

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

---

# EIGHTY-FIRST LEGISLATURE

---

HOUSE

NO. 64

---

House of Representatives, Feb. 7, 1923.

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

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Rogers of Rockland.

---

## STATE OF MAINE

---

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

---

AN ACT to Provide a New Charter for the City of Rockland  
and to Repeal Chapter Four Hundred Eighty-two, Private  
and Special Laws of Eighteen Hundred Eighty-five.

---

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

Section 1. The inhabitants of the city of Rockland, in  
2 the county of Knox, shall continue to be a body politic and  
3 corporate, by the name of the city of Rockland, and, as  
4 such, shall have, exercise and enjoy all the rights, immuni-  
5 ties, powers, privileges and franchises, and be subject to  
6 all the duties and obligations now appertaining to, or in-  
7 cumbent on said city as a municipal corporation, and may  
8 ordain and publish such acts, laws and regulations, not in-

9 consistent with the constitution and laws of this state, as  
10 shall be needful for the good order of said body politic;  
11 and may impose fines and penalties for the breach thereof,  
12 not exceeding one hundred dollars for any one offense,  
13 which may be recovered by said city in an action of debt  
14 or on complaint before the police court of said city.

Sect. 2. The administration of all the fiscal, prudential  
2 and municipal affairs of said city, with the government  
3 thereof shall be vested in one principal magistrate, to be  
4 styled the mayor, and one board of seven, to be denomi-  
5 nated the city council; all of whom shall be qualified electors  
6 of said city; and all of whom shall swear or affirm to faith-  
7 fully perform the duties of their respective offices.

Sect. 3. The mayor of said city shall be the chief ex-  
2 ecutive officer thereof; it shall be his duty to be vigilant  
3 and active in causing the laws and regulations of the city  
4 to be executed and enforced; to exercise a general super-  
5 vision over the conduct of all subordinate officers, and cause  
6 violations or neglect of duty to be punished. He may call  
7 special meetings of the city council, when, in his opinion,  
8 the interests of the city require it, by a notice in one or  
9 more of the city papers, or by causing a summons or noti-  
10 fication to be given in hand or left at the last and usual  
11 place of abode of each member of the board, at least six  
12 hours before the time fixed for such meeting. He shall,  
13 from time to time, communicate to the city council such  
14 information and recommend such measures as the inter-

15 ests of the city may require. He shall preside at all meet-  
16 ings of the city council but shall have only a casting vote.  
17 The mayor shall receive for his service, such compensation  
18 as the city council may allow, which shall not be less than  
19 fifteen hundred dollars per year, payable monthly, and he  
20 shall not receive from the city any other compensation for  
21 any service by him rendered in any other capacity or agency.  
22 Each member of the city council shall receive as compen-  
23 sation not exceeding five dollars per meeting for each meet-  
24 ing which he attends and shall not be eligible to any office  
25 of profit or emolument the salary of which is payable by  
26 the city.

Sect. 4. Every law, act, ordinance, resolve or order, re-  
2 quiring the consent of the city council, excepting rules and  
3 orders of a parliamentary character, shall be presented to  
4 the mayor for approval. If not approved by him, he shall  
5 return it with his objections at the next stated session of  
6 the city council, which shall enter the objections at large  
7 on its journal, and proceed to reconsider it. If upon such  
8 reconsideration it shall be passed by a two-thirds vote of  
9 the city council, it shall have the same effect as if signed  
10 by the mayor. If not so returned, or in case of vacancy  
11 in the office of mayor, when said law, act, ordinance, resolve  
12 or order be finally passed, the same shall be valid without  
13 approval.

Sect. 5. The executive powers of said city generally, and  
2 the administration of police and health departments, with

3 all the powers of selectmen, except as modified by this act,  
4 shall be vested in the mayor and city council. All the pow-  
5 ers of establishing watch and ward, now vested by the  
6 laws of the state in the justices of the peace and municipal  
7 officers or inhabitants of towns, are vested in the mayor  
8 and city council so far as relates to said city; and they are  
9 authorized to unite the watch and police departments into  
10 one department and establish suitable regulations for the  
11 government of the same. The officers of police shall be  
12 one chief, to be styled the city marshal, and one deputy  
13 marshal, and so many watchmen and policemen as may,  
14 from time to time, be appointed. All other powers now  
15 or hereafter vested in the inhabitants of said city, and all  
16 powers granted by this act, as well as all powers relating  
17 to the fire department, shall be vested in the mayor and  
18 city council. The board shall keep a record of its pro-  
19 ceedings, and judge of the election of its members, and  
20 in case of vacancies, new elections shall be ordered by the  
21 mayor and city council. A quorum for the transaction of  
22 business shall consist of a majority thereof; all meetings  
23 of the city council shall be open and public; and the pre-  
24 siding officer shall have the power of moderator of town  
25 meetings. At any meeting, when any two members shall  
26 request it, the votes shall be taken by yeas and nays, which  
27 vote shall be recorded by the clerk.

