

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)

NEW DRAFT

EIGHTY-FIRST LEGISLATURE

HOUSE

NO. 263

House of Representatives, March 2, 1923.

Reported by Mr. Gardiner from Committee on Judiciary 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 Entitled "An Act to Amend an Act to Provide a Charter for the City of Gardiner," as Amended by Chapter One Hundred and Twenty-six of the Private and Special Laws of Nineteen Hundred Seventeen.

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

Section 1. Chapter two hundred and forty-four of the 2 private and special laws of nineteen hundred and thirteen, 3 entitled 'An Act to Provide a Charter for the City of Gardiner,' is hereby amended by striking out the whole of section 4 four and substituting therefor the following:

'Sect. 4. (1). The administration of city affairs shall be

2 and hereby is divided and classified under three department
3 heads as follows:

Department of accounts and finances, of which the mayor
2 shall be the administrative head in full responsible charge,
3 and which shall be sub-divided into the following sub-
4 departments, each with its executive head, as specified, who
5 shall be responsible to the mayor.

(a) Accounts and valuation, under the board of assessors,
2 consisting of a first, second and third assessor, elected by
3 the city council.

(b) Purchase and supplies, under the mayor.

(c) Collection, under the collector of taxes.

(d) Treasury, under the city treasurer.

(e) Accounting, auditing, sinking fund and claims, under
2 the city auditor.

(f) Schools, under the superintending school committee.

(g) Public Library, under the trustees of the public
2 library.

(h) Records and printing, with such other matters as
2 from time to time may be assigned to it, under the city
3 clerk.

(2). Public Safety and Charities, of which the city coun-
2 cil shall be the administrative head in full responsible charge,
3 and which shall be sub-divided into the following sub-
4 departments, each with its executive head as specified, who
5 shall be responsible to the city council:

(a) Fire, including fire protection and inspection of build-

2 ings, and such other matters as from time to time may be
3 assigned to it by the city council, under the fire chief.

(b) Police, under the chief of police.

(c) Poor, including city alms-house, soldiers' relief and
2 state aid, licenses, elections, parks, public buildings includ-
3 ing school buildings, weights and measures, with such other
4 matters as from time to time may be assigned to it by the
5 city council, under the assessors and overseers of the poor.

(d) Public health, including inspection of milk, inspec-
2 tion of animals and sanitary conditions, under the public
3 health officer, to whom shall be appointed and assigned an
4 inspector of milk.

(e) Legal affairs, under the city solicitor.

(3). Department of streets and highways, of which the
2 city council shall be the administrative head in full respon-
3 sible charge, and the superintendent of streets the executive
4 head who shall be responsible to the city council. This
5 department shall include streets, highways, culverts, bridges,
6 street lighting, electrical affairs, street cleaning and water-
7 ing, sewers, engineering, harbor, and such other matters as
8 may from time to time be assigned to it by the city council.'

Sect. 2. Section seven of chapter two hundred and forty-
2 four of the private and special laws of nineteen hundred and
3 thirteen is hereby amended by striking out the whole of the
4 first, second, and third clauses and by substituting therefor
5 the following: '(1) At the first city election held after the
6 acceptance and under the provisions of this act and annually

7 thereafter at each and every annual city election, there shall
8 be elected the mayor for the term of the one municipal year
9 next following his election, and one alderman from each
10 and every one of the six wards of the city for the term of
11 the one municipal year next following their election'; and
12 by striking out the whole of the fourth clause, and sub-
13 stituting for the clause stricken out the following: "The
14 number of aldermen of the said city shall be six, who shall
15 act with the mayor and with the mayor shall be called and
16 known as the city council"; and further by striking out all
17 that part of clause six that follows the word "city" in the
18 second line and substituting for the part stricken out a
19 period and the following: "The mayor may be a resident of
20 any part thereof, but aldermen must be residents of the
21 wards from which they are elected"; also by changing the
22 numbers of the "fourth, fifth, sixth and seventh clauses"
23 to '(2) (3) (4) and (5)' respectively, so that the amended
24 section shall read as follows:

'Sect. 7. (1). At the first city election held after the
2 acceptance and under the provisions of this act and annually
3 thereafter at each and every annual city election, there shall
4 be elected the mayor for the term of the one municipal year
5 next following his election, and one alderman from each
6 and every one of the six wards of the city for the term of
7 the one municipal year next following their election.

(2). The number of aldermen of the said city shall be

2 six, who shall act with the mayor and with the mayor shall
3 be called and known as the city council.

