

MAINE STATE LEGISLATURE

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NEW DRAFT

EIGHTY-FOURTH LEGISLATURE

House Document

No. 785

H. P. 1723 House of Representatives, March 28, 1929.

Reported by a majority of Committee on Legal Affairs. On motion by Mr. Rounds of Portland both reports tabled pending acceptance of either. New draft ordered printed.

CLYDE R. CHAPMAN, Clerk.

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 the city of Portland shall
2 continue to be a body politic and corporate by the name
3 of the City of Portland, and shall have, exercise and enjoy
4 all the rights, immunities, powers, privileges and franchises
5 and shall be subject to all the duties, liabilities and obliga-
6 tions provided for herein, or otherwise pertaining to or in-
7 cumbent upon said city as a municipal corporation, or to
8 the inhabitants or municipal authorities thereof; and may
9 enact reasonable by-laws, regulations and ordinances for
10 municipal purposes, not inconsistent with the constitution

11 and laws of the State of Maine, and impose penalties for
12 the breach thereof, not exceeding one hundred dollars in
13 any one case, to be recovered for such uses as said by-
14 laws, regulations or ordinances shall provide.

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 and hereby are vested in one principal mag-
5 istrate to be styled the mayor, and in one body consisting
6 of one councilor from each ward of the city, which body
7 shall constitute and be called the city council, all of whom
8 shall be and remain during their term of office, inhabitants
9 of said city, and shall be chosen in the manner hereinafter
10 provided, and shall be sworn or affirmed in the form pre-
11 scribed by the constitution of the state for state officers.
12 The mayor and members of the city council shall be and
13 constitute the municipal officers of the city of Portland for
14 all purposes required by statute, and (except as otherwise
15 specifically provided) shall have all powers and authority
16 given to, and perform all duties required of municipal offi-
17 cers and boards of mayor and aldermen of cities under the
18 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 the poor department, or a

6 clerk or agent to act for them as they may direct, to sign
7 in their name and send written notices and the written
8 answers referred to or required in sections thirty-five and
9 thirty-six of chapter twenty-nine of the revised statutes of
10 nineteen hundred and sixteen and acts amendatory thereof
11 and additional thereto, and such written notices and written
12 answers, so signed, shall have the same effect as if signed
13 by one or more of said overseers and sent by a member or
14 members of said board of overseers personally.

The city council shall keep a record of its proceedings and
2 shall determine its own rules of procedure and make lawful
3 regulations for enforcing the same.

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, to
5 exercise a general supervision over the conduct of all ad-
6 ministrative and subordinate officers. He shall from time
7 to time communicate to the city council such information,
8 and recommend such measures, as the interests of the city
9 may require. He shall preside at all meetings of the city
10 council, but shall have only a casting vote. He shall be
11 entitled to receive as compensation for his services such
12 salary as the city council may determine, payable quarterly,
13 and shall receive therefor no other compensation, which said
14 salary, however, shall not be increased or diminished dur-
15 ing his term of office.

Sect. 4. Every law, act, ordinance, resolve or order, ex-
2 cepting rules and orders of a parliamentary character, shall
3 be presented to the mayor, and if he approve, he shall sign
4 it, and it shall then be in full force and effect. If he does
5 not approve it, he shall return it with his objections at the
6 next stated session of the city council held at least one
7 week after the aforesaid law, act, ordinance, resolve or or-
8 der is presented to the mayor for his approval. The city
9 council shall enter the objections at large on its journal and
10 proceed to reconsider the same. If upon such reconsidera-
11 tion it shall be passed by a vote of two-thirds of all the
12 members of the city council it shall have the same effect as
13 if signed by the mayor. The mayor shall have the right to
14 approve as a whole any resolve or order involving the ap-
15 propriation and expenditure of money, or to approve or
16 disapprove specific items thereof, and the portions approved
17 shall thereby be in force in like manner as if no part there-
18 of had been disapproved, and the portion or portions dis-
19 approved shall thereupon take the same course as herein
20 provided as though said resolve or order had been disap-
21 proved 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;
5 and they are authorized to unite the watch and police de-
6 partments into one department and establish suitable regu-

7 lations for the government of same. All other powers now
8 or hereafter vested in the inhabitants of said city, and all
9 powers granted by this act, except as otherwise provided,
10 as well as all powers relating to the fire department, shall
11 be vested in said city council.

