

# MAINE STATE LEGISLATURE

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# EIGHTY-FOURTH LEGISLATURE

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**House Document**

**No. 70**

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H. P. 171                      House of Representatives, Jan. 24, 1929.

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

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Robie of Westbrook.

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## STATE OF MAINE

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

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AN ACT to Amend the Charter of the City of Westbrook, in Reference to Reducing the Number of its Aldermen, and Increasing the Time of Their Office, as well as that of the Mayor, and the Board of Assessors.

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

Section 1. Section two of chapter two hundred and fifty-  
2 seven of the Public and Special Laws of 1907, being the  
3 charter of the City of Westbrook, is hereby amended, by  
4 striking out the whole section thereof, and substituting the  
5 following:

'Sect. Two. The government of said city, with the ad-  
2 ministration of all its fiscal, prudential and municipal affairs

3 shall be vested in one principal magistrate, to be called the  
4 mayor, and in one council of seven, to be called the city  
5 council, the members whereof shall be called aldermen.  
6 The general management and control of the public schools  
7 and the school property, including the school buildings and  
8 grounds, shall be vested in a school committee to consist of  
9 seven members. The members of said school committee  
10 shall continue to be elected in the manner and for the terms  
11 provided in section two of chapter hundred and forty-six  
12 of the private and special laws of eighteen hundred and  
13 ninety-seven, which is hereby kept in force for that pur-  
14 pose, except that each member so elected, shall hold office  
15 for the term of three years from the first Monday of Jan-  
16 uary succeeding the time when elected, and until a suc-  
17 cessor is elected and qualified. All vacancies occurring in  
18 the school committee by death, resignation or removal from  
19 the city, shall be filled for the unexpired term by the remain-  
20 ing members; and in case such vacancy is caused by the  
21 death, resignation or removal from the city, of a member  
22 elected by a ward, such vacancy shall be filled from the ward  
23 where it occurs. Said school committee may effect such in-  
24 surance upon the school buildings and property as they may  
25 deem expedient, and shall have charge of all repairs on the  
26 same.'

Sect. 2. Section four of said chapter is hereby amended  
2 by striking out the entire section and substituting the fol-  
3 lowing:

1     'Sect. 4. The mayor, the city clerk, and two aldermen  
2 shall be elected from the citizens at large, by the legal vot-  
3 ers of the city voting in their respective wards. One alder-  
4 man, a warden, a ward clerk and one constable shall be  
5 elected by each ward, being residents of the ward where  
6 elected. All of said officers shall be elected by ballot by a  
7 plurality of the votes given, and shall hold their offices for  
8 two years from the first Monday in January, and until oth-  
9 ers shall be elected and qualified in their places.' All city  
10 and ward officers shall be held to discharge the duties of  
11 their respective offices, notwithstanding their removal after  
12 their election, into any other wards in the city; but they shall  
13 not be so held after they have taken up their permanent  
14 residence out of the city.'

      Sect. 3. Section five of said chapter is hereby amended  
2 by striking out the first sentence thereof, and substituting  
3 therefor the following: 'The municipal elections, after this  
4 act has been approved by a majority of the voters, qualified  
5 to vote in said city, shall take place biennially on the second  
6 Monday in December' so that said section as amended shall  
7 read as follows:

      'Sect. 5. The municipal elections, after this act has been  
2 approved by a majority of the voters, qualified to vote in  
3 said city, shall take place biennially on the second Monday  
4 in December. All meetings of the citizens for municipal  
5 purposes shall be notified and called in their respective  
6 wards, by the mayor and aldermen, in the manner provided

7 by the laws of this state for notifying and calling town  
8 meetings by the selectmen of the several towns. The war-  
9 dens shall preside at all ward meetings, with the powers of  
10 moderators at town meetings; and if at any ward meeting  
11 the warden shall not be present, the clerk shall preside till  
12 a warden, pro tempore, shall be chosen. If neither the war-  
13 den or clerk is present, any legal voter in the ward shall  
14 preside till a clerk, pro tempore, shall be chosen and quali-  
15 fied. The legal voters in each ward may choose two per-  
16 sons to assist the warden in receiving, sorting and counting  
17 votes. If from any cause there shall be a vacancy in the  
18 office of warden or ward clerk in any of the wards of the  
19 city, the same shall be filled by appointment by the mayor  
20 for the unexpired term.'

Sect. 4. Section nine of said chapter is hereby amended  
2 by striking out the entire section thereof, and substituting  
3 the following:

'Sect. 9. The mayor-elect, and the aldermen-elect, shall  
2 biennially, on the first Monday in January, at seven o'clock  
3 and thirty minutes in the afternoon, meet and be sworn to  
4 a faithful discharge of their duties. The oath shall be ad-  
5 ministered at their first meeting after the acceptance of this  
6 act, by the town clerk or any justice of the peace, and in  
7 subsequent years, by the city clerk or any justice of the  
8 peace, and shall be duly certified on the Journal of the city  
9 council. The city clerk shall be sworn by the city clerk of  
10 the previous year or any justice of the peace. In case of

11 the absence of the mayor-elect on the first Monday in Jan-  
12 uary, or if the mayor shall not then have been elected, the  
13 oath of office may at any time thereafter be administered  
14 to him in the presence of the city council; and at any time  
15 thereafter in like manner the oath of office may be admin-  
16 istered to any member of the city council who has been  
17 previously absent, or has been subsequently elected; and  
18 every such oath shall be duly certified as aforesaid.'