(3). Except as aforesaid, and except as to filling vacan-
2 cies under the provisions of sections twenty-three and
3 twenty-four of this act, no city officers shall be elected at
4 any city election.

(4). The above mentioned officers shall be elected by and
2 from the qualified voters of the city. The mayor may be
3 a resident of any part thereof, but aldermen must be resi-
4 dents of the wards from which they are elected.

(5). Members of the city council elected under the pro-
2 visions of this section or of sections twenty-three or twenty-
3 four of this act shall serve for the terms for which they
4 were severally elected or until their successors are duly
5 elected and qualified.

Sect. 3. Section eleven of chapter two hundred and forty-
2 four of the private and special laws of nineteen hundred and
3 thirteen is hereby amended by striking out the third and
4 fourth parentheses in the second and fourth paragraphs
5 with the words contained therein and the word "for" be-
6 tween the said third and fourth parentheses and substituting
7 for the words thus stricken out the following: 'mayor, or
8 alderman from ward (state the ward)'; and by striking
9 out from the parentheses in the fourth paragraph the words
10 "of public safety and charities, or alderman of streets and
11 highways," so that this section shall read:

'Sect. 11. Any person who is qualified to vote for a

2 candidate for mayor or alderman, and who is a candidate
 3 for such office, may have his name, as such candidate,
 4 printed on the official ballots to be used at a preliminary
 5 election for nominations provided that he shall, at least ten
 6 days before such preliminary election for nominations, file
 7 with the city clerk a statement in writing of his candidacy in
 8 the following form:

Statement of Candidate

I, () on oath declare that I live (at
 2 number , if any) on (name of street) in the city of
 3 Gardiner; that I am a voter therein qualified to vote for a
 4 candidate for mayor, or alderman from ward (state the
 5 ward) to be voted for at the preliminary election for nomi-
 6 nations to be held on Tuesday the day of
 7 19 ; and that I am not a candidate as the nominee or
 8 representative of, or because of any promised support from,
 9 any political party or any committee or convention repre-
 10 senting or acting for any political party or organization.

STATE OF MAINE

Kennebec, ss.

Subscribed and sworn to on this day of

2 19 , before me,

3 Signed,

4 Justice of the Peace,

5 (or Notary Public).

6 and at the same time shall file therewith a petition for
 7 nomination which shall consist of not less than twenty-five
 8 individual certificates in the following form:

“PETITION FOR NOMINATION”

Individual Certificate

I, () on oath declare that I live (at
 2 number , if any) on (name of street) in the city of
 3 Gardiner; that I am a voter therein qualified to vote for a
 4 candidate for mayor, or alderman from ward (state the
 5 ward) to be voted for at the preliminary election for nomi-
 6 nations to be held on Tuesday, the day of
 7 19 , and do hereby join in a petition that the name of
 8 (name of candidate) as a candidate for nomination to the
 9 office of (mayor or alderman) be printed on the official
 10 ballots to be used at the said preliminary election for nomi-
 11 nations.’

Sect. 4 Section thirteen of chapter two hundred and
 2 forty-four of the private and special laws of nineteen hun-
 3 dred and thirteen is hereby amended by striking out the last
 4 sentence of the first paragraph and substituting therefor the
 5 following ‘He shall prepare separate, distinctive ballots for
 6 each of the six wards of the city, which shall have the fol-
 7 lowing heading on the face of the ballot’; and by altering the
 8 second paragraph of this section so that it will read:

‘OFFICIAL NOMINATING BALLOT

Ward (one, two, three, four, five or six—using the appro-
 2 priate number.)

Candidates for nomination for (mayor and alderman) of
 2 the city of Gardiner at a preliminary election for nomina-
 3 tions held on the day of in the year

4 19 , and on the back shall have the following heading,' so
5 that the section as amended shall read:

'Sect. 13. On the first day, not being Sunday or a legal
2 holiday, following the expiration of the time for filing the
3 above described statements and petitions, the city clerk shall
4 cause to be published in one daily newspaper published in
5 the city, if there be any, otherwise in the nearest daily news-
6 paper published in Kennebec county, the names and resi-
7 dences of the candidates for nomination who have duly filed
8 the above mentioned statements and petitions, and the offices
9 and terms for which they are candidates for nomination, as
10 they are to appear on the official ballots to be used at the
11 preliminary election for nominations. The city clerk shall
12 thereupon prepare the ballots to be used at such preliminary
13 election for nominations and shall cause them to be printed,
14 and the ballots so prepared shall be the official ballots and
15 the only ballots used at such preliminary election for nomi-
16 nations. He shall prepare separate, distinctive ballots for
17 each of the six wards of the city, which shall have the
18 following heading on the face of the ballot:

