

MAINE STATE LEGISLATURE

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EIGHTY-FOURTH LEGISLATURE

House Document

No. 354

H. P. 851

House of Representatives, Feb. 13, 1929.

Taken from the table and on motion of Mr. Rounds of Portland, referred to the Committee on Legal Affairs and 2500 copies ordered printed. Sent up for concurrence.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Rounds of Portland.

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 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
3 of Portland, and as such, shall have, exercise and enjoy
4 all 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
8 reasonable by-laws and regulations for municipal purposes,
9 and impose penalties for the breach thereof, not exceeding

10 one hundred dollars, to be recovered for such uses as the
11 municipal 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
5 styled the mayor, and in one body consisting of one coun-
6 cilor from each ward, which body shall constitute and be
7 called the city council, all of whom shall be and remain
8 during their term of office, inhabitants of said city, and
9 shall be chosen in the manner hereinafter provided, and
10 shall be sworn or affirmed in the form prescribed by the
11 constitution of the state for state officers. The mayor and
12 members of the city council shall be and constitute the
13 municipal officers of the city of Portland for all purposes
14 required by statute, and (except as otherwise specifically
15 provided) shall have all powers and authority given to, and
16 perform all duties required of municipal officers and alder-
17 men 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 the overseers of the poor for cities, by statute
4 or otherwise. As such overseers of the poor, they may
5 authorize 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 di-
7 rectly answerable to him for the conduct of their respective
8 offices, and he shall cause violation or neglect of duty on
9 their part to be punished. He shall from time to time
10 communicate to the city council such information, and
11 recommend such measures, as the interests of the city may
12 require. He shall preside at all meetings of the city coun-
13 cil, but shall have only a casting vote. He shall be com-
14 pensated for his services by a salary to be fixed by the
15 city council, payable at stated periods, and shall receive
16 therefor no other compensation, which salary, however,
17 shall not be increased or diminished during his term of
18 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 regulations
7 for the government of same. All other powers now or
8 hereafter vested in the inhabitants of said city, and all pow-
9 ers granted by this act, except as otherwise provided, as

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

Sect. 6. The following administrative officers shall be
2 appointed by the mayor, subject to confirmation by the
3 city council, and shall hold office for the term of two years
4 (unless otherwise provided in this charter), unless sooner
5 removed 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
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 gauger, and city weigher of hay, by the sealer of weights and measures

Superintendent of clocks and keeper of the public baths, by the superintendent of public and school buildings

Assistant assessors, one from each ward, by the city assessors, with the approval of the mayor, for the term of one year, unless sooner removed by the city assessors with the approval of the mayor

Superintendent of parks and superintendent of recreation by park and recreation commission

Secretary to the commissioner of public works by the commissioner of public works

Janitors and engineers of public and school buildings by the superintendent of public and school buildings.

All of the foregoing officers shall be appointed for the term of one year, and except as herein otherwise provided, may be removed during their term of office by the appointing authority, or by the mayor.

(c) Whenever any vacancy, by death, resignation or removal from office shall hereafter exist in the office of city electrician, deputy chief or district chief of the fire department, a successor in office shall be appointed by the mayor, subject to confirmation by the city council.

(d) Except as herein otherwise provided, and except in 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 ap-
2 pointment by the mayor, with the approval of the city coun-
3 cil, of such other administrative officers as may be deemed
4 advisable or are required by statute and define their duties,
5 and may also provide by ordinance for the appointment and
6 define the duties, of such assistants, deputies or other sub-
7 ordinate officers as it may deem necessary or as are required
8 by statute.

(e) The compensation of all city officials and employees
2 whatsoever, shall be fixed and determined by the city coun-
3 cil.

(f) Vacancies in any of the offices mentioned in this sec-
2 tion, however arising, shall be filled in the manner provided
3 for the original appointment.

