

MAINE STATE LEGISLATURE

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(NEW DRAFT)

EIGHTIETH LEGISLATURE

HOUSE

NO. 468

House of Representatives, April 6, 1921.

ORDERED, That Twenty-five hundred copies each of the New Drafts of House Documents Number One Hundred Six and Number One Hundred Sixty-two Relating to Portland Charter be printed.

CLYDE R. CHAPMAN, Clerk.

Mr. Brewster of Portland.

STATE OF MAINE

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

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

Be is 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 shall
4 have, exercise and enjoy all the rights, immunities, powers,
5 privileges and franchises and shall be subject to all the du-
6 ties, liabilities and obligations provided for herein, or other-
7 wise pertaining to or incumbent upon said city as a municipal

8 corporation, or to the inhabitants or municipal authorities
9 thereof; and may enact reasonable by-laws, regulations and
10 ordinances for municipal purposes, not inconsistent with
11 the constitution and laws of the State of Maine, and impose
12 penalties for the breach thereof, not exceeding one hundred
13 dollars in any one case, to be recovered for such uses as said
14 by-laws, regulations or ordinances 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 charter,
7 shall be and are vested in one body of five members, which
8 shall constitute and be called the city council, all of whom
9 shall be inhabitants of said city, and shall be sworn in the
10 manner hereinafter prescribed. Said city council shall ex-
11 ercise its 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 specific-
4 ally provided, shall have all powers and authority given to
5 and perform all duties required of municipal officers, and
6 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 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 send 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 vested
2 by the laws of the state in the justices of the peace and
3 municipal officers, or inhabitants of towns, are vested in
4 the said city council so far as relates to said city; and they
5 are authorized to unite the watch and police departments
6 into one department and establish suitable regulations for
7 the government of the same.

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

Sect. 2. Composition, Election, Tenure of Office, etc.
2 The city council shall be composed of five members elected
3 at large from the qualified voters of the city for a term of
4 five years or until their successors are elected and qualified,
5 except that at the first election of members of the city coun-
6 cil the member elect who shall receive the largest number
7 of votes cast at such election shall hold office for five years,
8 the member elect who shall receive the second largest num-

9 ber of votes cast at such election shall hold office for
10 four years, the member elect who shall receive the third lar-
11 gest number of votes cast at such election shall hold office
12 for three years, the member elect who shall receive the fourth
13 largest number of votes cast at such election shall hold
14 office for two years and the fifth member elect shall hold
15 office for one year, and each shall hold office until his succes-
16 sor is elected 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 other office of emolument or profit under the city charter or
5 ordinances.

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

If the chairman shall fail from sickness, disability, absence
2 from the city or other cause to attend to and perform the
3 duties incumbent on him as such chairman, the remaining
4 members of the city council may by unanimous vote, after
5 notice and hearing, terminate the term of office of said chair-
6 man and remove him therefrom and thereupon may elect
7 some other member of said city council chairman and such
8 newly elected member shall thereupon and thereafter hold
9 the office and perform the duties of chairman for the balance

10 of that year, or until his successor is 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 city
7 for ceremonial purposes, and shall have the powers and
8 authority given to and perform the duties required of mayors
9 of cities for all purposes of military law. In the temporary
10 absence or disability of the chairman the city council may
11 select a chairman pro tempore from among its number and
12 he shall exercise all the powers of the chairman.

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

Any member of the city council who shall be convicted of a
2 crime while in office shall, after due notice and hearing be-
3 fore the city council and the production of the records of
4 such conviction, forfeit his office.

Sect. 5. Regular Meetings and Qualifications. The city
2 council shall meet at the usual place for holding meetings at
3 ten o'clock, A. M., on the second Monday in December fol-

4 lowing the regular city election, and at said meeting the
5 councilmen elect shall be sworn to the faithful discharge of
6 their duties by a justice of the peace, or by the city clerk.
7 The city council shall, at its first meeting, or as soon there-
8 after as possible, establish by ordinance or resolution a regu-
9 lar place and times for holding its meetings, and shall meet
10 regularly at least twice each month.

Sect. 6. Special Meetings. Special meetings may be called
2 by the chairman, and in case of his absence, disability or re-
3 fusal, 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
6 council at least twenty-four hours before the time for hold-
7 ing said special meeting.