Sect. 6. For election purposes said city shall be divided  
2 into seven wards, to contain, as near as conveniently may

3 be, an equal number of legal voters; and it shall be the  
4 duty of the city council, once in ten years, and not oftener  
5 than five years, to review, and, if it be needful, to alter  
6 said wards, in such manner as to preserve as nearly as  
7 may be, an equal number of voters in each ward. All reg-  
8 ular ward meetings shall be notified and called by the mayor  
9 and city council in the manner provided in the laws of  
10 this state, for notifying and calling town meetings by the  
11 selectmen of the several towns.

Sect. 7. The mayor shall be elected from the citizens at  
2 large, by the inhabitants of the city voting in their respec-  
3 tive wards. One alderman, one member of the school board,  
4 a warden and a ward clerk shall be elected by each ward,  
5 being residents in the ward where elected. All said offi-  
6 cers shall be elected by ballot, by a plurality of the votes  
7 given, and shall hold their office two years from the first  
8 Monday in January, except as to wardens and ward clerks,  
9 who shall hold their office until others shall be elected and  
10 qualified in their places.

Sect. 8. On the first Monday in December, bi-annually,  
2 the qualified electors of each ward shall ballot for a mayor,  
3 one alderman, one member of the school board, and a  
4 warden and ward clerk, on one ballot. All the votes given  
5 for the said several officers respectively, shall be sorted,  
6 counted, declared and registered in open ward meeting, by  
7 causing the names of the persons voted for, and the num-  
8 ber of votes given for each, to be written on the ward rec-

9 ords at length. The ward clerk within twenty-four hours  
10 after such election, shall deliver to the persons elected alder-  
11 men, members of the school board, wardens and ward  
12 clerks certificates of their election, and shall forthwith de-  
13 liver to the city clerk a certified copy of the records of  
14 such election; provided, however, that if choice of alder-  
15 man, member of the school board, warden or ward clerk  
16 is not effected on that day, the meeting shall be adjourned  
17 from day to day, until a choice shall be effected. The city  
18 council shall, as soon as conveniently may be, examine the  
19 copies of the records of the several wards, certified as  
20 aforesaid, and shall cause the person who shall have re-  
21 ceived the greatest number of votes given for mayor in  
22 all the wards, to be notified in writing of his election; but  
23 if it shall appear that no person shall have been so elected,  
24 or if the person elected shall refuse to accept said office,  
25 the said city council shall issue their warrant for another  
26 election; in case of the death, resignation, disqualification,  
27 removal from office of the mayor, more than six months  
28 prior to the next regular election, the vacancy for the un-  
29 expired term shall be filled by a special election, the war-  
30 rant for which shall be issued by the city council. When-  
31 ever the office of mayor becomes vacant within six months  
32 prior to a regular city election, whenever the office of mayor  
33 is vacant pending election, or whenever the mayor for any  
34 reason is unable to attend to the duties of his office, the  
35 permanent chairman of the city council shall perform the

36 duties of mayor. The oath or affirmation prescribed by  
37 this act shall be administered to the mayor by the city clerk,  
38 or any justice of the peace in said city. The aldermen  
39 elect shall, on the first Monday in January, at ten o'clock  
40 in the forenoon, meet, when the oath or affirmation required  
41 by the second section of this act shall be administered to  
42 the members present, by the mayor or any justice of the  
43 peace.

Sect. 9. The warden and ward clerk shall be sworn or  
2 affirmed to the faithful performance of their duty, by any  
3 justice of the peace of said city or by the person presiding  
4 at the ward meeting, as heretofore provided, or by the clerk  
5 of said ward, and a certificate of such oath or affirmation  
6 having been administered shall be entered by the clerk on  
7 the records of said ward. The wardens shall preside at all  
8 the ward meetings, with the powers of moderators of town  
9 meetings; and if at any meeting the warden shall not be  
10 present the clerk of the ward shall call the meeting to order  
11 and preside till a warden, pro tempore, shall be chosen.  
12 If neither the warden nor ward clerk shall be present, any  
13 legal voter in the ward may preside till a clerk, pro tem-  
14 pore, shall be chosen and qualified. The clerk shall record  
15 all the proceedings and certify the votes given, and deliver  
16 over to his successor in office all such records and journals  
17 together with all other documents and papers held by him  
18 in said capacity. The inhabitants of each ward may choose  
19 two persons to assist the warden in receiving and counting  
20 the votes.



