

MAINE STATE LEGISLATURE

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NEW DRAFT

EIGHTY-THIRD LEGISLATURE

House Document

No. 571

H. P. 1233 House of Representatives, March 30, 1927.

Reported by Minority of Committee on Legal Affairs and on motion of Miss Laughlin Majority and Minority Reports tabled pending acceptance of either Report and new draft ordered printed.

CLYDE R. CHAPMAN, Clerk.

STATE OF MAINE

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

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 inhab-
7 itants or municipal authorities thereof; and may ordain rea-
8 sonable by-laws and regulations for municipal purposes, and

9 impose penalties for the breach thereof, not exceeding one
10 hundred dollars, to be recovered for such uses as the mu-
11 nicipal 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 pro-
4 vided, shall be vested in one principal magistrate to be styled
5 the mayor, and in one body consisting of one councilor from
6 each ward, and three councilors at large, which body shall
7 constitute and be called the city council, all of whom shall
8 be and remain during their term of office, inhabitants of
9 said city, and shall be chosen in the manner hereinafter
10 provided, and shall be sworn or affirmed in the form
11 prescribed by the constitution of the state for state officers.
12 The mayor and members of the city council shall be and
13 constitute the municipal officers of the city of Portland for
14 all purposes required by statute, and (except as otherwise
15 specifically provided) shall have all powers and authority
16 given to, and perform all duties required of municipal offi-
17 cers and aldermen of cities under the laws of 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 au-
5 thorize the superintendent of poor department, or a clerk
6 or 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 over-
12 seers and sent by a member or members of said overseers
13 personally.

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,
5 to exercise a general supervision over the conduct of all
6 administrative 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 preside at all meetings of the city council but shall have
13 only a casting vote. He shall be compensated for his serv-
14 ices by a salary to be fixed by the city council, payable at
15 stated periods, and shall receive therefor no other compen-
16 sation, which salary, however, shall not be increased or
17 diminished during his term of office.

Sect. 4. 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
9 at 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. 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 regula-
7 tions for the government of same. All other powers now
8 or hereafter vested in the inhabitants of said city, and all
9 powers granted by this act, except as otherwise provided,

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

Sect. 6. The following administrative officers shall be ap-
2 pointed by the mayor, subject to confirmation by the city
3 council, and shall hold office for the term of two years (un-
4 less otherwise provided in this charter), unless sooner re-
5 moved 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 years, one
2 to be appointed annually.

Sealer of weights and measures.

Inspector of buildings.

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

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 as-
2 sessors, 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 com-
2 missioner 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 term
2 of one year, and except as herein otherwise provided may
3 be removed during their term of office by the appointing
4 authority, or by the mayor.

(c) Whenever any vacancy, by death, resignation or re-
2 moval from office shall hereafter exist in the office of city
3 electrician, deputy chief or district chief of the fire depart-
4 ment, a successor in office shall be appointed by the mayor,
5 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 em-
3 ployees shall be appointed by the administrative heads of
4 their respective departments.

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

(e) The compensation of all city officials and employees whatsoever, shall be fixed and determined by the city council.

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

Sect. 7. No money shall be paid out of the city treasury except on orders drawn and signed by the mayor, designating the fund or appropriation from which said orders are to be paid, nor unless the same shall be first granted or appropriated therefor, by the city council; and the city council shall secure a prompt and just accountability by requiring bonds with sufficient penalty and surety or sureties, from all persons entrusted with the receipt, custody or disbursement of money; they shall have the care and superintendence of the city buildings and the custody and management of all city property, with power to let or sell what may be legally let or sold, and to purchase and take in the name of the city such real and personal property in addition to that now held, as the city council may find neces-

15 sary for municipal purposes; and shall as often as once a
16 year cause to be published for the information of the in-
17 habitants, a particular account of receipts and expenditures,
18 and a schedule of city property.

