

MAINE STATE LEGISLATURE

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EIGHTY-FOURTH LEGISLATURE

House Document

No. 303

H. P. 859

House of Representatives, Feb. 6, 1929.

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

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Rackliffe of Old Town.

STATE OF MAINE

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

AN ACT to Grant a New Charter to the City of Old Town.

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

ARTICLE I:

GRANT OF POWERS TO THE CITY

CORPORATE EXISTENCE RETAINED: The inhabitants of the
2 city of Old Town, in the county of Penobscot, shall con-
3 tinue to be a body corporate and politic under the name
4 of the city of Old Town and as such shall be, have, exer-
5 cise and enjoy all the rights, immunities, powers, privileges
6 and franchises and shall be subject to all the duties, liabili-
7 ties and obligations provided for herein, or otherwise ap-

8 pertaining to or incumbent upon said city as a municipal
9 corporation, or appertaining to or incumbent upon the in-
10 habitants thereof or municipal authorities thereof; and may
11 enact by-laws, regulations and ordinances for municipal pur-
12 poses not inconsistent with the constitution and laws of the
13 state of Maine, and impose penalties for the breach thereof.

ARTICLE II:
CITY COUNCIL

Section I. POWERS AND DUTIES: The administration of
2 all the fiscal, prudential, and municipal affairs of said city
3 with the government thereof, except the general manage-
4 ment, care, conduct and control of the schools of said city,
5 which shall be vested in a school committee as hereinafter
6 provided, and also except as otherwise provided by this
7 charter, shall be and are vested in one body of seven mem-
8 bers, which shall constitute and be called the city council,
9 all of whom shall be inhabitants of said city, and shall be
10 sworn in the manner hereinafter prescribed. Said city coun-
11 cil shall exercise its powers in the manner hereinafter pro-
12 vided.

The members of the city council shall be and constitute
2 the municipal officers of the city of Old Town for all pur-
3 poses required by statute, and, except as otherwise herein
4 specifically provided, shall have all powers and authority
5 given to and perform all duties required of municipal offi-
6 cers, and mayors of cities under the laws of this state.

The city council is hereby constituted the overseers of the
2 poor of the city of Old Town 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 a clerk or agent to sign in their name and send writ-
6 ten notices and the written answers referred to or required
7 in sections thirty-five and thirty-six of chapter twenty-nine
8 of the revised statutes, and such written notices and writ-
9 ten answers, so signed, shall have the same effect as if
10 signed by one or more of said overseers and sent by a mem-
11 ber or members of said overseers personally.

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 said 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 the same.

For election purposes, said city shall be divided into five
2 wards, each to contain as nearly as may be convenient, con-
3 sistently with well-defined boundaries, an equal number of
4 the inhabitants of said city; and it shall be the duty of the
5 city council, once in ten years and not oftener than once
6 in five years, to revise and, if alteration is deemed neces-
7 sary, to alter the boundaries of said wards in such manner
8 as to preserve as nearly as convenient an equal number of
9 inhabitants in each ward.

The council shall have the power, by a five-sevenths vote
2 of the members, to increase or decrease the number of wards
3 provided that the above stated rules regarding “well-defined
4 boundaries” and “an equal number of inhabitants” shall be
5 observed.

The members of the city council shall be and constitute
2 the park commission and shall have the powers and per-
3 form the duties of the park commission provided for by
4 section eighty-four of chapter four of the revised statutes.
5 They shall also be and constitute the cemetery board and
6 shall have the powers and perform the duties of the ceme-
7 tery board provided for by chapter two hundred and ten of
8 the private acts of eighteen hundred and ninety-five.

All other powers now or hereinafter vested in the inhab-
2 itants of said city, and all powers granted by this act, ex-
3 cept as herein otherwise provided, shall be vested in said
4 city council.

However, neither the council nor any of its committees
2 or members shall dictate the appointment of any person to
3 office or employment by the city manager, or in any man-
4 ner interfere with the city manager or prevent him from
5 exercising his own judgment in the appointment of officers
6 and employees in the administrative service. Except for
7 the purpose of inquiry the council and its members shall
8 deal with the administrative service solely through the city
9 manager, and neither the council nor any member thereof
10 shall give orders to any of the subordinates of the city man-

11 ager, either publicly or privately.

Sect. 2. COMPOSITION, ELECTION, TENURE OF OFFICE,
2 ETC.: The city council shall be composed of seven mem-
3 bers elected at large from the qualified voters of the city
4 for a term of three years and until their successors are
5 elected and qualified, except that at the first election of
6 members of the city council the three members elect who
7 shall receive the largest number of votes cast at such elec-
8 tion shall hold office for three years; the two members elect
9 who shall receive the second largest number of votes cast
10 at such election shall hold office for two years; and two
11 members elect who shall receive the third largest number
12 of votes cast at such election shall hold office for one year;
13 and each shall hold office until his successor is elected and
14 qualified.

Each member shall serve without pay, and shall not be
2 eligible, while a member of the council, to any office of
3 emolument or profit under the city charter or ordinances,
4 nor to hold the office of city manager, nor to act as city
5 manager.

Sect. 3. PRESIDENT: At the first meeting, or as soon
2 thereafter as possible, the city council shall elect by major-
3 ity vote, one of its members as president of the council for
4 the ensuing year, and until his successor is elected and qual-
5 ified, and the city council may fill for the unexpired term
6 any vacancy as president that may occur.

If the president shall fail from sickness, disability, ab-

2 sence from the city or other cause to attend to and per-
3 form the duties incumbent on him as such president the
4 remaining members of the city council may by unanimous
5 vote, after notice and hearing, terminate the term of office
6 of said president and remove him therefrom and thereupon
7 by majority vote may elect some other member of said city
8 council president and such newly elected member shall there-
9 upon and thereafter hold the office and perform the duties
10 of president for the balance of the year, and until his suc-
11 cessor is elected and qualified.

The president 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 pres-
6 ident shall be recognized as the official head of the city for
7 ceremonial purposes, and shall have the powers and au-
8 thority given to and perform the duties required of mayors
9 of cities for all purposes of military law, and shall act in
10 lieu of the mayor in so far as representation is provided
11 for the city by the mayor upon any board or commission
12 by any statute. In the temporary absence or disability of
13 the president the city council may select a president pro
14 tempore from among its number and he shall exercise all
15 the powers of the president.

Sect. 4. VACANCIES, FORFEITURE OF OFFICE: In case of
2 a vacancy caused by the death, resignation, removal from

3 the city, or removal from office, as hereinafter provided,
4 of any member of the city council more than six months
5 prior to the next regular city election, the vacancy shall be
6 filled by a special election, the warrant for which shall upon
7 vote of the city council be issued by a member of the city
8 council by vote designated for that duty.

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.

Sect. 5. REGULAR MEETINGS AND QUALIFICATIONS: The
2 city council shall meet at the usual place for holding meet-
3 ings at ten o'clock A. M. on the first Monday in January
4 following the regular city election, and at said meeting the
5 councilmen elect shall be sworn to the faithful discharge
6 of their duties by a justice of the peace, or by the city clerk.
7 The city council shall, at its first meeting, or as soon there-
8 after as possible, establish by ordinance or resolution a reg-
9 ular place and times for holding its meetings, and shall meet
10 regularly at least once a month.

