

# MAINE STATE LEGISLATURE

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**EIGHTY-SECOND LEGISLATURE**

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**H. P. No. 713**

**H. D. No. 172**

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House of Representatives, Feb. 17, 1925

Referred to Committee on Legal Affairs and 500 copies ordered printed. Sent up for concurrence.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Curtis of Brewer.

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**STATE OF MAINE**

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

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AN ACT to Amend the Charter of the City of Brewer, Private and Special Laws of Eighteen Hundred and Eighty-nine, Chapter Four Hundred and Fifty-three, as Amended by the Private and Special Laws of Nineteen Hundred and Twenty-three, Chapter Thirteen.

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

Section 1. Section seven of chapter four hundred and fifty-  
2 three, of the private and special laws of eighteen hundred  
3 and eighty-nine, as amended by section one of the private  
4 and special laws of nineteen hundred and twenty-three, is  
5 hereby amended by striking out in the sixth line of section  
6 seven, as amended, the word "third," and inserting in place

7 thereof the word 'second,' so that said section, as amended,  
8 shall read as follows:

'Sect. 7. Beginning of terms of office changed from  
2 March to January. The mayor shall be elected from the  
3 citizens at large, by the inhabitants of the city voting in  
4 their respective wards. Two aldermen, a warden and ward  
5 clerk shall be elected by each ward, being residents in the  
6 ward where elected. All said officers shall be elected by  
7 ballot, by a plurality of the votes given, and shall hold  
8 their office one year from the second Monday in January,  
9 except wardens and ward clerks, who shall hold their office  
10 until others shall be elected and qualified in their places.'

Sect. 2. Section eight, of said chapter four hundred and  
2 fifty-three of the private and special laws of eighteen  
3 hundred and eighty-nine, and as amended by the private  
4 and special laws of nineteen hundred and twenty-three  
5 chapter thirteen, is hereby amended by striking out in  
6 the second line thereof the word "third" and inserting in  
7 in place thereof the word 'second'; also in the twenty-sixth  
8 line thereof the word "third" and inserting in place thereof  
9 the word 'second', so that said section as amended shall  
10 read as follows:

'Sect. 8. Annual Election Changed from March to De-  
2 cember; Aldermen to Qualify on Second Monday in Jan-  
3 uary. On the second Monday in December, annually, after  
4 the first election under the charter, the qualified electors  
5 of each ward shall ballot for a mayor, two aldermen and

6 a warden and ward clerk, on one ballot. All the votes  
7 given for the said several officers respectively, shall be  
8 sorted, counted, declared and registered in open ward meet-  
9 ing, by causing the names of the persons voted for, and the  
10 number of votes given for each to be written on the ward  
11 records at length. The ward clerk within twenty-four  
12 hours after such election, shall deliver to the persons elected  
13 aldermen, warden and ward clerk, certificates of their elec-  
14 tion, and shall forthwith deliver to the city clerk a  
15 certified copy of the records of such election; provided,  
16 however, that if the choice of aldermen, warden or ward  
17 clerk is not effected on that day, the meeting shall be ad-  
18 journed from day to day, until a choice shall be effected.  
19 The board of aldermen shall, as soon as conveniently may  
20 be, examine the copies of the records of the several wards,  
21 certified as aforesaid, and shall cause the person who shall  
22 have received the greatest number of votes given for  
23 mayor in all the wards, to be notified in writing, of his  
24 election; but if it shall appear that no person shall have  
25 been so elected or if the person elected shall refuse to  
26 accept said office, the said board shall issue their  
27 warrant for another election; and in case of a vacancy  
28 in the office of mayor, by death or otherwise, it shall be  
29 filled for the remainder of the term by a new election, in  
30 the manner heretofore provided for the choice of said  
31 mayor. The oath of affirmation prescribed by this act shall  
32 be administered to the mayor by the city clerk, or any

33 justice of the peace in said city. The aldermen elect  
34 shall, on the second Monday in January, at ten o'clock  
35 in the forenoon, meet when the oath or affirmation re-  
36 quired by the second section of this act, shall be ad-  
37 ministered to the members present, by the mayor or any  
38 justice of the peace.'