Sect. 7. No money shall be paid out of the city treasury
2 except on orders drawn and signed by the mayor, designat-
3 ing the fund or appropriation from which said orders are
4 to be paid, nor unless the same shall be first granted or
5 appropriated therefor, by the city council; and the city coun-
6 cil shall secure a prompt and just accountability by requir-
7 ing bonds with sufficient penalty and surety or sureties, from
8 all persons entrusted with the receipt, custody or disburse-
9 ment of money; they shall have the care and superintend-
10 ence of the city buildings and the custody and management
11 of all city property, with power to let or sell what may be

12 legally let or sold, and to purchase and take in the name of
13 the city such real and personal property in addition to that
14 now held, as the city council may find necessary for municipi-
15 pal purposes; and shall as often as once a year cause to be
16 published for the information of the inhabitants, a particu-
17 lar account of receipts and expenditures, and a schedule of
18 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 that 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
10 the committee on new streets, whose duty it shall be to lay
11 out, alter, widen or discontinue any street or way in said
12 city, first giving notice of the time and place of their pro-
13 ceedings to all parties interested, by an advertisement in
14 two daily papers printed in Portland, for one week at least
15 previous to the time appointed. The committee shall first
16 hear all parties interested, and then determine and adjudge
17 whether the public convenience requires such street or way
18 to be laid out, altered or discontinued; and shall make a
19 written return of their proceedings, signed by a majority
20 of them, containing the bounds and descriptions of the
21 street or way, if laid out or altered, and the names of the
22 owners of the land taken, when known, and the damages
23 allowed therefor; the return shall be filed in the city clerk's
24 office at least seven days previous to its acceptance by the
25 city council. The street or way shall not be altered or es-
26 tablished until the report is accepted by the city council,
27 and the report shall not be altered or amended before its
28 acceptance. A street or way shall not be discontinued by
29 the city council, excepting upon the report of said commit-
30 tee. The committee shall estimate and report the damages
31 sustained by the owners of the lands adjoining that portion
32 of the street or way which is so discontinued; their report

33 shall be filed with the city clerk seven days at least before
34 its acceptance. Any person aggrieved by the decision or
35 judgment of the city council in establishing, altering, or
36 discontinuing streets, may, so far as relates to damages,
37 appeal therefrom to the next court having jurisdiction
38 thereof in the county of Cumberland, which court shall de-
39 termine the same by a committee or reference under a rule
40 of court, if the parties agree, or by a verdict of its jury,
41 and shall render judgment, and issue execution for the
42 damages recovered, with costs to the party prevailing in the
43 appeal. Such appeal shall be made to the term of the supreme
44 judicial court, which shall first be holden in the county of
45 Cumberland, more than thirty days from and after the day
46 the street is finally established, altered or discontinued, ex-
47 cluding the day of commencement of the session of said
48 court. The appellants shall serve written notice of such
49 appeal upon the mayor or city clerk, fourteen days at least
50 before the session of the court, and shall at the first term
51 file a complaint setting forth substantially the facts of the
52 case. On the trial, exceptions may be taken to the rulings
53 of the court, as in other cases. Co-tenants who are ap-
54 pellants, shall join in their appeal or shall not recover their
55 costs. If a street or way is discontinued before the dam-
56 ages are paid or recovered for the land taken, the land
57 owner shall not be entitled to recover such damages, but
58 the committee in their report discontinuing the same shall
59 estimate and include all the damages sustained by the land

