

MAINE STATE LEGISLATURE

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NEW DRAFT

EIGHTY-FIRST LEGISLATURE

HOUSE

NO. 473

House of Representatives, March 26, 1923.

Reported by Mr. Rounds from Committee on Portland Delegation and one thousand copies ordered printed.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Nichols of Portland.

STATE OF MAINE

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

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

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

Section 1. The inhabitants of Portland shall continue to
2 be a body politic and corporate by the name of the city of
3 Portland, and as such, shall have, exercise and enjoy all
4 the rights, immunities, powers, privileges and franchises,
5 and shall be subject to all the duties and obligations now
6 appertaining to or incumbent upon said city, or the inhabi-
7 tants or municipal authorities thereof; and may ordain
8 reasonable by-laws and regulations for municipal purposes,
9 and impose penalties for the breach thereof, not exceeding

10 one hundred dollars, to be recovered for such uses as the
11 municipal authorities may appoint.

Sect. 2. The administration of all the fiscal, prudential,
2 and municipal affairs of said city, with the government
3 thereof, except as otherwise in this charter specifically
4 provided, shall be vested in one principal magistrate to be
5 styled the mayor, and in one body consisting of one coun-
6 cilor from each ward, and five councilors at large, which
7 body shall constitute and be called the city council, all of
8 whom shall be and remain during their term of office, in-
9 habitants of said city, and shall be chosen in the manner
10 hereinafter provided, and shall be sworn or affirmed in the
11 form prescribed by the Constitution of the state for state
12 officers. The mayor and members of the city council shall
13 be and constitute the municipal officers of the city of Port-
14 land for all purposes required by statute, and (except as
15 otherwise specifically provided) shall have all powers and
16 authority given to, and perform all duties required of mu-
17 nicipal officers and aldermen of cities under the laws of
18 this state.

The city council is hereby constituted the overseers of the
2 poor of the city of Portland and shall perform all duties
3 required of overseers of the poor for cities, by statute or
4 otherwise. As such overseers of the poor, they may author-
5 ize the superintendent of poor department, or a clerk or
6 agent to act for them as they may direct, to sign in their
7 name and send written notices and the written answers re-

8 ferred to or required in sections thirty-five and thirty-six
9 of chapter twenty-nine of the revised statutes, and such
10 written notices and written answers, so signed, shall have
11 the same effect as if signed by one or more of said overseers
12 and sent by a member or members of said overseers per-
13 sonally.

The city council shall keep a record of its proceedings and
2 judge of the election of its own members.

Sect. 3. The mayor of said city shall be the chief execu-
2 tive magistrate thereof. It shall be his duty to be vigilant
3 and active in causing the laws of the state, and ordinances
4 and regulations of the city to be executed and enforced, to
5 exercise a general supervision over the conduct of all ad-
6 ministrative and subordinate officers who shall be directly
7 answerable to him for the conduct of their respective offices,
8 and he shall cause violation or neglect of duty on their part
9 to be punished. He shall from time to time communicate
10 to the city council such information, and recommend such
11 measures, as the interests of the city may require. He
12 shall preside at all meetings of the city council, but shall
13 have only a casting vote. He shall be compensated for his
14 services by a salary to be fixed by the city council, payable
15 at stated periods, and shall receive therefor no other com-
16 pensation, which salary, however, shall not be increased or
17 diminished during his term of office.

Sect. 4. Every law, act, ordinance, resolve or order,
2 excepting rules and orders of a parliamentary character,

3 shall be presented to the mayor, and if he approve, he shall
4 sign it; if not, he shall return it with his objections at the
5 next stated session of the city council, provided said stated
6 session is held at least one week after the aforesaid law,
7 act, ordinance, resolve or order is presented to the mayor
8 for his approval. The city council shall enter the objections
9 at large on its journal and proceed to reconsider the same.
10 If upon such reconsideration it shall be passed by a vote of
11 two-thirds of all the members of the city council it shall
12 have the same effect as if signed by the mayor. The mayor
13 shall have the right to approve as a whole any resolve or
14 order involving the appropriation and expenditure of
15 money, or to approve or disapprove specific items thereof,
16 and the portions approved shall thereby be in force in like
17 manner as if no part thereof had been disapproved, and the
18 portion or portions disapproved shall thereupon take the
19 same course as herein provided as though said resolve or
20 order had been disapproved as a whole.

Sect. 5. All the powers of establishing a watch and ward
2 now vested by the laws of the state in the justices of the
3 peace and municipal officers or inhabitants of towns, are
4 vested in the city council, so far as relates to said city; and
5 they are authorized to unite the watch and police depart-
6 ments into one department and establish suitable regulations
7 for the government of same. All other powers now or
8 hereafter vested in the inhabitants of said city, and all
9 powers granted by this act, except as otherwise provided, as

10 well as all powers relating to the fire department, shall be
11 vested in said city council.

Sect. 6. The following administrative officers shall be
2 appointed by the mayor, subject to confirmation by the city
3 council, and shall hold office for the term of two years
4 (unless otherwise provided in this charter), unless sooner
5 removed by the mayor with the consent of the city council,
6 to wit:

(a) City clerk

Treasurer and collector

Auditor

Purchasing agent

Corporation counsel

Commissioner of public works

Chief of the fire department

Chief of the police department

City messenger

Superintendent of public and school buildings

Superintendent of the poor department

Health officer

Three assessors of taxes for the term of three (3) years,
2 one to be appointed annually

Sealer of weights and measures

Inspector of buildings

(b) The following officers shall be appointed in manner
2 following:

Gas agent by the city council

City physician by the health officer

Deputy sealer of weights and measures, city weigher and
2 gauger, and city weigher of hay, by the sealer of weights
3 and measures

Superintendent of clocks and keeper of the public baths,
2 by the superintendent of public and school buildings

Assistant assessors, one from each ward, by the city
2 assessors, with the approval of the mayor, for the term of
3 one year, unless sooner removed by the city assessors with
4 the approval of the mayor.