'OFFICIAL NOMINATING BALLOT

Ward (one, two, three, four, five or six—using the appro-
2 priate number)

Candidates for nomination for (mayor and alderman) of
2 the city of Gardiner at a preliminary election for nomina-
3 tions held on the day of in the year
4 19 , and on the back shall have the following heading:

5 CITY OF GARDINER
6 OFFICIAL NOMINATING BALLOT
7 PRELIMINARY ELECTION.

8 (Month) (day) (year)

9 Attest: City Clerk.'

Sect. 5. Section fourteen of chapter two hundred and
2 forty-four of the private and special laws of nineteen hun-
3 dred and thirteen is hereby amended by striking out the
4 whole of the fourth sentence—lines ten, eleven, twelve and
5 thirteen—from the word “There” to the word “officers” in-
6 clusive, and by striking out the words “vote for two, as the
7 conditions may require” in the last sentence of this section,
8 so that the section as amended shall read:

‘Sect. 14. The name of each person who has filed a state-
2 ment and an accompanying petition, as aforesaid, and his
3 residence and the title and term of the office for which he
4 is a candidate for nomination shall be printed on the face of
5 the said ballots, and the names of no other candidates, ex-
6 cept as otherwise provided in section twenty-four of this
7 act, shall be printed thereon. The names of candidates
8 shall be printed in lists arranged in alphabetical order in a
9 single column with the titles of the respective offices. Blank
10 spaces shall be left at the end of each list of candi-
11 dates for nomination for the different offices, equal to the
12 number to be nominated therefor, in which the voter may in-
13 sert the name of any person not printed on the ballot for
14 whom he desires to vote for nomination to such office.

15 There shall also be printed on the said ballots four lines
16 forming a square of half an inch immediately to the left of
17 the name of each candidate and of the spaces left for the
18 insertion of additional names, to receive the cross of the
19 voter. There shall also be printed on the said ballots the
20 following directions to voters: 'To vote for any person make
21 a cross with a black lead pencil (X) in the square at the left
22 of the name of the person you wish to vote for'; printed
23 in bold faced type directly below the heading; the word
24 'for' immediately before the title of each office for which
25 there are candidates to be nominated; and the words 'vote
26 for one,' on the same line with, and directly following each
27 title.'

Sect. 6. Section twenty-two of chapter two hundred and
2 forty-four of the private and special laws of nineteen hun-
3 dred and thirteen is hereby amended by striking out the
4 word "two" before the word "alderman" in the third line,
5 by striking out the word "both" before the word "aldermen"
6 in the fourth line and substituting therefor the words 'all
7 the'; and by striking out the words "the other alderman" in
8 the sixth line and substituting therefor the words 'another
9 alderman chosen by lot as above prescribed,' so that the
10 section as amended shall read:

'Sect. 22. Upon the death, resignation or absence of the
2 mayor, or upon his inability to perform the duties of his
3 office, one of the aldermen shall be chosen, by lot drawn
4 by the city clerk in the presence of all the aldermen, to

5 perform them, and if he also be absent or unable from
6 any cause to perform said duties, they shall be performed
7 by another alderman chosen by lot as above prescribed,
8 until the mayor or alderman first chosen is able to attend
9 to the said duties, or until the vacancy is filled as herein-
10 after provided. The person upon whom such duties de-
11 volve shall be called "acting mayor," and, except as other-
12 wise provided in this act, shall possess the powers of mayor,
13 but only in matters not admitting of delay.'

Sect. 7. Section twenty-six of chapter two hundred and
2 forty-four of the private and special laws of nineteen hun-
3 dred and thirteen is hereby amended by striking out all of
4 said section and substituting in place thereof the following:

'Sect. 26. If during the fourteen days following the day
2 on which any new ordinance, amendment to, or repeal of
3 an ordinance, or such an order, resolution or vote required
4 to be published under section thirty-four, has been passed
5 by the city council, a petition, signed by at least three hun-
6 dred of the voters of the said city, qualified to vote at city
7 elections, and protesting against the passage of any ordi-
8 nance, amendment to, or repeal of any ordinance, or the
9 passage of any order, resolution or vote, shall be filed in
10 the office of the city clerk, such ordinance, amendment to,
11 or repeal of an ordinance, and such order, resolution or
12 vote, shall be suspended from going into operation, and it
13 shall be the duty of the city council to reconsider the same,
14 and if the said council does not so reconsider and rescind

15 its vote, they shall submit it, as is provided in sub-division
16 (b) of section twenty-five, to the qualified voters of the
17 city, and the said ordinance, amendment to or repeal of
18 an ordinance and the said order, resolution or vote shall
19 not go into effect or become operative unless a majority
20 of the voters, qualified as aforesaid, voting on the ordi-
21 nance, amendment to or repeal of an ordinance, or on the
22 said order, resolution or vote shall vote in favor thereof.