Sect. 6. SPECIAL MEETINGS: Special meetings may be
2 called by the president and in case of his absence, disa-
3 bility or refusal, may be called by a majority of the mem-
4 bers of the city council. Notice of such meeting shall be
5 served in person or left at the residence of each member
6 of the city council at least twenty-four hours before the
7 time of holding said special meeting.

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

Sect. 8. PROCEDURE: The city council shall keep a rec-
2 ord of its proceedings and shall determine its own rules of
3 procedure and make lawful regulations for enforcing the
4 same. The meetings of the city council shall be open to
5 the public. The city council shall act only by ordinance,
6 order or resolve; all ordinances, orders and resolves, ex-
7 cept orders or resolves making appropriations of money,
8 shall be confined to one subject which shall be clearly ex-
9 pressed in the title. The appropriation order or resolve
10 shall be confined to the subject of appropriations only. No
11 ordinance and no appropriation resolve shall be passed until
12 it has been read on two separate days, except when the
13 requirement of a reading on two separate days has been
14 dispensed with by a four-sevenths vote of the members of
15 the city council. The yeas and nays shall be taken upon
16 the passage of all ordinances and entered on the record of
17 the proceedings of the city council by the clerk. The yeas
18 and nays shall be taken on the passage of any order or
19 resolve when called for by any member of the city council.
20 Every ordinance shall require on final passage the affirma-

21 tive vote of a majority of the members of the city council.

Every ordinance before final passage shall be published
2 in one or more newspapers published and circulated in
3 Penobscot county and shall take effect and be in full force
4 ten days from and after it shall have received final passage
5 by the city council and have been approved, in case such
6 approval is required by law, by some justice of the supreme
7 judicial court. Within ten days after its final passage or
8 after said approval by such justice said ordinance shall be
9 published in full in one or more of the newspapers in
10 Penobscot county, but the failure to publish said ordinance,
11 either before or after final passage, shall not affect its valid-
12 ity 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
3 five-sevenths of its members, pass emergency orders or re-
4 solves to take effect at the time indicated therein, but such
5 emergency orders or resolves shall contain a section in which
6 the emergency is set forth and defined.

ARTICLE III:

Section 1. HOW INVOKED: The submission to the vote
2 of the people of any proposed ordinance, order or resolve,
3 except an order granting a permit under sections twenty-
4 six to thirty-two, both inclusive, of chapter sixty of the
5 revised statutes, or of any such ordinance, order or resolve
6 enacted by the city council and which has not yet gone into
7 effect, may be accomplished by the presentation of a peti-

8 tion, therefor to the city council in the manner hereinafter
9 provided. Any ten qualified voters of the city of Old Town
10 may originate a petition putting in operation the initiative
11 or the referendum, by signing such petition at the office of
12 the city clerk. Whenever requested by ten such voters, the
13 city clerk shall prepare the proper petition with a copy of
14 the ordinance, order or resolve to be submitted attached
15 thereto and upon its being signed by said ten voters, the
16 city clerk shall file the petition and shall, during office hours
17 for thirty business days thereafter, keep the same open for
18 signature by qualified voters of the city, and no such peti-
19 tion shall be signed or presented for signature at any place
20 other than the clerk's office. At the expiration of said thirty
21 days, the city clerk shall declare the petition closed, and
22 shall, at the first regular meeting of the city council there-
23 after, present to that body the petition with verification of
24 the number of valid signatures thereto attached. If the
25 number of valid signatures to said petition shall amount to
26 five hundred or more, the city council shall immediately take
27 the necessary steps to submit to the voters of the city the
28 question proposed in said petition; provided that in case of
29 the referendum the entire repeal of the ordinance, order
30 or resolve sought to be referred, and in the case of the initi-
31 ative, the passage by the city council of the desired ordi-
32 nance, order or resolve, shall put an end to all proceedings
33 under said petition.

Sect. 2. FORM OF PETITION: The petition used to origi-

2 nate the initiative or the referendum shall be substantially
3 in the following form.

PETITION TO THE CITY COUNCIL

For the submission to the people of the question:

Shall the proposed ordinance, order or resolve, a copy of
2 which is hereto attached, be adopted?

We, the undersigned, under oath, depose and say: That
2 we are fully qualified voters of the city of Old Town, re-
3 siding respectively at the addresses placed opposite our
4 names, and we hereby petition the city council to submit
5 the foregoing question to the voters of the city of Old Town
6 at the next regular municipal election (or at a special elec-
7 tion).

NAMES	RESIDENCE	DATE
-------	-----------	------

I,, the city clerk of the city of Old Town,
2 do solemnly affirm that I witnessed the signing of each of
3 the above signatures and that, at the time of said signing
4 I made certain that the person affixing his name thereto
5 had reasonable knowledge of the purpose of the petition...

.....

City Clerk.

Date.....

Sect. 3. EFFECT OF REFERENDUM PETITION: Whenever
2 there has been originated as aforesaid, a petition for the
3 reference to the people of any ordinance, resolve or order
4 passed by the city council, which ordinance, order or resolve

5 has not yet gone into effect, the same shall be suspended
6 from going into operation until it has been submitted to a
7 vote of the people and has received the affirmative vote of
8 a majority of the voters voting on said question.

Sect. 4. TIME OF ELECTION: Within ten days after an
2 initiative or referendum petition with the required number
3 of valid signatures is presented by the city clerk, the city
4 council shall set a time for the holding of a special election,
5 at which the proposed or suspended ordinance, resolve or
6 order shall be submitted to the voters of the city, which
7 special election shall be held not less than thirty nor more
8 than sixty days after such presentation; provided, that if
9 a petition shall be so presented within four months next
10 preceding a regular municipal election, no special election
11 shall be called, but the question shall be submitted at said
12 regular election.

Sect. 5. PUBLICATION OF ORDINANCE: Whenever any
2 ordinance, order or resolve is required by the provisions
3 of this charter to be submitted to the voters of the city at
4 any election, the city council shall order one publication of
5 the complete text thereof to be made in one or more news-
6 papers of Penobscot county, such publication to be made
7 not less than ten days nor more than fifteen days prior to
8 the election, or in lieu of such publication, the city council
9 may cause the ordinance, order or resolve to be printed and
10 mailed with a sample ballot to each voter at least five days
11 prior to the election.

Sect. 6. FORM OF BALLOT: The ballots used when voting
2 upon such proposed ordinance, order or resolve shall set
3 forth the title thereof in full and state its general nature,
4 and shall contain the words: "For the Ordinance, Order or
5 Resolve" and "Against the Ordinance, Order or Resolve."

Sect. 7. RESULT OF ELECTION: If a majority of the qual-
2 ified voters voting on said proposed initiative ordinance,
3 order or resolve or said referred ordinance, order or re-
4 solve, shall vote in favor thereof, such ordinance, order or
5 resolve shall take effect five days after the declaration of
6 the official canvass of the return of such election.

Sect. 8. CONFLICTING ORDINANCES, ORDERS OR RESOLVES:
2 Any number of proposed or referred ordinances, orders or
3 resolves may be voted upon at the same election. In the
4 event that two or more ordinances, orders or resolves adopt-
5 ed at the same election shall contain conflicting provisions,
6 the ordinance, order or resolve receiving the highest num-
7 ber of votes at such election shall be paramount and all
8 questions of construction shall be determined accordingly.

Sect. 9. ORDER UPON THE BALLOT: In the event that two
2 or more ordinances, orders or resolves are submitted at the
3 same election, they shall be placed upon the ballot in order
4 of the priority of the filing of the respective petitions and
5 shall be given precedence upon the ballot over any and all
6 questions submitted by the city council on its own initiative.