Superintendent of parks and superintendent of recreation
2 by park and recreation commission

Secretary to the commissioner of public works by the
2 commissioner of public works

Janitors and engineers of public and school buildings by
2 the superintendent of public and school buildings.

All of the foregoing officers shall be appointed for the
2 term of one (1) year, and except as herein otherwise pro-
3 vided may be removed during their term of office by the
4 appointing authority, or by the mayor.

(c) Whenever any vacancy, by death, resignation or
2 removal from office shall hereafter exist in the office of
3 city electrician, deputy chief or district chief of the fire
4 department, a successor in office shall be appointed by the
5 mayor, subject to confirmation by the city council.

(d) Except as herein otherwise provided, and except in
2 police and fire departments all other minor officers and

3 employees shall be appointed by the administrative heads
4 of their respective departments.

(e) The city council may by ordinance authorize appoint-
2 ment by the mayor, with the approval of the city council,
3 of such other administrative officers as may be deemed
4 advisable or are required by statute and define their duties,
5 and may also provide by ordinance for the appointment
6 and define the duties, of such assistants, deputies or other
7 subordinate officers as it may deem necessary or as are
8 required by statute.

(e) The compensation of all city officials and employees
2 whatsoever, shall be fixed and determined by the city coun-
3 cil.

(f) Vacancies in any of the offices mentioned in this
2 section, however arising, shall be filled in the manner pro-
3 vided for the original appointment.

Sect. 7. No money shall be paid out of the city treasury
2 except on orders drawn and signed by the mayor, designat-
3 ing the fund or appropriation from which said orders are to
4 be paid, nor unless the same shall be first granted or appro-
5 priated therefor, by the city council; and the city council
6 shall secure a prompt and just accountability by requiring
7 bonds with sufficient penalty and surety or sureties, from
8 all persons entrusted with the receipt, custody or disburse-
9 ment of money; they shall have the care and superintend-
10 ence of the city buildings and the custody and management
11 of all city property, with power to let or sell what may be

12 legally let or sold, and to purchase and take in the name
13 of the city such real and personal property in addition to
14 that now held, as the city council may find necessary for
15 municipal purposes; and shall as often as once a year cause
16 to be published for the information of the inhabitants, a
17 particular account of receipts and expenditures, and a
18 schedule of city property.

Sect. 8. The assessors shall exercise the same powers
2 and be subject to the same duties and liabilities that similar
3 officers of the several towns and cities in the state may
4 exercise, and are now or may hereafter be subject to under
5 the laws of the state.

It shall be the duty of assistant assessors to furnish the
2 assessors with all the necessary information relative to
3 persons and property taxable in the several wards from
4 which they are appointed, or to which they may be assigned
5 and they shall be sworn or affirmed to the faithful per-
6 formance of their duty. All taxes shall be assessed, appor-
7 tioned and collected in the manner prescribed by the laws
8 of the state relative to town taxes; provided that the city
9 council may establish further or additional provisions for
10 the collection thereof, and of interest thereon.

Sect. 9. 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 Portland, without
4 petition therefor, and as far as extreme low water mark;
5 and to estimate all damage sustained by the owners of land

6 taken for that purpose; but all locations below high water
7 mark shall be subject to the provisions of the laws relating
8 to the commissioners of Portland harbor. A standing com-
9 mittee of the city council shall be appointed, to be called
10 the committee on new streets, whose duty it shall be to
11 lay out, alter, widen or discontinue any street or way in
12 said city, first giving notice of the time and place of their
13 proceedings to all parties interested, by an advertisement
14 in two daily papers printed in Portland, for one week at
15 least previous to the time appointed. The committee shall
16 first hear all parties interested, and then determine and ad-
17 judge whether the public convenience requires such street
18 or way to be laid out, altered or discontinued; and shall
19 make a written return of their proceedings, signed by a
20 majority of them, containing the bounds and descriptions
21 of the street or way, if laid out or altered, and the names
22 of the owners of the land taken, when known, and the
23 damages allowed therefor; the return shall be filed in the
24 city clerk's office at least seven days previous to its accept-
25 ance by the city council. The street or way shall not be
26 altered or established until the report is accepted by the
27 city council, and the report shall not be altered or amended
28 before its acceptance. A street or way shall not be dis-
29 continued by the city council, excepting upon the report
30 of said committee. The committee shall estimate and re-
31 port the damages sustained by the owners of the lands
32 adjoining that portion of the street or way which is so dis-

33 continued; their report shall be filed with the city clerk
34 seven days at least before its acceptance. Any person ag-
35 grieved by the decision or judgment of the city council in
36 establishing, altering, or discontinuing streets, may, so far
37 as relates to damages, appeal therefrom to the next court
38 having jurisdiction thereof in the county of Cumberland,
39 which court shall determine the same by a committee or
40 reference under a rule of court, if the parties agree, or
41 by a verdict of its jury, and shall render judgment, and
42 issue execution for the damages recovered, with costs to
43 the party prevailing in the appeal. Such appeal shall be
44 made to the term of the supreme judicial court, which shall
45 first be holden in the county of Cumberland, more than
46 thirty days from and after the day the street is finally
47 established, altered or discontinued, excluding the day of
48 commencement of the session of said court. The appel-
49 lants shall serve written notice of such appeal upon the
50 mayor or city clerk, fourteen days at least before the ses-
51 sion of the court, and shall at the first term file a com-
52 plaint setting forth substantially the facts of the case. On
53 the trial, exceptions may be taken to the rulings of the
54 court, as in other cases. Co-tenants who are appellants,
55 shall join in their appeal or shall not recover their costs.
56 If a street or way is discontinued before the damages are
57 paid or recovered for the land taken, the land owner shall
58 not be entitled to recover such damages, but the committee
59 in their report discontinuing the same shall estimate and

