  
33 meetings by the selectmen of the several towns.

Sect. 3. Nominations for Elective Officers. How Made.  
2 The nominations of all candidates for elective offices pro-  
3 vided for by this charter shall be made by caucus of the  
4 respective political parties in the manner that nominations  
5 are now made for the mayor and members of the city coun-  
6 cil and members of the school committee and warden and  
7 ward clerk in said city of Portland except that the alder-  
8 men at large shall be nominated by the members of the re-  
9 spective political parties voting in ward caucuses, the three  
10 candidates obtaining the highest number of votes cast in  
11 said caucuses in the entire city to be the party nominees for  
12 such offices. Said caucus for nomination of elective offi-  
13 cers under this charter shall be held at least fourteen days,  
14 exclusive of Sundays, prior to said annual election.

Sect. 4. Acceptances of Nominations Must Be Filed. No  
2 nomination shall be valid unless the candidates shall file  
3 with the city clerk in writing his acceptance of the nom-  
4 ination not later than ten days before the day of said elec-  
5 tion.

Sect. 5. Ballot, 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. 6. Specimen Ballots to Be Published and Posted.  
2 The city clerk shall cause specimen ballots to be posted in  
3 public places in every ward and voting precinct and adver-  
4 tised in the newspapers not later than five 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, instruction to voters, and such measures as may  
9 be submitted to the voters.

Sect. 7. State Laws Not Inconsistent Applicable. The  
2 provisions of the laws of the state of Maine relating to the  
3 qualification of electors, registration and manner of vot-  
4 ing, the form of ballot, the duties of election officers and  
5 all other particulars in respect to preparation for, conduct-  
6 ing and management of elections so far as they may be ap-  
7 plicable shall govern all municipal elections of Portland,  
8 except as otherwise provided in this charter.

## ARTICLE VI

### Administrative Officers.

Section 1. Titles and Appointment. There shall be the  
2 following administrative officers and boards to be appointed  
3 and confirmed as provided in article three, section three of  
4 this charter: City clerk, corporation counsel, treasurer and  
5 tax collector, purchasing agent, auditor, gas agent, assessors  
6 of taxes, commissioner of public works, city electrician, city  
7 physician, inspector of buildings, chief of police, chief of

8 fire department, local health officer, secretary to overseers  
9 of the poor, park commissioners, board of health, city hall  
10 music commission, trustee of Evergreen cemetery, recre-  
11 ation commission, two members board of registration, nine  
12 constables at large, and all other department heads whose  
13 position may from time to time be created by ordinance.  
14 All minor officers and employees, except in police and fire  
15 department, shall be appointed by the heads of their respec-  
16 tive departments.

Sect. 2. Power of Council with Regard to Appointive  
2 Officers and Boards. The council shall have power by ordi-  
3 nance or resolve:

(a) To create any new appointive office.

(b) To assign the duties of two or more officers to one  
2 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. Appointive Officers. Term of Service. All ap-

2 pointive officers, heads of departments and boards shall be  
3 removable by the mayor after a hearing by and with the  
4 advice and consent of the aldermen for inefficiency or other  
5 cause.

Sect. 5. Compensation of Officers. The salaries of all  
2 appointive officers and boards, and all other heads of de-  
3 partments and all minor officers and employees shall be  
4 fixed by the city council.

Sect. 6. Duties of Administrative Officers and Terms of  
2 Office, Prescribed by City Council. Duties of administra-  
3 tive officers and terms of office of such officers may be  
4 prescribed by the city council. Such duties and such term  
5 of office shall not be inconsistent with the provisions of this  
6 charter nor the provisions of the revised statutes applicable  
7 thereto.

Sect. 7. 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 appointed  
5 and qualified; at the expiration of said term and annually  
6 thereafter, the mayor shall appoint, subject to confirmation  
7 by the aldermen, an assessor of taxes who shall hold office  
8 for a term of three years unless sooner removed under the  
9 provisions of this charter. If for any reason a vacancy  
10 occurs in the members of the board of assessors, the vacancy  
11 shall be filled forthwith by the mayor subject to confirma-  
12 tion by the aldermen for the unexpired term. The assessors

13 appointed as above prescribed shall exercise the same powers  
14 and be subject to the same duties and liabilities that similar  
15 officers of the several towns and cities in the state may  
16 exercise and may now or hereafter be subject to under  
17 the laws of the state. The assessors may appoint one or  
18 more assistant assessors in each ward whose duty it shall  
19 be to furnish the assessors with all necessary information  
20 relative to persons and property taxable. The compensation  
21 of such assistant assessors shall be fixed by the city council  
22 but such assistant assessors shall hold office during the pleas-  
23 ure of the assessors.