Sect. 10. After the organization of the city government,  
2 and the qualification of a mayor, and when a quorum of  
3 the city council shall be present, said board, the mayor pre-  
4 siding, shall proceed to choose a permanent chairman, who,  
5 in the absence of the mayor, shall preside at all meetings  
6 of the board, and in case of any vacancy in the office of  
7 mayor, he shall exercise all the powers, and perform all  
8 the duties of the office, so long as such vacancy shall re-  
9 main, and when the mayor shall be absent from the city,  
10 or is prevented by sickness, or other cause, from attending  
11 to the duties of his office, shall possess all rights and powers  
12 of the mayor, during such absence or disability; he shall  
13 continue to have a vote in the city council but shall not  
14 have the veto power. The city council, in the absence of  
15 the mayor and permanent chairman, shall choose a presi-  
16 dent pro tempore, who shall exercise all the powers of a  
17 permanent chairman.

Whenever by reason of death, resignation, disqualification,  
2 removal from the city, removal from office or any other  
3 cause, a vacancy in the city council shall occur, and if  
4 such vacancy exists more than six months prior to the next  
5 regular city election, the vacancy shall be filled for the re-  
6 mainder of the unexpired term by a special election which  
7 shall be held in the ward from which such vacancy occurs  
8 and the warrant for such election shall be issued by the  
9 mayor.

Sect. 11. The mayor shall bi-annually, on the first Mon-

2 day in January, or as soon thereafter as may be convenient,  
3 appoint for the ensuing term, subject to confirmation by  
4 the city council, the following officers: a city clerk, a city  
5 treasurer, a chief of police, who shall be styled the city  
6 marshal, and who shall exercise all the powers and per-  
7 form all the duties of a constable; one overseer of the  
8 poor, one assessor of taxes, a commissioner of public works,  
9 a collector of taxes, and one or more city constables. All  
10 said officers shall hold office for a term of two years sub-  
11 ject, however, after a hearing, to removal at any time by  
12 the mayor, by and with the consent of the city council for  
13 inefficiency or other cause. The compensation of all offi-  
14 cers shall be fixed by the city council. All moneys received  
15 and collected for and on account of the city by any officer  
16 or agent thereof, shall forthwith be paid into the city treas-  
17 ury. The city council shall take care that moneys shall  
18 not be paid from the treasury unless granted or appropri-  
19 ated; shall secure a prompt and just accountability by re-  
20 quiring bonds with sufficient penalties and sureties from all  
21 persons trusted with the receipt or custody of the public  
22 money; shall have the care and superintendence of the city  
23 public buildings and the custody and management of all  
24 city property, with power to let or sell what may be legally  
25 let or sold, and to purchase in the name of the city such  
26 real or personal property as they may deem of public util-  
27 ity. And the city council shall, as often as once a year,  
28 cause to be published, for the information of the inhab-

29 itants, an account of receipts and expenditures and a sched-  
30 ule of the city property, and no money shall be paid from  
31 the city treasury unless the same be appropriated by the  
32 city council and upon a warrant signed by the mayor, which  
33 warrant shall state the appropriation under which the same  
34 is drawn.

Sect. 12. The term of office of each assessor of taxes  
2 and overseer of the poor in office at the time of the adop-  
3 tion of this charter shall continue for the balance of the  
4 term to which he was elected, and until his successor is  
5 appointed and qualified; at the expiration of said term and  
6 annually thereafter, the mayor shall appoint, subject to con-  
7 firmation by the city council, an assessor of taxes and over-  
8 seer of the poor 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 mem-  
11 bers of the board of assessors or overseers of the poor, the  
12 vacancy shall be filled forthwith by the mayor subject to  
13 confirmation by the city council for the unexpired term.  
14 The assessors and overseers of the poor appointed as above  
15 prescribed shall exercise the same powers and be subject  
16 to the same duties and liabilities that similar officers of the  
17 several towns and cities in the state may exercise and may  
18 now or hereafter be subject to under the laws of the state.

Sect. 13. The assessors of taxes shall execute and be  
2 subject to the same powers, duties and liabilities that the  
3 assessors in the towns in this state may exercise and be

4 subject to. Provided, however, that the mayor may ap-  
5 point one person in each ward, whose duty it shall be to  
6 furnish the assessors with all necessary information rela-  
7 tive to persons and property, taxable in his ward, and who  
8 shall swear or affirm to faithfully perform his duty. All  
9 taxes shall be assessed, apportioned and collected in the  
10 manner prescribed by the laws of this state relative to town  
11 taxes; provided, however, that it shall be lawful for the  
12 city council to establish further and additional regulations  
13 and provisions for the collection thereof.