60 include all the damages sustained by the land owner, includ-
61 ing those caused by the original location of the streets, and
62 in such cases, if an appeal has been regularly taken, the
63 appellant shall recover his costs. The city shall not be
64 compelled to construct or open any street or way thus here-
65 after established, until in the opinion of the city council
66 the public good requires it to be done; nor shall the city
67 interfere with the possession of the land so taken by re-
68 moving therefrom materials, or otherwise, until they de-
69 cide to open and construct said street, provided that if any
70 street or way is not constructed within two years after
71 the laying out of such street or way, the proceedings are
72 void. The city council may regulate the height and width
73 of sidewalks in any public square, places, streets, lanes or
74 alleys in said city; and may authorize posts and trees and
75 other objects permitted by law, to be placed along the edge
76 of said sidewalks. Nor shall the city be answerable for
77 damages occasioned by telegraph poles and wires erected
78 in its streets.

Sect. 10. The mayor, or some person by him authorized,
2 may on such terms and conditions as he may think proper,
3 authorize and empower any person or corporation to place
4 in any street, for such time as may be necessary, any ma-
5 terials for making or repairing any street, sidewalk, cross-
6 walk, bridge, water-course or drain, or for erecting, re-
7 pairing, or finishing any building or fences, or for laying
8 or repairing gas or water pipes or conduits, provided that

9 not more than one-half of the width of the street shall be
10 so occupied. Any such material so placed by virtue of
11 any license obtained as aforesaid, shall not be considered
12 an incumbrance or nuisance in such street; and the city
13 shall not be liable to any person for any damages occasioned
14 by such materials.

Sect. 11. The city shall remain divided into nine wards
2 unless and until the city council shall change the number
3 thereof as hereinafter provided. It shall be the duty of
4 the city council, once in ten years, or oftener, to revise,
5 and if it be needful, to alter such wards in such manner
6 as to preserve, as nearly as may be, an equal number of
7 voters in each, and the city council may, in such manner,
8 but subject to the approval of the legal voters of the city
9 signified in the manner provided by statute in the case of
10 a change in the limits of city wards, change the number
11 of wards. In each of said wards, at the annual municipal
12 election, there shall be chosen by ballot, a warden and clerk,
13 who shall hold their offices for one year from the Monday
14 following their election, and until others shall have been
15 chosen and qualified in their places. Said warden and clerk
16 shall be sworn or affirmed to the faithful performance of
17 their respective duties by any justice of the peace of the
18 city; and a certificate of such oaths or affirmations having
19 been administered, shall be entered by the clerk on the
20 records of the ward. The warden shall preside at all ward
21 meetings, with the powers of moderators of town meetings.

22 If at any meeting the warden shall not be present, or shall
23 refuse to preside, the clerk of such ward shall call the
24 meeting to order and preside until a warden pro tempore
25 shall be chosen. If both are absent, or shall refuse to act,
26 a warden and clerk, pro tempore, shall be chosen. The
27 clerk shall record all proceedings, and certify the votes
28 given, and deliver over to his successor in office, all such
29 records and journals, together with all other documents and
30 papers held by him in said capacity. The voters of each
31 ward may choose two persons to assist the warden in re-
32 ceiving, sorting and counting the votes.

All regular ward meetings shall be notified and called by
2 warrant from the mayor and councilors, in the manner
3 prescribed by the laws of this state for notifying and call-
4 ing town meetings by the selectmen of the several towns.

Sect. 12. The mayor shall be elected by and from the
2 qualified voters of the city voting in their respective wards.
3 One councilor, a warden and clerk and two constables shall
4 be elected from each ward by and from the qualified voters
5 thereof and five councilors shall be elected at large by and
6 from the qualified voters of the city voting in their respec-
7 tive wards.

At the first election after this charter is in force, to be
2 held on the first Monday of December, nineteen hundred
3 twenty-three, and every two years thereafter, the qualified
4 voters of the city shall ballot for a mayor for a term of
5 two years, and on said first Monday of December, nine-

6 teen hundred twenty-three, and every two years thereafter,
7 said qualified voters shall in addition thereto, ballot for five
8 councilors at large for a term of two years; and on said
9 first Monday of December, nineteen hundred twenty-three,
10 the qualified voters of each ward shall at the same time
11 ballot by wards for a councilor from each of said wards
12 for a term of one year, and on the first Monday of De-
13 cember, nineteen hundred twenty-four, and every two years
14 thereafter, said qualified voters of each ward shall ballot
15 by wards for a councilor from each of said wards for a
16 term of two years; and the qualified voters of each ward
17 shall on the first Monday of December, nineteen hundred
18 twenty-three, and annually thereafter, ballot by wards for
19 a warden and clerk and two constables from each ward,
20 and in case there is more than one voting precinct or any
21 island ward in any ward, then the qualified voters of each
22 said precinct and island ward shall at the same time ballot
23 for a warden and ward clerk for such precinct or island
24 ward.

At each regular municipal election whenever there exists
2 a vacancy in the office of any councilor at large, the quali-
3 fied voters of the city shall ballot by wards for a councilor
4 at large to fill the unexpired term of any councilor at large
5 whose office is then vacant, and the qualified voters of any
6 ward wherein the office of councilor, or member of the
7 school committee from such ward is vacant, shall at the
8 same time, ballot for a councilor or member of the school

9 committee from such ward to fill the vacancy for the un-
10 expired term.

All members of the school committee of the city of Port-
2 land, except the members at large, shall hereafter continue
3 to be elected on the first Monday of December at the an-
4 nual municipal election, in the same manner, for the same
5 terms, and shall continue to have the same duties as now
6 provided for by law, except as herein by this charter other-
7 wise provided. The members of said school committee in
8 office at the time this charter is accepted, except as other-
9 wise provided in this charter, shall continue to hold office
10 for the balance of the term for which they were originally
11 elected.