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

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

Sect. 8. Section twenty-seven of chapter two hundred
2 and forty-four of the private and special laws of nineteen
3 hundred and thirteen is hereby amended by striking out
4 the word "two" before the word "aldermen" in the second
5 line of the section and substituting therefor the word 'six';
6 and by striking out the word "two" in both of the places
7 in which it occurs in the next following sentence and sub-
8 stituting, in each case, the word 'four,' so that the section
9 as amended shall read:

'Sect. 27. The city of Gardiner shall be governed by a
2 city council, consisting of the mayor and six aldermen
3 chosen as provided in this act, each of whom shall have
4 the right to vote on all questions coming before the coun-
5 cil. Four members of the council shall constitute a quo-
6 rum, and the affirmative vote of four members shall be
7 necessary to adopt any motion, resolution or ordinance, or
8 pass any measure. Upon every vote the yeas and nays shall
9 be called and recorded, and every motion, resolution or or-
10 dinance shall be reduced to writing and read before the
11 vote is taken thereon. The city clerk shall be the clerk
12 of the council, and shall keep a journal of its proceedings
13 which shall be a public record. The mayor or acting mayor
14 shall preside at all meetings of the council, and shall have
15 the right to vote on all questions coming before it; he shall
16 have no power to veto any measure, but every resolution
17 or ordinance passed by the council shall be signed by him,

18 and must be attested by the city clerk and be recorded,
19 before it shall take effect.'

Sect. 9. Section twenty-eight of chapter two hundred and
2 forty-four of the private and special laws of nineteen hun-
3 dred and thirteen is hereby amended by striking out all
4 the words in the fifth, sixth, seventh and eighth lines of
5 the first paragraph from the word "assessors" to the word
6 "committees" inclusive; and by striking out the whole of
7 the second and third paragraphs, so that the section as
8 amended shall read:

'Sect. 28. The city council shall have and possess and
2 its members shall severally exercise all executive, legisla-
3 tive and judicial powers and duties, and be subject to any
4 and all liabilities now had, possessed and exercised by or
5 imposed upon the mayor, aldermen, common council, ex-
6 cept as the same may be inconsistent with any of the pro-
7 visions of this act.'

Sect. 10. Section thirty-one of chapter two hundred and
2 forty-four of the private and special laws of nineteen hun-
3 dred and thirteen is hereby amended by striking out the
4 whole of the first paragraph down to and including the
5 words "three years" in the fourteenth line and substituting
6 the following: 'The city council shall, at the first meet-
7 ing elect by majority vote a first assessor to serve for the
8 term of the three municipal years next following his elec-
9 tion; a second assessor to serve for the term of the two

10 municipal years next following his election; and a third
11 assessor to serve for the term of the one municipal year
12 next following his election.

‘At the first annual meeting next following the said first
2 meeting, the city council shall elect by majority vote a
3 third assessor to serve for the term of the three municipal
4 years next following his election, to succeed the third as-
5 sessor whose term has expired.

‘At the second annual meeting next following the said
2 first meeting, the city council shall elect by majority vote
3 a second assessor to serve for the term of the three municipi-
4 pal years next following his election, to succeed the second
5 assessor whose term has expired.

‘And at every subsequent annual meeting, the city council
2 shall elect by majority vote an assessor (first, second or
3 third) to serve for the term of the three years next fol-
4 lowing his election, to succeed the assessor whose term
5 has expired.

‘The board of assessors thus elected shall be the execu-
2 tive head of the sub-department of poor and discharge all
3 its duties and responsibilities.