Sect. 14. The superintending school committee shall con-  
2 sist of the mayor, president ex-officio, and the member elect-  
3 ed from each ward by the qualified voters thereof. They  
4 shall hold office for a term of two years and until their  
5 successors are elected and qualified.

The superintending school committee shall meet for organ-  
2 ization at ten o'clock A. M. on the first Monday in Jan-  
3 uary following the regular city election. The members-  
4 elect shall be sworn to the faithful discharge of their duties  
5 by a justice of the peace or the city clerk and a record  
6 made thereof. A majority of the whole number elected  
7 shall be a quorum.

The superintending school committee shall have all the  
2 powers and perform all the duties in regard to the care  
3 and management of said public schools of said city which  
4 are now conferred and imposed upon the superintending  
5 school committees by the laws of this state, except as other-

6 wise provided in this charter. They shall annually, and  
7 whenever there is a vacancy, elect a superintendent of  
8 schools for the current municipal year who shall have the  
9 care and supervision of said public schools under their  
10 direction and act as secretary of their board. Subject to  
11 the approval of the city council they shall fix his salary  
12 at the time of his election which shall not be increased  
13 during the year for which he is elected, except by consent  
14 of the city council, and may at any time dismiss him if they  
15 deem it proper and expedient. They shall annually, as soon  
16 after the organization of their board as practical, furnish  
17 to the city council for its approval a budget estimate in  
18 detail of the several sums required during the ensuing mu-  
19 nicipal year for the support of public schools, and shall  
20 not increase the salaries of the superintendents and teach-  
21 ers, or any other expenditures beyond the amount specified  
22 in such estimate as finally approved, except by consent of  
23 the city council. No member of the committee shall re-  
24 ceive any compensation for his services.

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

Whenever from any cause a vacancy in the superintend-  
2 ing school committee shall occur, the city council by a ma-  
3 jority vote of all the members, shall elect a resident of the  
4 ward where the vacancy exists and the term of office of

5 the member so elected shall continue until the next election  
6 and until his successor is elected and qualified.

Sect. 15. The city clerk shall be the clerk to the city  
2 council; he shall perform such duties as shall be prescribed  
3 by the city council, and shall perform all the duties and  
4 exercise all the powers by law incumbent upon or vested  
5 in town clerks; he shall give notice in one of the papers  
6 printed in the city, of the time and place of regular ward  
7 meetings; but the place of regular ward meetings, and also  
8 the day and hour, when not fixed by law, shall be deter-  
9 mined by the city council.

Sect. 16. General meetings of the citizens, qualified to  
2 vote in city affairs, may from time to time, be held to con-  
3 sult upon the public good; to instruct their representatives  
4 and to take all lawful measures to obtain redress of any  
5 grievances, according to the right secured to the people  
6 by the constitution of this state; and such meetings shall  
7 be duly warned by the mayor and city council upon the  
8 requisition in writing, of thirty qualified voters. The city  
9 clerk shall act as clerk of such meeting and record the  
10 proceedings upon the city records.

Sect. 17. The city council shall have authority to estab-  
2 lish and make regulations for the measurement and sale  
3 of wood and bark in said city, whether brought by land  
4 or water; and may affix suitable penalties for the violation  
5 thereof, anything in the public laws of the state to the con-  
6 trary notwithstanding; and are hereby authorized and em-

7 powered to make and ordain from time to time such ordi-  
8 nances not repugnant to the constitution and laws of the  
9 state as they may deem expedient or necessary for the loca-  
10 tion and regulation of vessels, boats, steamers and other  
11 crafts in that portion of the harbor of Rockland which lies  
12 northerly and westerly of the following lines, namely: A  
13 line commencing at the point where the southern line of  
14 said city meets the shore and extending into said harbor  
15 in the same direction with said south line until it inter-  
16 sects a line running due south from the point where the  
17 northerly line of said city meets the shore; to affix penal-  
18 ties for the breach of such by-laws not exceeding twenty  
19 dollars for each offense, to be recovered upon complaint  
20 by the harbor master hereafter provided for, before the  
21 police court of said city, to the use of the city.