All of said officers shall be elected by ballot and on one bal-
2 lot by a plurality of the votes given and shall, after their
3 election, hold their offices for the respective terms provided
4 in this charter, or by statute, and until others shall be elected
5 and qualified in their places.

All city and ward officers shall be held to discharge the
2 duties of the offices to which they have been respectively
3 elected, notwithstanding their removal, after their election,
4 out of their respective wards into any other wards in the
5 city; but their office shall become vacant on their removal
6 from the city.

Caucuses and meetings of political parties, held for the
2 purpose of naming candidates or choosing delegates to as-
3 semble in convention to nominate any person to any public

4 office, for whose election this charter provides, and whose
5 name shall be placed on the final ballot, shall be held as
6 now or hereafter prescribed by the statutes of the state
7 of Maine, relating to political party caucuses, except as
8 hereinafter provided.

Only those voters enrolled as qualified to vote in such
2 caucuses, as hereinafter provided, shall participate therein;
3 the caucuses of all political parties, entitled by law to nomi-
4 nate candidates to be voted upon at the next succeeding
5 municipal election, shall be held in the several wards of
6 said city on the second Wednesday of November, in each
7 year, on which day the polls will be opened at three o'clock
8 in the afternoon and continue open until nine o'clock in
9 the afternoon, when they shall close; provided that at the
10 caucuses to be held on the second Wednesday of November,
11 nineteen hundred twenty-three, the polls shall be opened
12 at twelve o'clock noon and shall be closed at nine o'clock
13 in the afternoon. Said caucuses shall be conducted by the
14 same officers as elected at the preceding municipal election
15 to have charge of such municipal elections, or their suc-
16 cessors in office. No person shall vote at any such caucus
17 unless a legally qualified voter in the ward where any such
18 caucus is held, nor unless enrolled as qualified to vote in
19 a particular political party, then entitled to hold such caucus.

The city clerk of said city shall, in season for such cau-
2 cuses, prepare suitable ballots containing the names of all
3 persons to be nominated at such caucuses and of a dis-

4. distinguishing color for each political party. Every person
5 legally qualified to vote in such caucuses shall receive, upon
6 application, at such caucuses, to the proper election officer,
7 a ballot marked and designated by such distinguishing color
8 as the ballot of that political party in which he is then
9 enrolled and shall not be entitled to receive, nor shall such
10 election officer deliver to him, any other ballot.

Every legally qualified voter of said city shall be entitled
2 to be enrolled as a voter in any political party entitled to
3 hold such caucuses, upon application in writing made to
4 the board of registration of said city, at any time between
5 the date when this charter is adopted and the fifteenth day
6 of October, nineteen hundred twenty-three, and when so
7 enrolled, shall not be entitled to change such enrollment
8 for the purposes of any of said caucuses within six months
9 next prior to the date of the holding of such caucuses. Any
10 voter not previously enrolled may enroll himself during said
11 caucus by subscribing and making oath to the following
12 statement before the chairman of the caucus: "I, ,
13 do solemnly swear that I am a qualified voter in this city
14 and ward, and have the legal right to vote in the caucus of
15 the party. I am a member of that political party
16 and intend to vote for its candidates at the election next
17 ensuing. I have not taken part or voted at the caucus of
18 any other political party in the six months last past," and
19 upon such enrollment shall be permitted to vote.

The warden shall indorse on every such enrollment blank,

2 whether the person subscribing and swearing to the same
3 voted at said caucus and shall return the same at the close
4 of said caucus to the board of registration and said board
5 of registration shall thereupon enroll said voter in the en-
6 rollment list of the party designated by him. Said enroll-
7 ment blank and the statement thereon shall be preserved
8 as a public record and shall be prima facie evidence in any
9 court that said person took said oath and voted in said
10 caucus.

The warden may appoint and swear to the faithful per-
2 formance of their duties such number of enrollment clerks
3 to assist him as may be required, who shall have power to
4 take the oath required of any person so enrolling at said
5 caucus.

All enrollment blanks shall contain the form of statement
2 and oath hereinbefore prescribed but shall otherwise be in
3 such form as the city clerk shall prescribe.

The board of registration shall make up and certify, in
2 season for such caucuses, true and correct lists of all the
3 persons legally entitled to vote in said city, after the same
4 have been corrected, in accordance with the last registration
5 of voters therein, and shall indicate on such lists of voters
6 the political party, if any, in which each of said voters is
7 enrolled; said lists, as so prepared by said board of registra-
8 tion, shall not be altered or amended by any person what-
9 soever, except said board of registration, and then only
10 upon application to change his enrollment made by a person

11 listed thereon as a legally qualified voter which application
12 shall not be made to said board within six months prior to
13 the date of the holding of any such caucuses. Such lists, as
14 prepared, shall at the time of the holding of such caucuses,
15 be delivered to the warden in each of said wards and shall
16 be used in said wards for the purpose of holding said cau-
17 cuses and shall be returned intact to said board of registra-
18 tion, after said caucuses are closed and shall be preserved
19 by said board of registration until the same are superseded
20 by new lists, prepared by said board. Said board of registra-
21 tion shall supply to the political committees of each such
22 political party such number of the copies of such lists and
23 the enrollments noted thereon, as may be reasonably re-
24 quired for the purposes of said committees.

On the second Wednesday of November, 1923, and annu-
2 ally thereafter, the persons legally qualified to vote in such
3 political caucuses shall assemble in their respective wards,
4 and shall nominate by ballot a warden and a clerk,
5 two constables and, if the term of a member of the super-
6 intending school committee from any such ward expires
7 that year or a vacancy exists, also a member of such school
8 committee from such ward, and shall elect a ward com-
9 mittee.