60 owner, including those caused by the original location of
61 the streets, and in such cases, if an appeal has been regular-
62 ly taken, the appellant shall recover his costs. The city
63 shall not be compelled to construct or open any street or
64 way thus hereafter established, until in the opinion of the
65 city council the public good requires it to be done; nor shall
66 the city interfere with the possession of the land so taken
67 by removing therefrom materials, or otherwise, until they
68 decide to open and construct said street, provided that if
69 any street or way is not constructed within two years, after
70 the laying out of such street or way, the proceedings are
71 void. The city council may regulate the height and width
72 of sidewalks in any public square, places, streets, lanes or
73 alleys in said city; and may authorize posts and trees and
74 other objects permitted by law, to be placed along the edge
75 of said sidewalks. Nor shall the city be answerable for
76 damages occasioned by telegraph poles and wires erected
77 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 ma-
5 terials for making or repairing any street, sidewalk, cross-
6 walk, bridge, watercourse or drain, or for erecting, repair-
7 ing, or finishing any building or fences, or for laying or
8 repairing gas or water pipes or conduits, provided that not
9 more than one-half of the width of the street shall be so

10 occupied. Any such material so placed by virtue of any
11 license obtained as aforesaid, shall not be considered an
12 incumbrance or nuisance in such street; and the city shall
13 not be liable to any person for any damages occasioned by
14 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
4 the city council, once in ten years, or oftener, to revise, and
5 if 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. In
11 each of said wards, at the annual municipal election, there
12 shall be chosen by ballot, a warden and clerk, who shall
13 hold their offices for one year from the Monday following
14 their election, and until others shall have been chosen and
15 qualified in their places. Said warden and clerk shall be
16 sworn or affirmed to the faithful performance of their re-
17 spective duties by any justice of the peace of the city; and
18 a certificate of such oaths or affirmations having been ad-
19 ministered, shall be entered by the clerk on the records of
20 the ward. The warden shall preside at all ward meetings,
21 with the powers of moderators of town meetings. If at any
22 meeting the warden shall not be present, or shall refuse to

23 preside, the clerk of such ward shall call the meeting to
24 order and preside until a warden pro tempore shall be
25 chosen. If both are absent, or shall refuse to act, a warden
26 and clerk, pro tempore, shall be chosen. The clerk shall
27 record all proceedings, and certify the votes given, and de-
28 liver over to his successor in office, all such records and
29 journals, together with all other documents and papers held
30 by him in said capacity. The voters of each ward may
31 choose two persons to assist the warden in receiving, sorting
32 and counting the votes.

All regular ward meetings shall be notified and called by
2 warrant from the mayor and councilors, in the manner pre-
3 scribed by the laws of this state for notifying and calling
4 town meetings by the selectmen of the several towns.

Sect. 12. The mayor shall be elected by and from the qual-
2 ified voters of the city voting in their respective wards. One
3 councilor, a warden and clerk and two constables shall be
4 elected from each ward by and from the qualified voters
5 thereof.

At the first election after this charter is in force, to be held
2 on the first Monday of December, nineteen hundred twenty-
3 nine, and every year thereafter, the qualified voters of the
4 city shall ballot for a mayor for a term of one year, and
5 on said first Monday of December, nineteen hundred twenty-
6 nine, and every year thereafter, the qualified voters of each
7 ward shall at the same time ballot by wards for a councilor
8 from each of said wards for a term of one year, and the

9 qualified voters of each ward shall on the first Monday of
10 December, nineteen hundred twenty-nine, and annually
11 thereafter, ballot by wards for a warden and clerk and two
12 constables from each ward, and in case there is more than
13 one voting precinct or any island ward in any ward, then
14 the qualified voters of each said precinct and island ward
15 shall at the same time ballot for a warden and ward clerk
16 for such precinct or island ward.

At each regular municipal election whenever there exists
2 a vacancy in the office of councilor, or member of the school
3 committee from such ward is vacant, shall at the same time,
4 ballot for a councilor or member of the school committee
5 from such ward to fill the vacancy for the unexpired term.

All members of the superintending school committee here-
2 inafter called the school committee shall continue hereafter
3 to be elected on the first Monday of December at the an-
4 nual municipal election and such committee shall consist
5 of one member from each ward, elected by a plurality vote
6 by the qualified voters of the ward of which he is a legal
7 president. The members thereof shall hold office for the
8 term of two years and until their successors are elected,
9 except that at the first election of members of the school
10 committee, those elected from wards one, three, five, seven
11 and nine shall hold office for one year, and until their re-
12 spective successors are elected and qualified.