All licenses for the extension of wharves into tide waters  
2 granted within three years by the municipal officers of the  
3 city of Rockland, in accordance with the public laws of  
4 Maine, and all such licenses, whenever granted, when work  
5 has been begun thereunder, are hereby made legal and valid,  
6 and all wharves heretofore or hereafter built in pursuance  
7 thereof are made legal and valid and are as fully author-  
8 ized as though there had been no act other than the pro-  
9 visions of the public statutes applicable thereto, notwith-  
10 standing anything contained in the charter and ordinances  
11 of the city of Rockland.

Sect. 18. The mayor shall have power to appoint a har-

2 bor master for said city, whose duty it shall be to enforce  
3 the observance of the ordinances of the city relating to the  
4 harbor, and laws of the state applicable thereto, and to  
5 prosecute all violations of such laws and ordinances; and  
6 such harbor master, in case of sickness or disability, may  
7 appoint a deputy, subject to the approval of the mayor of  
8 said city, to perform his duties during such sickness or  
9 disability.

Sect. 19. The city council shall have exclusive authority  
2 to lay out, widen, or otherwise alter or discontinue any and  
3 all streets or public ways in the city of Rockland without  
4 petition therefor and as far as extreme low water mark;  
5 and to estimate all damages sustained by the owners of  
6 the land taken for that purpose. It shall be the duty of  
7 the city council to lay out, alter, widen or discontinue any  
8 street or way in said city, first giving notice of the time  
9 and place of their proceedings to all parties interested, by  
10 publishing the same two weeks successively in any news-  
11 paper printed in Rockland, the last publication to be one  
12 week at least previous to the time appointed. The city  
13 council shall first hear all parties interested and then de-  
14 termine and adjudge whether the public convenience re-  
15 quires such street or way to be laid out, altered or dis-  
16 continued; and shall make a written return of their pro-  
17 ceedings, signed by a majority of them, containing the  
18 bounds and descriptions of the street or way, if laid out  
19 or altered, and the names of the owners of the land taken,



20 when known, and the damages allowed therefor; the re-  
21 turn shall be filed in the city clerk's office at least seven  
22 days previous to its official acceptance by the city council.  
23 The city council shall estimate and report the damages sus-  
24 tained by the owners of the lands adjoining that portion  
25 of the street or way which is so discontinued; their report  
26 shall be filed with the city clerk seven days at least before  
27 its official acceptance. Any person aggrieved by the de-  
28 cision or judgment of the city council in establishing, alter-  
29 ing or discontinuing streets may, so far as relates to dam-  
30 ages, appeal therefrom to the supreme judicial court, which  
31 court shall determine the same by a committee, or refer-  
32 ence under a rule of court, if the parties agree, or by a  
33 verdict of its jury, and shall render judgment and issue  
34 execution for the damages recovered, with costs, to the  
35 party prevailing in the appeal. Such appeal shall be made  
36 to the term of the supreme judicial court, which shall first  
37 be holden in the county of Knox more than thirty days  
38 from and after the day the street is finally established, al-  
39 tered or discontinued, excluding the day of commencement  
40 of the session of said court. The appellants shall serve  
41 written notice of such appeal upon the mayor or city clerk,  
42 fourteen days at least before the session of the court, and  
43 shall at the first term file a complaint setting forth sub-  
44 stantially the facts of the case. On the trial exceptions  
45 may be taken to the rulings of the court as in other cases.  
46 Co-tenants who are appellants shall join in their appeal or

47 shall not recover their costs. If an appeal is not so taken  
48 the right of appeal shall be held to be waived. If a street  
49 or way is discontinued before the damages are paid or re-  
50 covered for the land taken, the land owner shall not be  
51 entitled to recover such damages, but the committee in their  
52 report discontinuing the same shall estimate and include all  
53 the damages sustained by the land owner, including those  
54 caused by the original location of the streets, and in such  
55 cases, if an appeal has been regularly taken, the appellant  
56 shall recover his costs. The city shall not be compelled  
57 to construct or open any street or way thus hereafter estab-  
58 lished, until in the opinion of the city council the public  
59 good requires it to be done, nor shall the city interfere with  
60 the possession of the land so taken by removing therefrom  
61 materials, or otherwise, until they decide to open and con-  
62 struct said street. The city council may reserve and set  
63 off as sidewalks such part or portion of the several streets  
64 in said city now or hereafter to be established, as may ap-  
65 pear to be necessary for the safety, convenience and ac-  
66 commodation of foot passengers, and may regulate the  
67 height and width of sidewalks in any public square, places,  
68 streets, lanes or alleys in said city; and may authorize posts  
69 and trees to be placed along the edge of said sidewalk. Nor  
70 shall the city be answerable for damages occasioned by tele-  
71 graph, telephone or electric light poles and wires erected  
72 in its streets.