On the second Wednesday of November in 1923, and the
2 second Wednesday of November, 1924, and every two years
3 thereafter, said persons legally qualified to vote in such

4 caucuses shall also nominate in each ward, by ballot, a
5 councillor from such ward.

On the second Wednesday of November, 1923, and every
2 two years thereafter, said persons legally qualified to vote
3 in such caucuses shall also nominate in each ward, by bal-
4 lot, five delegates from each ward to attend a mayoralty
5 convention, for the purpose of nominating a mayor and
6 three female members at large of the superintending school
7 committee. The delegates elected to such mayoralty con-
8 vention shall meet in separate conventions for each political
9 party, at such time subsequent to the date of the holding of
10 the said caucuses as shall be designated by the political
11 committees of such political parties. The terms of office
12 of the present female members at large of the superintend-
13 ing school committee shall terminate on the second Monday
14 in December, 1923, or upon the election and qualification
15 of their successors, and on said first Monday of December,
16 1923, and every two years thereafter, the qualified voters
17 in each ward in said city shall, in addition to balloting for
18 other officers hereinbefore designated, ballot for three fe-
19 male members at large of said superintending school com-
20 mittee, to hold office for the term of two years.

All nominations of candidates for councilor at large shall
2 be made by nomination papers signed in the aggregate for
3 each candidate by no less than fifty qualified voters of the
4 city, enrolled in the same political party as the candidate.
5 Each voter signing the nomination paper shall make his

6 signature in person and add to it his place of residence, and
7 each voter may subscribe to as many nominations as there
8 are councilors at large to be elected at the next municipal
9 election. Such nomination papers shall be filed with the
10 city clerk at least fourteen days, exclusive of Sundays,
11 previous to the day of the next municipal election, at which
12 such councilors are to be elected, as provided by this charter,
13 and the city clerk shall forthwith certify thereon what
14 number of the signatures are names of qualified voters in
15 the city enrolled in the same political party as the candidate.
16 One of the signers to each such separate paper shall swear
17 to the truth thereof and the certificate of such oath shall
18 be annexed to or made upon the nomination papers. No
19 nomination shall be valid unless the candidate shall file with
20 the city clerk in writing, not later than fourteen days, ex-
21 clusive of Sundays, before the day of election his consent,
22 accepting the nomination, agreeing not to withdraw and, if
23 elected, to qualify. Such nomination papers shall be in
24 such form as the city clerk shall prescribe, but shall contain
25 among other things the name or designation of not more
26 than one political party, and shall be obtained from the
27 city clerk, upon application stating in which political party
28 the candidate proposed to be nominated is enrolled and of
29 which he desires to become a candidate. The name of the
30 person nominated, by means of such nomination papers as
31 aforesaid, shall be placed upon the ballot to be used at the
32 next succeeding municipal election in which such councilors

33 are to be chosen, in the party group of that political party,
34 the name or designation of which appears upon his nomina-
35 tion papers. All nomination papers, being filed and being
36 in apparent conformity with the foregoing provisions, shall
37 be deemed to be valid; and if not in apparent conformity,
38 they may be seasonably amended under oath. In case any
39 candidate who has been duly nominated under the provisions
40 hereof shall die before the day of election, the vacancy may
41 be supplied in the manner herein provided for such nomina-
42 tions. The name so supplied for the vacancy shall, if the
43 ballots have not been printed, be placed on the ballots in-
44 stead of the original nomination; or, if the ballots have
45 been printed, new ballots containing the new nominations
46 shall, if practicable, be furnished, or slips containing the
47 new nomination shall be printed under the direction of the
48 city clerk, which may be pasted in proper place upon the
49 ballots and thereafter shall become part and parcel of said
50 ballots as if originally printed thereon.

If at any time a vacancy exists in any office, nomination
2 therefor shall be made prior to an election to fill such a
3 vacancy, in the manner in which nomination for such office
4 is usually and customarily made, as herein provided.

Sect. 13. The ward clerk, within twenty-four hours after
2 such election, shall deliver to the persons elected, certificates
3 of their election, and shall forthwith deliver to the city clerk,
4 a certified copy of the record of such election, a plain and
5 intelligible abstract of which shall be entered by the city

6 clerk on the city records. If the choice of any such officers
7 is not effected on that day, the meeting shall be adjourned
8 to another day, (not more than two days thereafter) to
9 complete such election, and may so adjourn from time to
10 time, until the election is complete. The municipal officers
11 shall, as soon as conveniently may be, examine the copies of
12 the records of the several wards, certified as aforesaid, and
13 shall cause the person who shall have been elected mayor
14 by a plurality of the votes given in all the wards, to be
15 notified in writing of his election. But if it shall appear
16 that no person shall have been so elected, or if the person
17 elected shall refuse to accept the office, the said officers
18 shall issue their warrants for another election; and in case
19 the citizens shall fail on a second ballot to elect a mayor
20 the city council shall, from the four highest candidates
21 voted for at the second election and returned, elect a mayor
22 for the ensuing term; and in case of a vacancy in the office
23 of mayor by death, resignation or otherwise, it shall be
24 filled for the remainder of the term by a new election or
25 at the next annual election in the manner in this charter
26 provided for the choice of said officer. The oath or affirma-
27 tion prescribed by this act, shall be administered to the
28 mayor by the city clerk or any justice of the peace in said
29 city. The councilors-elect, shall on the second Monday in
30 December, at 10 o'clock in the forenoon meet, when the
31 oath or affirmation required by the second section of this
32 act shall be administered to the members present, by the

33 mayor or any justice of the peace. The city council, shall,
34 by ordinance, determine the time of holding its stated or
35 regular meetings and shall also, in like manner, determine
36 the manner of calling special meetings and the persons by
37 whom the same shall be called; but until otherwise pro-
38 vided by ordinance, special meetings shall be called by the
39 mayor by causing a notification to be left at the usual
40 residence or place of business of each councilor.