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 now
6 or hereafter prescribed by the statutes of the State of Maine,
7 relating to political party caucuses, except as hereinafter
8 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 nom-
4 inate 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 the
9 afternoon, when they shall close; provided that at the cau-
10 cuses to be held on the second Wednesday of November,
11 nineteen hundred twenty-nine, the polls shall be opened at
12 twelve o'clock noon and shall be closed at nine o'clock in
13 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 suc-

cessors in office. No person shall vote at any such caucus unless a legally qualified voter in the ward where any such caucus is held, nor unless enrolled as qualified to vote in a particular political party, then entitled to hold such caucus.

The city clerk of said city shall, in season for such caucuses, prepare suitable ballots containing the names of all persons to be nominated at such caucuses and of a distinguishing color for each political party. Every person legally qualified to vote in such caucuses shall receive, upon application, at such caucuses, to the proper election officer, a ballot marked and designated by such distinguishing color as the ballot of that political party in which he is then enrolled and shall not be entitled to receive, nor shall such election officer deliver to him, any other ballot.

Every legally qualified voter of said city shall be entitled to be enrolled as a voter in any political party entitled to hold such caucuses, upon application in writing made to the board of registration of said city, at any time between the date when this charter is adopted and the fifteenth day of October, nineteen hundred twenty-nine, and when so enrolled, shall not be entitled to change such enrollment for the purposes of any of said caucuses within six months next prior to the date of the holding of such caucuses. Any voter not previously enrolled may enroll himself during said caucus by subscribing and making oath to the following statement before the chairman of the caucus: "I, do solemnly swear that I am a qualified voter in

14 this city and ward, and have the legal right to vote in the
15 caucus of the party. I am a member of that
16 political party and intend to vote for its candidates at the
17 election next ensuing. I have not taken part or voted at
18 the caucus of any other political party in the six months last
19 past," and upon such enrollment shall be permitted to vote.

The warden shall indorse on every such enrollment blank,
2 whether the person subscribing and swearing to the same
3 voted at said caucus and shall return the same at the close
4 of said caucus to the board of registration and said board
5 of registration shall thereupon enroll said voter in the en-
6 rollment list of the party designated by him. Said enroll-
7 ment blank and the statement thereon shall be preserved as
8 a public record and shall be prima facie evidence in any
9 court that said person took said oath and voted in said
10 caucus.

The warden may appoint and swear to the faithful per-
2 formance of their duties such number of enrollment clerks
3 to assist him as may be required, who shall have power to
4 take the oath required of any person so enrolling at said
5 caucus.

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

The board of registration shall make up and certify, in
2 season for such caucuses, true and correct lists of all the
3 persons legally entitled to vote in said city, after the same

4 have been corrected, in accordance with the last registra-
5 tion of voters therein, and shall indicate on such lists of
6 voters the political party, if any, in which each of said
7 voters is enrolled; said lists, as so prepared by said board
8 of registration, shall not be altered or amended by any per-
9 son whatsoever, except said board of registration, and then
10 only upon application to change his enrollment made by a
11 person listed thereon as a legally qualified voter, which ap-
12 plication shall not be made to said board within six months
13 prior to the date of the holding of any such caucuses. Such
14 lists, as prepared, shall at the time of the holding of such
15 caucuses be delivered to the warden in each of said wards
16 and shall be used in said wards for the purposes of holding
17 said 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
20 superseded 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 enrollments 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-nine, 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
6 a member of the superintending school committee expires that

7 year or a vacancy exists, also a member of such school com-
8 mittee from such ward, and shall elect a ward committee.

On the second Wednesday of November, nineteen hundred
2 and twenty-nine, and the second Wednesday of November,
3 nineteen hundred and thirty, and every year thereafter, said
4 persons legally qualified to vote in such caucuses shall also
5 nominate in each ward by ballot, a councilor from such
6 ward.

