

# MAINE STATE LEGISLATURE

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# EIGHTY-THIRD LEGISLATURE

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**House Document**

**No. 199**

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H. P. 727                      House of Representatives, Feb. 17, 1927.

Referred to Committee on Legal Affairs and 3000 copies ordered printed. Sent up for concurrence.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Rounds of Portland.

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## STATE OF MAINE

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

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AN ACT to Amend the City Charter of the City of Portland.

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

Article two of chapter one hundred and nine of the private  
2 and special laws of nineteen hundred and twenty-three is  
3 hereby amended by striking out all of said article two and  
4 substituting therefor the following:

### ARTICLE II

Section. 1. The administration of all the fiscal, prudential,  
2 and municipal affairs of said city, with the government  
3 thereof, except the general management, care, conduct and  
4 control of the schools of said city which shall be vested in  
5 a school committee as hereinafter provided, and also except

6 as otherwise provided by this chapter, shall be and are  
7 vested in one principal magistrate to be styled the mayor and  
8 in one body consisting of one councillor from each ward,  
9 and three councillors at large, which body shall constitute  
10 and be called the city council, all of whom shall be and  
11 remain during their respective terms of office, inhabitants  
12 of said city, and shall be chosen in the manner hereinafter  
13 provided, and shall be sworn or affirmed in the form pre-  
14 scribed by the constitution of the state for state officers.  
15 The mayor and members of the city council shall be and  
16 constitute the municipal officers of the city of Portland for  
17 all purposes required by statute, and (except as otherwise  
18 specifically provided) shall have all powers and authority  
19 given to, and perform all duties required of municipal offi-  
20 cers and aldermen of cities under the laws of this state.

All the powers of establishing a watch and ward, now  
2 vested by the laws of the state in the justices of the peace  
3 and municipal officers, or inhabitants of towns, are vested  
4 in the city council so far as relates to said city; and they  
5 are authorized to unite the watch and police departments  
6 into one department and establish suitable regulations for  
7 the government of the same.

All other powers now or hereafter vested in the inhabitants  
2 of said city, and all powers granted by this act, except as  
3 herein otherwise provided, as well as all powers relating  
4 to the fire department, shall be vested in said city council.

The city council shall keep a record of its proceedings, and

2 judge of the election of its own members; and in case of  
3 vacancies, new elections shall be ordered by the city council.

Section 2. 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 a clerk and two constables  
4 shall be elected from each ward by and from the qualified  
5 voters of the city voting in their respective wards.

At the first election after this charter is in force, to be  
2 held on the first Monday of December, nineteen hundred  
3 and twenty-seven, and every two years thereafter, the quali-  
4 fied voters of the city shall ballot for a mayor for a term  
5 of two years, and on said first Monday of December, nine-  
6 teen hundred and twenty-seven, said qualified voters of  
7 wards one, three, five, seven and nine, and the island wards  
8 shall ballot for a councilor for the term of one year and  
9 thereafter on the first Monday of December nineteen hun-  
10 dred and twenty-eight, and each second year thereafter, a  
11 councilor shall be elected for a term of two years; and said  
12 qualified voters of wards two, four, six and eight shall  
13 ballot for a councilor for the term of two years and there-  
14 after on the first Monday of December nineteen hundred  
15 and twenty-nine, and each second year thereafter shall be  
16 elected for a term of two years; and said qualified voters  
17 of said city shall in addition thereto, ballot for two coun-  
18 cilors at large for a term of two years, and for one councilor  
19 at large for a term of one year, and every two years there-  
20 after said qualified voters of each ward shall ballot by wards

21 for a councilor at large for term of two years and for one  
22 or two councilors at large for a term of two years to succeed  
23 the councilors at large whose terms expire; and the quali-  
24 fied voters of each such ward shall on the first Monday of  
25 December, nineteen hundred and twenty-seven, and annually  
26 thereafter, ballot by wards for a warden and clerk and two  
27 constables from each ward, and in case there is more than  
28 one voting precinct or any island ward in any ward, then  
29 the qualified voters of each said precinct and island ward  
30 shall at the same time ballot for a warden and ward clerk  
31 for such precinct or island ward.