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

Sect. 8. Procedure. The city council shall keep a record
2 of its proceedings and shall determine its own rules of pro-
3 cedure and make lawful regulations for enforcing the same.
4 The meetings of the city council shall be open to the public.
5 The city council shall act only by ordinance, order or resolve;
6 all ordinances, orders and resolves, except orders or resolves
7 making appropriations of money, shall be confined to one

8 subject which shall be clearly expressed in the title. The
9 appropriation order or resolve shall be confined to the subject
10 of appropriations only. No ordinance and no appropriation
11 resolve shall be passed until it has been read on two separate
12 days, except when the requirement of a reading on two
13 separate days has been dispensed with by a four-fifths vote
14 of the voting members of the city council. The yeas and
15 nays shall be taken upon the passage of all ordinances and
16 entered on the record of the proceedings of the city
17 council by the clerk. The yeas and nays shall be taken on
18 the passage of any order or resolve when called for by any
19 member of the city council. Every ordinance shall require
20 on final passage the affirmative vote of a majority of the vot-
21 ing members of the city council. Every ordinance before
22 final passage shall be published, marked "Proposed Ordi-
23 nance," in one or more of the daily newspapers published in
24 Portland, and shall take effect and be in full force, from and
25 after it shall have received final passage by the city council
26 and have been approved by some justice of the supreme ju-
27 dicial court. Within ten days after said approval by such
28 justice said ordinance shall be published in full in one or
29 more of the newspapers published in said Portland, but the
30 failure to publish said ordinance either before or after final
31 passage shall not affect its validity or force.

ARTICLE III

Superintending School Committee.

Section 1. Composition, Eligibility, Election, Tenure of Of-
2 fice, 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 suc-
7 cessors are elected and qualified. The members in office at
8 the time this charter is accepted shall continue to hold of-
9 fice for the balance of the term for which they were orig-
10 inally elected.

Sect. 2. Chairman. The city council shall designate one
2 of its members to serve as chairman of the superintending
3 school committee, but he shall have no vote as such chair-
4 man except in case of a tie. No vote of the school com-
5 mittee involving the expenditure of money shall take effect
6 until approved in writing by the permanent chairman desig-
7 nated by the city council or until it shall have been passed
8 by a two-thirds vote of the entire membership of the school
9 committee at a meeting held not less than four weeks after
10 the date of the meeting at which the original vote was taken.

Sect. 3. 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 by the city clerk, and a record made
7 thereof. A majority of the whole number elected shall be a
8 quorum.

Sect. 4. 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 superin-
8 tendent of schools for the current municipal year, who shall
9 have the care and supervision of said public schools under
10 their direction, and act as secretary of their board; they
11 shall fix his salary at the time of his election, which shall
12 not be increased during the year for which he is elected, ex-
13 cept by consent of the city council, and may at any time dis-
14 miss him if they deem it proper and expedient. They shall
15 annually, as soon after the organization of their board as
16 practicable, furnish to the city council an estimate in detail
17 of the several sums required during the ensuing municipal
18 year for the support of public schools, and shall not increase
19 the salaries of the superintendent and teachers, or any other
20 expenditures, beyond the amounts specified therefor in such
21 estimate, except by consent of the city council. No member
22 of the committee shall receive any compensation for his ser-
23 vices.

Sect. 5. 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. 6. Vacancies. Whenever, from any cause, a va-
2 cancy in the superintending school committee shall occur,
3 the city council, by a majority vote of all the members shall

4 appoint a qualified voter of the city, and if it is a vacancy
5 in a ward committeeman, then they shall appoint a resident
6 of the ward where the vacancy exists, and the term of of-
7 fice of the member so appointed shall continue until the
8 next annual election, when the unexpired term, if any, shall
9 be filled by election in the usual manner.

ARTICLE IV

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., nineteen
4 hundred and twenty-one, the qualified voters of the city shall
5 ballot for five councilmen, and for such members at large,
6 if any, of the superintending school committee as is nec-
7 essary to fill the office of those whose term expires that
8 year, and the qualified voters of each ward shall, at the same
9 time, ballot for a warden, a ward clerk and two constables
10 for his ward and in case there is more than one voting pre-
11 cinct or island ward in any ward, then the qualified voters
12 of each such precinct and island ward shall vote for a war-
13 den and a ward clerk for his precinct or island ward, as
14 well as for said two constables from the ward at large, and
15 the qualified voters of each ward in which the term of the
16 member of the superintending school committee from such
17 ward is then vacant or expires that year, shall vote for a
18 member of the superintending school committee from such
19 ward; and thereafter, on the first Monday in December in
20 each year, a regular municipal election shall be held and the