Sect. 10. REPEAL OF POPULAR ORDINANCES, ORDERS OR
2 RESOLVES ENACTED BY THE PEOPLE: The city council may

3 submit, on its own initiative, a proposition for the enact-
4 ment, repeal or amendment of any ordinance, order or re-
5 solve, except as herein otherwise provided, to be voted upon
6 at any municipal election and should such proposition re-
7 ceive a majority of the votes cast thereon at any election
8 such ordinance, order or resolve shall be enacted, repealed,
9 or amended accordingly. An ordinance, order or resolve
10 adopted by a vote of the people shall not be repealed or
11 amended except by a vote of the people, unless such ordi-
12 nance, order or resolve shall otherwise expressly provide.

SECT. 11. FURTHER REGULATIONS: The city council shall
2 by ordinance, make such further regulations as may be nec-
3 essary to carry out the provisions of this article.

ARTICLE IV: SCHOOL BOARD

Section 1. COMPOSITION, ELIGIBILITY, ELECTION, TENURE
2 OF OFFICE, SPECIAL PROVISION: The school board shall
3 consist of five members appointed by the city council, with-
4 out reference to ward lines. They shall hold office for a
5 term of five years, and until their successors are appointed
6 and qualified, except that at the first appointment of mem-
7 bers of the school board, one member shall be appointed
8 for five years, one member for four years, one member for
9 three years, one member for two years, and one member
10 for one year, and each shall hold office until his successor
11 is appointed and qualified. If for any reason a vacancy shall

12 exist in the membership of the school board the vacancy
13 shall be filled forthwith by appointment by the city council
14 for the unexpired term.

Sect. 2. ORGANIZATION, QUALIFICATION, QUORUM: The
2 school board shall meet for organization within seven days
3 from date of appointment. The members appointed shall
4 be sworn to the faithful discharge of their duties by a jus-
5 tice of the peace or by the city clerk, and a record made
6 thereof. A majority of the whole number appointed shall
7 be a quorum and they shall elect their own chairman.

Sect. 3. POWERS, DUTIES: The school board shall have
2 all the powers, and perform all the duties in regard to the
3 care and management of the public schools of said city,
4 which are now conferred and imposed upon school com-
5 mittees by the laws of this state, except as otherwise pro-
6 vided in this charter. They shall elect a superintendent of
7 schools as provided for by the laws of this state, who shall
8 have the care and supervision of said public schools under
9 their direction, and act as secretary of their board; they
10 shall fix his salary at the time of his election. They shall
11 annually, as soon after the organization of their board as
12 practicable, furnish to the city council an estimate in detail
13 of the several sums required during the ensuing municipal
14 year for the support of the public schools. On the basis of
15 such estimates the city council shall make one gross appro-
16 priation for the support of public schools for the ensuing
17 municipal year, and such appropriation shall not be exceed-

18 ed except by consent of the city council, but the expenditure
19 of said appropriation shall be under the direction and con-
20 trol of the school board.

ARTICLE V:
NOMINATIONS AND ELECTIONS

Section I. DATE OF ELECTIONS AND PROCEDURE TO DE-
2 TERMINE RESULTS: At the first election after this charter
3 is in force, to be held on the second Monday in December,
4 A. D. 1929, the qualified voters of the city shall ballot for
5 seven councilmen, and the qualified voters of each ward
6 shall, at the same time, ballot for a warden and a ward clerk
7 for his ward; and thereafter, on the second Monday in
8 December in each year, a regular municipal election shall
9 be held and the qualified voters of the city shall ballot for
10 a councilman to fill the unexpired term of any councilman
11 whose office is then vacant, if any such vacancy then exists,
12 but whose term of office would not then have normally ex-
13 pired, and for councilmen to fill the office of the council-
14 men whose terms of office expire that year, and the quali-
15 fied voters of each ward shall, at the same time, ballot for
16 a warden and a ward clerk for their ward.

All votes cast for the several officers shall be sorted, count-
2 ed, declared and registered in open ward meeting, as pro-
3 vided by statute. The ward clerk shall forthwith deliver
4 to each person elected warden or ward clerk a certificate of
5 his election and shall forthwith deliver to the city clerk a
6 certified copy of the record of such election.

After the first election held under this charter the then
2 municipal officers and thereafter the city council shall as
3 soon as it conveniently can, examine the copies of the
4 records of the several wards, certified as aforesaid, and
5 shall cause the persons who shall have been elected council-
6 men to be notified in writing of their election; if it shall
7 appear that at the first election seven councilmen have not
8 been elected, or if, after the first election, it shall appear
9 that no person has been elected councilman, or if the person
10 elected shall refuse to accept the office, warrants for another
11 election to fill such vacancy shall be issued forthwith.

If it shall appear that at the first election to be held under
2 this charter seven councilmen have not been elected, the
3 municipal officers then in office shall continue to hold office
4 and perform their duties until seven councilmen have been
5 duly elected and qualified.

Sect. 2. WARDEN AND WARD CLERK, ELIGIBILITY, TEN-
2 URE, QUALIFICATIONS, POWERS AND DUTIES, VACANCIES,
3 WARD MEETINGS, AND HOW CALLED: The warden and
4 ward clerk, chosen as provided in the preceding section,
5 shall be residents of the ward for which they are elected
6 and shall hold office for one year from the first Monday
7 in January following their election, and until others have
8 been chosen and qualified in their stead. The warden and
9 the ward clerk shall be sworn to the faithful performance
10 of their duties by a person qualified under the statutes
11 of the state to administer oaths, and a certificate of such

12 oath shall be entered by the clerk on the records of said
13 ward. The warden shall preside at all ward meetings,
14 with the powers of moderators of town meetings and if at
15 any meeting the warden shall not be present, the clerk
16 of the ward shall call the meeting to order and preside
17 until a warden pro tempore shall be chosen. The warden
18 shall have all rights and powers now held by the warden
19 of such ward. If neither the warden nor the ward clerk
20 shall be present, any legal voter in the ward may preside
21 until a clerk pro tempore shall be chosen and qualified.

Immediately following the election of a clerk pro
2 tempore a warden pro tempore shall be chosen. The
3 clerk shall record all the proceedings and certify the
4 votes given and deliver over to his successor in office
5 all such records and journals in his possession or under
6 his control, together with all documents and papers held
7 by him in his capacity as clerk. The ward clerk shall
8 have and perform all rights and duties now held and
9 performed by the ward clerk of such ward, so far as con-
10 sistent with this charter. All ward meetings shall be
11 notified and called by the city council in the manner pro-
12 vided by the laws of this state for notifying and calling
13 town meetings by the selectmen of the several towns.

Sect. 3. NOMINATIONS FOR ELECTIVE OFFICERS TO BE
2 MADE BY PETITION: The nomination of all candidates for
3 elective offices provided for by this charter shall be by
4 petition. The petition of a candidate for councilman shall

5 be signed by not less than one hundred twenty-five nor
 6 more than two hundred qualified voters of the city. The
 7 petition of candidates for warden and ward clerk shall be
 8 signed by not less than twenty-five nor more than fifty
 9 qualified voters of the ward within which the candidate is
 10 to be elected. No voter shall sign petition for more than
 11 one candidate for each office to be filled at the election, and
 12 should any voter sign more than one such petition, his
 13 signature shall be counted only upon the first petition filed,
 14 and shall be held void upon all other petitions.