Sect. 8. 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 appointed and qualified; at the expira-  
6 tion of said term and annually thereafter, the mayor shall  
7 appoint subject to confirmation by the aldermen, a member  
8 of the park commission who shall hold office for a term  
9 of three years, unless sooner removed under other provi-  
10 sions of this charter. If for any reason a vacancy occurs  
11 in the membership of the park commission, the vacancy  
12 shall be filled forthwith by the mayor subject to the ap-  
13 proval of the aldermen for the unexpired term. A com-  
14 missioner appointed as above provided shall exercise the  
15 same powers and be subject to the same duties as other  
16 members of said park commission.

Sect. 9. 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. 10. Tax to Be Assessed. To enable said commis-  
2 sion to extend the work of the Back Bay and Fore River  
3 commission 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 a dollar shall be af-  
8 fixed annually by the assessors of said city of Portland  
9 upon all estates and property subject to taxation in said city  
10 to be taken at the last regular valuation. The amount of  
11 said tax when raised shall be set aside as a special fund to  
12 be expended by said commission for the purposes specified  
13 in this charter; provided, however, that one percent of the  
14 amount of the above tax shall be reserved by the city treas-  
15 urer each year to cover any uncollected portion of this tax  
16 and carried to the credit of the account known as overlay-  
17 ings and abatements.

Sect. 11. 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 oth-  
10 er public places and structures, of additions and alterations  
11 in those already existing, and of the lay-out or plotting of  
12 new subdivisions of the city. All acts of the city council  
13 or of any other branch of the city officers or departments  
14 affecting the city plan shall be submitted to the park com-  
15 mission for report and recommendation. The city council  
16 may at any time call upon the park commission to report  
17 with recommendations, and the commission of their own  
18 volition may also report to the city council with recom-  
19 mendations on any matter which, in the opinion of either  
20 body, affects 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 is  
4 specified by the city council.

The commission shall submit to the city council an annual  
2 report, summarizing the activities of the commission for  
3 the then past fiscal year; the recommendations made by it  
4 to the city council during the year, and what, if anything,  
5 has 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. 12. 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 shall be appointed and qualified; at the expiration of the  
6 said term and annually thereafter the mayor shall appoint,  
7 subject to confirmation by the aldermen, a member of the  
8 board of health who shall hold office for a term of three  
9 years unless sooner removed under the provisions of this  
10 charter. If for any reason a vacancy occurs in the member-  
11 ship of the board of health, the vacancy shall be filled by  
12 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 and  
3 liabilities now held or imposed on the board of health for  
4 the city of Portland, except as hereinbefore provided.

Sect. 13. Recreation Commission. The recreation com-  
2 mission shall be comprised of seven members, three of  
3 whom shall be members of the city council, the mayor, 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 second Monday in December 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. The mayor shall be chairman of said commission and  
12 they shall elect a secretary and other necessary officers to  
13 serve at their pleasure.

The members of the recreation commission shall serve with-  
2 out compensation. They shall have all the powers and au-  
3 thority and be subject to the same duties and liabilities as  
4 now possessed by the recreation commission for the city of  
5 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 VII

### Business and Financial Provisions.

Section 1. Accounts and Records. Accounts shall be  
2 kept by the auditor showing the financial transactions of  
3 all departments of the city. Forms for all such accounts  
4 shall be prescribed by the auditor with the approval of the  
5 city council. Accounts shall be kept in such manner as to  
6 show fully at all times the financial condition of the city.  
7 The auditor shall furnish to the mayor prior to the first  
8 regular meeting of the city council in each month, a report  
9 containing in detail the receipts and disbursements of the  
10 city on all accounts, the expenditures made and the obliga-  
11 tions incurred during the preceding calendar month and a  
12 balance sheet showing the financial condition of the city,  
13 of the several funds and the total unexpended balance to  
14 the credit of each department.



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

Sect. 3. Auditor to Publish Monthly Statement. The au-  
2 ditor shall publish each month a statement of the financial  
3 condition of the city.