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

All votes cast for the several officers shall be sorted, count-
2 ed, declared and registered in open ward meeting, as provided
3 by statute. The ward clerk shall forthwith deliver to each
4 person elected warden or ward clerk a certificate of his
5 election and shall forthwith deliver to the city clerk a certi-
6 fied 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, as
3 soon as it conveniently can, examine the copies of the rec-

4 ords of the several wards, certified as aforesaid, and shall
5 cause the persons who shall have been elected councilmen or
6 members of the superintending school committee to be no-
7 tified in writing of their election; if it shall appear that at
8 the first election five councilmen have not been elected, or
9 if, after the first election, it shall appear that no person has
10 been elected councilmen, or if the person elected shall re-
11 fuse to accept the office, warrants for another election to
12 fill such vacancy shall be issued forthwith.

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 and
4 perform their duties until five councilmen have been duly
5 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 second Monday in
7 December following their election, and until others have
8 been chosen and qualified in their stead. The warden and
9 the ward clerk shall be sworn to the faithful performance
10 of their duties by a person qualified under the statutes of
11 the 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. If
19 neither the warden nor the ward clerk shall be present, any
20 legal voter in the ward may preside until a clerk pro tempore
21 shall be chosen and qualified.

Immediately following the election of a clerk pro tempore
2 a warden pro tempore shall be chosen. The clerk shall
3 record all the proceedings and certify the votes given and
4 deliver over to his successor in office all such records and
5 journals in his possession or under his control, together with
6 all documents and papers held by him in his capacity as
7 clerk. The ward clerk shall have and perform all rights
8 and duties now held and performed by the ward clerk of
9 such ward, so far as consistent with this charter. All ward
10 meetings shall be notified and called by the city council in
11 the manner provided by the laws of this state for notifying
12 and calling town meetings by the selectmen of the several
13 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 signed
8 by not less than twenty-five nor more than one hundred

9 qualified voters of the city. The petition of candidates for
 10 the superintending school committeemen from the several
 11 wards, and for warden, for ward clerk and for constable
 12 shall be signed by not less than twenty-five nor more than
 13 one hundred qualified voters of the ward wherein the can-
 14 didate is to be elected. No voter shall sign petitions for
 15 more than one candidate for each office to be filled at the
 16 election, and should any voter sign more than one such pe-
 17 tition, his signature shall be counted only upon the first pe-
 18 tition 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 nomina-
 3 tion petition, but to each separate petition there shall be at-
 4 tached an affidavit of the circulator thereof stating the num-
 5 ber of signers on each petition, and that each signature ap-
 6 pended thereto was made in his presence and is the genuine
 7 signature of the person whose name it purports to be. With
 8 each signature shall be stated the place of residence of the
 9 signer giving the street and number of the street, or their
 10 description sufficient to identify the same. The form of the
 11 nomination petition shall be substantially 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 residence is
 3, for the office of,
 4 to be voted for at the election to be held in the city of Port-
 5 land on the day of, 19. . . .; and we
 6 individually certify that we are qualified to vote for a can-
 7 didate for the above office and that we have not signed more

8 nomination petitions of candidates for this office than there
9 are persons to be elected thereto.

Name Street and Number
2, being duly sworn, deposes and says that he
3 is the circulator of the foregoing nominating petition con-
4 taining signatures, and that the signatures ap-
5 pended thereto were made in his presence and are the signa-
6 tures of the persons whose names they 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 nor
5 later than sixteen days before the day of election. No nom-
6 ination shall be valid unless the candidate shall file with the
7 city clerk in writing not later than sixteen days before the
8 day of election, his consent, accepting the nomination, agree-
9 ing not to withdraw, and, 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 to

3 be published in one or more of the daily newspapers pub-
 4 lished in said Portland the names, residences and office to
 5 which nominated of the candidates who have duly filed the
 6 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 un-
 2 der this charter shall contain the names of the various can-
 3 didates, with their residence and the office for which they
 4 are a candidate, and shall be furnished with four columns
 5 for crosses to the right of the candidate's name and resi-
 6 dence, 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 pro-
 9 vided 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 at
 2 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
one choice will count for any one candidate on this ballot.

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

Name of candidate
and residence.

Name of candidate
and residence.

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

Name of candidate
and residence.

Name of candidate
and residence.

Back of Ballot.

Portland, Maine, Monday, , A. D.

OFFICIAL BALLOT

Ward

(Facsimile of signature)

City Clerk.