Sect. 6. (A) There shall be the following administra-
2 tive officers and boards:

(a) The following officers and boards shall be elected
2 by ballot by a majority vote of the voting members of the
3 city council; city clerk, corporation counsel, treasurer and
4 tax collector, auditor, assessors of taxes, health officer, mu-
5 sic commission, trustees of Evergreen cemetery, two mem-
6 bers of board of registration under section six, chapter five
7 of the revised statutes of nineteen hundred and sixteen,
8 and acts amendatory thereof and additional thereto, and
9 they may elect nine constables at large.

(b) The following officers shall be appointed by the
2 mayor, subject to confirmation by the city council; commis-
3 sioner of public works, city electrician, chief of police, chief
4 of the fire department, secretary to overseers of the poor,
5 city physician, inspector of buildings who shall give all his
6 time to the work of his office and who shall not have any
7 interest, direct or indirect, in any building or material con-
8 cern, and all other department heads whose position may
9 from time to time be created by statute or ordinance; and,
10 except as herein otherwise provided, upon recommendation

11 of the heads of their departments, all minor officers and
12 employees.

B. The council shall have power by ordinance :

(a) To create any new appointive office.

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

C. The city council shall provide by ordinance for a sys-
2 tem of civil service rules for the appointment, promotion,
3 demotion, lay-off, reinstatement, suspension and removal of
4 the members of the police department and of the fire de-
5 partment, other than the chiefs of said departments, and
6 for a civil service commission to administer the same.

Neither the city council nor civil service commission shall
2 have power or authority to reduce, terminate, or diminish
3 in any way the pay, term of office, or pension or retire-
4 ment privileges of the members of the police department
5 or of the fire department of the city of Portland, as now
6 enjoyed by them, other than the chiefs of said departments,
7 except that the city council may provide for the removal
8 for cause of members of either the fire or police depart-
9 ment upon presentation of charges and hearing before the
10 civil service commission hereinbefore provided for. No
11 further or other physical examination shall be required of
12 the present members of the police or fire departments other
13 than that to which they are now subject.

D. All appointive officers whose terms of service are
2 specified herein to be for a fixed term, shall be removable

3 by the city council upon written charges, notice and hear-
4 ing, if upon such hearing they are adjudged guilty of the
5 charges preferred.

All other appointive officers shall hold office during the
2 pleasure of the appointing power.

The term of office of members of city hall music com-
2 mission, trustees of Evergreen cemetery, and members of
3 the board of registration of voters shall be as now provided
4 by law, except as otherwise specifically provided in this act.

E. The city council shall fix by order the salaries of the
2 appointees of the mayor and of the city council.

F. Duties of all administrative officers may be prescribed
2 by the city council. Such duties shall not be inconsistent
3 with the provisions of this charter.

G. There shall be three assessors of taxes elected by the
2 city council for terms of three years and until their suc-
3 cessors are elected and qualified. Provided, however, that
4 the first city council elected under this act shall elect one
5 assessor for the term of three years to fill the vacancy
6 caused by the expiration of the term of the assessor then
7 expiring; the other two assessors whose terms under the
8 present city charter are not expiring shall hold their office
9 until the expiration of their terms and until their successors
10 are duly elected and qualified, and thereafter the said city
11 council shall elect one assessor each year for the term of
12 three years and until his successor is qualified and elected.
13 If for any reason a vacancy shall exist in the membership

14 of the board of assessors, the vacancy shall be filled forth-
15 with by the city council for the unexpired term. The as-
16 sessors elected as above provided shall exercise the same
17 powers and be subject to the same duties and liabilities
18 that similar officers of the several towns and cities in the
19 state may exercise, and may now or hereafter be subject
20 to under the laws of the state. The assessors may appoint
21 one assistant assessor in each ward and one additional as-
22 sistant assessor in each ward, if the city council shall so
23 direct, whose duty it shall be to furnish the assessors with
24 all the necessary information relative to persons and prop-
25 erty taxable. The compensation of such assistant assessors
26 shall be fixed by the city council but such assistant assessors
27 shall hold office during the pleasure of the assessors. All
28 taxes shall be assessed, apportioned and collected in the
29 manner prescribed by the laws of the state relative to town
30 taxes; provided that the city council may establish further
31 or additional provisions for the collection thereof, and of
32 interest thereon.