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

It shall be the duty of assistant assessors to furnish the
2 assessors with all the necessary information relative to per-
3 sons and property taxable in the several wards from which
4 they are appointed, or to which they may be assigned and
5 they shall be sworn or affirmed to the faithful performance
6 of their duty. All taxes shall be assessed, apportioned and
7 collected in the manner prescribed by the laws of the state
8 relative to town taxes; provided that the city council may
9 establish further or additional provisions for the collection
10 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 the 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 the
10 committee on new streets, whose duty it shall be to lay out,
11 alter, widen or discontinue any street or way in said city,
12 first giving notice of the time and place of their proceedings
13 to all parties interested, by an advertisement in two daily
14 papers printed in Portland, for one week at least previous
15 to the time appointed. The committee shall first hear all
16 parties interested, and then determine and adjudge whether
17 the public convenience requires such street or way to be
18 laid out, altered or discontinued; and shall make a written
19 return of their proceedings, signed by a majority of them,
20 containing the bounds and descriptions of the street or way,
21 if laid out or altered, and the names of the owners of the
22 land taken, when known, and the damages allowed therefor;
23 the return shall be filed in the city clerk's office at least
24 seven days previous to its acceptance by the city council.
25 The street or way shall not be altered or established until
26 the report is accepted by the city council, and the report
27 shall not be altered or amended before its acceptance. A
28 street or way shall not be discontinued by the city council,
29 excepting upon the report of said committee. The com-
30 mittee shall estimate and report the damages sustained by
31 the owners of the lands adjoining that portion of the street
32 or way which is so discontinued; their report shall be filed
33 with the city clerk seven days at least before its acceptance.
34 Any person aggrieved by the decision or judgment of the
35 city council in establishing, altering, or discontinuing streets,

36 may, so far as relates to damages, appeal therefrom to the
37 next court having jurisdiction thereof in the county of Cum-
38 berland, which court shall determine the same by a com-
39 mittee or reference under a rule of court, if the parties agree,
40 or by a verdict of its jury, and shall render judgment, and
41 issue execution for the damages recovered, with costs to
42 the party prevailing in the appeal. Such appeal shall be
43 made to the term of the supreme judicial court, which shall
44 first be holden in the county of Cumberland, more than
45 thirty days from and after the day the street is finally
46 established, altered or discontinued, excluding the day of
47 commencement of the session of said court. The appellants
48 shall serve written notice of such appeal upon the mayor
49 or city clerk, fourteen days at least before the session of
50 the court, and shall at the first term file a complaint setting
51 forth substantially the facts of the case. On the trial, ex-
52 ceptions may be taken to the rulings of the court, as in other
53 cases. Co-tenants who are appellants, shall join in their
54 appeal or shall not recover their costs. If a street or way
55 is discontinued before the damages are paid or recovered
56 for the land taken, the land owner shall not be entitled to
57 recover such damages, but the committee in their report
58 discontinuing the same shall estimate and include all the
59 damages sustained by the land owner, including those caused
60 by the original location of the streets, and in such cases, if
61 an appeal has been regularly taken, the appellant shall re-
62 cover his costs. The city shall not be compelled to con-