On the second Wednesday of November, nineteen hun-
2 dred and twenty-nine, and every two years thereafter, said
3 persons legally qualified to vote in such caucuses shall also
4 nominate in each ward, by ballot, five delegates from each
5 ward to attend a mayoralty convention, for the purpose of
6 nominating a mayor. The delegates elected to such mayoral-
7 ty convention shall meet in separate conventions for each
8 political party, at such time subsequent to the date of the
9 holding of the said caucuses as shall be designated by the
10 political committee of such political parties.

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.

Sect. 13. The ward clerk, within twenty-four hours after
2 such election shall deliver to the persons elected, certificates
3 of their election, and shall forthwith deliver to the city
4 clerk, a certified copy of the record of such election, a
5 plain and intelligible abstract of which shall be entered by

6 the city clerk on the city records. If the choice of any
7 such officers is not effected on that day, the meeting shall
8 be adjourned to another day (not more than two days there-
9 after), to complete such election, and may so adjourn from
10 time to time, until the election is complete. The municipal
11 officers shall, as soon as conveniently may be, examine the
12 copies of the records of the several wards, certified as afore-
13 said, and shall cause the person who shall have been elected
14 mayor by a plurality of the votes given in all the wards,
15 to be notified in writing of his election. But if it shall ap-
16 pear that no person shall have been so elected, or if the
17 person elected shall refuse to accept the office, the said offi-
18 cers shall issue their warrants for another election; and in
19 case the citizens shall fail on a second ballot to elect a mayor,
20 the city council shall, from the four highest candidates voted
21 for at the second election and returned, elect a mayor for
22 the ensuing term; and in case of a vacancy in the office of
23 mayor by death, a resignation or otherwise, it shall be filled
24 for the remainder of the term by a new election or at the
25 next annual election in the manner in this charter provided
26 for 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 af-
31 firmation 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 time of holding its stated or regular
35 meetings and shall also, in like manner, determine the man-
36 ner of calling special meetings and the persons by whom
37 the same shall be called; but until otherwise provided by
38 ordinance, special meetings shall be called by the mayor by
39 causing a notification to be left at the usual residence or
40 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 remain,
9 but while exercising such powers and duties, shall have a
10 casting vote only, and shall have the veto power. The city
11 council in the absence of the mayor and permanent chair-
12 man at any meeting, shall choose a president pro tempore
13 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 to
4 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 crim-
3 inals. 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 enclos-
13 ure of lots abutting on any street or way in the city, which
14 may for want of such enclosure, be dangerous to the public;
15 and after notice to the owners or lessees of such lots, may,
16 if the same are not enclosed in a reasonable time, cause
17 the same to be enclosed at the expense of the owners or
18 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 du-
4 ties and exercise all the powers now incumbent on him by
5 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 tem-

9 porary absence of the city clerk, the mayor, subject to con-
10 firmation by the city council, may appoint a city clerk pro
11 tempore.

Sect. 18. General meeting of the citizens qualified to vote
2 in city affairs, may from time to time be held to consult
3 upon the public good, to instruct their representatives, and
4 to take all lawful measures to obtain redress of any griev-
5 ances, according to the right secured to the people by the
6 constitution of this state; and such meetings shall be duly
7 warned by the mayor and city council upon requisition of
8 sixty qualified voters. The city clerk shall act as clerk of
9 such meetings, and record the proceedings upon the city
10 records.