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

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

Sec. 11. Count of Ballots. As soon as the polls are closed, the warden shall immediately open the ballot boxes, take therefrom the ballots and sort, count and declare them in open meeting in the presence of the ward clerk; and the ward clerk shall form a list of the persons voted for with the number and character as to choice of the votes

7 for each person against his name, shall make a fair record
8 thereof in the presence of the warden, and in open ward
9 meeting enter the total number thereof on a tally sheet
10 provided by the city clerk. The ward clerk shall enter the
11 number of the first choice, second choice, third choice and
12 other choice votes, for each candidate opposite the name
13 of such candidate on said tally sheet, and make return
14 thereof to the city clerk on a blank by said city clerk to
15 be provided. Only one vote shall be counted for any can-
16 didate on any one ballot. If two or more choices are
17 marked on one ballot for one and the same candidate, the
18 highest choice marked shall be counted, except as other-
19 wise herein provided, and all other marks considered void.
20 If a ballot contains either first choice, second choice or
21 third choice votes in excess of the number of offices to be
22 filled, no vote in the column showing such excess shall
23 be counted. Except as hereinbefore provided, all choices
24 shall be counted as marked on 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, câst
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
8 said candidate for the office, and the candidate receiving
9 the largest number of first choice and second choice votes
10 combined, if such total votes constitute a majority, shall
11 be elected to said office. If no candidate shall receive a
12 majority of the first choice and second choice votes com-
13 bined, then a canvass shall be made of the third choice
14 votes received by each candidate for said office, and all
15 third choice votes received by any candidate shall then be
16 added to the total of the first choice and second choice
17 votes for such candidate, and the candidate receiving the
18 largest number of said total first choice, second choice and
19 third choice votes, if such total constitutes a majority, shall
20 be elected to said office; if no candidate shall have such
21 a majority after adding the first choice, second choice and
22 third choice votes, then a canvass shall be made of the
23 other choice votes received by each candidate for the office
24 and such other choice votes shall then be added to the
25 total of the first choice, second choice and third choice
26 votes received by such candidate, and the candidate having
27 the largest number of first choice, second choice, third
28 choice and other choice votes combined, shall be elected
29 to such office.

A tie vote between two or more candidates shall be de-
2 cided in favor of the one having the highest number of
3 first choice votes. If they each received an equal number
4 of first choice votes, then the one who received the highest

5 number of second choice votes shall be deemed elected.
6 If they each received the same number of first choice and
7 second choice votes, then the candidate receiving the high-
8 est number of third choice votes shall be deemed elected.
9 If they each received the same number of first choice, sec-
10 ond choice, third choice and other choice votes, then the
11 tie shall be determined by lot under the direction of the
12 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 candidates 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
5 the city election and advertised in the newspapers at least
6 twice more prior to the election. Such specimen ballots
7 shall be printed on colored paper and marked specimen
8 ballots, and shall contain the names of the certified can-
9 didates with the residence of each, instructions to voters,
10 and such measures as may be submitted to the voters by
11 the legislature or by the city council. Such ballots shall
12 be without 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
4 whose removal is sought and a general statement of the
5 reasons why his removal is desired. The clerk shall there-
6 upon deliver to the elector making such affidavit copies of
7 petition blanks for such removal, printed forms of which
8 he shall keep on hand. Such blanks shall be issued by
9 the clerk with his signature and official seal thereto at-
10 tached; they shall be dated and addressed to the city coun-
11 cil, shall contain the name of the person to whom issued,
12 the number of blanks so issued, and the name of the per-
13 son or persons whose removal is sought. A copy of the
14 petition shall be entered in a record book to be kept in
15 the office of the city clerk. The recall petition, to be
16 effective, must be returned and filed with the city clerk
17 within thirty days after the filing of the affidavit. The
18 petition before being returned and filed shall be signed by
19 electors of the city to the number of at least twenty-five
20 per cent of the number of electors who cast their votes at
21 the last preceding regular municipal election, and to every
22 such signature shall be added the place of residence of the
23 signer, giving the street and number or other description
24 sufficient to identify the place. Such signatures need not
25 all be on one paper, but the circulator of every such paper
26 shall make an affidavit that each signature appended to
27 the paper is the genuine signature of the person whose

28 name it purports to be. All such recall papers shall be
29 filed as one instrument, with the endorsements thereon of
30 the names and addresses of three persons designated as
31 filing the same.