63 struct or open any street or way thus hereafter established,
64 until in the opinion of the city council the public good re-
65 quires it to be done; nor shall the city interfere with the
66 possession of the land so taken by removing therefrom ma-
67 terials, or otherwise, until they decide to open and construct
68 said street, provided that if any street or way is not con-
69 structed within two years after the laying out of such street
70 or way, the proceedings are void. The city council may
71 regulate the height and width of sidewalks in any public
72 square, places, streets, lanes or alleys in said city; and may
73 authorize posts and trees and other objects permitted by law,
74 to be placed along the edge of said sidewalks. Nor shall the
75 city be answerable for damages occasioned by telegraph poles
76 and wires erected 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 mate-
5 rials for making or repairing any street, sidewalk, crosswalk,
6 bridge, watercourse or drain, or for erecting, repairing or
7 finishing any building or fences, or for laying or repairing
8 gas or water pipes or conduits, provided that not more than
9 one-half of the width of the street shall be so occupied.
10 Any such material so placed by virtue of any license obtained
11 as aforesaid, shall not be considered an incumbrance or
12 nuisance in such street; and the city shall not be liable to
13 any person for any damages occasioned 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 the
4 city council, once in ten years, or oftener, to revise, and if
5 it be needful, to alter such wards in such manner as to
6 preserve, as nearly as may be, an equal number of voters
7 in each, and the city council may, in such manner, but sub-
8 ject to the approval of the legal voters of the city signified
9 in the manner provided by statute in the case of a change
10 in the limits of city wards, change the number of wards.
11 In each of said wards, at the annual municipal election,
12 there shall be chosen by ballot, a warden and clerk, who
13 shall hold their offices for one year from the Monday fol-
14 lowing their election, and until others shall have been chosen
15 and qualified in their places. Said warden and clerk shall
16 be sworn or affirmed to the faithful performance of their
17 respective duties by any justice of the peace of the city;
18 and a certificate of such oaths or affirmations having been
19 administered, shall be entered by the clerk on the records
20 of the ward. The warden shall preside at all ward meet-
21 ings, with the powers of moderators of town meetings. If
22 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 calling
4 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 three councilors shall be elected at large by
6 and from the qualified voters of the city voting in their
7 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 twenty-seven, 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, nineteen
6 hundred twenty-seven, and every two years thereafter, said
7 qualified voters shall in addition thereto, ballot for three
8 councilors at large for a term of two years; and on said
9 first Monday of December, nineteen hundred twenty-seven,
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-eight 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-seven, 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 to fill the vacancy for
8 the unexpired term.

At the first election after this charter is in force, to be
2 held on the first Monday of December, nineteen hundred
3 twenty-seven the qualified voters of the city shall ballot also
4 for three members of the school committee at large to hold
5 such office for a term of one year, two years and three years
6 and each year thereafter said voters shall ballot for one

7 member of such committee to serve for the term of three
8 years; and on said first Monday of December, nineteen
9 hundred twenty-seven, the qualified voters of each ward
10 shall at the same time ballot by wards for a member of said
11 school committee from the legal voters of the respective
12 wards to serve as follows:

From wards one, three, and seven for one year.

From wards four, six, and eight for two years.

From wards two, five, and nine for three years.

13 and at each subsequent election said qualified voters of each
14 ward shall ballot by wards for a member of the school
15 committee from the legal voters of their respective wards
16 to serve for the term of three years each.

All of said officers shall be elected by ballot and on one
2 ballot 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 of
7 Maine, relating to political party caucuses, except as here-
8 inafter 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-seven, 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 succes-
16 sors in office. No person shall vote at any such caucus un-
17 less a legally qualified voter in the ward where any such
18 caucus is held, nor unless enrolled as qualified to vote in a
19 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 tinguishing 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 en-
 9 rolled 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 the
 4 board of registration of said city, at any time between the
 5 date when this charter is adopted and the fifteenth day of
 6 October, nineteen hundred twenty-seven, and when so en-
 7 rolled, shall not be entitled to change such enrolment for
 8 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
 14 voter in this city and ward, and have the legal right to vote
 15 in the caucus of the.....party. I am
 16 a member of that political party and intend to vote for its
 17 candidates at the election next ensuing. I have not taken
 18 part or voted at the caucus of any other political party in
 19 the six months last past," and upon such enrolment shall
 20 be permitted to vote.

The warden shall indorse on every such enrolment blank, whether the person subscribing and swearing to the same voted at said caucus and shall return the same at the close of said caucus to the board of registration and said board of registration shall thereupon enroll said voter in the enrolment list of the party designated by him. Said enrolment blank and the statement thereon shall be preserved as a public record and shall be prima facie evidence in any court that said person took said oath and voted in said caucus.

The warden may appoint and swear to the faithful performance of their duties such number of enrolment clerks to assist him as may be required, who shall have power to take the oath required of any person so enrolling at said caucus.