Each of the administrative officers and boards shall an-  
2 nually on such date as may be fixed by the city council  
3 render to the mayor a full report of the transactions of his  
4 or their department for the year; on the basis of these re-  
5 ports the mayor shall prepare and publish an annual report  
6 for general distribution. In addition to a summary of the  
7 services rendered by the various departments, the report  
8 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  
4 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 be-  
2 fore the end of the fiscal year the mayor shall submit to the  
3 city council budget estimates for the ensuing fiscal year.  
4 This budget shall be compiled from detailed information  
5 furnished by the administrative officers and boards on

6 blanks, the forms of which shall be designated by the mayor  
7 and shall contain :

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

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

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

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

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

Sect. 5. Appropriation Resolve. As soon as practicable  
2 after the beginning of the fiscal year the city council shall  
3 pass an annual appropriation resolve which shall be based  
4 on the budget submitted by the mayor. The total amount  
5 appropriated shall not exceed the estimated revenue of the  
6 city.

Before the annual appropriation resolve has been passed,

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

Sect. 6. Reserve Fund. The city council in the appro-  
2 priation resolve shall provide for a reserve fund from which  
3 transfers shall be made only by vote of the city council and  
4 no transfer of any money shall be made from any fund  
5 other than this reserve fund until the end of the fiscal year,  
6 at which time, after all warrants have been paid out of the  
7 various funds, the auditor shall transfer to the reserve fund,  
8 any balance or balances then remaining in the various other  
9 funds, except balances in the school fund; the city council  
10 may then authorize a transfer from the reserve fund to any  
11 other fund in which there is an over-draft created by any  
12 actual emergency; the city council shall then transfer the  
13 full balance then in the reserve fund to the sinking fund  
14 of the city.

Sect. 7. Borrowing. The borrowing of money by and  
2 for the city shall be limited as to form and purpose by the  
3 provisions of section eight and section nine of article six  
4 of this charter. The credit of the city shall in no manner  
5 be 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 nor or hereafter applying, to said Portland, by the issue and

4 sale of bonds or notes pledged on the credit of the city, the  
5 proceeds to be used for the payment of indebtedness of the  
6 city contracted for the acquisition of land, the construction  
7 and equipment of buildings and other permanent public im-  
8 provements, and the payment or refunding of bonds and  
9 notes and certificates of indebtedness previously issued. No  
10 order providing for the issue of bonds shall be passed with-  
11 out public notice given by posting notices of the same in  
12 two public places in the city of Portland and publishing  
13 said notice in at least two daily newspapers published in  
14 said Portland, at least two weeks before final action by the  
15 city council and the approval of eight of the members of  
16 the city council. Every issue of bonds shall be payable  
17 within a fixed term of years; if said bonds are issued in  
18 payment of indebtedness incurred for a permanent improve-  
19 ment, the term of such bonds shall not exceed the useful  
20 life of said improvement; and the term within which all  
21 bonds shall be made payable shall in no case exceed thirty  
22 years. Bonds issued after the adoption of this charter shall  
23 be made payable in equal, annual, serial installments as  
24 pertains to principal, and interest shall be made payable  
25 semi-annually. Every order for the issue of bonds shall  
26 provide for a tax levy for each year of an amount neces-  
27 sary to meet the payment of the annual, serial installment  
28 of principal and interest; and such amounts shall be included  
29 in the tax levy for each year until the debt is extinguished;  
30 provided, however, that bonds issued to refund any indebt-

31 edness of the city of Portland existing prior to the adoption  
32 of this charter shall not be subject to the aforesaid require-  
33 ment of being made payable in equal, annual, serial install-  
34 ments.

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  
4 any one time shall not exceed eighty percent 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  
7 from 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 the  
12 laws of the state of Maine in relation thereto. This section  
13 shall not limit in any way the power granted to towns and  
14 cities to borrow money as contained in chapter four, sec-  
15 tion sixty-two of the revised statutes or amendments  
16 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 appropriations 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 install-  
9 ments.

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. Payment of Money. Money shall be paid out  
2 only on warrants on the city treasury issued by the auditor  
3 and countersigned by the mayor.