Sect. 4. FORM OF NOMINATION PAPER: The signatures
 2 to nomination papers need not all be affixed to one nomi-
 3 nation petition, but to each separate petition there shall be
 4 attached an affidavit of the circulator thereof stating the
 5 number of signers on each petition, and that each signature
 6 appended thereto was made in his presence and is the genu-
 7 ine signature of the person whose name it purports to be.
 8 With each signature shall be stated the place of residence
 9 of the signer, giving the street and number of the street, or
 10 their description sufficient to identify the same. The form
 11 of the nomination petition shall be substantially as follows:

TO THE CITY CLERK OF THE CITY OF OLD TOWN

We, the undersigned voters of the city of Old Town,
 2 hereby nominate....., whose residence is
 3 for the office of to be
 4 voted for at the election to be held in the city of Old

5 Town on theday of 19..;
 6 and we individually certify that we are qualified to vote
 7 for a candidate for the above office and that we have not
 8 signed more nomination petitions of candidates for this
 9 office than there are persons to be elected thereto.

Name.....Street and Number.....,
 2 being duly sworn, deposes and says that he, the circulator
 3 of the foregoing nominating petition containing.....
 4 signatures, and that the signatures appended thereto were
 5 made in his presence and are the signatures of the per-
 6 sons whose names they purport to be.

(Signed).....

Subscribed and sworn to before me this.....
 2 day of.....19.....

.....

Justice of the Peace
(or Notary Public)

If this petition is deemed insufficient by the city clerk
 2 he shall forthwith notify by mail.....
 3 at No. street.

Sect. 5. FILING NOMINATION PAPERS, ACCEPTANCES OF
 2 NOMINATIONS MUST BE FILED: The nomination petitions
 3 for any one candidate shall be assembled and united into
 4 one petition, and filed with the city clerk not earlier than
 5 thirty nor later than sixteen days before the day of election.
 6 No nomination shall be valid unless the candidate shall
 7 file with the city clerk in writing not later than sixteen days

8 before the day of election, his consent, accepting the nomi-
9 nation, agreeing not to withdraw, and if elected, to qualify.

Sect. 6. LIST OF CANDIDATES TO BE PUBLISHED: The
2 city clerk shall certify the list of candidates and shall
3 cause to be published in one or more of the news-
4 papers published in Penobscot county the names, resi-
5 dences, and office to which candidates who have been
6 nominated have duly filed the above described petitions
7 and acceptances.

Sect. 7. BALLOTS, ETC., TO BE PREPARED BY THE CITY
2 CLERK: Specimen ballots and official ballots for use in
3 all city elections shall be prepared by the city clerk and
4 furnished by the city.

Sect. 8. FORM OF BALLOT: The names of candidates
2 nominated as provided in this charter shall be arranged on
3 the ballot according to lot under the title of the office to be
4 filled. Lot shall be drawn by the city clerk, at which draw-
5 ing the candidates or their representatives shall be entitled
6 to be present.

The ballots shall be without party mark or party designa-
2 tion. The name and residence of each candidate shall be
3 given. The ballot shall contain four columns for crosses
4 at the right of the candidate's name and residence, and said
5 columns shall be headed, respectively "First Choice," "Sec-
6 ond Choice," "Third Choice" and "Other Choices."

Blank spaces shall be left at the end of the list of candi-
2 dates for each office in which the voter may insert the name

3 of any person not printed on the ballot, for whom he desires
4 to vote.

The ballot shall be printed substantially as follows:

CITY OF OLD TOWN

Regular (or Special) Election

Monday, the.....day of.....A. D.....

INSTRUCTIONS TO VOTERS:

To vote for any person, make a cross (X) in the space at
2 the right of the name voted for, and in the proper column
3 according to your choice.

Mark your first choice in the first column, your second
2 choice in the second column, your third choice in the third
3 column, and in the fourth column marks all other candidates
4 whom you wish to support. You may mark as many choices
5 in each column as there are positions to fill. Do not mark
6 more than one choice for any one candidate, as only one
7 choice will count for any one candidate on the ballot.

FOR COUNCIL		First	Second	Third	Other
Vote for		Choice	Choice	Choice	Choices
Name	Residence				
.....					
.....					
.....					
.....					
(blank)					
“					

FOR WARDEN

Vote for One	
Name	Residence
“	“
(blank)	

FOR WARD CLERK

Vote for One	
Name	Residence
“	“
(blank)	

(On Back of Ballot)

Old Town, Maine, Monday.....A. D.....

Official Ballot

Ward

(Facsimile of Signature)
City Clerk.

Sect. 9. COUNT OF BALLOTS: As soon as the polls are
2 closed, the warden shall immediately open the ballot boxes,
3 take therefrom the ballots and sort, count and declare them
4 in open meeting in the presence of the ward clerk; and
5 the ward clerk shall from a list of the persons voted for
6 with the number and character as to choice of the votes for
7 each person against his name, make a fair record thereof
8 in the presence of the warden, and in open ward meeting
9 enter the total number thereof on a tally sheet provided
10 by the city clerk. The ward clerk shall enter the number
11 of the first choice, second choice, third choice and other
12 choice votes, for each candidate opposite the name of such
13 candidate on said tally sheet, and make return thereof to
14 the city clerk on a blank by said city clerk to be provided.
15 Only one vote shall be counted for any candidate on any
16 one ballot. If two or more choices are marked on one bal-
17 lot for one and the same candidate, the highest choice
18 marked shall be counted, except as otherwise herein pro-
19 vided, and all other marks considered void. If a ballot con-
20 tains either first choice, second choice, or third choice votes
21 in excess of the number of offices to be filled, no vote in
22 the column showing such excess shall be counted. Except
23 as hereinbefore provided, all choices shall be counted as
24 marked on the ballot.

Sect. 10. RETURNS, CANVASS: Upon receipt of the re-
2 turns, from the first election under this charter, the then
3 municipal officers and thereafter the city council shall de-

4 termine the successful candidates as hereinafter provided
5 in this section.

The person receiving a majority of first choice votes, cast
2 at an election for any office, shall be elected to that office;
3 if no candidate received such a majority of the first choice
4 votes for such office, then a canvass shall be made of the
5 second choice votes received by each candidate for the office;
6 all second choice votes received by any candidate shall then
7 be added to the first choice votes received by said candi-
8 date for that office, and the candidate receiving the largest
9 number of first choice and second choice votes combined,
10 if such total votes constitute a majority, shall be elected to
11 said office. If no candidate shall receive a majority of the
12 first choice and second choice votes combined, then a can-
13 vass shall be made of the third choice votes received by
14 each candidate for said office, and all third choice votes re-
15 ceived by any candidate shall then be added to the total of
16 the first choice and second choice votes for such candidate,
17 and the candidate receiving the largest number of said total
18 first choice, second choice and third choice votes, if such
19 total constitutes a majority, shall be elected to said office;
20 if no candidate shall have such a majority after adding the
21 first choice, second choice and third choice votes, then a
22 canvass shall be made of the other choice votes, received
23 by each candidate for the office and such other choice votes
24 shall then be added to the total of the first choice, second
25 choice, and third choice votes received by such candidate,

26 and the candidate having the largest number of first choice,
27 second choice, third choice and other choice combined, shall
28 be elected to such office.