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

The board of registration shall make up and certify, in season for such caucuses, true and correct lists of all the persons legally entitled to vote in said city, after the same have been corrected, in accordance with the last registration of voters therein, and shall indicate on such lists of voters the political party, if any, in which each of said voters is enrolled; said lists, as so prepared by said board of registration, shall not be altered or amended by any person whatsoever, except said board of registration, and then only

10 upon application to change his enrolment 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
13 to the date of the holding of any such caucuses. Such lists,
14 as prepared, shall at the time of the holding of such cau-
15 cuses be delivered to the warden in each of said wards and
16 shall be used in said wards for the purposes of holding said
17 caucuses and shall be returned intact to said board of
18 registration, after said caucuses are closed and shall be pre-
19 served by said board of registration until the same are sup-
20 erseded by new lists, prepared by said board. Said board
21 of registration shall supply to the political committees of
22 each such political party such number of the copies of such
23 lists and the enrolments noted thereon, as may be reason-
24 ably required for the purposes of said committees.

On the second Wednesday of November, nineteen hundred
2 and twenty-seven, and annually thereafter, the persons le-
3 gally qualified to vote in such political caucuses shall assem-
4 ble in their respective wards, and shall nominate by ballot
5 a warden and a clerk, two constables and, if the term of a
6 member of the superintending school committee from any
7 such ward expires that year or a vacancy exists, also a
8 member of such school committee from such ward, and
9 shall elect a ward committee.

On the second Wednesday of November, nineteen hundred
2 and twenty-seven, and the second Wednesday of November,
3 nineteen hundred and twenty-eight, and every two years

4 thereafter, said persons legally qualified to vote in such
5 caucuses shall also nominate in each ward, by ballot, five
6 delegates from each ward to attend a mayoralty conven-
7 tion, for the purpose of nominating a mayor and three
8 female members at large of the superintending school com-
9 mittee. The delegates elected to such mayoralty convention
10 shall meet in separate conventions for each political party,
11 at such time subsequent to the date of the holding of the
12 said caucuses as shall be designated by the political com-
13 mittees of such political parties. The terms of office of the
14 present female members at large of the superintending
15 school committee shall terminate on the second Monday
16 in December, nineteen hundred and twenty-seven, or upon
17 the election and qualification of their successors, and on
18 said first Monday of December, nineteen hundred and twen-
19 ty-seven, and every two years thereafter, the qualified voters
20 in each ward in said city shall, in addition to balloting for
21 other officers, hereinbefore designated, ballot for three
22 female members at large of said superintending school
23 committee, 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,
7 and each voter may subscribe to as many nominations as

8 there are councilors at large to be elected at the next mu-
9 nicipal election. Such nomination papers shall be filed with
10 the 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 char-
13 ter, 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 candi-
16 date. One of the signers to each such separate paper shall
17 swear to the truth thereof and the certificate of such oath
18 shall be annexed to or made upon the nomination papers.
19 No nomination shall be valid unless the candidate shall file
20 with the city clerk in writing, not later than fourteen days,
21 exclusive of Sundays, before the day of election his con-
22 sent, accepting the nomination, agreeing not to withdraw
23 and, if elected, to qualify. Such nomination papers shall
24 be in such form as the city clerk shall prescribe, but shall
25 contain among other things the name or designation of not
26 more than one political party, and shall be obtained from
27 the city clerk, upon application stating in which political
28 party the candidate proposed to be nominated is enrolled
29 and of which he desires to become a candidate. The name
30 of the person nominated by means of such nomination
31 papers as aforesaid, shall be placed upon the ballot to be
32 used at the next succeeding municipal election in which
33 such councilors are to be chosen, in the party group of that
34 political party, the name or designation of which appears

35 upon his nomination papers. All nomination papers, being
36 filed and being in apparent conformity with the foregoing
37 provisions, shall be deemed to be valid; and if not in ap-
38 parent conformity, they may be seasonably amended under
39 oath. In case any candidate who has been duly nominated
40 under the provisions hereof shall die before the day of elec-
41 tion, the vacancy may be supplied in the manner herein
42 provided for such nominations. The name so supplied for
43 the vacancy shall, if the ballots have not been printed, be
44 placed on the ballots instead of the original nomination;
45 or if the ballots have been printed, new ballots containing
46 the new nominations shall, if practicable, be furnished, or
47 slips containing the new nomination shall be printed under
48 the direction of the city clerk, which may be pasted in
49 proper place upon the ballots and thereafter shall become
50 part and parcel of said ballots as if originally printed
51 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.