Sect. 14. After the organization of a city government and
2 the qualification of a mayor, and when a quorum of the
3 city council shall be present, said city council, the mayor
4 presiding, shall proceed to choose a permanent chairman,
5 who, in the absence of the mayor, shall preside at all meet-
6 ings of the council, and in case of any vacancy in the
7 office of mayor, he shall exercise all the powers and perform
8 all the duties of the office, so long as such vacancy shall
9 remain, but while exercising such powers and duties, shall
10 have a casting vote only, and shall have the veto power.
11 The city council in the absence of the mayor and permanent
12 chairman at any meeting, shall choose a president pro
13 tempore, who shall preside at such meeting.

Sect. 15. Nothing contained in this charter shall alter or
2 repeal the provisions of sections sixty-eight and sixty-nine
3 of chapter seven of the revised statutes of Maine relative
4 to elections and election officers on the several islands with-
5 in the city of Portland.

Sect. 16. The city council, in behalf of the city, may

2 offer rewards for the prevention of crimes or detection of
3 criminals. They may remove all sunken wrecks in the
4 harbor or its entrances, and dispose of the same to defray
5 the expense of removal, and may, at the expense of the
6 city, cause its harbor to be kept open and unobstructed by
7 ice. They may also require all boats not under register or
8 license, kept for hire in said harbor, to be examined and
9 licensed for that purpose, and to be furnished with air-
10 tight compartments; and may establish such regulations
11 respecting such boats as they may deem expedient. They
12 may also make and enforce by penalties, regulations respect-
13 ing the enclosure of lots abutting on any street or way in
14 the city, which may for want of such enclosure, be danger-
15 ous to the public; and after notice to the owners or lessees
16 of such lots, may, if the same are not enclosed in a reason-
17 able time, cause the same to be enclosed at the expense of
18 the owners or lessees. They may assess money for celebra-
19 tion of the anniversary of our national independence, and
20 other public celebrations.

Sect. 17. The city clerk shall be clerk of the city council.
2 He shall perform such duties as shall be prescribed by the
3 mayor or the city council and shall also perform all the
4 duties and exercise all the powers now incumbent on him
5 by law. He shall give notice in two or more of the papers
6 printed in said city, of the time and place of regular ward
7 meetings; the time of such meetings when not fixed by
8 law, shall be determined by the city council. In case of

9 the temporary absence of the city clerk, the mayor, subject
10 to confirmation by the city council, may appoint a city clerk
11 pro tempore.

Sect. 18. 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 requi-
8 sition of sixty qualified voters. The city clerk shall act
9 as clerk of such meetings, and record the proceedings upon
10 the city records.

Sect. 19. Each member of the city council shall be en-
2 titled to receive as compensation for the discharge of his
3 duties, the sum of five hundred dollars per annum, payable
4 quarterly, and he shall not be eligible to any other office
5 of profit or emolument, the salary of which is payable by
6 the city. For failure on the part of any member of the
7 city council to attend any stated or other duly called meet-
8 ing of the city council or of the municipal officers, there
9 shall be deducted from his compensation the sum of ten
10 dollars; and all departments, boards, officers and commit-
11 tees, acting under the authority of the city, and entrusted
12 with the expenditure of public money, shall expend the same
13 for no other purpose than that for which it is appropriated;

14 and shall be accountable therefor to the city, in such man-
15 ner as the city council may direct.

Sect. 20. The treasurer of the city of Portland shall also
2 be the collector for said city with all the powers of col-
3 lectors of taxes under the laws of this state. He shall be
4 styled "treasurer and collector," and shall give but one bond
5 for the faithful performance of his duties; said bond to
6 be approved by the mayor and city council; and may ap-
7 point assistants and deputies as provided by law. All war-
8 rants directed to him by the assessors and municipal offi-
9 cers shall run to him and his successors in office, and shall
10 be in the form prescribed by law, changing such parts only
11 as by this act are required to be changed. The method of
12 keeping, vouching and settling his accounts, shall be sub-
13 ject to such rules and regulations as the city council may
14 establish. Said treasurer and collector shall collect all such
15 uncollected taxes and assessments in whatever year assessed,
16 as may be collected during his term of office; and at the
17 expiration of said term, his powers as collector shall wholly
18 cease; all sales, distresses, and all other acts and proceed-
19 ings, lawfully commenced by him as such treasurer and
20 collector, may be as effectually continued and completed by
21 his successor in office as though done by himself; and all
22 unreturned warrants, which would otherwise be returnable
23 to him, shall be returned to his successor in office.

Sect. 21. The original location of all streets and ways
2 in said city shall, once in ten years, or oftener, be ascer-

3 tained by the commissioner of public works, under the di-
4 rection of the city council, as accurately as practicable, the
5 location of different streets being ascertained by him from
6 time to time, when expedient. He shall make a written re-
7 port of his doings to the committee on new streets, which
8 shall give twenty days' notice, by advertisement in two or
9 more public papers in the city of the time and place at
10 which it will act upon said report. Any person may appear
11 and object to the report, and after a full hearing of all
12 parties interested, the committee may accept, alter, or amend
13 the report as it shall think right, and shall report their pro-
14 ceedings to the city council, who shall thereupon determine
15 the lines for such streets and ways in said city, according
16 to the original location thereof, and shall order the same
17 to be designated anew by fixed and permanent boundaries,
18 as and for the original boundaries; and a record of the
19 location thereof to be made upon the city records, and a
20 copy of the last record of such proceedings respecting any
21 street, with evidence of the location of the boundaries there-
22 in designated, shall in all judicial proceedings, be prima
23 facie evidence of the place of the original location of sai
24 street.