‘The mayor shall, at the first meeting and at every annual
2 meeting thereafter, appoint, subject to approval by vote of
3 a majority of all the aldermen, the following officers: a
4 city clerk, a treasurer who shall furnish such bond as shall
5 be fixed by the city council and cannot hold the office of
6 collector of taxes at the same time he is city treasurer,

7 an auditor, a collector of taxes, a superintendent of streets
8 and highways, a fire chief, a chief of police, a civil engi-
9 neer, a city solicitor, a public health officer, an inspector
10 of milk, one member of the superintending school commit-
11 tee to serve for three years, one trustee of the Gardiner
12 Water District to serve for three years, and one director
13 of the public library to serve for three years'; and by add-
14 ing the words 'by the mayor or' after the word "office"
15 in the last line of the second paragraph, and by omitting
16 all the words following the word "original" in the third
17 line of the third paragraph and adding 'appointment or elec-
18 tion at a regular or at a special meeting of the city council,'
19 so that the section as amended shall read:

'Sect. 31. The city council shall, at the said first meet-
2 ing elect by majority vote a first assessor to serve for the
3 term of the three municipal years next following his elec-
4 tion; a second assessor to serve for the term of the two
5 municipal years next following his election; and a third
6 assessor to serve for the term of the one municipal year
7 next following his election.

'At the first annual meeting next following the said first
2 meeting, the city council shall elect by majority vote a
3 third assessor to serve for the term of the three municipal
4 years next following his election, to succeed the third as-
5 sessor whose term has expired.

'At the second annual meeting next following the said
2 first meeting, the city council shall elect by majority vote

3 a second assessor to serve for the term of the three muni-
4 cipal years next following his election, to succeed the second
5 assessor whose term has expired.

‘And at every subsequent annual meeting, the city council
2 shall elect by majority vote an assessor (first, second or
3 third) to serve for the term of the three years next following
4 his election, to succeed the assessor whose term has expired.

‘The board of assessors thus elected shall be the executive
2 head of the sub-department of poor and discharge all its
3 duties and responsibilities.

‘The mayor shall, at the first meeting and at every annual
2 meeting thereafter, appoint, subject to approval by vote
3 of a majority of all the aldermen, the following officers:
4 a city clerk, a treasurer who shall furnish such bond as
5 shall be fixed by the city council and cannot hold the office
6 of collector of taxes at the same time he is city treasurer,
7 an auditor, a collector of taxes, a superintendent of streets
8 and highways, a fire chief, a chief of police, a civil engi-
9 neer, a city solicitor, a public health officer, an inspector
10 of milk, one member of the superintending school commit-
11 tee to serve for three years, one trustee of the Gardiner
12 Water District to serve for three years and one director
13 of the public library to serve for three years. Such other
14 officers and assistants as shall be provided for by ordinance,
15 or may be necessary to the proper and efficient conduct of
16 the affairs of the city, or are required by statute, shall be

17 appointed by the heads of the several departments subject
18 to approval by the city council.

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

‘Vacancies in any of the offices mentioned in this section,
2 from whatever cause they may arise, may be filled in the
3 manner provided for the original appointment or election
4 at a regular or at a special meeting of the city council.’

Sect. 11. Section thirty-two of chapter two hundred and
2 forty-four of the private and special laws of nineteen hun-
3 dred and thirteen is hereby amended by adding after the
4 word “mayor” in the first line thereof the words ‘shall act
5 as purchasing agent and,’ and by striking out all the words
6 following the words “signed by” in the seventh line, and
7 adding ‘mayor and countersigned by two aldermen,’ so that
8 the section as amended shall read :

‘Sect. 32. The mayor shall act as purchasing agent, and
2 shall have general oversight of all departments of the city
3 government and report to the city council for its action
4 all matters requiring attention in either. All notes or bonds
5 which the city is authorized to issue shall be signed by the
6 city treasurer and countersigned by the mayor and one
7 alderman. All contracts and instruments other than notes
8 and bonds, requiring the assent of the city shall be signed
9 by the mayor and countersigned by two aldermen.’

Sect. 12. Section thirty-three of chapter two hundred

2 and forty-four of the private and special laws of nineteen
3 hundred and thirteen is hereby amended by striking out
4 the words "once each week" and substituting therefor the
5 words 'once a month'; and by striking out the words "the
6 two" in the last line of the section and substituting the
7 word 'four'; so that the section as amended shall read:

'Sect. 33. After the first meeting, or the annual meeting,
2 of the city council above provided for, regular meetings of
3 the city council shall be held at least once a month of every
4 year. The city council shall provide by ordinance for the
5 time of holding regular meetings, and special meetings may
6 be called from time to time by the mayor or four aldermen.'