H. The members of the city council shall be and consti-
2 tute the park commission and shall have the powers and
3 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.

I. To enable said commission to extend the work of the
2 Back Bay and Fore River commission and to make im-

3 improvements, to enlarge the park areas, to maintain the pub-
4 lic grounds and cemeteries under their charge, and to pay
5 for additions to grounds and cemeteries already acquired,
6 or to be acquired by the city of Portland, a tax of one mill
7 on the dollar shall be assessed annually by the assessors of
8 said city of Portland upon all estates and property subject
9 to taxation in said city, to be taken at the last regular valua-
10 tion. The amount of said tax, when raised, shall be set
11 aside as a special fund to be expended by said commission
12 for the purposes specified in this charter; provided, how-
13 ever, that one per cent of the amount of the above tax,
14 shall be reserved by the city treasurer each year to cover
15 any uncollected portion of this tax and carried to the credit
16 of the account known as overlays and abatements.

J. It shall be the duty of the park commission to keep
2 itself informed of the progress of city planning in this and
3 other countries; to have made studies and recommenda-
4 tions for the improvement of the plan of the city with a
5 view to the present and future movement of traffic, the
6 convenience, health, recreation, general welfare and other
7 needs of the city, dependent on the city plan, of all new
8 public streets, ways, sewers, conduits, land, buildings,
9 bridges and all other public places and structures, of addi-
10 tions and alterations in those already existing and of the
11 layout or plotting of new subdivisions of the city.

K. The health officer is given the same powers and auth-
2 ority and is subject to the same duties and liabilities as

3 are now held by or imposed upon the health officer for the
4 city of Portland, and he shall perform such other duties,
5 not inconsistent with the law of the state, as the city coun-
6 cil shall determine.

L. The members of the city council shall be and consti-
2 tute the recreation commission for the city of Portland and
3 they shall have all the power and authority and be subject
4 to the same duties and liabilities as are now possessed by
5 the recreation commission of the city of Portland.

Funds for the purpose of carrying out the duties and work
2 of said recreation commission shall be supplied in the same
3 way and to the same amount as are now provided and sup-
4 plied, or may be fixed hereafter.

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 ap-
5 propriated 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,
8 from all persons entrusted with the receipt, custody or dis-
9 bursement of money; they shall have the care and superin-
10 tendence of the city buildings and the custody and manage-
11 ment of all city property, with power to let or sell what
12 may be legally let or sold, and to purchase and take in the
13 name of the city such real and personal property in addi-
14 tion to that now held, as the city council may find neces-

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

Sect. 8. The 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 relat-
8 ing to the commissioners of Portland harbor. A stand-
9 ing committee of the city council shall be appointed, to
10 be called the committee on new streets, whose duty it shall
11 be to lay out, alter, widen or discontinue any street or way
12 in said city, first giving notice of the time and place of
13 their proceedings to all parties interested, by an adver-
14 tisement in two daily papers printed in Portland, for one
15 week at least previous to the time appointed. The com-
16 mittee shall first hear all parties interested, and then deter-
17 mine and adjudge whether the public convenience requires
18 such street or way to be laid out, altered or discontinued;
19 and shall make a written return of their proceedings, signed
20 by a majority of them, containing the bounds and descrip-
21 tions of the street or way, if laid out or altered, and the
22 names of the owners of the land taken, when known, and
23 the damages allowed therefor; the return shall be filed in