At each regular municipal election whenever there exists  
2 a vacancy in the office of any councilor at large, the qualified  
3 voters of the city shall ballot by wards for a councilor at  
4 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  
10 unexpired term.

Any member of the city council who shall be convicted of  
2 a crime while in office shall, after due notice and hearing  
3 before the city council and the production of the records  
4 of such conviction, forfeit his office. The member against  
5 whom the charges have been preferred shall have no vote  
6 in the determination of the removal.

In case of a vacancy caused by the death, resignation,  
2 removal from the city or removal from office, as herein-  
3 after provided, of any member of the city council more than  
4 six months prior to the next regular city election, the va-  
5 cancy shall be filled by a special election, the warrant for  
6 which shall upon vote of the city council be issued by a  
7 member of the city council by vote designated for that duty.

Each member shall be entitled to receive as salary the sum  
2 of five hundred dollars per annum, payable quarterly, for all  
3 services rendered, and shall not be eligible, while a member  
4 of the council, to any other office of emolument or profit  
5 under the city charter or ordinance.

Sect. 3. *Chairman.* At the first meeting, or as soon there-  
2 after as possible, the city council, the mayor presiding, shall  
3 elect one of its members as chairman of the council for the  
4 ensuing year, and until his successor is elected and qualified,  
5 and the city council may fill for the unexpired term any  
6 vacancy as chairman that may occur.

If the chairman shall fail from sickness, disability, absence  
2 from the city or other cause to attend to and perform the  
3 duties incumbent on him as such chairman, the remaining  
4 members of the city council may by unanimous vote, after  
5 notice and hearing, terminate the term of office of said  
6 chairman and remove him therefrom and thereupon by  
7 majority vote may elect some other member of said city  
8 council chairman and such newly elected member shall there-  
9 upon and thereafter hold the office and perform the duties

10 of chairman for the balance of that year, and until his  
11 successor is elected and qualified.

The chairman shall preside at all meetings of the council,  
2 and shall perform such other duties, consistent with this  
3 office, as the council may provide. He shall be entitled to  
4 vote, and his vote shall be counted upon all matters and  
5 things as a vote of other members of the council. The  
6 chairman in the absence of the mayor shall act in lieu of  
7 the mayor in so far as representation is provided for the  
8 city by the mayor upon any board or commission by any  
9 statute. In the temporary absence or disability of the chair-  
10 man the city council may select a chairman pro tempore  
11 from among its number and he shall exercise all the powers  
12 of the chairman; but shall not have veto power.

Sect. 4. 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 shall  
12 be vested with all the authority now exercised by and shall  
13 perform all duties now incumbent upon the city manager,

14 which office is hereby abolished. He shall be compensated  
15 for his services by a salary to be fixed by the city council,  
16 payable at stated periods and shall receive therefor no other  
17 compensation, which salary, however, shall not be increased  
18 or diminished during his term of office.

Sect. 5. Every law, act, ordinance, resolve or order, ex-  
2 cepting rules and orders of a parliamentary character, shall  
3 be presented to the mayor, and if he approve, he shall sign  
4 it; if not, he shall return it with his objections at the next  
5 stated session of the city council, provided said stated ses-  
6 sion is held at least one week after the aforesaid law, act,  
7 ordinance, resolve or order is presented to the mayor for  
8 his approval. The city council shall enter the objections at  
9 large on its journal and proceed to reconsider the same.  
10 If upon such reconsideration it shall be passed by a vote  
11 of 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 money,  
15 or to approve or disapprove specific items thereof, and the  
16 portions approved shall thereby be in force in like manner  
17 as if no part thereof had been disapproved, and the portion  
18 or portions disapproved shall thereupon take the same course  
19 as herein provided as though said resolve or order had been  
20 disapproved as a whole.

Sect. 7. The mayor shall appoint all subordinate city offi-  
2 cers and members of boards and commissions, subject, how-



3 ever, to confirmation by the city council, and such officers  
4 shall hold office for the term of one year (unless otherwise  
5 provided in the charter or by special laws of the Legisla-  
6 ture) unless sooner removed by the mayor with the consent  
7 of the city council.