The ward clerk, within twenty-four hours after such elec-
2 tion, shall deliver to the persons elected, certificates of their
3 election, and shall forthwith deliver to the city clerk, a cer-
4 tified copy of the record of such election, a plain and intel-
5 ligible abstract of which shall be entered by the city clerk
6 on the city records. If the choice of any such officers is

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

34 nance, determine the manner of calling special meetings and
35 the persons by whom the same shall be called; but until
36 otherwise provided by ordinance, special meetings shall be
37 called by the mayor by causing a notification to be left at
38 the usual 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 office
7 of mayor, he shall exercise all the powers and perform all
8 the duties of the office, so long as such vacancy shall re-
9 main, 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 perma-
12 nent 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 within
5 the city of Portland.

Sect. 16. The city council, in behalf of the city, may offer
2 rewards for the prevention of crimes or detection of crimi-
3 nals. They may remove all sunken wrecks in the harbor
4 or its entrances, and dispose of the same to defray the ex-

5 pense of removal and may, at the expense of the city, cause
6 its harbor to be kept open and unobstructed by ice. They
7 may also require all boats not under register or license, kept
8 for hire in said harbor, to be examined and licensed for
9 that purpose, and to be furnished with airtight compart-
10 ments; and may establish such regulations respecting such
11 boats as they may deem expedient. They may also make
12 and enforce by penalties, regulations respecting the enclosure
13 of lots abutting on any street or way in the city, which
14 may for want of such enclosure, be dangerous to the pub-
15 lic; and after notice to the owners or lessees of such lots,
16 may, if the same are not enclosed in a reasonable time,
17 cause the same to be enclosed at the expense of the owners
18 or lessees. They may assess money for celebration of the
19 anniversary of our national independence, and other public
20 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 law,
8 shall be determined by the city council. In case of the
9 temporary absence of the city clerk, the mayor, subject to
10 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 by
6 the constitution of this state; and such meetings shall be
7 duly warned by the mayor and city council upon requisition
8 of sixty qualified voters. The city clerk shall act as clerk
9 of such meetings, and record the proceedings upon the city
10 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 of
5 profit or emolument, the salary of which is payable by the
6 city. For failure on the part of any member of the city
7 council to attend any stated or other duly called meeting
8 of the city council or of the municipal officers, there shall
9 be deducted from his compensation the sum of ten dollars;
10 and all departments, boards, officers and committees, acting
11 under the authority of the city, and entrusted with the ex-
12 penditure of public money, shall expend the same for no
13 other purpose than that for which it is appropriated; and
14 shall be accountable therefor to the city, in such manner
15 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 be
6 approved by the mayor and city council; and may appoint
7 assistants and deputies as provided by law. All warrants
8 directed to him by the assessors and municipal officers shall
9 run to him and his successors in office, and shall be in the
10 form prescribed by law, changing such parts only as by
11 this act are required to be changed. The method of keep-
12 ing, vouching and settling his accounts, shall be subject to
13 such rules and regulations as the city council may establish.
14 Said treasurer and collector shall collect all such uncollected
15 taxes and assessments in whatever year assessed, as may
16 be collected during his term of office; and at the expiration
17 of said term, his powers as collector shall wholly cease; all
18 sales, distresses, and all other acts and proceedings, law-
19 fully commenced by him as such treasurer and collector,
20 may be as effectually continued and completed by his suc-
21 cessor in office as though done by himself; and all unre-
22 turned warrants, which would otherwise be returnable to
23 him, shall be returned to his successor in office.