24 the city clerk's office at least seven days previous to its
25 acceptance by the city council. The street or way shall
26 not be altered or established until the report is accepted
27 by the city council, and the report shall not be altered or
28 amended before its acceptance. A street or way shall not
29 be discontinued by the city council, excepting upon the
30 report of said committee. The committee shall estimate
31 and report the damages sustained by the owners of the
32 lands adjoining that portion of the street or way which is
33 so discontinued; their report shall be filed with the city
34 clerk seven days at least before its acceptance. Any per-
35 son aggrieved by the decision or judgment of the city coun-
36 cil in establishing, altering, or discontinuing streets, may,
37 so far as relates to damages, appeal therefrom to the next
38 court having jurisdiction thereof in the county of Cumber-
39 land, which court shall determine the same by a committee
40 of reference under a rule of court, if the parties agree, or
41 by a verdict of its jury, and shall render judgment, and
42 issue execution for the damages recovered, with costs to
43 the party prevailing in the appeal. Such appeal shall be
44 made to the term of the said court, which shall first be
45 holden in the county of Cumberland more than thirty days
46 from and after the day the street is finally established, al-
47 tered or discontinued, excluding the day of commencement
48 of the session of said court. The appellants shall serve
49 written notice of such appeal upon the mayor or city clerk,
50 fourteen days at least before the session of the court, and

51 shall at the first term file a complaint setting forth sub-
52 stantially the facts of the case. On the trial, exceptions
53 may be taken to the rulings of the court, as in other cases.
54 Co-tenants who are appellants, shall join in their appeal
55 or shall not recover their costs. If a street or way is dis-
56 continued before the damages are paid or recovered for the
57 land taken, the land owner shall not be entitled to recover
58 such damages, but the committee in their report discontinu-
59 ing the same shall estimate and include all the damages
60 sustained by the land owner, including those caused by
61 the original location of the streets, and in such cases, if an
62 appeal has been regularly taken, the appellant shall re-
63 cover his costs. The city shall not be compelled to con-
64 struct or open any street or way thus hereafter established,
65 until in the opinion of the city council the public good re-
66 quires it to be done; nor shall the city interfere with the
67 possession of the land so taken by removing therefrom
68 materials, or otherwise, until they decide to open and con-
69 struct said street, provided that if any street or way is not
70 constructed within two years, after the laying out of such
71 street or way, the proceedings are void. The city council
72 may regulate the height and width of sidewalks in any pub-
73 lic square, places, streets, lanes or alleys in said city; and
74 may authorize posts and trees and other objects permitted
75 by law, to be placed along the edge of said sidewalks. Nor
76 shall the city be answerable for damages occasioned by tele-
77 graph poles and wires erected in its streets.

Sect. 9. 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 in- 12 cumbrance 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. 10. 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 6 to preserve, as nearly as may be, an equal number of voters 7 in each, and the city council may, in such manner, but sub- 8 ject to the approval of the legal voters of the city signified 9 in the manner provided by statute in the case of a change 10 in the limits of city wards, change the number of wards. 11 In each of said wards, at the annual municipal election, 12 there shall be chosen by ballot, a warden and clerk, who 13 shall hold their offices for one year from the Monday fol-

14 lowing their election, and until others shall have been
15 chosen and qualified in their places.

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

Sect. 11. The mayor shall be elected at large by and from
2 the qualified voters of the city voting in their respective
3 wards. One member of the city council, one member of
4 the school committee, a warden and clerk and two con-
5 stables shall be elected from each ward by and from the
6 qualified voters thereof, at the times and in the manner
7 hereinafter provided.

