

MAINE STATE LEGISLATURE

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NEW DRAFT

EIGHTY-FIRST LEGISLATURE

HOUSE

NO. 80

House of Representatives, Feb. 9, 1923.

Reported by Mr. Oakes from Committee on Legal Affairs
and ordered printed under joint rules.

CLYDE R. CHAPMAN, Clerk.

STATE OF MAINE

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

AN ACT to Amend the City Charter of Brewer.

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

Section 1. Section seven of chapter four hundred fifty-
2 three, of the private and special laws of eighteen hundred
3 and eighty-nine, is hereby amended by striking out in the
4 seventh line thereof the word "March" and inserting in
5 place thereof the word 'January'; so that said section as
6 amended shall read as follows:

Sect. 7. *Mayor, how elected. Election of aldermen, and*
2 *other officers.* The mayor shall be elected from the citizens
3 at large, by the inhabitants of the city voting in their
4 respective wards. Two aldermen, a warden and ward clerk

5 shall be elected by each ward, being residents in the ward
6 where elected. All said officers shall be elected by ballot, by
7 a plurality of the votes given, and shall hold their office one
8 year from the third Monday in January, except wardens
9 and ward clerks, who shall hold their office until others
10 shall be elected and qualified in their places.

Sect. 2. Section eight, of said chapter four hundred and
2 fifty-three, of the private and special laws of eighteen
3 hundred and eighty-nine, is hereby amended by striking out
4 in the first line thereof the word "March" and inserting in
5 place thereof the word 'December'; and in striking out in
6 the thirty-first line thereof the word "March" and inserting
7 in place thereof the word 'January'; so that said section as
8 amended shall read as follows:

Sect. 8. *Annual meetings and proceedings*: On the second
2 Monday in December, annually, after the first election under
3 this charter, the qualified electors of each ward shall ballot
4 for a mayor, two aldermen and a warden and ward clerk,
5 on one ballot. All the votes given for the said several
6 officers respectively, shall be sorted, counted, declared and
7 registered in open ward meeting, by causing the names of
8 the persons voted for, and the number of votes given for
9 each, to be written on the ward records at length. The
10 ward clerk within twenty-four hours after such election,
11 shall deliver to the persons elected aldermen, warden and
12 ward clerk, certificates of their election, and shall forthwith
13 deliver to the city clerk a certified copy of the records of
14 such election; provided, however, that if the choice of alder-

15 men, warden or ward clerk is not effected on that day, the
16 meeting shall be adjourned from day to day, until a choice
17 shall be effected. The board of aldermen shall, as soon as
18 conveniently may be, examine the copies of the records of
19 the several wards, certified as aforesaid, and shall cause
20 the person who shall have received the greatest number of
21 votes given for mayor in all the wards, to be notified in
22 writing, of his election; but if it shall appear that no person
23 shall have been so elected, or if the person elected shall
24 refuse to accept said office, the said board shall issue their
25 warrant for another election; and in case of a vacancy in
26 the office of mayor, by death or otherwise, it shall be filled
27 for the remainder of the term by a new election, in the
28 manner heretofore provided for the choice of said mayor.
29 The oath or affirmation prescribed by this act shall be
30 administered to the mayor by the city clerk, or any justice
31 of the peace in said city. The aldermen elect shall, on the
32 third Monday in January, at ten o'clock in the forenoon,
33 meet when the oath or affirmation required by the second
34 section of this act, shall be administered to the members
35 present, by the mayor or any justice of the peace.

Sect. 3. Section eleven, of the said chapter four hundred
2 and fifty-three, of the private and special laws of eighteen
3 hundred and eighty-nine is hereby amended by striking out
4 in the third line thereof, the word "March" and inserting
5 in place thereof the word 'January,' so that said section as
6 amended shall read as follows:

Sect. 11. *City council, shall annually elect city officers.*

2 The city council shall, in the first instance, on the last
3 Saturday of March, and thereafter annually, on the third
4 Monday in January, or as soon thereafter as may be con-
5 venient, by ballot elect, for the ensuing year the following
6 officers; a city clerk, a city treasurer, a chief of police,
7 who shall be styled the city marshal, and who shall exercise
8 all the powers and perform all the duties of a constable;
9 one overseer of the poor, one assessor of taxes, a road
10 commissioner, a collector of taxes, a school agent, one
11 member of the superintending school committee, or a super-
12 visor, a pound keeper, and one or more city constables. All
13 said officers and agents shall hold their offices during the
14 ensuing year, and until others are elected and qualified in
15 their stead, unless sooner removed by the city council; and
16 all moneys received and collected for and on account of the
17 city, by an agent or officer thereof, shall forthwith be paid
18 into the city treasury. The city council shall take care that
19 moneys shall not be paid from the treasury unless granted
20 or appropriated; shall secure a prompt and just accounta-
21 bility, by requiring bonds with sufficient penalties and sure-
22 ties, from all persons trusted with the receipt or custody
23 of the public money; shall have the care and superintend-
24 ence of the city public buildings, and the custody and man-
25 agement of all city property, with the power to let or sell
26 what may be legally let or sold, and to purchase in the
27 name of the city such real or personal property, not ex-

28 ceeding the sum of one hundred thousand dollars, including
29 the property now owned by the city, as they deem of public
30 utility. And the city council shall, as often as once a year,
31 cause to be published, for the information of the inhabitants,
32 an account of receipts and expenditures, and a schedule of
33 the city property; and no money shall be paid from the
34 city treasury, unless the same be appropriated by the city
35 council, and upon a warrant signed by the mayor, which
36 warrant shall state the appropriation under which the same
37 is drawn.

Sect. 4. *Termination of terms of present officers.* On the
2 third Monday in January, 1924, upon the inauguration
3 of the new city government, the terms of office of those
4 then holding the office of mayor and aldermen, shall cease,
5 provided that their respective successors shall have then
6 been legally elected and sworn in.

Sect. 5. *Expiration of terms of subordinate officers.* The
2 terms of office of all members of boards or of subordinate
3 officers elected by the city council to serve until March,
4 1924, shall expire on the third Monday in January, 1924,
5 and the terms of those so elected to serve for a term ex-
6 tending beyond March, 1924, shall expire on the third
7 Monday in January next prior to the end of the term for
8 which they were so elected.

Sect. 6. *Act to be voted on in March, 1923.* This act
2 shall not take effect unless at the regular election in said
3 city in March in the year 1923, a desire for this adoption

4 shall have been manifested by the majority of the legal
5 votes cast on the question, which question shall have been
6 submitted to the people at said election after such notice as
7 may be required by the municipal officers of said city.