Examination and Amendment of Recall Petitions. Within
2 ten days after the filing of the petition the clerk shall ascer-
3 tain 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 said
10 notice, by the filing of a supplementary petition upon addi-
11 tional papers, issued, signed and filed as provided herein for
12 the original petition. The clerk shall, within ten days after
13 such amendment, make like examination of the amended
14 petition, and attach thereto his certificate of the result. If
15 then found to be insufficient, or if no amendment was made,
16 he shall file the petition in his office and shall notify each
17 of the persons designated thereon as filing it of that fact.
18 The final finding of the insufficiency of a petition shall not
19 prejudice the filing of a new petition for 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 members
5 whose removal is sought of such action. The city council

6 shall thereupon, within ten days of the receipt of the city
7 clerk's certificate, order an election to be held not less than
8 forty nor more than sixty days thereafter. Provided, that
9 if a regular municipal election is to occur within ninety days
10 after the receipt of said certificate, the city council may in
11 its discretion provide for the holding of the removal election
12 on the date of such other municipal election. The removal
13 election shall be called and held and nominations made as in
14 other elections under this charter except for the specific
15 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 to the
4 city clerk's certificate, the form of the ballot at such election
5 shall be as nearly as may be: "Shall A be recalled? Shall B
6 be recalled?" etc., the name of the member or members
7 whose recall is sought being inserted in place of A. B., etc.,
8 and the ballot shall also contain the names of the candidates
9 nominated in place of the men recalled, as follows: "Candi-
10 dates for the place of A, if recalled; Candidates for the
11 place of B, if recalled," etc., but the men whose recall is
12 sought shall not themselves be candidates upon such a ballot.
13 The names shall be arranged as provided in Section ten
14 hereof.

In case a majority of those voting for and against the re-
2 call of any official shall vote in favor of recalling such offi-
3 cial he shall be thereby removed, and in that event the candi-
4 date to succeed him for the balance of the unexpired term

5 shall be determined as provided in Section twelve hereof.

If the officer or officers sought to be removed shall have re-
2 signed within ten days after the receipt by the city council of
3 the city clerk's certificate referred to in this section above, the
4 form of ballot at the election shall be the same, as nearly as
5 may be, as the form in use at a regular municipal election
6 and all other procedure shall be the same.

Procedure on Refusal of City Council. Should the city
2 council fail or refuse to order an election as herein provided,
3 such election may be ordered by any justice of the supreme
4 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 re-
5 spect 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 provided
8 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 by
2 ballot by a majority vote of the voting members of the city
3 council: city manager, city clerk, corporation counsel, treas-

4 urer and tax collector, auditor, gas agent, assessors of taxes,
5 park commissioners, board of health, city hall music commis-
6 sion, trustees of Evergreen cemetery, recreation commis-
7 sion, two members of board of registration under section
8 six, chapter five of the Revised Statutes and they may elect
9 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, in-
4 spector of buildings, chief of police, chief of the fire depart-
5 ment, secretary to overseers of the poor, all other department
6 heads whose position may from time to time be created by
7 ordinance; and, except as herein otherwise provided, upon
8 recommendation of the heads of their departments, all minor
9 officers and employees.

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 or authorize the city manager to assign the
2 duties of two or more officers to one officer.

(c) To divide the duties of any office between two or more
2 offices.

(d) To authorize the appointment of assistants or deputies
2 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 council.
3 Salaries of the appointees of the city manager shall be fixed
4 by the city manager, subject to the approval of the city
5 council.

Sect. 6. Appointment and Qualification of the City Man-
2 ager. The city manager shall be chosen by the city council
3 solely on the basis of his executive and administrative quali-
4 fications, and may or may not be a resident of the city of
5 Portland or of the state of Maine at the time of his appoint-
6 ment. He shall give bond for the faithful discharge of his du-
7 ties to the city of Portland in such sum as the city council shall
8 determine and direct, and with surety or sureties to be ap-
9 proved by the city council. The premium on his bond shall
10 be paid by the city.

Sect. 7. Powers and Duties of the City Manager. The
2 city manager shall be the administrative head of the city and

3 shall be responsible to the city council for the administra-
4 tion of all departments. The powers and duties of the city
5 manager shall be as follows:

(a) To see that the laws and ordinances are enforced, but
2 he shall delegate to the chief of the police department the
3 active duties connected therewith regarding criminal mis-
4 demeanors.

(b) To exercise control over all departments and divisions
2 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
2 removal is being considered, and recommend for adoption
3 such measures as he may deem expedient.

(e) To keep the city council fully advised as to the business
2 and financial condition and future needs of the city and to
3 furnish the city council with all available facts, figures and
4 data connected therewith, when requested.

