

# MAINE STATE LEGISLATURE

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E I G H T Y - S E C O N D   L E G I S L A T U R E

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H. P. No. 410

H. D. No. 205

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House of Representatives, Feb. 20, 1925.

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

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Boynton of South Portland.

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S T A T E   O F   M A I N E

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I N   T H E   Y E A R   O F   O U R   L O R D   O N E   T H O U S A N D   N I N E  
H U N D R E D   A N D   T W E N T Y - F I V E

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A N   A C T   t o   A m e n d   t h e   C h a r t e r   o f   t h e   C i t y   o f   S o u t h   P o r t l a n d .

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B e   i t   e n a c t e d   b y   t h e   P e o p l e   o f   t h e   S t a t e   o f   M a i n e ,   a s   f o l l o w s :

Section seven of chapter two hundred and forty-two of  
2 the private and special laws of eighteen hundred and ninety-  
3 five as amended by chapter ninety-five of the private and  
4 special laws of nineteen hundred and nineteen, is further  
5 amended by striking out in the tenth and eleventh lines there-  
6 of, the words "to an amount not exceeding five hundred  
7 thousand dollars in addition to that now held by the town,"  
8 so that said section, as amended, shall read as follows:

'Sect. 7. The city council shall secure a prompt and just  
2 accountability by requiring bonds with sufficient penalty and

3 surety or sureties, from all persons trusted with the re-  
4 ceipt, custody or disbursement of money; the city council  
5 shall also have the care and superintendence of the city  
6 buildings, and the custody and management of all city prop-  
7 erty and trust funds for the benefit of schools, public library,  
8 parks, cemeteries and for any other beneficial purpose,  
9 whether acquired by purchase or legacy; with power to let  
10 or sell what may be legally let or sold, and to purchase and  
11 take, in the name of the city, real and personal property  
12 for municipal purposes, and shall, as often as once a year,  
13 cause to be published for the information of the inhabitants,  
14 a particular account of the receipts and expenditures and  
15 a schedule of the city property and the city debt. The city  
16 shall have the power to establish by ordinance such officers  
17 as may be necessary for municipal government not pro-  
18 vided for by this act, and to elect such subordinate officers  
19 as may be elected by towns under general laws of the state  
20 for whose election or appointment other provision is not  
21 made; to define their duties and fix their compensation; to  
22 act upon all matters in which authority is now given to  
23 said town of South Portland, and to determine what streets,  
24 if any, shall be lighted and upon what terms. The city  
25 council shall appropriate annually the amount necessary to  
26 meet the expenditures of the city for the current municipal  
27 year. The city council shall have exclusive authority to lay  
28 out, widen or otherwise alter or discontinue any and all  
29 streets or public ways in said city, and as far as extreme

30 low water mark, and to estimate all damages sustained by  
31 owners of land taken for such purpose. A committee of  
32 the council shall be appointed whose duty shall be to lay  
33 out, alter, widen or discontinue any street or way, first giv-  
34 ing notice of the time and place of their proceedings to all  
35 parties interested, by an advertisement in two newspapers  
36 printed in South Portland or Portland, for three weeks at  
37 least, next previous to the time appointed. The committee  
38 shall first hear all parties interested, and then determine  
39 and adjudge whether the public convenience requires such  
40 street or way to be laid out, altered or discontinued, and  
41 shall make a written return of their proceedings, signed by  
42 a majority of them, containing the bounds and descriptions  
43 of the street or way, if laid out or altered, and the names  
44 of the owners of the land taken, when known, and the dam-  
45 ages allowed therefor; the return shall be filed in the city  
46 clerk's office at least seven days previous to its acceptance  
47 by the city council. The street or way shall not be altered  
48 or established until the report is accepted by the city council.  
49 And the report so filed shall not be altered or amended be-  
50 fore it comes up before the city council for action. A street  
51 or way shall not be discontinued by the city council, except  
52 upon the report of said committee. The committee shall  
53 estimate and report the damages sustained by the owners  
54 of the lands adjoining that portion of the street or way  
55 which is so discontinued; their report shall be filed with the  
56 city clerk seven days at least before its acceptance. Any

57 party aggrieved by their decision may appeal therefrom as  
58 provided by law in the case of town ways. If a street or  
59 way is discontinued before the damages are paid or recov-  
60 ered for the land taken, the land owners shall not be entitled  
61 to recover such damages, but the committee in their report  
62 discontinuing the same shall estimate and include all the  
63 damages sustained by the land owner, including those caused  
64 by the original location of the streets; and in such cases,  
65 if any appeal has been regularly taken, the appellant shall  
66 recover his costs. The city shall not be compelled to con-  
67 struct or open any street or way thus hereafter established,  
68 until in the opinion of the city council, the public good re-  
69 quires it to be done; nor shall the city interfere with pos-  
70 session of the land so taken by removing therefrom mate-  
71 rials or otherwise until they decide to open said street. The  
72 city council may regulate the height and width of the side-  
73 walks in any public square, places, streets, lanes or alleys  
74 in said city; and may authorize hydrants, drinking foun-  
75 tains, posts and trees to be placed along the edge of the  
76 sidewalks, and may locate and construct culverts and reser-  
77 voirs within the limits of any street or way in said city,  
78 whenever they deem it needful. Every law, act, ordinance,  
79 resolve or order of the city council excepting rules and or-  
80 ders of a parliamentary character, shall be presented to the  
81 mayor. If not approved by him he shall return it with his  
82 objections in writing at the next stated session of the city  
83 council, which shall enter the objections at large on its jour-

84 nal, and proceed to reconsider the same. If, upon recon-  
85 sideration, it shall be passed by vote of two-thirds of all  
86 the members of the board, it shall have the same force as  
87 if approved by the mayor. In case of vacancy in the mayor's  
88 office, this section shall not apply to any act of the council.  
89 In case the mayor fails to either sign or return the bill at  
90 the next session, then it becomes a law as though he had  
91 signed it.'