Sect. 13. Section thirty-four of chapter two hundred and
2 forty-four of the private and special laws of nineteen hun-
3 dred and thirteen is hereby amended by adding before the
4 word "no" in the first line thereof, the words 'no new
5 ordinance, no amendment to nor repeal of an ordinance'; and
6 before the word "such" in the seventeenth line thereof, the
7 words 'such new ordinances or amendments to, or repeal of
8 ordinances or'; and by striking out everything after the
9 word "twenty-six" in the nineteenth line thereof, so that
10 said section as amended shall read as follows:

'Sect. 34. No new ordinance, no amendment to, nor re-
2 peal of an ordinance, and no order, resolution or vote appro-
3 priating money in excess of three hundred dollars, or mak-
4 ing, or authorizing the making of any contract involving
5 a liability on the part of the city in excess of three hundred

6 dollars, nor any order, resolution or vote ordering any
7 street improvement or sewer, or granting any franchise, or
8 giving any right to occupy or use the streets, highways,
9 bridges or public places in the city for any purpose for
10 which municipal consent may be necessary, shall be passed
11 by the city council unless it be proposed in writing and
12 remain on file in the office of the city clerk and be published
13 by him twice in one daily newspaper of this city, if there be
14 any, and in the nearest daily newspaper published in Kenne-
15 bec county, at least one week before its final passage, ex-
16 cept an order, resolution or vote for the immediate preserva-
17 tion of the public peace, health or safety, which contains a
18 statement of its urgency.

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

Sect. 14. Section thirty-five of chapter two hundred and
2 forty-four of the private and special laws of nineteen hun-
3 dred and thirteen is hereby amended by striking out all of
4 said section, and substituting in place thereof the following:

'Sect. 35. The city council shall, on or before the fifteenth
2 day of each month, publish in a newspaper published in the
3 city, or if there be no such newspaper, then in the nearest
4 daily newspaper printed in Kennebec county, a statement
5 showing the amount of each appropriation with the total
6 credits and charges thereto and the balance thereunder to the

7 first of the current month; and also a summary of its pro-
8 ceedings during the preceding month. At the end of the
9 municipal year it shall cause a full and complete examina-
10 tion of all books and accounts of the city to be made by
11 certified public accountants, and shall publish the result of
12 such examinations in a newspaper published in the city, or
13 if there be no such newspaper, then in the nearest daily
14 newspaper published in Kennebec County, and also with
15 the annual city reports in pamphlet form.'

Sect. 15. Section thirty-six of chapter two hundred and
2 forty-four of the private and special laws of nineteen hun-
3 dred and thirteen is hereby amended by striking out the
4 whole section and substituting therefor the following:

'Sect. 36. The salary of the mayor shall be five hundred
2 dollars per annum payable monthly in twelve installments.
3 This salary shall not be changed except upon petition and
4 procedure as provided in section twenty-five for the intro-
5 duction and passage of ordinances, by vote of the qualified
6 voters of the city, at any annual city election. The city
7 council shall fix the salaries of all subordinate officers.'

Sect. 16. Section thirty-nine of chapter two hundred and
2 forty-four of the private and special laws of nineteen hun-
3 dred and thirteen is hereby amended by striking out the
4 words "eighty-eight of the public laws of nineteen hundred
5 and nine" in the eleventh and twelfth lines and substituting
6 therefor the words 'sixteen of the revised statutes and acts
7 amendatory thereof' and by striking out the words "by the

8 purchasing agent" in the third paragraph; and by adding to
9 the said third paragraph of the section aforesaid the follow-
10 ing: 'The mayor shall purchase all other property required by
11 the city, save that when other property is required the
12 value of which amounts to \$300 or more, the city council
13 shall advertise for sealed bids therefor, reserving the right
14 to accept or reject any or all bids or parts of bids. Such
15 bids shall be addressed to said council and shall be accepted
16 or rejected by said council, and upon the acceptance of any
17 such bids or parts of bids, the mayor shall issue orders or
18 execute contracts therefor. Should the city council fail to
19 receive any such bids, said council may instruct the mayor
20 to purchase such property in the open market'; and by
21 striking out the last paragraph of the section aforesaid, so
22 that the section as amended shall read:

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

The purchase of any site for a school building, the pur-
2 chase of any building for school purposes, the plans for any
3 alteration of any school building, the plans for any new
4 school building, and the execution of any such plans for the
5 alteration of old buildings or the building of new ones,
6 subject to the provisions of chapter sixteen of the Revised
7 Statutes and acts amendatory thereof, shall be determined,

8 made, adopted and carried out by, and under the super-
9 vision of, the school committee acting jointly with the
10 members of the city council.