At the first election after this charter is in force, to be
2 held on the first Monday of December, nineteen hundred
3 twenty-nine, and every second year thereafter, the qualified
4 voters of the city shall ballot for a mayor for a term of
5 two years and on said first Monday of December, nineteen
6 hundred twenty-nine, the qualified voters of each ward shall
7 at the same time ballot by wards for a member of the city
8 council from each of said wards, for a term of one year
9 in wards one, four and seven, for the term of two years
10 in wards two, five and eight, and for the term of three years
11 in wards three, six and nine, and the qualified voters of
12 each ward shall on the first Monday of December, nine-
13 teen hundred twenty-nine, and annually thereafter, ballot
14 by wards for a warden and clerk and two constables from

15 each ward, and in case there is more than one voting pre-
16 cinct or any island ward in any ward, then the qualified
17 voters of each said precinct and island ward shall at the
18 same time ballot for a warden and ward clerk for such
19 precinct or island ward, and at each regular municipal elec-
20 tion thereafter a member of the city council and a member
21 of the school committee shall be elected in each of said
22 wards in which the term of its member of the city council
23 or member of the school committee expires or a vacancy
24 exists by reason of death, resignation or otherwise, but
25 any member of the city council or member of the school
26 committee elected to fill such vacancy shall be elected only
27 for such term as is required to fill the unexpired term of
28 his immediate predecessor.

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 resident. The members thereof shall hold office for the
8 term of three years and until their successors are elected,
9 and qualified, except that at the first election of members
10 of the school committee, those elected from wards two, five
11 and eight shall hold office for the term of one year, those
12 elected from wards three, six and nine shall hold office for
13 the term of two years, and those elected from wards one,

14 four and seven shall hold office for the term of three years,
15 and until their respective successors are elected and quali-
16 fied.

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.

In the event that any elective office under this charter
2 becomes vacant by reason of death, resignation or other-
3 wise, the city council shall forthwith cause a special elec-
4 tion to be held in the manner provided herein and by the
5 laws of the state for holding regular elections, to fill the
6 unexpired term of the incumbent for such office, provided
7 the council deems the exigency, such as to require such
8 special election, and provided further that the city council
9 shall be required to call such special election upon the peti-
10 tion of five hundred qualified voters of the city, if the said
11 vacancy exists in the mayoralty office, and upon petition
12 of two hundred qualified voters of the ward in which any
13 other such vacancy exists, and all the provisions of this
14 charter shall apply to the method of nomination and elec-
15 tion of such officer or officers.

Sect. 12. All votes cast for the several officers shall be
2 sorted, counted, declared and registered in open ward meet-
3 ing, as provided by statute. The ward clerk shall forth-

4 with deliver to each person elected warden or ward clerk
5 a certificate of his election and shall forthwith deliver to
6 the city clerk a 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 or members of the superintending school committee
7 to be notified in writing of their election; if it shall appear
8 that at the first election nine councilmen have not been
9 elected, or if, after the first election, it shall appear that
10 no person has been elected councilman, or if the person
11 elected shall refuse to accept the office, warrants for another
12 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 nine councilmen have not been elected, the
3 municipal officers then in the office shall continue to hold
4 office and perform their duties until nine councilmen have
5 been duly elected.

Sect. 13. The warden and ward clerk, chosen as provided
2 in the preceding section, shall be residents of the ward and
3 precinct for which they are elected and shall hold their
4 office for one year from the second Monday in December
5 following their election, and until others have been chosen
6 and qualified in their stead. The warden and the ward
7 clerk shall be sworn to the faithful performance of their

8 duties by a person qualified under the statutes of the state
9 to administer oaths, and a certificate of such oath shall be
10 entered by the clerk on the records of said ward. The war-
11 den shall preside at all ward meetings, with the powers of
12 moderators of town meetings and if at any meeting the
13 warden shall not be present, the clerk of the ward shall
14 call the meeting to order and preside until a warden pro
15 tempore shall be chosen. The warden shall have all rights
16 and powers now held by the warden of such ward. If
17 neither the warden nor the ward clerk shall be present, any
18 legal voter in the ward may preside until a clerk pro tem-
19 pore shall be chosen and qualified.

Immediately following the election of a clerk pro tempore
2 a warden pro tempore shall be chosen. The clerk shall
3 record all the proceedings and certify the votes given and
4 deliver over to his successor in office all such records and
5 journals in his possession or under his control, together
6 with all documents and papers held by him in his capacity
7 as clerk. The ward clerk shall have and perform all rights
8 and duties now held and performed by the ward clerk of
9 such ward, so far as consistent with this charter.