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

'Sect. II. City Council to Elect Subordinate Officers  
2 in January. The city council shall, in the first instance,  
3 on the last Saturday of March, and thereafter annually,  
4 on the second Monday in January, or as soon thereafter  
5 as may be convenient, by ballot elect, for the ensuing  
6 year the following officers: a city clerk, a city treasurer,  
7 a chief of police, who shall be styled the city marshal,  
8 and who shall exercise all the powers and perform the  
9 duties of a constable; one overseer of the poor, one  
10 assessor of taxes, a road commissioner, a collector of  
11 taxes, a school agent, one member of the superintend-  
12 ing school committee, or a supervisor, a pound keeper,  
13 and one or more city constables. All said officers and

14 agents shall hold their offices during the ensuing year,  
15 and until others are elected and qualified in their stead,  
16 unless sooner removed by the city council; and all  
17 moneys received and collected for and on account of  
18 the city, by an agent or officer thereof, shall forthwith be  
19 paid into the city treasury. The city council shall take  
20 care that moneys shall not be paid from the treasury un-  
21 less granted or appropriated; shall secure a prompt and  
22 just accountability, by requiring bonds with sufficient  
23 penalties and sureties, from all persons trusted with the  
24 receipt or custody of the public money; shall have the  
25 care and superintendence of the city public buildings,  
26 and the custody and management of all city property,  
27 with the power to let or sell what may be legally let  
28 or sold, and to purchase in the name of the city such  
29 real or personal property, not exceeding the sum of one  
30 hundred thousand dollars, including the property now  
31 owned by the city, as they deem of public utility. And  
32 the city council shall, as often as once a year, cause to  
33 be published, for the information of the inhabitants,  
34 an account of receipts and expenditures, and a schedule  
35 of the city property, and no money shall be paid from  
36 the city treasury, unless the same be appropriated by  
37 the city council, and upon a warrant signed by the mayor,  
38 which warrant shall state the appropriation under which  
39 the same shall be drawn.

Sect. 4. Section four of the private and special laws of

2 nineteen hundred and twenty-three, chapter thirteen, is here-  
3 by amended by striking out in the first line of said section  
4 the word "3d" and inserting in place thereof the word  
5 'second'; also in the second line striking out the word "1924"  
6 and inserting in place thereof the words nineteen hundred  
7 and twenty-six' and in the same line striking out the word  
8 "third" and inserting in place thereof the word 'second';  
9 also in the third line of said section striking out the word  
10 "twenty-four" and inserting in place thereof the word  
11 'twenty-six,' so that said section as amended shall read as  
12 follows:

'Sect. 4. TERMS OF PRESENT MAYOR AND AL-  
2 DERMEN TO EXPIRE SECOND MONDAY IN JAN-  
3 UARY, NINETEEN HUNDRED AND TWENTY-SIX.  
4 On the second Monday in January, nineteen hundred and  
5 twenty-six, upon the inauguration of the new city govern-  
6 ment, the terms of office of those then holding the office of  
7 mayor and aldermen, shall cease, provided that their re-  
8 spective successors shall have then been legally elected and  
9 sworn in.'

Sect. 5. Section five of the private and special laws of  
2 nineteen hundred and twenty-three, chapter thirteen, is here-  
3 by amended by striking out in the first line of said section  
4 the word "3d" and inserting in place thereof the word 'sec-  
5 ond'; also in striking out in the fourth line of said section  
6 the word "twenty-four" and inserting in place thereof the  
7 word 'twenty-six' and in the same line striking out the

8 word "third" and inserting in place thereof the word 'second';  
9 also in the fifth line striking out the word "twenty-four"  
10 and inserting in place thereof the word 'twenty-six'; in the  
11 sixth line striking out the word "twenty-four" and insert-  
12 ing in place thereof the word 'twenty-six'; in the seventh  
13 line striking out the word "third" and inserting in place  
14 thereof the word 'second,' also the word "March" in this  
15 section shall read 'January,' so that said section as amended  
16 shall read as follows:

'Sect. 5. TERMS OF SUBORDIATE OFFICERS TO  
2 EXPIRE ON SECOND MONDAY IN JANUARY. The  
3 terms of office of all members of boards or of subordinate  
4 officers elected by the city council to serve until January,  
5 nineteen hundred and twenty-six, shall expire on the second  
6 Monday in January, nineteen hundred and twenty-six, and  
7 the terms of those so elected to serve for a term extending  
8 beyond January, nineteen hundred and twenty-six, shall ex-  
9 pire on the second Monday in January next prior to the end  
10 of the term for which they were so elected.'

Sect. 6. SUBJECT TO LOCAL REFERENDUM. This  
2 act shall not take effect unless at the regular election in  
3 said city in December, nineteen hundred and twenty-five,  
4 a desire for this adoption shall have been manifested by  
5 the majority of the legal votes cast on the question, which  
6 question shall have been submitted to the people at said elec-  
7 tion after such notice as may be required by the municipal  
8 officers of said city.