Sect. 19. Each member of the city council shall be entitled
2 to receive as compensation for the discharge of his duties,
3 the sum of five hundred dollars per annum, payable quar-
4 terly, and he shall not be eligible to any other office of profit
5 or emolument, the salary of which is payable by the city.
6 For failure on the part of any member of the city council
7 to attend any stated or other duly called meeting of the
8 city council or of the municipal officers, there shall be de-
9 ducted from his compensation the sum of two dollars; and
10 all departments, boards, officers and committees, acting un-
11 der 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 as
15 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 collectors
3 of taxes under the laws of this state. He shall be styled
4 "treasurer and collector," and shall give but one bond for
5 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 keeping,
12 vouching and settling his accounts shall be subject to such
13 rules and regulations as the city council may establish. Said
14 treasurer and collector shall collect all such uncollected
15 taxes and assessments in whatever year assessed, as may be
16 collected during his term of office; and at the expiration of
17 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.

Sect. 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 public
9 papers in the city of the time and place at which it will act
10 upon said report. Any person may appear and object to
11 the report, and after a full hearing of all parties interested,
12 the committee may accept, alter, or amend the report as it
13 shall think right, and shall report their proceedings to the
14 city council, who shall thereupon determine the lines for
15 such streets and ways in said city, according to the original
16 location thereof, and shall order the same to be designated
17 anew by fixed and permanent boundaries, as and for the
18 original boundaries; and a record of the location thereof
19 to be made upon the city records, and a copy of the last
20 record of such proceedings respecting any street, with evi-
21 dence of the location of the boundaries therein designated,
22 shall in all judicial proceedings, be prima facie evidence
23 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
8 wharf shall be extended below low water mark into the
9 harbor, without in either case the written assent of the
10 mayor and city council. No wharf or incumbrance shall
11 hereafter be erected or extended into said harbor beyond
12 the harbor commissioner'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
4 conferred and imposed upon superintending school commit-
5 tees 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 public
6 schools. Nothing in this charter or general law contained
7 shall impair the right, which is hereby granted, for the city
8 council to alter or amend any budget so presented, and

9 make its appropriation accordingly, provided, however, that
10 the total appropriation shall not be less than that required
11 by section sixteen of chapter sixteen of the revised statutes
12 of Maine and amendments thereof, and that the portion
13 of any such appropriation applicable to salaries of superin-
14 tendent and teachers, shall not, without the consent of said
15 superintending school committee, be reduced below the
16 amounts specified therefor in the preceding annual school
17 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 the authority now exercised by and shall
4 perform all duties now incumbent upon said commissioner
5 as provided by law.

There shall be annually prepared and presented to the city
2 council by the park and recreation commission, acting as
3 a planning board, and said commissioner, a joint recom-
4 mendation and estimate of cost covering specifically all
5 work, including construction, maintenance, repair and per-
6 manent improvement, necessary in their opinion to be per-
7 formed by the department of public works for the year, and
8 said city council shall appropriate such sum of money as
9 it deems necessary to carry out such recommendations or
10 any part thereof, but shall not order or appropriate money
11 for any work which is not in accordance with said recom-
12 mendations.

Sect. 26. The members of the city council shall be and

2 constitute the park commission and shall have the powers
3 and perform the duties given to and prescribed for the park
4 commission of the city of Portland by the laws of the State
5 of Maine but they shall receive no compensation as such
6 commissioners.

The assessors of the city shall assess annually a tax of
2 four-fifths of one mill on the dollar upon all estates and
3 property subject to taxation in said city to be taken at the
4 last regular valuation. The amount of said tax when raised
5 shall be appropriated as a special fund and expended by
6 said park and recreation commission for the duties and
7 work prescribed for said park and recreation commissions
8 by the laws of this state and by this charter; provided how-
9 ever, that in lieu of the amount now provided by law to
10 be expended by said recreation commission for its purposes,
11 there shall be set aside and expended by said park and
12 recreation commission for said purposes ten per centum
13 of the aforesaid fund; and provided further, that one per
14 centum of the amount of said mill tax shall be reserved
15 by the city treasurer to cover any uncollected portion of
16 said tax and carried to the credit of the account known as
17 overlays and abatements.