Sect. 22. The mayor and city council of said city may
2 on public occasions, by their order, forbid the passing, tem-
3 porarily, of horses, carriages or other vehicles, over or
4 through such streets or ways in said city, as they may deem
5 expedient. No existing wharf in Portland shall be extend-

6 ed into the harbor a greater distance below low water mark
7 than the same now exists, and hereafter no such new wharf
8 shall be extended below low water mark into the harbor,
9 without in either case the written assent of the mayor and
10 city council. No wharf or incumbrance shall hereafter be
11 erected or extended into said harbor beyond the harbor
12 commissioner's line.

Sect. 23. No existing act of the legislature, general or
2 special, pertaining to the powers and duties of the city of
3 Portland and its municipal officers, with respect to drains
4 and sewers and the construction and maintenance of side-
5 walks and footways and assessment of the owners of ad-
6 jacent lots for a proportional part of the cost thereof, shall
7 be by this charter, in any wise affected or modified except
8 as in this charter specifically provided.

Sect. 24. The superintending school committee shall have
2 the powers and perform the duties appertaining to the care
3 and management of the public schools of said city now
4 conferred and imposed upon superintending school com-
5 mittees by law, except as otherwise provided in this charter.

The superintending school committee shall annually, as
2 soon after the organization of their board as practicable,
3 furnish to the city council a statement in detail as a budget,
4 of the several sums which they estimate will be required
5 during the ensuing municipal year for the support of pub-
6 lic schools. Nothing in this charter or general law con-
7 tained shall impair the right, which is hereby granted, for

8 the city council to alter or amend any budget so presented,
9 and make its appropriation accordingly, provided, however,
10 that the total appropriation shall not be less than that re-
11 quired by section sixteen, of chapter sixteen of the revised
12 statutes of Maine and amendments thereof, and that the
13 portion of any such appropriation applicable to salaries of
14 superintendent and teachers, shall not, without the consent
15 of said superintending school committee, be reduced below
16 the amounts specified therefor in the preceding annual school
17 appropriation of the city council.

Sect. 25. The commissioner of public works except as
2 otherwise provided in this charter, shall continue to be vest-
3 ed with all the authority now exercised by and shall per-
4 form all duties now incumbent upon said commissioner as
5 provided by law.

There shall be annually prepared and presented to the city
2 council by the park and recreation commission, acting as
3 a planning board, and said commissioner, a joint recom-
4 mendation and estimate of cost covering specifically all
5 work, including construction, maintenance, repair and per-
6 manent improvement, necessary in their opinion to be per-
7 formed by the department of public works for the year,
8 and said city council shall appropriate such sum of money
9 as it deems necessary to carry out such recommendations
10 or any part thereof, but shall not order or appropriate money
11 for any work which is not in accordance with said recom-
12 mendations.

Section five of chapter one hundred forty-six of the private and special laws of eighteen hundred ninety-five is hereby repealed.

Sect. 26. All powers and duties heretofore vested in the park commission for the city of Portland and all the powers and duties heretofore vested in the recreation commission for the city of Portland are hereby vested in a commission to be called the park and recreation commission for the city of Portland. Said park and recreation commission shall be constituted and appointed in the same manner as is now provided by law for the park commission for the city of Portland, except that the appointment of the members of the said commission shall be made by the mayor subject to confirmation by the city council. Said park and recreation commission shall also have the powers and duties hereinafter prescribed relating to city planning.

The assessors of the city shall assess annually a tax of one mill on the dollar upon all estates and property subject to taxation in said city to be taken at the last regular valuation. The amount of said tax when raised, shall be appropriated as a special fund, and expended by said park and recreation commission for the duties and work prescribed for said park and recreation commissions by the laws of this state and by this charter; provided however, that in lieu of the amount now provided by law to be expended by said recreation commission for its purposes, there shall be set aside and expended by said park and recreation

12 commission for said purposes ten per centum of the afore-
13 said fund; and provided further, that one per centum of the
14 amount of said mill tax shall be reserved by the city treas-
15 urer to cover any uncollected portion of said tax and
16 carried to the credit of the account known as overlayings
17 and abatements.

In addition to the powers and duties heretofore vested in
2 the park commission for the city of Portland and the
3 recreation commission for the city of Portland, said park
4 and recreation commission for the city of Portland shall
5 keep itself informed of the progress of city planning in
6 this and other countries; make studies and recommenda-
7 tions for the improvement of the plan of the city, with a
8 view to the present and future movement of traffic, the
9 convenience, health, recreation, general welfare and other
10 needs of the city, dependent on the city plan; of all new
11 public streets, ways, sewers, conduits, land, buildings,
12 bridges and all other public places and structures, of addi-
13 tions and alterations in those already existing, and of the
14 layout or plotting of new sub-divisions of the city, and shall
15 keep itself informed of all actions or contemplated actions
16 by the city council affecting the same.

The city council may at any time call upon the park and
2 recreation commission to report on recommendations, and
3 said commission of its own volition may also report to the
4 city council with recommendations on any matter which in
5 the opinion of either body affects the plan of the city. Any

6 matter referred by the city council to said commission shall
7 be acted upon by said commission within thirty days of the
8 date of reference, unless a longer or shorter period is
9 specified by the city council.

The commission shall submit to the city council an annual
2 report summarizing the activities of said commission for
3 the then past fiscal year, and recommendations made by it
4 to the city council during that year, and what, if anything,
5 has been done by the city council or otherwise in connection
6 with said recommendations.

The park commission of the city of Portland and the
2 recreation commission of the city of Portland as heretofore
3 existing are hereby abolished as of the second Monday of
4 December, 1923, or as soon thereafter as the park and
5 recreation commission herein provided for shall be ap-
6 pointed.

Sect. 27. The purchasing agent shall purchase supplies
2 for the city and for the several departments and boards
3 thereof as the city council may from time to time provide
4 by ordinance. He shall see to the delivery of supplies pur-
5 chased by him to each department and board to whom they
6 belong, and take and file receipts therefor and shall have
7 such other powers and perform such other duties as the
8 city council shall provide by ordinance.