Sect. 5. Section ten of said chapter is hereby amended by  
2 striking out the entire section thereof, and substituting the  
3 following:

'Sect. 10. After the oath has been administered to the  
2 aldermen present, they shall be called to order, at their first  
3 organization, by the town clerk, and in subsequent years by  
4 the city clerk, or in case of the absence of the clerk, by the  
5 oldest member present. The person so calling the city  
6 council to order shall proceed to call the roll of the mem-  
7 bers and each member shall declare his choice for presi-  
8 dent of the city council, who shall be a member thereof.  
9 If no quorum is present an adjournment shall be taken to  
10 a later hour, or to the next day, and thereafter the same  
11 proceedings shall be had from day to day, until a quorum  
12 shall be present. If any person receives a majority of the  
13 votes of all the members of the city council present, such  
14 person shall be declared chosen president thereof. If, on  
15 the first day on which a quorum is present no person re-  
16 ceives such majority, the roll call shall be repeated until some

17 person receives the vote of such majority, or an adjourn-  
18 ment is taken to the succeeding day, and on such succeed-  
19 ing day when a quorum is present, a plurality of those vot-  
20 ing shall be sufficient for an election. The president may  
21 be removed from office by the affirmative vote of five mem-  
22 bers of the city council taken by roll call. The city clerk  
23 shall be, ex officio, clerk of the city council and shall keep  
24 a journal containing a record of the proceedings of the city  
25 council and a record at large of all votes taken by roll call,  
26 and shall sign and attest all ordinances and resolutions of  
27 the city council. In case of a vacancy in the office of presi-  
28 dent of the city council by death, resignation or otherwise  
29 the same shall be filled for the unexpired term by a plurality  
30 vote of the members voting by roll call.'

Sect. 6. Section thirteen of said chapter is hereby amend-  
2 ed by striking out the entire section thereof, and substitut-  
3 ing the following:

'Sect. 13. The city council shall as soon as may be after  
2 its organization, biennially, choose an auditor of accounts,  
3 who shall hold office for the term of two years, and until  
4 his successor is chosen and qualified. A majority of the  
5 votes of all the members of the city council, taken by roll  
6 call, shall be necessary for the choice of such auditor; and  
7 he may be removed by an affirmative vote of a majority of  
8 all the city council taken by roll call.'

Sect. 7. Section twenty-nine of said chapter is hereby  
2 amended by striking out the whole of said section thereof,

3 and substituting the following:

4 'Sect. 29. There shall be a board of five assessors, one  
5 2 from each ward, to be elected on the second Monday in  
6 3 January, annually or as soon as may be thereafter by the  
7 4 city council by a majority of all its members by roll call.  
8 5 The manner of their election, and the time of their office  
9 6 shall be as follows. The first assessor elected shall be from  
10 7 ward one and his term of office shall be for five years, the  
11 8 next assessor elected shall be from ward two, and his term  
12 9 of office shall be for four years, the next assessor elected  
13 10 shall be from ward three, and his term of office shall be for  
14 11 three years, the next assessor elected shall be from ward  
15 12 four, and his term of office shall be for two years, and the  
16 13 next assessor elected shall be from ward five, and his term  
17 14 of office will be for one year. After having completed one  
18 15 year in office, the assessor from ward five will be replaced  
19 16 by an assessor from the same ward whose term of office will  
20 17 be for five years, and at future elections to the board of  
21 18 assessors, which shall be held annually, the vacancy to be  
22 19 filled, will be supplied from the ward wherein the retiring  
23 20 member resides. The compensation of the assessors shall  
24 21 be fixed by the city council and shall not be increased or  
25 22 diminished during the municipal year for which they are  
26 23 elected. All taxes shall be assessed, apportioned and col-  
27 24 lected in the manner prescribed by the laws of this state  
28 25 relative to town taxes; but the city council may establish  
29 26 further or additional provisions for the collection thereof.



27 All vacancies occurring in said board by death, resigna-  
28 tion, or removal from the city shall be filled for the unex-  
29 pired term by the city council, from the ward where such  
30 vacancy occurs.'

Sect. 8. All acts and parts of acts inconsistent with this  
2 act, are hereby repealed.

Sect. 9. This act shall take effect and be in full force,  
2 when approved by a majority of the votes cast by those  
3 qualified to vote in municipal elections in said city, voting  
4 at the first annual election to be held on the ninth day of  
5 December, in the year of our Lord, one thousand nine hun-  
6 dred and twenty-nine. The city clerk shall reduce the sub-  
7 ject matter of this act to the following question and cause  
8 same to be printed on the official election ballot: "Shall the  
9 act relating to amendment of the charter of the City of  
10 Westbrook in reference to reducing the number of its alder-  
11 men and increasing the time of their office as well as that  
12 of the mayor, and the board of assessors, be adopted?" and  
13 the voters shall indicate their preference by a cross within  
14 a square upon their ballots, said ballots to contain squares  
15 for answer of said question, marked "Yes" and "No"  
16 respectively.