(f) To perform such other duties as may be prescribed by
2 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 city
3 manager, the city council may designate a properly qualified
4 person to perform the duties of manager and fix his compen-
5 sion; while so acting he shall have the same powers and du-
6 ties as those given to and imposed on the city manager. Be-
7 fore entering his duties, he shall give bond to the city of
8 Portland in a sum and with surety or sureties to be ap-

9 proved by the city council. The premium on said bond is
10 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. There shall be three asses-
2 sors of taxes appointed for terms of three years. The term
3 of office of each assessor of taxes in office at the time of
4 adoption of this charter shall continue for the balance of
5 the term to which he was elected, and until his successor is
6 elected and qualified; as the term of office of each assessor
7 expires, the city council shall appoint an assessor of taxes
8 who 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 shall exist in the membership of the board
11 of assessors, the vacancy shall be filled forthwith by the city
12 council for the unexpired term. The assessors appointed as
13 above provided shall exercise the same powers and be subject
14 to the same duties and liabilities that similar officers of the
15 several towns and cities in the state may exercise, and may
16 now or hereafter be subject to under the laws of the state.
17 The assessors may appoint one assistant assessor in each
18 ward and one additional assistant assessor in each ward, if
19 the city council shall so direct whose duty it shall be to fur-
20 nish the assessors with all the necessary information rela-
21 tive to persons and property taxable. The compensation of

22 such assistant assessors shall be fixed by the city council but
23 such assistant assessors shall hold office during the pleasure
24 of the assessors.

Sect. 11. Park Commission, Term and Compensation.

2 There shall be a park commission consisting of three mem-
3 bers appointed for terms of three years. The term of office
4 of each member of the park commission, at the time of the
5 adoption of this charter shall continue for the balance of the
6 term to which he was appointed, and until his successor is
7 elected and qualified; as the term of officer of each commis-
8 sioner expires, the city council shall appoint a member of
9 the park commission by ballot who shall hold office for a
10 term of three years, unless sooner removed under other pro-
11 visions of this charter. If for any reason, a vacancy occurs
12 in the membership of the park commission, the vacancy
13 shall be filled forthwith by the city council for the unexpired
14 term. The commissioner, appointed as above provided, shall
15 exercise the same powers and be subject to the same duties as
16 other members of said park commission. The city coun-
17 cil shall designate one of the members of the city council to
18 act as chairman of the park commission but he shall only
19 have a casting vote. The commission may annually appoint
20 a secretary who shall hold office during the pleasure of the
21 commission. Whenever the chairman is absent the commis-
22 sion may choose one of its members as chairman pro
23 tempore.

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 un-
5 der 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 as-
8 sessed 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 per cent. 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. 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 rec-
17 ommendations, and the commission of their own volition
18 may also report to the city council with recommendations on
19 any matter which, in the opinion of either body, affects the
20 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 of
3 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 the
3 then past fiscal year; the recommendations made by it to the
4 city council during the year, and what, if anything, has
5 been done by the city council or otherwise in connection with
6 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, of
4 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; as the term of office of each mem-
6 ber expires, the city council shall appoint a member of the
7 board of health who shall hold office for a term of three
8 years, unless sooner removed under other provisions of this
9 charter. If for any reason a vacancy occurs in the member-
10 ship of the board of health, the vacancy shall be filled by the
11 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.

Sect. 16. Recreation Commission. The recreation commis-
2 sion 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 one
5 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 severally represent. Vacancies shall be filled in the
11 same manner. They shall elect a chairman from their num-
12 ber who shall be a member of the city council, and shall
13 elect a secretary and other necessary officers to serve at
14 their pleasure.

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

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

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

ARTICLE VI.

Business and Financial Provisions.

Section 1. Accounts and Records. Accounts shall be kept by the auditor, showing the financial transactions of all departments of the city. Forms for all such accounts shall be prescribed by the auditor, with the approval of the city council. Accounts shall be kept in such a manner as to show fully at all times the financial condition of the city. The auditor shall furnish to the city manager, prior to the first regular meeting of the city council in each month, a report containing in detail the receipts and disbursements of the city on all accounts, the expenditures made and the obligations incurred during the preceding calendar month, and a balance sheet showing the financial condition of the city, of the several funds, and the total unexpended balance to the credit of each department.

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

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

Each of the administrative officers and boards shall annually, on such a date as may be fixed by the city council, render to the city manager a full report of the transactions of his or their department for the year. On the basis of these reports, the city manager shall prepare and publish an annual report for general distribution. In addition to a summary of the services rendered by the various departments, the report shall show:

(a) Receipts classified according to sources.