Sec. 21. The original location of all streets and ways in
2 said city shall, once in ten years, or oftener, be ascertained
3 by the commissioner of public works, under the direction
4 of the city council, as accurately as practicable, the location
5 of different streets being ascertained by him from time to
6 time, when expedient. He shall make a written report of

7 his doings to the committee on new streets, which shall give
8 twenty days' notice, by advertisement in two or more pub-
9 lic papers in the city of the time and place at which it will
10 act upon said report. Any person may appear and object
11 to the report, and after a full hearing of all parties inter-
12 ested, the committee may accept, alter, or amend the report
13 as it shall think right and shall report their proceedings to
14 the city council, who shall thereupon determine the lines
15 for such streets and ways in said city, according to the
16 original location thereof, and shall order the same to be
17 designated anew by fixed and permanent boundaries, as and
18 for the original boundaries; and a record of the location
19 thereof to be made upon the city records, and a copy of
20 the last record of such proceedings respecting any street,
21 with evidence of the location of the boundaries therein des-
22 igned, shall in all judicial proceedings, be prima facie evi-
23 dence of the place of the original location of said 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 extended
6 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 com-
12 missioner'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 con-
4 ferred and imposed upon superintending school committees
5 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
17 school appropriation of the city council.

Sect. 25. The commissioner of public works except as
2 otherwise provided in this charter, shall continue to be
3 vested with all 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
2 city council by the park and recreation commission, acting
3 as a planning board, and said commissioner, a joint recom-
4 mendation and estimate of cost covering specifically all work,
5 including construction, maintenance, repair and permanent
6 improvement, necessary in their opinion to be performed
7 by the department of public works for the year, and said
8 city council shall appropriate such sum of money as it deems
9 necessary to carry out such recommendations or any part
10 thereof, but shall not order or appropriate money for any
11 work which is not in accordance with said recommenda-
12 tions.

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

Sect. 26. All powers and duties heretofore vested in the
2 park commission for the city of Portland and all the powers

3 and duties heretofore vested in the recreation commission
4 for the city of Portland are hereby vested in a commission
5 to be called the park and recreation commission for the city
6 of Portland. Said park and recreation commission shall
7 be constituted and appointed in the same manner as is now
8 provided by law for the park commission for the city of
9 Portland, except that the appointment of the members of
10 the said commission shall be made by the mayor subject
11 to confirmation by the city council. Said park and recrea-
12 tion commission shall also have the powers and duties here-
13 inafter prescribed relating to city planning.

The assessors of the city shall assess annually a tax of
2 one mill on the dollar upon all estates and property sub-
3 ject to taxation in said city to be taken at the last regular
4 valuation. The amount of said tax when raised, shall be
5 appropriated as a special fund, and expended by said park
6 and recreation commission for the duties and work pre-
7 scribed for said park and recreation commissions by the
8 laws of this state and by this charter; provided, however,
9 that in lieu of the amount now provided by law to be ex-
10 pended by said recreation commission for its purposes, there
11 shall be set aside and expended by said park and recrea-
12 tion commission for said purposes ten per centum of the
13 aforesaid fund; and provided further, that one per centum
14 of the amount of said mill tax shall be reserved by the city
15 treasurer 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 recrea-
3 tion commission for the city of Portland shall keep itself
4 informed of the progress of city planning in this and other
5 countries; make studies and recommendations for the im-
6 provement of the plan of the city, with a view to the
7 present and future movement of traffic, the convenience,
8 health, recreation, general welfare and other needs of the
9 city, dependent on the city plan; of all new public streets,
10 ways, sewers, conduits, land, buildings, bridges and all other
11 public places and structures, of additions and alterations in
12 those already existing, and of the layout or plotting of new
13 sub-divisions of the city, and shall keep itself informed of
14 all actions or contemplated actions by the city council af-
15 fecting 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 to it by

4 the city council during that year, and what, if anything, has
5 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 hereto-
3 fore existing are hereby abolished as of the second Monday
4 of December, nineteen hundred twenty-seven, or as soon-
5 thereafter as the park and recreation commission herein
6 provided for shall be appointed.