Sect. 20. Whenever the city council shall determine, by

2 vote, to pave any street or way, or any portion thereof, in  
3 said city, with stones or other pavement, macadamize the  
4 same, pave the gutters with granite or cobble stones, con-  
5 struct catch basins, build sidewalks of brick, granite, con-  
6 crete, artificial stone or other materials, except wood, it  
7 shall be lawful to assess the lots or parcels of land adjacent  
8 to and bounded on such street or way, in such proportion  
9 as the said lots are benefited or made more valuable by such  
10 improvement. No lot or parcel of land shall be assessed  
11 more than one-third of the cost upon each side of the street  
12 for pavement and street improvements, except for side-  
13 walks, as aforesaid, and in the case of such sidewalks, the  
14 amount assessed shall not exceed one-half the cost, the city  
15 to pay not less than one-third of the cost of street improve-  
16 ments and not less than one-half of the cost of permanent  
17 sidewalks. The amount to be assessed upon said lots shall  
18 be determined by the board of assessors, added to the an-  
19 nual tax, and committed to the collector for collection in the  
20 same manner as other taxes, and there shall be the same  
21 lien upon the real estate so assessed that there is in the case  
22 of other taxes. Property owners who are aggrieved by the  
23 assessments aforesaid may have the right, so far as relates  
24 to said assessments, to appeal therefrom to the supreme  
25 judicial court, which shall determine the amount to be paid  
26 in the same manner that land damages are to be determined  
27 under the provisions of section nineteen of this charter.

Sect. 21. The city council shall have the power to con-

2 struct a sewer, along the bed and in the line of the Lindsey  
3 Brook, so-called, or any of its tributaries, and may change  
4 the direction thereof where necessary. The city council  
5 may assess the lots or parcels of land adjacent to and  
6 bounded on such sewers, or land through which such sewer  
7 passes, in such proportion as in their opinion the same are  
8 benefited or made more valuable by such sewer; Provided,  
9 however, that the whole assessment so made on any lot or  
10 parcel of land shall in no case exceed one-third part of the  
11 cost of said sewer adjacent to said lot or parcel of land;  
12 or in case of a lot of land owned by one person, not to  
13 exceed two-thirds of the cost through such lot.

Whenever the city council shall determine by vote to build  
2 any permanent drain or sewer in said city, it shall be lawful  
3 to assess the lots or parcels of land adjacent to and bounded  
4 on said streets or ways in which such drain or sewer is  
5 built, in such proportion as the said lots are benefited or  
6 made more valuable by such improvements. No lot or  
7 parcel of land shall be assessed more than one-third of the  
8 cost upon each side of street or way in which said drain or  
9 sewer is built, the amount assessed shall not exceed two-  
10 thirds of the cost, the city to pay not less than one-third of  
11 the cost of said drain or sewer, the amount to be assessed  
12 upon said lots shall be determined by the board of assessors,  
13 added to the annual tax, and committed to the collector for  
14 collection in the same manner as other taxes and there shall  
15 be the same lien upon the real estate so assessed that there

16 is in the case of other taxes. Property owners who are  
17 aggrieved by the assessments aforesaid may have the right,  
18 so far as relates to said assessment, to appeal therefrom to  
19 the supreme judicial court, which shall determine the  
20 amount to be paid in the same manner that land damages  
21 are to be determined under the provisions of section nine-  
22 teen of the city charter.

It shall be the duty of the assessors of Rockland, when the  
2 city has constructed any public drain or common sewer, to  
3 determine what lots or parcels of land are benefited by such  
4 drain or sewer, and to estimate and assess upon such lots  
5 and parcels of land, and against the owners thereof, or  
6 persons in possession, or against whom the taxes thereon  
7 shall be assessed, whether said person to whom the assess-  
8 ment is made shall be the owner, tenant, lessee or agent,  
9 and whether the same is occupied or not, such sum not  
10 exceeding such benefit as they may deem just and equitable  
11 toward defraying the expenses of constructing and com-  
12 pleting such drain or sewer, the whole of such assessment  
13 not to exceed two-thirds of the cost of such drain or  
14 sewer, and such drain or sewer shall forever thereafter be  
15 maintained and kept in repair by said city. The city  
16 council, after the completion of a drain or sewer by the  
17 city, shall file with the assessors the location of such drain  
18 or sewer, with a profile description and detailed cost of the  
19 same, showing the lots or parcels of land adjacent to and  
20 benefited by the same, and the names of the owners of such  
21 lots or parcels of land.