(b) Expenditures classified according to objects. The classification of receipts and expenditures in the report shall conform in general to the classification in the auditor's books.

(c) Balance sheets.

(d) Such other financial information as may be required 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 expendi-

4 tures for the current and next preceding fiscal year. An in-
5 crease 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 af-
2 ter its submission to the city council. The city council shall
3 fix a time and place for holding a public hearing upon the
4 budget, and shall give a public notice of such hearing, which
5 shall be at least ten days before the final passage of the ap-
6 propriation resolve.

Sect. 5. Appropriation Resolve. As early 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 city manager.

The total amount appropriated shall not exceed the estimat-
2 ed revenue of the city.

Before the annual appropriation resolve has been passed
2 the city council may make appropriations for current depart-
3 mental 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. 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 va-
7 rious 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; provided, however, that the city
13 council may, in special cases, continue any particular fund
14 without transfer temporarily pending the completion of ex-
15 penditures in process or in contemplation.

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 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, notes,
9 and certificates of indebtedness previously issued. No or-
10 der providing for the issue of bonds shall be passed without

11 public notice given by posting notice of the same in two
12 public places in the city of Portland, and publishing said
13 notice in at least two daily newspapers published in said
14 Portland at least two weeks before final action by the city
15 council, and the approval of four-fifths of all the members
16 of 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 estimated
20 period of utility of said improvement but the declaration of
21 the city council embodied in the order authorizing the issue
22 shall be conclusive determination of the estimated period of
23 utility thereof; and the term within which all bonds shall be
24 made payable shall in no case exceed thirty years. Bonds
25 issued after the adoption of this charter shall be made pay-
26 able in equal, annual, serial installments as pertains to prin-
27 cipal, and interest shall be made payable semi-annually.
28 Every order for the issue of bonds shall provide for a tax
29 levy for each year of an amount necessary to meet the pay-
30 ment of the annual, serial installment of principal and in-
31 terest; and such amounts shall be included in the tax levy
32 for each year until the debt is extinguished; provided, how-
33 ever, that bonds issued to refund any indebtedness of the
34 city of Portland existing prior to the adoption of this char-
35 ter or bonds issued to refund such bonds shall not be sub-
36 ject to the aforesaid requirement of being made payable in
37 equal, annual, 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 re-
5 ceived from taxes during the preceding fiscal year. All such
6 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 re-
9 ceived 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 of
12 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 six-
15 ty-two, 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 together with any renewals thereof is fully
4 paid, the city council shall raise and set apart each year for
5 a sinking fund a sum equal to one and one-half per cent of
6 the total amount of appropriation for that year. The sink-
7 ing fund shall be applied only to the payment of that bonded
8 indebtedness of the city, the payment of which has not
9 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 city
4 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 war-
3 rant 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 such
3 purpose or purposes may examine witnesses under oath.

Sect. 12. Bonds of Officers. The city council shall require
2 a bond with sufficient surety or sureties, satisfactory to the
3 city council, from all persons trusted with the collection, cus-
4 tody or disbursement of any of the public moneys; and may
5 require such bond from such other officials as it may deem
6 advisable; the premium charges for said bonds to be paid
7 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 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, but only after such sale has been
6 authorized by the city council, and subject to such restric-
7 tions as the city council may by ordinance provide.

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 exten-
3 sions thereof shall be granted or made only by a four-fifths
4 vote of the voting members of the council. No franchise
5 and no renewal or amendment thereof shall be granted or
6 made within three months after the application therefor is
7 filed with the city clerk, nor within thirty days after the
8 publication in full of the proposed franchise in its final
9 form, nor until a public hearing has been held thereon. No

10 public utility franchise shall be transferable except with
11 the approval of the city council.

Sect. 2. Right of regulation. All orders providing for
2 grants, renewals, amendments or extensions of public util-
3 ity 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 terms
4 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
2 quality of products and prevent unjust discrimination in
3 service 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 the City Council Ineligible for Cer-
2 tain Offices. No member of the city council shall during
3 the term for which he was chosen be eligible for any other
4 office the salary of which is payable by the city, nor shall
5 he during such term hold any such office.