A tie vote between two or more candidates shall be decided
2 in favor of the one having the highest number of first choice
3 votes. If they each received an equal number of first choice
4 votes, then the one who received the highest number of
5 second choice votes shall be deemed elected. If they each
6 received the same number of first choice and second choice
7 votes, then the candidate receiving the highest number of
8 third choice votes shall be deemed elected. If they each
9 received the same number of first choice, second choice,
10 third choice and other choice votes, then the tie shall be
11 determined by lot under the direction of the city clerk.

Whenever the word "majority" is used in this section it
2 shall mean more than one-half of the total number of valid
3 ballots cast at such election for the candidates whose elec-
4 tion is being canvassed.

Sect. II. SPECIMEN BALLOTS TO BE PUBLISHED AND
2 POSTED: The city clerk shall cause specimen ballots to be
3 posted in public places in each ward and voting precinct
4 and advertised in one or more newspapers of Penobscot
5 county not later than ten days prior to the city election and
6 advertised in such newspapers or newspaper at least twice
7 more prior to the election. Such specimen ballots shall be
8 printed on colored paper and marked "specimen ballots" and
9 shall contain the names of the certified candidates with the

10 residence of each, instructions to voters, and such measures
11 as may be submitted to voters by the legislature, by initia-
12 tive petition, or by the city council. Such ballots shall be
13 without party mark or designation.

Sect. 12. RECALL PROVISIONS: Any member of the city
2 council may be recalled and removed therefrom by the
3 electors of the city as herein provided.

PROCEDURE FOR FILING RECALL PETITION: Any voter of
2 the city may make and file with the city clerk an affidavit
3 containing the name or names of the member or members
4 whose removal is sought and a general statement of the
5 reasons why his removal is desired. The clerk shall there-
6 upon deliver to the voter making such affidavit copies of
7 petition blanks for such removal printed forms of which he
8 shall keep on hand. Such blanks shall be issued by the clerk
9 with his signature and official seal thereto attached; they
10 shall be dated and addressed to the city council, shall con-
11 tain the name of the persons to whom issued, the number
12 of blanks so issued, and the name of the person or persons
13 whose removal is sought. A copy of the petition shall be
14 entered in a record book to be kept in the office of the city
15 clerk. The recall petition to be effective must be returned
16 and filed with the city clerk within forty-five days after the
17 filing of the affidavit. The petition before being returned
18 and filed shall be signed by voters of the city to the number
19 of at least ten per cent of the number of registered voters
20 as determined at the time of the last preceding regular mu-

21 nicipal election and to every such signature shall be added
22 the place of residence of the signer, giving the street and
23 number or other description sufficient to identify the place.
24 Such signatures need not all be on one paper but the cir-
25 culator of every such paper shall make an affidavit that each
26 signature appended to the paper is the genuine signature of
27 the person whose name it purports to be. All such recall
28 papers shall be filed as one instrument, with the endorse-
29 ments thereon of the names and addresses of three persons
30 designated as filing the same.

EXAMINATION AND AMENDMENT OF RECALL PETITIONS:

2 Within ten days after the filing of the petition the clerk
3 shall ascertain whether or not the petition is signed by the
4 requisite number of voters and shall attach thereto his cer-
5 tificate showing the result of such examination. If his cer-
6 tificate shows the petition to be insufficient, he shall forth-
7 with so notify in writing one or more of the persons desig-
8 nated on the petition as filing the same; and the petition
9 may be amended at any time within the ten days after the
10 giving of said notice, by the filing of a supplementary peti-
11 tion upon additional papers, issued, signed and filed as pro-
12 vided herein for the original petition. The clerk shall, with-
13 in ten days after such amendment, make like examination
14 of the amended petition, and attach thereto his certificate
15 of the result. If then found to be insufficient, or if no
16 amendment was made, he shall file the petition in his office
17 and shall notify each of the persons designated thereon as

18 filing it of that fact. The final finding of the insufficiency
19 of a petition shall not prejudice the filing of a new petition
20 for the same purpose.

CALLING OF RECALL ELECTION: If the petition or amended
2 petition shall be certified by the city clerk to be sufficient
3 he shall submit the same with his certificate to the city coun-
4 cil at its next meeting and shall notify the member or mem-
5 bers whose removal is sought of such action. The city coun-
6 cil shall thereupon, within ten days of the receipt of the
7 city clerk's certificate, order an election to be held not less
8 than forty nor more than sixty days thereafter; provided
9 that if a regular municipal election is to occur within ninety
10 days after the receipt of said certificate, the city council
11 may in its discretion provide for the holding of the removal
12 election on the date of such other regular municipal elec-
13 tion. The removal election shall be called and held and
14 nominations made as in other elections under this charter
15 except for the specific limitations of this section.

FORM OF BALLOT IN RECALL ELECTION: Unless the mem-
2 ber or members whose removal is sought shall have resigned
3 within ten days after the receipt by the city council of the
4 city clerk's certificate, the form of the ballot at such elec-
5 tion shall be as nearly as may be: "Shall A be recalled?
6 Shall B be recalled," etc., the name of the member or mem-
7 bers whose recall is sought being inserted in place of A, B,
8 etc., and the ballot shall also contain the names of the can-
9 didates nominated in place of the men recalled, as follows:

10 "Candidates for the place of A, if recalled; Candidates for
11 the place of B, if recalled," etc., but the men whose recall
12 is sought shall not themselves be candidates upon such a
13 ballot. The names shall be arranged as provided in section
14 eight hereof.

In case a majority of those voting for and against the
2 recall of any official shall vote in favor of recalling such
3 official he shall be thereby removed, and in that event the
4 candidate to succeed him for the balance of the unexpired
5 term shall be determined as provided in sections nine and
6 ten hereof.

If the person or persons sought to be removed shall have
2 resigned within ten days after the receipt by the city coun-
3 cil of the city clerk's certificate referred to in this section
4 above, the form of ballot at the election shall be the same, as
5 nearly as may be, as the form in use at a regular municipal
6 election and all other procedure shall be the same.

PROCEDURE ON REFUSAL OF CITY COUNCIL: Should the
2 city council fail or refuse to order an election as herein
3 provided, such election may be ordered by any justice of
4 the supreme judicial court.

Sect. 13. STATE LAWS NOT INCONSISTENT APPLICABLE:
2 The provisions of the laws of the state of Maine relating
3 to the qualifications of electors, registration, the manner
4 of voting, the duties of election officers, and all other par-
5 ticulars in respect to preparation for, conducting and man-
6 agement of elections, so far as they may be applicable, shall

7 govern all municipal elections of Old Town except as other-
8 wise provided in this charter.

ARTICLE VI:

ADMINISTRATIVE OFFICERS

Section I. TITLE AND APPOINTMENT: There shall be the
2 following administrative officers and boards appointed as
3 hereinafter designated:

(a) The following officers and boards shall be appointed
2 by ballot by a majority vote of the members of the city
3 council: city manager; school board as provided for in
4 Article IV of this charter; trustees of the water district;
5 trustees of the Herbert Gray School district, as provided
6 for by chapter seventy-eight of the private acts of nineteen
7 hundred and twenty-five; associate members of board of
8 registration, and city attorney.