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

The auditor may require any claimant to make oath to  
2 the validity of his claim, may investigate any claim, and  
3 for such purpose or purposes may examine witness 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 collec-  
4 tion, custody or disbursement of any of the public moneys;  
5 the premium charges for said bonds to be paid by 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 in 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. Purchase of Supplies. All supplies for the city  
2 and for the several officers and boards thereof, shall be  
3 purchased by the purchasing agent. Such agent shall give  
4 bond for the faithful performance of his duties in such sum  
5 and with such surety or sureties as the council may require.  
6 All such supplies shall be purchased by said agent only upon  
7 requisition signed by the officer or head of the department  
8 for whom they are purchased and countersigned by the  
9 mayor, except in the case of purchase of supplies for the  
10 city schools, which said supplies he shall purchase only upon  
11 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 shall take and file receipts therefor. He shall conduct all  
4 sales of property belonging to the city which are unfit or un-  
5 necessary for the city's use as now provided by ordinance  
6 of the city of Portland for heads of departments, but only  
7 after such sale has been authorized by the mayor by and  
8 with the consent of the aldermen.

#### ARTICLE VIII.

##### Public Utilities.

All public utility franchises, hereafter granted, and all re-  
2 newals, amendments, and extensions thereof shall be grant-  
3 ed or made only by a vote of at least eight members of the

4 city council. No franchise and no renewal or amendment  
5 thereof shall be granted or made within sixty days after  
6 the application therefor is filed with the city clerk, nor with-  
7 in thirty days after the publication in full of the proposed  
8 franchise in its final form, nor until a public hearing has  
9 been held thereon. No public utility franchise shall be  
10 transferable except with the approval of the city council.

#### ARTICLE IX.

##### Miscellaneous Provisions.

Section 1. Members of City Council Ineligible for Certain  
2 Offices. No member of the city council shall, during the  
3 term for which he was chosen, be eligible for any other of-  
4 fice the salary of which is payable by the city, or shall he  
5 during such term hold any such office.

Sect. 2. No Personal Interest. No mayor, no member of  
2 the city council, no subordinate city officer, no member of  
3 any board or commission charged with the expenditure of  
4 any money appropriated by the city council, or belonging  
5 to the city, no officer or employee of the city, elective or  
6 appointed, shall be interested directly or indirectly in any  
7 contract entered into by or in behalf of the city of Portland  
8 for work or material or the purchase thereof to be fur-  
9 nished to or performed for the city, and all contracts made  
10 in violation hereof are void and the city treasurer is ex-  
11 pressly forbidden to pay any money out of the city treas-  
12 ury on account of any such contract. No such officer or  
13 employee, except a policeman or fireman, shall accept or  
14 receive from any person, firm or corporation acting under



15 a franchise or license from the city, any frank, free pass,  
16 free ticket or free service, or accept directly or indirectly  
17 from any such person, firm or corporation any service upon  
18 terms more favorable than those granted to the public gen-  
19 erally. This provision shall not apply, however, to any free  
20 services now or hereafter provided for by contract, franchise  
21 or ordinance.

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

“Shall an act passed by the legislature in the year nine-  
2 teen hundred and twenty-one, approved (insert date), en-  
3 titled ‘An Act to Grant a New Charter to the City of Port-  
4 land,’ be accepted,” otherwise said ballot shall be in form  
5 provided by law when a constitutional amendment is sub-  
6 mitted to the vote of the people. The provisions of law re-  
7 lating to the preparation of voting lists for municipal elec-  
8 tions shall apply to such election and said election shall in  
9 all 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 the  
13 ballots deposited as aforesaid shall reject, this act shall not  
14 go into effect, but if a majority of the electors voting at said  
15 ward meetings shall approve, then this act shall take effect  
16 as herein provided.

Sect. 4. Date when Effective. So much of this act as  
2 authorized 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 city  
6 of Portland as hereinbefore provided. If accepted by the  
7 electors of the city, then this act for the purpose of nom-  
8 inating and electing officers hereunder shall take effect on  
9 the date of its adoption by the electors, and for all other pur-  
10 poses this act shall take effect on the second Monday in De-  
11 cember in the year nineteen hundred and twenty-one.

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  
5 and regulations of the municipal officers of the city of Port-  
6 land in force at the time when this charter takes effect, not  
7 inconsistent with the provisions hereof, shall continue in  
8 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, pend-

4 ing or unexecuted when this charter goes into effect, and  
5 not inconsistent therewith, shall be enforced, continued or  
6 completed 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 of-  
3 fice of such officers, trustees, members of commissions, or  
4 departments, as may be holding office, with a definite term  
5 fixed by statute, at the time this charter takes effect, but  
6 such officers, trustees, members of commissions, or depart-  
7 ments, shall complete the term of office to which they have  
8 been elected or appointed, subject to removal by the munici-  
9 pal officers for inefficiency or cause.