Sect. 27. The purchasing agent shall purchase supplies for
2 the city and for the several departments and boards thereof
3 as the city council may from time to time provide by ordi-
4 nance. He shall see to the delivery of supplies purchased
5 by him to each department and board to whom they belong,
6 and take and file receipts therefor and shall have such other
7 powers and perform such other duties as the city council
8 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
8 be included in the tax levy for each year until the debt
9 is extinguished; provided, however, that bonds issued to
10 refund 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
2 outstanding at the time of the adoption of this charter is
3 fully paid, the assessors of the city shall assess annually a
4 tax of one and one-quarter mills on the dollar upon all
5 estates and property subject to taxation in said city, to be
6 taken at the last regular valuation. The amount of said
7 tax when raised shall be appropriated by the city council
8 for a sinking fund for retirement of bonds and until said
9 bonded indebtedness is fully paid said sinking fund shall
10 be applied only to the payment of that bonded indebtedness
11 of the city, the payment of which has not been provided
12 for by payments in serial installments.

Sect. 29. The health officer shall take the place of the local
2 board of health, the terms of office of the members of which
3 shall terminate on the second Monday of December, nine-
4 teen hundred twenty-seven, and said health officer shall have
5 and exercise all the powers and duties by law conferred
6 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 nineteen hundred twenty-seven, or as soon thereafter as
4 the city council provided for in this charter shall be elected
5 and qualified and the terms of office of the present members
6 of said board shall then 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 takes
3 effect, not inconsistent with the provisions hereof, shall
4 continue in force until amended or repealed.

The powers and duties of any committee of the city
2 council 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 unexecuted
3 when this charter goes into effect, and not inconsistent
4 therewith, shall be enforced, continued or completed in all
5 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 de-
9 partment, appointment and removal of the city electrician

10 and the appointment of the deputy and district chiefs of the
11 fire department.

The passage and acceptance of this act shall not, except as
2 specifically provided therein, affect the term of office of
3 such officers, trustees, members of commissions, or depart-
4 ments, as may be holding office, with a definite term of years
5 fixed by statute, at the time this charter takes effect, but
6 such officers, trustees, members of commissions, or depart-
7 ments, shall complete the term of office to which they have
8 been elected or appointed, subject to removal by the mayor,
9 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 act
10 shall take effect on the second Monday of December in the
11 year nineteen hundred twenty-seven.

All provisions of the present charter of the city of Port-
2 land not inconsistent with this act are hereby expressly con-
3 tinued in full force and effect, but all acts and parts of
4 acts inconsistent with this act are hereby expressly repealed.

Sect. 33. 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 in September, A. D.
 4 nineteen hundred and twenty-seven, and warrants shall be
 5 issued for such election in the manner now provided by law
 6 for the holding of municipal elections, notifying and warn-
 7 ing the qualified voters of said city to meet at the several
 8 ward meetings of said city, there to cast their ballot for
 9 the approval or rejection of this act. The question pro-
 10 posed on said ballot shall be in substantially the following
 11 form:

FORM OF BALLOT

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

FORMS OF CHARTER

Plan 1. Council-manager form providing for a city
 2 council of five members elected one each year for a
 3 term of five years from the city at large without re-
 4 gard to ward lines and without party designation,
 5 and a city manager elected by the council.

Plan 2. Form providing mayor and board of four-
 2 teen councilors elected for a term of two years, one
 3 from each ward and three at large with party desig-
 4 nation retained.”

Otherwise said ballot shall be in the form provided by law
 2 when a constitutional amendment is submitted to the vote

3 of the people. The provisions of law relating to the prepa-
4 ration of voting lists for municipal elections shall apply to
5 such election and said election shall in all other respects be
6 conducted as municipal elections in said city are now con-
7 ducted by law, and the results thereof shall be determined
8 in the manner now provided by law for the determination
9 of the election of mayor. If a majority of the valid ballots
10 deposited as aforesaid, shall favor the adoption of plan two,
11 so-called, then this act shall take effect as herein provided
12 and the city council shall forthwith make proclamation of
13 the fact.