(b) The following officers and boards shall be appointed
2 by the city manager: city clerk, city auditor, city marshal,
3 city treasurer and collector of taxes, city engineer, city
4 physician, city electrician, chief engineer of the fire depart-
5 ment, superintendent of sewers, inspector of buildings, sealer
6 of weights and measures; health officer and inspector of
7 milk; superintendent of streets; assessors of taxes, as pro-
8 vided for in section ten of this article; patrolmen; members
9 of the fire department; all other department heads whose
10 position may be created, and, except as herein otherwise
11 provided, all minor officers and employees.

Sect. 2. POWER OF COUNCIL, WITH REGARD TO APPOINT-
2 IVE OFFICERS AND BOARDS: The council shall have power
3 by ordinance or resolve:

(a) To create any new appointive office.

(b) To authorize the appointment of assistants or depu-
2 ties in any office.

Sect. 3. CIVIL SERVICE RULES FOR POLICE AND FIRE
2 DEPARTMENT: The city council may provide by ordinance
3 for a system of civil service rules for the appointment, pro-
4 motion, demotion, lay-off, reinstatement, suspension and re-
5 moval of the members of the police department and of the
6 fire department, other than the chief of said departments,
7 and for a civil service commission to administer the same.

Sect. 4. TERM OF SERVICE: All appointive officers whose
2 terms of service are specified herein shall be removable by
3 the appointing powers, only upon written charges, notice
4 and hearing, if upon such hearing they are adjudged guilty
5 of the charges preferred.

All other appointive officers shall hold office during the
2 pleasure of the appointing power, except that the term of
3 office of members of the board of registration of voters
4 shall be as provided by law.

Sect. 5. COMPENSATION OF OFFICERS: The city council
2 shall fix by order the salaries of the appointees of the city
3 council. Salaries of the appointees of the city manager
4 shall be fixed by the city manager, subject to the approval
5 of the city council.

Sect. 6. APPOINTMENT AND QUALIFICATIONS OF THE CITY
2 MANAGER: The city manager shall be chosen by the city
3 council solely on the basis of his character and his execu-
4 tive and administrative qualifications, and may or may not
5 be a resident of the city of Old Town or of the state of
6 Maine, at the time of his appointment.

Sect. 7. POWERS AND DUTIES OF THE CITY MANAGER:
2 The city manager shall be the executive and administrative
3 head of the city and shall be responsible to the city council
4 for the administration of all departments. The powers and
5 duties of the city manager shall be as follows:

(a) To see that the laws and ordinances are enforced,
2 but he shall delegate to the chief of the police department
3 the active duties connected therewith regarding crimes and
4 misdemeanors.

(b) To exercise control over all departments and divi-
2 sions created herein or that may hereafter be created.

(c) To make appointments as provided in this charter.

(d) To assign the duties of two or more officers to one
2 officer.

(e) To divide the duties of any office between two or
2 more offices.

(f) To attend meetings of the city council, except when
2 his removal is being considered, and recommend for adop-
3 tion such measures as he may deem expedient.

(g) To keep the city council fully advised as to the
2 business and financial condition and future needs of the city

3 and to furnish the city council with all available facts,
4 figures and data connected therewith, when requested.

(h) To perform such other duties as may be prescribed
2 by this charter or required by ordinance of the city council.

Sect. 8. SUBSTITUTE: During any vacancy in the office
2 of city manager, and during the absence or disability of the
3 city manager, the city council may designate a properly
4 qualified person to perform the duties of manager and fix
5 his compensation; while so acting he shall have the same
6 powers and duties as those given to and imposed on the
7 city manager.

Sect. 9. DUTIES OF ADMINISTRATIVE OFFICERS OTHER
2 THAN MANAGER: Duties of administrative officers other
3 than the city manager shall be those prescribed by the city
4 manager. Such duties shall not be inconsistent with the
5 provisions of this charter.

Sect. 10. ASSESSORS OF TAXES: There shall be three as-
2 sessors of taxes appointed for terms of three years by the
3 city manager and until their successors are appointed and
4 qualified, except that the first city manager to be appointed
5 under this charter shall appoint three assessors for one, two
6 and three years respectively, and until their successors are
7 appointed and qualified. If for any reason a vacancy shall
8 exist in the membership of the board of assessors, the va-
9 cancy shall be filled forthwith by the city manager for the
10 unexpired term. The assessors appointed as above provided
11 shall exercise the same powers and be subject to the same

12 duties and liabilities that similar officers of the several towns
13 and cities in the state may exercise, and may now or here-
14 after be subject to under the laws of the state.

Sect. II. HEALTH OFFICER: The health officer shall be
2 given the same powers and authority and shall be subject to
3 the same duties and liabilities as are now held by or imposed
4 upon the health officer and board of health for the city of
5 Old Town and he shall perform such other duties, not in-
6 consistent with the law of the state, as the city council shall
7 determine.

ARTICLE VII:

BUSINESS AND FINANCIAL PROVISIONS

Section I. ACCOUNTS AND RECORDS: Accounts shall be
2 kept by the auditor, showing the financial transactions of
3 all departments of the city. Forms for all such accounts
4 shall be prescribed by the auditor, with the approval of the
5 city manager. Accounts shall be kept in such a manner as
6 to show fully at all times the financial condition of the city.
7 The auditor shall furnish to the city manager, prior to the
8 first regular meeting of the city council in each month, a
9 report containing in detail the receipts and disbursements
10 of the city on all accounts, the expenditures made and the
11 obligations incurred during the preceding calendar month
12 and a balance sheet showing the financial condition of the
13 city, of the several funds, and the total unexpended balance
14 to the credit of each department.

Sect. 2. All the accounts of the city shall be audited annually by a certified accountant to be chosen by the city council.

Sect. 3. REPORTS: The auditor shall publish each month a statement of the financial condition of the city. Each of the administrative officers and boards shall annually, on such a date as may be fixed by the city council, render to the city manager a full report of the transactions of his or their department for the year. On the basis of these reports, the city manager shall prepare and publish an annual report for general distribution. In addition to a summary of the services rendered by the various departments, the report shall show:

(a) Receipts classified according to sources.

(b) Expenditures classified according to objects. The classification of receipts and expenditures in the report shall conform in general to the classification in the auditor's books.

(c) Balance sheets.

(d) Such other financial information as may be required by the city council.

Sect. 4. ANNUAL BUDGET: Not later than one month after the beginning of the fiscal year, the city manager shall submit to the city council, budget estimates for the ensuing fiscal year. This budget shall be compiled from detailed information furnished by the administrative officers and boards on blanks, the forms of which shall be designated

7 by the city manager, and shall contain :

(a) Exact statement of the financial condition of the
2 city.

(b) Itemized statement of appropriations recommended
2 for current expenses, and for permanent improvements;
3 with comparative statements in parallel columns of expendi-
4 tures for the current and next preceding fiscal year. An
5 increase or decrease in any item shall be indicated.

(c) Itemized statement of estimated revenue from all
2 sources, other than taxation; and a statement of taxes re-
3 quired, with comparative figures from the current and next
4 preceding year.

(d) Such other information as may be required by the
2 city council.

The budget shall be published not later than two weeks
2 after its submission to the city council. The city council
3 shall fix a time and place for holding a public hearing upon
4 the budget, and shall give a public notice of such hearing,
5 which shall be at least ten days before the final passage of
6 the appropriation resolve.

Sect. 5. APPROPRIATION RESOLVE: As early as practic-
2 able after the beginning of the fiscal year, the city council
3 shall pass an annual appropriation resolve, which shall be
4 based on the budget submitted by the city manager. The
5 total amount appropriated shall not exceed the estimated
6 revenue of the city.