Any person may enter his private drain into any such  
2 public drain or common sewer, while the same is under  
3 construction and before the same is completed, and before  
4 the assessments are made, by obtaining a permit in writing  
5 from the city council; but the person so entering shall pay  
6 his assessment when the amount is fixed by the assessors;  
7 but after the same is completed no person shall enter the  
8 same until he has obtained a permit in writing from the  
9 city clerk and countersigned by the city treasurer. The  
10 price of such permit shall be five dollars, payable to the  
11 city treasurer at the time of issuing said permit. All per-  
12 mits given to enter any such drain or sewer shall be re-  
13 corded by the city clerk before the same are issued.

Whenever it shall appear to the board of health of the  
2 city of Rockland, that any cellar or lot of land lying in  
3 said city within two hundred feet of any public drain or  
4 common sewer constructed or maintained by said city, or  
5 that any private drain draining into the gutter of any street,  
6 way, lane or alley, or upon neighboring property within said  
7 city, or into so-called Lindsey brook or any branch or  
8 tributary thereof, is a public nuisance, said board of health  
9 shall give notice thereof in writing to the owner or occu-  
10 pant of said premises, and request said owner or occupant  
11 to abate said nuisance within such reasonable time as said  
12 board of health shall direct; and if said owner or occupant  
13 shall not, within the time specified by the board of health,  
14 abate such nuisance, the city council shall have the power

15 to connect the premises with the public drain or common  
16 sewer, and the property shall be liable for the expense there-  
17 of in addition to the assessment fixed by the assessors. If  
18 said amount is not paid it shall be added to the assessment  
19 of taxes by the assessors, but the owner, or person in  
20 possession, or person against whom the taxes are assessed,  
21 shall have all the rights and privileges guaranteed to him by  
22 the general law, relating to the assessment and collection of  
23 taxes.

For the construction or repair of any public drain or  
2 common sewer, the city of Rockland shall have authority to  
3 enter upon any lands in said city, and take the same for said  
4 purposes, and to lay said sewer over, across and through  
5 said lands, when in the opinion of the city council it is for  
6 the public interest to do so. Said city council shall within  
7 thirty days after such taking, file in the registry of deeds for  
8 Knox county, a description of the land so taken and the  
9 course of said drain or sewer. All damages occasioned by  
10 reason of any such taking shall be determined by said city  
11 council, by first giving not less than seven days' written  
12 notice in hand, or by leaving at the last and usual place of  
13 abode of the owner, tenant, lessee or agent, or by publish-  
14 ing a like notice in one or more of the city papers, designat-  
15 ing the time and place of hearing, the last publication of  
16 which shall not be less than seven days prior to the time of  
17 hearing. The city council shall, within five days after such  
18 hearing file their return with the city clerk, stating the

19 amount of damages allowed for each lot or parcel of land  
20 so crossed. Any person not satisfied with the amount of  
21 his award may within ten days after such hearing, by  
22 request in writing given to said clerk, have the damages  
23 determined by arbitration and if the award determined by  
24 arbitrators be unsatisfactory to either party, the party ag-  
25 grieved shall have the right to appeal to the supreme judicial  
26 court in which the same proceedings shall be had as in case  
27 of damages for lands taken for highways.

This act shall not apply to or affect any public drain or  
2 common sewer constructed previous to 1913.

The city of Rockland is hereby authorized and empowered  
2 to enter upon and clear of obstructions and to improve,  
3 widen and deepen, straighten or change the course of the  
4 channel of any brook or stream or any part or parts of  
5 same within the limits of the city, and for such purpose  
6 said city is hereby authorized from time to time to pur-  
7 chase or take and hold so much land on each side of any  
8 brook or stream therein as may be deemed necessary. When  
9 lands are taken otherwise than by purchase, the proceedings  
10 shall be as provided in section nine of chapter one hundred,  
11 laws of eighteen hundred and ninety-one, and all laws  
12 additional thereto and amendatory thereof, relating to drains  
13 and common sewers in Rockland.

It shall be unlawful for any owner of abutting land on any  
2 brook or stream in said city, or other person to divert or  
3 change the channel of any such brook or stream, or to con-



4 struct walls or embankments on the sides thereof or cover  
5 over same in such manner as to obstruct or divert the flow  
6 of water therein without first obtaining permission so to do  
7 from the city council of said city, which permission and  
8 order shall be in writing, specifying the manner and condi-  
9 tions of such change or method of construction, and no  
10 person shall deposit in any such brooks or streams any  
11 offal, rubbish, or material of any kind which shall obstruct  
12 the free passage of water or tend to pollute the same. The  
13 city of Rockland is hereby empowered to enact such by-laws  
14 or ordinances and fix such penalties for violation of same  
15 as may be deemed necessary in relation thereto.