Sect. 28. Bonds issued after the adoption of this charter
2 shall be made payable, as pertains to principal, in equal,
3 annual, serial installments beginning within two years from

4 the date of such issue. Every order for the issue of bonds
5 shall provide for a tax levy for each year of an amount
6 necessary to meet the payment of the annual, serial install-
7 ment of principal and interest; and such amounts shall be
8 included in the tax levy for each year until the debt is
9 extinguished; provided, however, that bonds issued to re-
10 fund any indebtedness of the city of Portland existing
11 prior to the adoption of this charter shall not be subject
12 to the aforesaid requirement of being made payable in
13 equal, annual, serial installments.

Until the bonded indebtedness of the city of Portland out-
2 standing at the time of the adoption of this charter is fully
3 paid, the assessors of the city shall assess annually a tax of
4 one and one-quarter mills on the dollar upon all estates
5 and property subject to taxation in said city, to be taken
6 at the last regular valuation. The amount of said tax when
7 raised shall be appropriated by the city council for a sinking
8 fund for retirement of bonds and until said bonded indebt-
9 edness is fully paid said sinking fund shall be applied only
10 to the payment of that bonded indebtedness of the city, the
11 payment of which has not been provided for by payments
12 in serial installments.

Sect. 29. The health officer shall take the place of the
2 local board of health, the terms of office of the members
3 of which shall terminate on the second Monday of Decem-
4 ber, 1923, and said health officer shall have and exercise all
5 the powers and duties by law conferred upon such officers.

The board of overseers of the poor as now constituted is
2 hereby abolished as of the second Monday of December,
3 1923, or as soon thereafter as the city council provided for
4 in this charter shall be elected and qualified and the terms
5 of office of the present members of said board shall then
6 terminate.

Sect. 30. All ordinances in force at the time when this
2 charter takes effect, not inconsistent with the provisions of
3 this charter, shall continue in force until amended or re-
4 pealed.

All rules and regulations of the municipal officers of the
2 city of Portland in force at the time when this charter
3 takes effect, not inconsistent with the provisions hereof,
4 shall continue in force until amended or repealed.

The powers and duties of any committee of the city coun-
2 cil or of the board of aldermen of the city of Portland
3 heretofore conferred or prescribed by statute, may by ordi-
4 nance be conferred upon or prescribed for any committee
5 of the city council.

All rights, actions, proceedings, prosecutions and contracts
2 of the city or any of its departments, pending or unexe-
3 cuted when this charter goes into effect, and not inconsis-
4 ent therewith, shall be enforced, continued or completed in
5 all respects as though begun or executed hereunder.

Sect. 31. Nothing in this act shall be construed as re-
2 pealing or amending any law of the state, or ordinance of
3 the city of Portland relative to the appointment, term of

4 office, removal, retirement or pension of the members of
5 the police department, the fire department and of the elec-
6 trical department of the city of Portland, except so far as
7 relates to the appointment, removal and term of office of
8 the chief of the fire department, chief of the police depart-
9 ment, appointment and removal of the city electrician and
10 the appointment of the deputy and district chiefs of the
11 fire department.

The passage and acceptance of this act shall not, except
2 as specifically provided therein, affect the term of office
3 of such officers, trustees, members of commissions, or de-
4 partments, as may be holding office, with a definite term
5 of years fixed by statute, at the time this charter takes
6 effect, but such officers, trustees, members of commissions,
7 or departments, shall complete the term of office to which
8 they have been elected or appointed, subject to removal by
9 the mayor, with the consent of the city council, for cause.

Sect. 32. So much of this act as authorizes the submis-
2 sion of the acceptance of this charter to the electors of the
3 city of Portland shall take effect as provided in the con-
4 stitution of the state, but it shall not take further effect
5 unless adopted by the electors of the city of Portland as
6 hereinafter provided. If adopted by the electors of the
7 city, then this act for the purpose of nominating and elect-
8 ing officers hereunder shall take effect on the date of its
9 adoption by the electors, and for all other purposes this
10 act shall take effect on the second Monday of December
11 in the year nineteen hundred and twenty-three.

All provisions of the present charter of the city of Portland not inconsistent with this act are hereby expressly continued in full force and effect, but all acts and parts of acts inconsistent with this act are hereby expressly repealed.

Sect. 33. This act shall be submitted for approval or rejection to the qualified voters of the city of Portland at an election to be held the second Monday in September, A. D. nineteen hundred and twenty-three, and warrants shall be issued for such election in the manner now provided by law for the holding of municipal elections, notifying and warning the qualified voters of said city to meet at the several ward meetings of said city, there to cast their ballot for the approval or rejection of this act. The question proposed on said ballot shall be in substantially the following form:

FORM OF BALLOT

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

FORMS OF CHARTER

Plan 1. Present form of charter with mayor, board of nine aldermen, and common council of twenty-seven members elected by wards and with party designation.

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

Plan 3. Council-manager form providing for a city council of five members elected from the city at large without regard to ward lines and without party designation.

Otherwise said ballot shall be in the form provided by
2 law when a constitutional amendment is submitted to the
3 vote of the people. The provisions of law relating to the
4 preparation of voting lists for municipal elections shall apply
5 to such election and said election shall in all other respects
6 be conducted as municipal elections in said city are now
7 conducted by law, and the results thereof shall be deter-
8 mined in the manner now provided by law for the deter-
9 mination of the election of mayor. If a plurality of the
10 valid ballots deposited as aforesaid shall favor the adoption
11 of plan two, so-called, on said ballot, and provided further,
12 if the number of ballots favoring plan two, so-called, on
13 said ballot shall also constitute more than fifty per cent of
14 the total number of valid ballots cast at said election, then
15 this act shall take effect as herein provided and the mayor
16 shall forthwith make proclamation of the fact.