Before the annual appropriation resolve has been passed

2 the city council may make appropriations for current de-
3 partmental expenses, chargeable to the appropriation for the
4 year, when passed, to an amount sufficient to cover the
5 necessary expenses of the various departments until the
6 annual appropriation resolve is in force.

Sect. 6. TRANSFERS: The city council in the appropria-
2 tion resolve shall provide for a reserve fund from which
3 transfers shall be made only by vote of the city council, and
4 no transfers of any money shall be made from any fund
5 other than this reserve fund until the end of the fiscal year,
6 at which time after all warrants have been paid out of the
7 various funds against which such warrants have been drawn,
8 the auditor shall transfer to the reserve fund any balances
9 or balance then remaining in the various other funds; except
10 balances in the school fund; the council may then authorize
11 a transfer from the reserve fund to any other fund in which
12 there is an overdraft created by any actual emergency.

The city council shall then transfer the remaining balance
2 then in the reserve fund to the sinking fund of the city;
3 provided, however, that the city council may, in special
4 cases, continue any particular fund without transfer tem-
5 porarily pending the completion of expenditures in process
6 or in contemplation. Provided, further, that when and in
7 case the occasion ceases to exist for maintaining a sinking
8 fund as provided for by section ten of this article the por-
9 tion of this section relating to the transfer of the reserve
10 fund to the sinking fund shall cease to be in effect.

Sect. 7. BORROWING: The borrowing of money by and
2 for the city shall be limited as to form and purpose by the
3 provisions of section eight and section nine of article seven
4 of this charter. The credit of the city shall in no manner
5 be loaned to any individual, association or corporation.

Sect. 8. BOND ISSUES: Money may be borrowed within
2 the limits fixed by the constitution and statutes of the state
3 now or hereafter applying to said Old Town by the issue
4 and sale of bonds or notes pledged on the credit of the city,
5 the proceeds to be used for the payment of indebtedness of
6 the city contracted for the acquisition of land, the construc-
7 tion and equipment of buildings, the construction of streets
8 and roads, and other permanent public improvements, and
9 the payment or refunding of bonds, notes and certificates of
10 indebtedness previously issued. No order providing for the
11 issue of bonds shall be passed without public notice given
12 by posting notice of the same in two public places in the
13 city of Old Town, and publishing said notice in at least two
14 newspapers published in said Penobscot County at least two
15 weeks before the final action by the city council, and the
16 approval of five-sevenths of all the members of the city
17 council. Every issue of bonds shall be payable within a
18 fixed term of years; if said bonds are issued in payment
19 of indebtedness incurred for a permanent improvement the
20 term of such bonds shall not exceed the estimated period
21 of utility of said improvement but the declaration of the
22 city council embodied in the order authorizing the issue

23 shall be a conclusive determination of the estimated period
24 of utility thereof; and the term within which all bonds shall
25 be made payable shall in no case exceed thirty years. Bonds
26 issued after the adoption of this charter shall be made pay-
27 able in equal, annual, serial installments as pertains to prin-
28 cipal, and interest shall be made payable semi-annually. Ev-
29 ery order for the issue of bonds shall provide for a tax levy
30 for each year of an amount necessary to meet the payment
31 of the annual, serial installment of principal and interest;
32 and such amounts shall be included in the tax levy for each
33 year until the debt is extinguished; provided, however, that
34 bonds issued to refund any indebtedness of the city of Old
35 Town existing prior to the adoption of this charter or bonds
36 issued to refund such bonds shall not be subject to the
37 aforesaid requirement of being made payable in equal, an-
38 nual, serial installments.

Sect. 9. TEMPORARY LOANS: Money may be borrowed
2 in anticipation of receipts from taxes during any fiscal year
3 after said fiscal year begins, but the aggregate amount of
4 such loans outstanding at any one time shall not exceed
5 eighty per cent of the revenue received from taxes during
6 the preceding fiscal year. All such loans shall be paid with-
7 in the year out of receipts from taxes for the fiscal year
8 in which said loans are made. Money may be borrowed in
9 anticipation of money to be received from the sale of bonds
10 to be issued, in case such bond issue has been authorized;
11 all such loans shall be paid within one year and are subject

12 to the provisions of laws of the state of Maine in relation
13 thereto. This section shall not limit in any way the power
14 granted to towns and cities to borrow money as contained
15 in chapter four, section sixty-two of the revised statutes
16 and acts amendatory thereof and additional thereto.

Sect. 10. SINKING FUND: Until the bonded indebtedness
2 of the city of Old Town in force at the time of the adop-
3 tion of this charter together with any renewals thereof is
4 fully paid, the city council shall raise and set apart each
5 year for a sinking fund a fund not less than two per cent
6 of the total amount of appropriations for that year. The
7 sinking fund shall be applied only to the payment of that
8 bonded indebtedness of the city, the payment of which has
9 not been provided for by payments in serial installments.
10 The sinking fund shall be invested as provided by the re-
11 vised statutes of the state of Maine and all acts in addition
12 thereto and in amendment thereof.

Sect. 11. PAYMENTS: Money shall be paid out only on
2 warrants on the city treasury issued by the auditor and
3 countersigned by the city manager and a member of the
4 city council to be designated from time to time by said city
5 council. The auditor shall examine all pay-rolls, bills, and
6 other claims and demands against the city, and shall issue
7 no warrant for payment until he finds that the claims is in
8 proper form, correctly computed, duly certified and legally
9 due and payable.

The auditor may require any claimant to make oath to the

2 validity of his claim, may investigate any claim, and for
3 each purpose or purposes may examine witnesses under
4 oath.

Sect. 12. BONDS OF OFFICERS: The city council shall
2 require a bond with sufficient surety or sureties, satisfac-
3 tory to the city council, from all persons trusted with the
4 collection, custody or disbursements of any of the public
5 moneys; and may require such bond from such other offi-
6 cials as it may deem advisable; the premium charges for
7 said bonds to be paid by the city.

Sect. 13. COLLECTION AND CUSTODY OF CITY MONEYS:
2 All moneys received by an officer, employee or agent of the
3 city belonging to the city, or for or in connection with the
4 business of the city, shall forthwith be paid by the officer,
5 employee or agent receiving the same into the city treasury,
6 and shall then be deposited by the city treasurer with some
7 responsible banking institution or institutions to be chosen
8 by said city council. All interest from all deposits of money
9 belonging to the city shall accrue to the benefit of the city.

Sect. 14. PURCHASING OF SUPPLIES: The purchasing
2 agent shall purchase all supplies for the city and for the
3 several officers and boards thereof, excepting for supplies
4 for the city schools, which school supplies he shall purchase
5 only upon requisition by the school board.

The purchasing agent shall see to the delivery of supplies
2 to each officer and department to whom they belong, and
3 take and file the receipts therefor. He shall conduct all sales

4 of property belonging to the city which are unfit or unneces-
5 sary for the city's use, but only after such sale has been
6 authorized by the city council, and subject to such restric-
7 tions as the city council may by ordinance provide.

The city manager shall act as purchasing agent until the
2 city council by ordinance shall provide for the appointment
3 of a purchasing agent.