The mayor shall purchase all books, stationery, school-
2 apparatus and schoolroom supplies required by the school
3 committee or the superintendent of schools acting for them,
4 but all ordinary repairs of school buildings and supplies or
5 furniture for such buildings shall be made and purchased by
6 the city council on recommendation by the school committee
7 or the superintendent of schools acting for them. The
8 mayor shall purchase all other property required by the
9 city, save that when other property is required the value of
10 which amounts to \$300 or more, the city council shall
11 advertise for sealed bids, therefor, reserving the right to
12 accept or reject any or all bids or parts of bids. Such bids
13 shall be addressed to said council and shall be accepted or
14 rejected by said council, and upon the acceptance of any
15 such bids or parts of bids, the mayor shall issue orders or
16 execute contracts therefor. Should the city council fail to
17 receive any such bids, said council may instruct the mayor
18 to purchase such property in the open market.

The members of the superintending school committee
2 whose terms of office have not expired when the first elec-
3 tion by the city council is held under this act, shall serve
4 out their unexpired term as members of the school com-
5 mittee aforesaid.

Sect. 17. Section forty of chapter two hundred and

2 forty-four of the private and special laws of nineteen hun-
3 dred and thirteen is hereby amended by striking out the
4 whole of the first eight lines, to and including the word
5 “elections” and substituting therefor the following: ‘The
6 acceptance of this act shall restore the division of the city
7 into the six wards established by the charter of eighteen
8 hundred and forty-nine’; and by striking out the words “a
9 polling place” in the ninth and tenth lines and substituting
10 therefor the following: ‘one or more polling places, as the
11 convenience of the voters may warrant’; and by striking
12 out the words “voting precincts” wherever they occur in the
13 first paragraph of this section and substituting therefor, in
14 each place, the word ‘wards’; and by striking out the word
15 “made” in the first line of the second paragraph of this
16 section and substituting therefor the word ‘restored’; and
17 by striking out the whole of the third paragraph of this
18 section, so that the section as revised shall read:

‘Sect. 40. The acceptance of this act shall restore the
2 division of the city into the six wards established by the
3 charter of eighteen hundred and forty-nine. The city
4 council shall specify, appoint or provide one or more polling
5 places, as the convenience of the voters may warrant, for
6 each of the aforesaid wards, and furnish each such polling
7 place with such furniture and appurtenances as are required
8 by the laws of the state for polling places. The wards and
9 polling places provided as aforesaid shall serve all the pur-
10 poses of wards and wardrooms under the state laws gov-

11 erning elections, and all reference to wards, ward rooms
12 and polling places in such state laws shall apply to the
13 wards and polling places aforesaid.

'The city council shall cause the division so restored, and
2 the polling places so provided, to be published at least twice
3 in a newspaper published in the city, on the completion of
4 such division, and shall cause the said lists to be posted at
5 the several polling places. The names of qualified voters,
6 as published and posted, shall be grouped severally under
7 the names of the street, roads, avenues or lanes on which
8 the said voters live, and arranged alphabetically in each
9 group.'

Sect. 18. This act shall take effect as to the city of Gar-
2 diner only when accepted, as hereinafter provided, by the
3 electors of said city qualified to vote in a municipal elec-
4 tion. It shall be submitted to be voted upon by the qualified
5 electors of said city at a special election to be held on the
6 second Tuesday of October in the year nineteen hundred
7 and twenty-three, at which special election this act shall
8 be submitted to the qualified voters of the city and on peti-
9 tion of at least one hundred and fifty duly qualified voters
10 of the city of Gardiner that said special election shall be
11 held on that day. Petitions addressed to the city council
12 and signed by qualified voters of the city, requesting that
13 a special election be held at which this act shall be sub-
14 mitted to the qualified voters of the said city, may be filed
15 in the office of the city clerk at anytime on or before the

16 second Tuesday of September in the year nineteen hundred
17 and twenty-three. Each signer of such petition shall add
18 to his signature the name of the street on which he lives
19 at the time of signing, and the street number of his house
20 if there be any. Such petition need not be sworn to.
21 Within the seven days next after the said second Tuesday
22 of September, the city clerk shall examine the peti-
23 tions so filed and ascertain the aggregate number of quali-
24 fied voters of the city who have signed them, and he shall
25 forthwith present the petitions to the city council with his
26 certificate setting forth the aggregate number of qualified
27 voters of the city who have so signed. If it shall appear
28 from the said certificate that such aggregate number is at
29 least one hundred and fifty, the city council shall forth-
30 with call a special election to be held on the second Tues-
31 day of October in the year nineteen hundred and twenty-
32 three, at which special election this act shall be submitted
33 to the qualified voters of the city.