Whenever any vacancy, by death, resignation or removal  
2 from office shall hereafter exist in the office of city electri-  
3 cian, deputy chief or district chief of the fire department,  
4 a successor in office shall be appointed by the mayor, sub-  
5 ject to confirmation by the city council.

Except as herein otherwise provided, and except in police  
2 and fire departments all other minor officers and employees  
3 shall be appointed by the administrative heads of their re-  
4 spective departments.

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

The compensation of all city officials and employees what-  
2 soever, shall be fixed and determined by the city council.

Vacancies in any of the offices mentioned in this section,  
2 however arising, shall be filled in the manner provided for  
3 the original appointment.

Sect. 8. No money shall be paid out of the city treasury

2 except on orders drawn and signed by the mayor, desig-  
3 nating the fund or appropriation from which said orders  
4 are to be paid, nor unless the same shall be first granted or  
5 appropriated therefor, by the city council; and the city  
6 council shall secure a prompt and just accountability by  
7 requiring bonds with sufficient penalty and surety or sureties,  
8 from all persons entrusted with the receipt, custody or dis-  
9 bursement of money, they shall have the care and superin-  
10 tendence of the city buildings and the custody and manage-  
11 ment of all city property, with power to let or sell what  
12 may be legally let or sold, and to purchase and take in the  
13 name of the city such real and personal property in addi-  
14 tion to that now held, as the city council may find necessary  
15 for municipal purposes; and shall as often as once a year  
16 cause to be published for the information of the inhabitants,  
17 a particular account of receipts and expenditures, and a  
18 schedule of city property.

Sect. 9. The city council shall meet at the usual place  
2 for holding meetings at ten o'clock A. M., on the second  
3 Monday in December following the regular city election, and  
4 at said meeting the councilmen elect shall be sworn to the  
5 faithful discharge of their duties by a justice of the peace,  
6 or by the city clerk. The city council shall, at its first meet-  
7 ing, or as soon thereafter as possible, establish by ordinance  
8 or resolution a regular place and times for holding its meet-  
9 ings, and shall meet regularly at least twice each month.

Sect. 10. Special meetings may be called by the chairman,

2 and in case of his absence, disability or refusal, may be  
3 called by a majority of the members of the city council.  
4 Notice of such meeting shall be served in person or left  
5 at the residence of each member of the city council at least  
6 twenty-four hours before the time for holding said special  
7 meeting.

Sect. 11. A majority of the members of the city council  
2 shall constitute a quorum for the transaction of business,  
3 but a smaller number may adjourn from time to time. At  
4 least twenty-four hours' notice of the time and place of  
5 holding such adjourned meeting shall be given to all mem-  
6 bers who were not present at the meeting from which ad-  
7 journment was taken.

Sect. 12. The city council shall keep a record of its pro-  
2 ceedings and shall determine its own rules of procedure and  
3 make lawful regulations for enforcing the same. The meet-  
4 ings of the city council shall be open to the public. The city  
5 council shall act only by ordinance, order or resolve; all  
6 ordinances, orders and resolves, except orders or resolves  
7 making appropriations of money, shall be confined to one  
8 subject which shall be clearly expressed in the title. The  
9 appropriation order or resolve shall be confined to the sub-  
10 ject of appropriations only. No ordinance and no appro-  
11 priation resolve shall be passed until it has been read on two  
12 separate days, except when the requirement of a reading  
13 on two separate days has been dispensed with by a four-  
14 fifths vote of the voting members of the city council. The

15 yeas and nays shall be taken upon the passage of all ordi-  
16 nances and entered on the record of the proceedings of the  
17 city council by the clerk. The yeas and nays shall be taken  
18 on the passage of any order or resolve when called for by  
19 any member of the city council. Every ordinance shall re-  
20 quire on final passage the affirmative vote of a majority of  
21 the voting members of the city council. Every ordinance  
22 before final passage shall be published, marked "Proposed  
23 Ordinance," in one or more of the daily newspapers pub-  
24 lished in Portland, and shall take effect and be in full force  
25 thirty days from and after it shall have received final pas-  
26 sage by the city council and have been approved by some  
27 justice of the supreme judicial court. Within ten days after  
28 said approval by such justice said ordinance shall be pub-  
29 lished in full in one or more of the newspapers published  
30 in said Portland, but the failure to publish said ordinance  
31 either before or after final passage shall not affect its  
32 validity or force.