ARTICLE VIII:

PUBLIC UTILITIES

Section 1. FRANCHISES: All public franchises, hereafter
2 granted, and all renewals, amendments, and extensions
3 thereof shall be granted or made only by a five-sevenths
4 vote of the members of the council. No franchise and no
5 renewal or amendment thereof shall be granted or made
6 within three months after the application therefor is filed
7 with the city clerk nor within thirty days after the publi-
8 cation in full of the proposed franchise in its final form,
9 nor until a public hearing has been held thereon. No pub-
10 lic utility franchise shall be transferable except with the
11 approval of the city council.

Sect. 2. RIGHT OF REGULATION: All orders providing for
2 grants, renewals, amendments or extensions of public utility
3 franchises shall retain to the city the following rights:

(a) To repeal the same by order at any time for non-
2 use, or for failure to begin construction within the time
3 prescribed, or for failure to otherwise comply with the terms
4 prescribed.

(b) To require proper and adequate extension of plant
2 and service, and the maintenance of the plant and fixtures
3 at the highest practicable standard of efficiency.

(c) To establish reasonable standards of service and
2 quality of products and prevent unjust discrimination in
3 service or rates.

(d) To impose such other regulations as may be con-
2 ducive to the safety, welfare and accommodation of the
3 public.

ARTICLE IX:

MISCELLANEOUS PROVISIONS

Section 1. NO PERSONAL INTEREST: No city manager,
2 no member of the city council, no subordinate city officer,
3 no member of any board or commission charged with the
4 expenditure of any money appropriated by the city council
5 or belonging to the city, no officer or employee of the city,
6 elected or appointed, shall be interested, directly or indi-
7 rectly in any contract entered into by or in behalf of the
8 city of Old Town for work or material, or the purchase
9 thereof, to be furnished to or performed for the city, and
10 all contracts made in violation hereof are void and the city
11 treasurer is expressly forbidden to pay any money out of
12 the city treasury on account of any such contract. No such
13 officer or employee, except a policeman or fireman, shall
14 accept or receive from any person, firm or corporation act-
15 ing under a franchise or license from the city, any frank,

16 free pass, free ticket, or free service, or accept directly or
17 indirectly from any such person, firm or corporation, any
18 service upon terms more favorable than those granted to
19 the public generally. This provision shall not apply, how-
20 ever, to any free service now or hereafter provided for by
21 contract, franchise or ordinance.

Sect. 2. REFERENDUM, DATE OF MEETING, FORM OF QUES-
2 TION, PROCEDURE: This act shall be submitted for approval
3 or rejection to the qualified voters of the city of Old Town
4 at an election to be held the second Monday in September
5 in the year A. D. 1927 and warrants shall be issued for
6 such election in the manner now provided by law for the
7 holding of municipal elections, notifying and warning the
8 qualified voters of said city to meet in the several ward
9 meetings of said city, there to cast their ballot concerning
10 a new charter for the city of Old Town. The vote shall
11 be taken by ballot at said election in answer to the question:
12 "Shall an act passed by the legislature in the year nineteen
13 hundred and twenty-nine entitled "An Act to Grant a New
14 Charter to the City of Old Town be accepted?" which shall
15 be printed on the official ballots and at said election the
16 voters of said city in favor of accepting this act shall vote
17 "Yes" and those opposed shall vote "No."

Otherwise said ballot shall be in the form provided by
2 law when a constitutional amendment is submitted to the
3 vote of the people. The provisions of law relating to the
4 preparation of voting lists for municipal elections shall ap-

5 ply to such election and said election shall in all other re-
6 spects be conducted by law, and the results thereof shall
7 be determined in the manner now provided by law for the
8 determination of the election of mayor. If a majority of
9 the valid ballots deposited as aforesaid shall favor accepting
10 the same, then this act shall forthwith take effect as herein
11 provided.

Sect. 3. DATE WHEN EFFECTIVE: So much of this act
2 as authorizes the submission of the acceptance of this char-
3 ter to the voters of the city of Old Town shall take effect
4 as provided in the constitution of the state, but it shall not
5 take further effect unless adopted by the voters of the city
6 of Old Town as hereinbefore provided. If adopted by the
7 voters of the city, then this act for the purpose of nomi-
8 nating and electing officers hereunder shall take effect on
9 the date of its adoption by the voters, and for all other
10 purposes this act shall take effect on the first Monday in
11 January in the year nineteen hundred and thirty.

Sect. 4. ORDINANCES NOT INCONSISTENT CONTINUED IN
2 FORCE: All ordinances in force at the time when this char-
3 ter takes effect, not inconsistent with the provisions of this
4 charter, shall continue in force until amended or repealed.

All rules and regulations of the municipal officers of the
2 city of Old Town in force at time when this charter takes
3 effect, not inconsistent with the provisions hereof, shall
4 continue in force until amended or repealed.

Sect. 5. EXISTING CONTRACTS NOT INVALIDATED, UNLESS

2 INCONSISTENT: All rights, actions, proceedings, prosecu-
3 tions, and contracts of the city or any of its departments,
4 pending or unexecuted when this charter goes into effect
5 and not inconsistent herewith shall be enforced, continued
6 or completed in all respects as though begun or executed
7 hereunder.

Sect. 6. TERM OF OFFICE, OFFICERS, BOARDS: All offi-
2 cials, officers, trustees, members of departments, hereafter
3 to be appointed or elected under the provisions of this
4 charter by the city manager or city council, whose term of
5 office has not been herein otherwise provided for, shall not
6 serve out their present terms, but shall continue in office
7 only until their successors are appointed or elected, and
8 qualified, as provided in this act. The term of office of the
9 present members of the board of overseers of the poor,
10 board of health, park commission and cemetery board shall
11 terminate on the first Monday in January, nineteen hundred
12 and thirty.

Sect. 7. ACTS REPEALED: In case this act is approved
2 in the manner hereinbefore provided, all acts and parts of
3 acts inconsistent herewith are hereby repealed.

CITY OF OLD TOWN, MAINE

February 4, A. D. 1929.

In Board of Mayor and Aldermen:

Whereas the city government of the City of Old Town during the municipal year 1926-27 authorized and directed the presentation to the 83rd Legislature of the State of Maine, a bill to

be enacted into law for the purpose of changing the local form of municipal government to that of a Council-Manager Plan of government, wherein a new charter, laying down a basis of the new form of government, was drafted, and

Whereas the bill or enactment thus presented to the said 83rd Legislature of the State of Maine, did not obtain passage by said Legislature, and

Whereas it appears to be the sentiment of a large number of citizens and tax payers of the City of Old Town that the desirability of a change in the present form of the city government of the City of Old Town be realized, and that the proposed change be of the character substantially set forth in the proposed draft of a new charter of the City of Old Town along the lines of the draft heretofore made and presented to the said 83rd Legislature of the State of Maine, and

Whereas the proposed charter incorporating the said Council-Manager form of city government contains a referendum, which places the choice and responsibility for any change that may take place in our present existing form of city government, upon the people of the City of Old Town directly,

Now Therefore, be it resolved that the presentation of an enactment, before the present Legislature of the State of Maine, containing a draft of the Council-Manager form of city government and declaring that the present charter of the City of Old Town be changed in conformity with said draft, be enacted into law, subject to approval of the voters of the City of Old Town, by way of popular referendum, and be it further resolved that the Mayor and the City Solicitor of the City of Old Town, be authorized and directed to submit such proposed enactment before the present Legislature of the State of Maine, and to take such action in the premises as in their judgment they deem fit to secure the passage of said enactment.

Approved,

Mayor.

[SEAL]

A true copy:

Attest

THOMAS S. O'CONNOR,
City Clerk.