Sect. 2. No Personal Interest. No city manager, no mem-
2 ber of the city council, no subordinate city officer, no mem-
3 ber of any board or commission charged with the expendi-

4 ture of any money appropriated by the city council or be-
5 longing to the city, no officer or employee of the city,
6 elected or appointed, shall be interested, directly or indi-
7 rectly, in any contract entered into by or in behalf of the
8 city of Portland for work or material, or the purchase there-
9 of, to be furnished to or performed for the city, and all con-
10 tracts made in violation hereof are void and the city treas-
11 urer is expressly forbidden to pay any money out of the
12 city treasury on account of any such contract. No such
13 officer or employee, except a policeman or fireman, shall
14 accept or receive from any person, firm or corporation act-
15 ing under a franchise or license from the city, any frank,
16 free pass, free ticket, or free service, or accept directly or
17 indirectly from any such person, firm or corporation, any
18 service upon terms more favorable than those granted to
19 the public generally. This provision shall not apply, how-
20 ever, to any free service now or hereafter provided for by
21 contract, franchise or ordinance.

Section 3. Referendum. Date of Meeting. Form of
2 Question. Procedure. This act together with such other
3 acts as may be passed by the eightieth legislature granting
4 a new charter to the city of Portland shall be submitted
5 for approval or rejection to the qualified voters of the city
6 of Portland at an election to be held the second Monday
7 in September in the year A. D. nineteen hundred and twen-
8 ty-one, and warrants shall be issued for such election in
9 the manner now provided by law for the holding of mu-
10 nicipal elections, notifying and warning the qualified voters

11 of said city to meet in the several ward meetings of said
12 city, there to cast their ballot concerning the selection of
13 a charter for the city of Portland in substantially the fol-
14 lowing form:

“FORM OF BALLOT

“Place a cross X in the square after the form of charter
which you select. Mark only one form or your ballot will
not be counted.

“FORMS OF CHARTER

“Plan 1. Present form of charter with mayor,
board of nine aldermen, and com-
mon council of twenty-seven mem-
bers elected by wards and with
party designations.

“Plan 2. Form providing mayor and board of
twelve aldermen elected one from
each ward and three at large with
party designation retained.

“Plan 3. Commission-manager form providing
for a city council of five members
elected from the city at large with-
out regard to ward lines and with-
out party designation.”

Otherwise said ballot shall be in form provided by law
2 when a constitutional amendment is submitted to the vote
3 of the people. The provisions of law relating to the prepa-
4 ration of voting lists for municipal elections shall apply
5 to such election and said election shall in all other respects
6 be conducted as municipal elections in said city are now
7 conducted by law, and the results thereof shall be deter-

8 mined in the manner now provided by law for the deter-
9 mination of the election of mayor. If a plurality of the
10 valid ballots deposited as aforesaid shall favor the adop-
11 tion of plan three, so called, on said ballot, and provided
12 further, if the number of ballots favoring plan three, so
13 called, on said ballot shall also constitute more than forty
14 per cent of the total number of valid ballots cast at said
15 election, then this act shall take effect as herein provided
16 and the mayor shall forthwith make proclamation of the
17 fact.

Sect. 4. Date When Effective. So much of this act as
2 authorizes the submission of the acceptance of this char-
3 ter to the electors of the city of Portland shall take effect
4 as provided in the constitution of the state, but it shall
5 not take further effect unless adopted by the electors of
6 the city of Portland as hereinbefore provided. If adopted
7 by the electors of the city, then this act for the purpose
8 of nominating and electing officers hereunder shall take
9 effect on the date of its adoption by the electors, and for
10 all other purposes this act shall take effect on the second
11 Monday in December in the year nineteen hundred and
12 twenty-one.

All acts and parts of acts inconsistent herewith are hereby
2 repealed.

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,
4 shall 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. Nothing in
2 this act shall be construed as repealing or amending any
3 law of the state or ordinance of the city of Portland rela-
4 tive to the appointment, term of office, removal, retirement
5 or pension of the members of the police department and
6 of the fire department of the city of Portland other than
7 the chiefs of said departments.

The passage and acceptance of this act shall not affect
2 the term of office of such officers, trustees, members of
3 commissions or departments as may be holding office, with
4 a definite term fixed by statute, at the time this charter
5 takes effect, but such officers, trustees, members of com-
6 missions, or departments shall complete the term of office
7 to which they have been elected or appointed, subject to
8 removal by the municipal officers, for inefficiency or cause.

All other officers, trustees, members of commissions or
2 departments, hereafter to be appointed or elected under

3 the provisions of this charter by the city council or city
4 manager, whose term of office has not been herein other-
5 wise provided for, shall continue in office until their suc-
6 cessors are elected and qualified as provided in this act.