The city council shall have the right to charge uniform  
2 rates for all persons draining into such sewer.

Sect. 22. All of the rights, powers and duties now pro-  
2 vided for in section nineteen, relating to laying out, widen-  
3 ing or altering any street or way, shall apply to assessments  
4 made and provided for in sections twenty and twenty-one.

Sect. 23. So much of the several streets in said city as  
2 shall be appropriated and reserved as sidewalks, agreeably  
3 to the provisions of section nineteen, shall be taken and  
4 deemed to be reserved exclusively for the accommodation,  
5 convenience and use of persons traveling on foot; and said  
6 city shall not be liable for any injury or damage done or  
7 occasioned in consequence of any cart, carriage, wagon,  
8 truck or other vehicle, or any team or animal striking  
9 against any of the said sidewalks or the posts or trees set

10 or placed to defend the same. The several sidewalks on the  
11 streets in said city, as at present established or used, or as  
12 they may be established at the acceptance of this act, shall  
13 be taken and deemed to be the proper and lawful reserva-  
14 tion for that purpose, until altered or otherwise established  
15 by the proper authorities.

Sect. 24. The mayor and city council may on such terms  
2 and conditions, as they may think proper, license any person  
3 or corporation to place in any street, for such time as may  
4 be necessary, any materials for making or repairing any  
5 street, sidewalk, cross-walk, bridge, water course or drain,  
6 or for erecting, repairing, moving or finishing any building  
7 or fences, or for laying or repairing gas or water pipes.  
8 And such material or building so placed by virtue of any  
9 license obtained as aforesaid shall not be considered an in-  
10 cumbrance or nuisance in such street; and the city shall not  
11 be liable for any damage occasioned by such materials or  
12 buildings. Any person or corporation occupying or using  
13 any of the streets in the city for the purposes aforesaid,  
14 without first obtaining a license therefor, shall be punished  
15 by a fine not exceeding twenty dollars for each offense, to  
16 be recovered on complaint for the use of the city.

Sect. 25. The city council are hereby authorized and  
2 empowered to pass any ordinance or ordinances regulating  
3 or forbidding the erection of wooden buildings on any  
4 street or streets in said city, when they may deem it neces-  
5 sary or conducive to the public safety.

Sect. 26. The municipal fiscal year shall end on the  
2 second Monday in November. And the reports of all city  
3 officials shall be completed and made to the city council at  
4 a meeting to be held on the third Monday of November.  
5 And the city treasurer shall cause to be published in all the  
6 city papers issued during the week prior to the first Mon-  
7 day in December, an accurate summary of the reports of  
8 all officials receiving or disbursing moneys of the city, and  
9 a statement of the condition of the several appropriations.

Sect. 27. No appropriation of moneys for any purpose  
2 shall be made without a majority vote of the members of  
3 the city council.

Sect. 28. The city council may make and establish such  
2 ordinances or regulations as they may deem for the public  
3 good, for the regulation of the use of vehicles in said city,  
4 and also prescribe the width of tire that shall be used.

Sect. 29. All city ordinances not inconsistent herewith  
2 shall remain in full force and effect.

Sect. 30. This act, when passed by the eighty-first legisla-  
2 ture granting a city charter to the city of Rockland, shall be  
3 submitted for approval or rejection to the qualified voters  
4 of the city of Rockland at an election to be held the second  
5 Monday in September in the year A. D. nineteen hundred  
6 and twenty-three, and warrants shall be issued for such  
7 election in the manner now provided by law for the holding  
8 of municipal elections, notifying and warning the qualified  
9 voters of said city to meet in the several ward meetings of

10 said city, there to cast their ballot concerning the selection  
11 of this charter for the city of Rockland, and if same be  
12 accepted to act as a repeal of the present charter.

Said ballot shall be in form provided by law when a  
2 constitutional amendment is submitted to the vote of the  
3 people. The provisions of law relating to the preparation  
4 of voting lists for municipal elections shall apply to such  
5 election and said election shall in all other respects be con-  
6 ducted as municipal elections in said city are now conducted  
7 by law, and the results thereof shall be determined in the  
8 manner now provided by law for the determination of the  
9 election of mayor. If a majority of the valid ballots de-  
10 posited as aforesaid shall favor the adoption of the new  
11 charter, then this act shall taken effect as herein provided  
12 and the mayor shall forthwith make proclamation of the  
13 fact.