No order or resolve shall take effect until ten days after  
2 its passage, except that the city council may, by vote of four-  
3 fifths of its members, pass emergency orders or resolves to  
4 take effect at the time indicated therein, but such emergency  
5 orders or resolves shall contain a section in which the emer-  
6 gency is set forth and defined.

Section four of article four of said chapter one hundred  
2 and nine is hereby further amended by adding after section  
3 four thereof the following sentences:

‘The members of said school committee in office at the time  
2 this charter is accepted, except as otherwise provided in this  
3 chapter, shall continue to hold office for the balance of the  
4 term for which they were originally elected. They shall con-  
5 tinue to be elected for the terms and in the manner provided  
6 in said chapter one hundred and nine of the private and  
7 special laws of nineteen hundred twenty-three.’

Section one of article five of said chapter one hundred and  
2 nine is hereby further amended by striking out said para-  
3 graph and substituting therefor the following paragraph:

‘The mayor, councilors, wardens and ward clerks and con-  
2 stables shall be elected as provided in article two of this act.  
3 And said article is further amended by striking out the  
4 fourth paragraph of said section one.’

Section three of said article five of said chapter one hun-  
2 dred and nine is hereby further amended by striking out the  
3 words “one hundred nor more than five hundred” and sub-  
4 stituting therefor the words ‘fifty nor more than one hun-  
5 dred.’

Section four of article four is hereby amended by striking  
out the first and sentences thereof.

Section three of article nine of said chapter one hundred  
2 and nine is hereby amended, so that as amended said section  
3 shall read as follows:

‘Sect. 3. This act shall be submitted for approval or re-  
2 jection to the qualified voters of the city of Portland at an  
3 election to be held the second Monday of September in the

4 year A. D. nineteen hundred and twenty-seven and warrants  
5 shall be issued for such election in the manner now provided  
6 by law for the holding of municipal elections, notifying and  
7 warning the qualified voters of said city to meet in the  
8 several ward meetings of said city, there to cast their ballot  
9 concerning the amendment of said chapter one hundred and  
10 nine of the private and special acts of nineteen hundred and  
11 twenty-three in substantially the following form:

## FORM OF BALLOT

‘Place a cross X in the square which you select.’

Shall the present form of city charter be amended as pro-  
2 vided in an act of the legislature of one thousand nine hun-  
3 dred twenty-seven entitled “An Act amending Chapter one  
4 hundred and nine of the private and special laws of nineteen  
5 hundred and twenty-three?

YES

NO

Otherwise said ballot shall be in the form provided by law  
2 when a constitutional amendment is submitted to the vote of  
3 the people. The provisions of law relating to the preparation  
4 of voting lists for municipal elections shall apply to such  
5 election and said election shall in all other respects be con-  
6 ducted as municipal elections in said city are now conducted  
7 by law, and the results thereof shall be determined in the  
8 manner now provided by law for the determination of the  
9 election of councilors. If a plurality of the valid ballots  
10 deposited as aforesaid shall favor the adoption of the pro-

11 posed amendment on said ballot, then this act shall take  
12 effect as herein provided and the city council shall forth-  
13 with make proclamation of the fact.

Sect. 13. So much of this act as authorizes the submission  
2 of the acceptance of this charter to the voters of the city of  
3 Portland shall take effect as provided in the constitution of  
4 the state, but it shall not take further effect unless adopted  
5 by the voters of the city of Portland as hereinbefore pro-  
6 vided. If adopted by the voters of the city, then this act  
7 for the purpose of nominating and electing officers here-  
8 under shall take effect on the date of its adoption by the  
9 voters, and for all other purposes this act shall take effect  
10 on the second Monday in December in the year nineteen  
11 hundred and twenty-seven.

All acts and parts of acts inconsistent herewith are hereby  
2 repealed.