In addition to the powers and duties heretofore vested in
2 the park commission for the city of Portland and the recre-
3 ation commission for the city of Portland, said park and
4 recreation commission for the city of Portland shall keep
5 itself informed of the progress of city planning in this and

6 other countries; make studies and recommendations for the
7 improvement of the plan of the city, with a view to the
8 present and future movement of traffic, the convenience,
9 health, recreation, general welfare and other needs of the
10 city, dependent on the city plan; of all new public streets,
11 ways, sewers, conduits, land, buildings, bridges and all other
12 public places and structures, of additions and alterations
13 in those already existing, and of the layout or plotting of
14 new subdivisions of the city, and shall keep itself informed
15 of all actions or contemplated actions by the city council
16 affecting 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 commissioner
7 shall be acted upon by said commission within thirty days
8 of the date of reference, unless a longer or shorter period
9 is 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
4 by the city council during that year, and what, if anything,
5 has been done by the city council or otherwise in connection
6 with said recommendations.

The park commission of the city of Portland and the recre-

2 ation commission of the city of Portland as heretofore exist-
3 ing are hereby abolished as of the second Monday of De-
4 cember, nineteen hundred twenty-nine, or as soon thereafter
5 as the park and recreation commission herein provided for
6 shall be appointed.

Sect. 27. The purchasing agent shall purchase supplies
2 for the city and for the several departments and boards
3 thereof as the city council may from time to time provide
4 by ordinance. He shall see to the delivery of supplies pur-
5 chased by him to each department and board to whom they
6 belong, and take and file receipts therefor and shall have
7 such other powers and perform such other duties as the city
8 council shall provide by ordinance.

Sect. 28. Money may be borrowed, within the limits fixed
2 by the constitution and statutes of the state now or here-
3 after applying to said Portland, by the issue and sale of
4 bonds or notes pledged on the credit of the city, the pro-
5 ceeds to be used for the payment of indebtedness of the
6 city contracted for the acquisition of land, the construction
7 and equipment of buildings and other permanent public
8 improvements, and the payment or refunding of bonds,
9 notes, and certificates of indebtedness previously issued.
10 No order providing for the issue of bonds shall be passed
11 without public notice given by posting notice of the same
12 in two public places in the city of Portland, and publishing
13 said notice in at least two daily newspapers published in
14 said Portland at least two weeks before final action by the

15 city council, and the approval of two-thirds of all the mem-
16 bers of the city council. Every issue of bonds shall be pay-
17 able within a fixed term of years; if said bonds are issued
18 in payment of indebtedness incurred for a permanent im-
19 provement the term of such bonds shall not exceed the esti-
20 mated period of utility of said improvement but the
21 declaration of the city council embodied in the order au-
22 thorizing the issue shall be a conclusive determination of
23 the estimated period of utility thereof; and the term within
24 which all bonds shall be made payable shall in no case ex-
25 ceed thirty years. Bonds issued after the adoption of this
26 charter shall be made payable in equal, annual, serial install-
27 ments as pertains to principal, and interest shall be made
28 payable semi-annually. Every order for the issue of bonds
29 shall provide for a tax levy for each year of an amount
30 necessary to meet the payment of the annual, serial install-
31 ment of principal and interest; and such amounts shall be
32 included in the tax levy for each year until the debt is ex-
33 tinguished; provided, however, that bonds issued to refund
34 any indebtedness of the city of Portland existing prior to
35 the adoption of this charter or bonds issued to refund such
36 bonds shall not be subject to the aforesaid requirement of
37 being made payable in equal, annual, serial installments.

Sect. 29. All public utility franchises, hereafter granted,
2 and all renewals, amendments, and extensions thereof shall
3 be granted or made only by a four-fifths vote of the voting
4 members of the council. No franchise and no renewal or

5 amendment thereof shall be granted or made within three
6 months after the application therefor is filed with the city
7 clerk nor within thirty days after the publication in full
8 of the proposed franchise in its final form, nor until a pub-
9 lic hearing has been held thereon. No public utility fran-
10 chise shall be transferable except with the approval of the
11 city council.