‘If, however, the said act be not so accepted at the afore-
2 said special election, it may be again submitted in the man-
3 ner above prescribed, if a petition made and signed as
4 aforesaid requesting such resubmission be filed in the office
5 of the city clerk at any time on or before the second Tues-
6 day of August in the year 1924 and be found to be suffi-
7 ciently signed as above provided, at a special election to
8 be called for the second Monday of September in the year
9 1924 and held on that day.

If on such resubmission the said act should not be so
2 accepted it may be resubmitted a second time, upon peti-
3 tion as above required, signed as hereinbefore prescribed
4 and filed as aforesaid at any time on or before the second
5 Tuesday of September in the year 1925, at a special elec-
6 tion to be called as aforesaid for the second Tuesday of
7 October in the year 1925 and held on that day.

Except in so far as they may be inconsistent with this
2 section of this act, all general laws governing and appli-
3 cable to a special election of a city officer shall govern and
4 apply to the special elections at which this act shall be sub-
5 mitted or resubmitted as aforesaid.

If this act shall be so accepted, it shall take effect on its
2 acceptance for the annual city election to be held on the
3 Tuesday next following the last Monday in November in
4 the year of its acceptance, for the preliminary election for
5 nominations, to be held, under the provisions of this act,
6 on the second Tuesday preceding the aforesaid annual city
7 election, for the statements of candidates and petitions
8 accompanying statements of candidates to be filed by per-
9 sons whose names are to be printed on the official ballots
10 to be used at such preliminary election for nominations,
11 and for all things which appertain and relate to said annual
12 city election, preliminary election for nominations and state-
13 ments of candidates and petitions. For all other purposes
14 it shall take effect at ten o'clock in the forenoon of the

15 first Monday of January of the year next following the
16 year of its acceptance.

The ballots to be used in said election or elections shall
2 have printed upon them the following:

SUMMARY of An Act entitled "An Act to Amend an
2 Act to provide a Charter for the City of Gardiner," as
3 amended. Passed by the Legislature of 1923.

Section 1. Divides city affairs into three departments.
2 Assigns sub-departments to each. Makes mayor respon-
3 sible administrative head of department of accounts and
4 finances, with an executive head of each sub-department
5 responsible directly to the mayor. Makes the city council
6 the responsible administrative head of the departments of
7 public safety and charities and streets and highways, with
8 an executive head of each sub-department responsible di-
9 rectly to the city council.

Section 2. Provides for the election at large of the mayor,
2 to serve one year, and for the election of one alderman
3 to serve one year from each of six wards. Provides that
4 the mayor and aldermen shall constitute and be known as
5 the city council.

Sections 3, 4, 5 and 6 contain minor provisions and
2 amendments necessary for carrying out the act.

Section 7. Provides for suspension on petition of acts
2 and ordinances of the city council for further consider-
3 ation.

Section 8. Provides order of precedence in council.

Section 9. Defines power of council.

Section 10. Provides for appointment and election of
2 officers.

Section 11. The usual provision for signing of notes,
2 bonds and contracts.

Section 12. Provides for monthly meetings of the city
2 council.

Section 13. Provides for publication of appropriations
2 and new ordinances.

Section 14. Provides for publication of financial state-
2 ments and summaries of proceedings, monthly and annu-
3 ally, and for annual examinations by a certified public ac-
4 countant.

Section 15. Fixes the salary of the mayor at five hun-
2 dred dollars a year.

Section 16. Abolishes the office of purchasing agent and
2 provides that the mayor shall act in that capacity.

Section 17. Re-establishes the old division of the city
2 into six wards, with provision for establishing as many
3 polling places as may be deemed necessary in each ward.

The complete act may be consulted during the election
2 in each voting booth.

There shall also be printed upon the ballots for the said
2 election the question "Shall the act aforesaid be adopted?"
3 Opposite and to the right of the question shall be printed
4 the two words "Yes" and "No" with the usual square in
5 which the voter is to mark in the manner required by law
6 to express his opinion.

A printed copy of the full text of this act shall be posted
2 with each notice of said election, and two copies shall be
3 kept posted in each voting place in said city during said
4 election and a copy in each of the voting booths. An ample
5 supply of such copies shall be kept also in the city clerk's
6 office, for general use.

Sect. 19. All acts and parts of acts inconsistent herewith
2 and all provisions of the charter and ordinances of the
3 said city of Gardiner inconsistent with this act are hereby
4 modified so as to conform to the provisions of this act.

Sect. 20. This act shall take effect in ninety days after
2 the final adjournment of the legislature so far as is neces-
3 sary for the election authorized in section eighteen.