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

(a) To repeal the same by order at any time for non-use,
2 or for failure to begin construction within the time pre-
3 scribed, 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.

Sect. 30. The health officer shall take the place of the
2 local board of health, the terms of office of the members
3 of which shall terminate on the second Monday of Decem-
4 ber, nineteen hundred and twenty-nine, and said health offi-

5 cer shall have and exercise all the powers and duties by
6 law conferred upon such officers.

The board of overseers of the poor as now constituted
2 is hereby abolished as of the second Monday of December,
3 nineteen hundred twenty-nine, or as soon thereafter as the
4 city council provided for in this charter shall be elected
5 and qualified and the terms of office of the present mem-
6 bers of said board shall then terminate.

Sect. 31. 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 coun-
2 cil or of the board of aldermen of the city of Portland here-
3 tofore conferred or prescribed by statute, may by ordinance
4 be conferred upon or prescribed for any committee of the
5 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 there-
4 with, shall be enforced, continued or completed in all re-
5 spects as though begun or executed hereunder.

Sect. 32. Nothing in this act shall be construed as repeal-
2 ing or amending any law of the state, or ordinance of the

3 city of Portland relative to the appointment, term of office,
4 removal, retirement or pension of the members of the police
5 department, the fire department and of the electrical de-
6 partment of the city of Portland, except so far as relates
7 to the appointment, removal and term of office of the chief
8 of the fire department, chief of the police department, ap-
9 pointment and removal of the city electrician and the ap-
10 pointment of the deputy and district chiefs of the fire de-
11 partment.

The passage and acceptance of this act shall not, except
2 as 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
5 years fixed by statute, at the time this charter takes effect,
6 but such officers, trustees, members of commissions, or de-
7 partments, shall complete the term of office to which they
8 have been elected or appointed, subject to removal by the
9 mayor, with the consent of the city council, for cause.

Sect. 33. 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 not take further effect unless adopted
4 by the electors of the city of Portland as hereinafter pro-
5 vided. If adopted by the electors of the city, then this act
6 for the purpose of nominating and electing officers here-
7 under shall take effect on the date of its adoption by the
8 electors, and for all other purposes this act shall take effect
9 on the second Monday of December in the year nineteen
10 hundred and twenty-nine.

All provisions of the present charter of the city of Portland not inconsistent with this act are hereby expressly continued in full force and effect, but all acts and parts of acts inconsistent with this act are hereby expressly repealed.

Sect. 34. This act shall be submitted for approval or rejection to the qualified voters of the city of Portland at an election to be held the second Monday in September, A. D. nineteen hundred and twenty-nine, and warrants shall be issued for such election in the manner now provided by law for the holding of municipal elections, notifying and warning the qualified voters of said city to meet at the several ward meetings of said city, there to cast their ballot for the approval or rejection of this act. The question proposed on said ballot shall be in substantially the following form:

FORM OF BALLOT

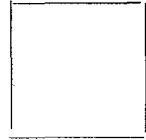
“Place a cross X in the square after the form of charter which you select. Mark only one form or your ballot will not be counted.

FORMS OF CHARTER

“Plan I. Present council-manager form providing for a city council of five members elected one each year for a term of five years from the city at large without regard to ward lines and without party designation, and a city manager elected by the council.



“Plan 2. Form providing mayor and board
2 of nine councilors elected for a term of two
3 years, one from each ward 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
5 to such election and said election shall in all other respects
6 be conducted as municipal elections in said city are now
7 conducted by law, and the results thereof shall be deter-
8 mined in the manner now provided by law for the deter-
9 mination of the election of mayor. If a majority of the
10 valid ballots deposited as aforesaid shall favor the adoption
11 of plan two, so called, on said ballot, then this act shall take
12 effect as herein provided and the mayor shall forthwith
13 make proclamation of the fact.