Sect. 14. The nomination of all candidates for elective
2 offices provided for by this charter shall be by petition.
3 The petition of a mayor shall be signed by not less than
4 three hundred nor more than five hundred qualified voters
5 of the city. The petition of candidates for member of the
6 city council and member of the school committee, for war-

7 den, for ward clerk and for constables shall be signed by
 8 not less than twenty-five nor more than one hundred quali-
 9 fied voters of the ward wherein the candidate is to be elect-
 10 ed. No voter shall sign petitions for more than one can-
 11 didate for each office to be filled at the election, and should
 12 any voter sign more than one such petition, his signature
 13 shall be counted only upon the first petition filed, and shall
 14 be held void upon all other petitions.

Sect. 15. The signatures to nomination papers need not
 2 all be affixed to one nomination petition, but to each sepa-
 3 rate petition there shall be attached an affidavit of the circu-
 4 lator thereof stating the number of signers on each petition,
 5 and that each signature appended thereto was made in his
 6 presence and is in the genuine signature of the person whose
 7 name it purports to be. With each signature shall be stated
 8 the place of residence of the signer giving the street and
 9 number of the street, or other description sufficient to
 10 identify the same. The form of the nomination petition
 11 shall be substantially as follows:

To the city clerk of the City of Portland:

We, the undersigned voters of the City of Portland, hereby
 nominate whose residence is
 for the office of,
 to be voted for at the election to be held in the City of Port-
 land on the day of, 19....;
 and we individually certify that we are qualified to vote for a
 candidate for the above office and that we have not signed

more nomination petitions of candidates for this office than there are persons to be elected thereto.

Name, Street and Number, being duly sworn, deposes and says that he is the circulator of the foregoing nomination petition containing signatures, and that the signatures appended thereto were made in his presence and are the signatures of the persons whose names they purport to be.

(Signed)

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

.....

Justice of the Peace

(or Notary Public).

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

Sect. 16. The nomination petitions for any one candidate 2 shall be assembled and united into one petition, and filed 3 with the city clerk not earlier than thirty nor later than 4 sixteen days before the day of election. No nomination 5 shall be valid unless the candidate shall file with the city 6 clerk in writing not later than sixteen days before the day 7 of election, his consent, accepting the nomination, agreeing 8 not to withdraw, and if elected, to qualify.

Sect. 17. The city clerk shall certify the list of candidates 2 and shall cause to be published in one or more of the daily

3 newspapers published in said Portland the names, residences
4 and office to which nominated of the candidates who have
5 duly filed the above described petitions and acceptances.

Sect. 18. Specimen ballots and official ballots for use in
2 all city elections shall be prepared by the city clerk and fur-
3 nished by the city.

Sect. 19. Ballots for use in elections under this charter
2 shall contain the names of the various candidates, with
3 their residence and the office for which they are a candi-
4 date, and shall be furnished with columns for crosses at
5 the right of the candidate's name and residence, and shall
6 be substantially the form provided in the following section.
7 Such ballots shall be without party mark or designation.

Sect. 20. The face of the ballot shall be of the following
2 form:

CITY OF PORTLAND
Regular (or Special) City Election
OFFICIAL BALLOT

Candidates for office in the City of Portland at an election
held on Monday, the day of, A. D.

Instructions.

To vote for any person, make a cross (X) in the square
at the right of the name voted for.

For (name of office to be filled)

() to be chosen

Name of candidate

and residence

Name of candidate

and residence

Name of candidate

and residence

Name of candidate

and residence

Back of ballot.

Portland, Maine, Monday,

A. D.

OFFICIAL BALLOT

Ward

(Facsimile of signature)

City Clerk.

The city clerk in preparing all ballots for election under
 2 this charter shall arrange the names of all qualified candi-
 3 dates for each office in alphabetical order according to sur-
 4 names, except as hereinafter provided. In any case where
 5 the names of four or more persons appear on one ballot
 6 as candidates for the city council or superintending school
 7 committee, the city clerk shall have printed as many sets
 8 of ballots as there are candidates for any single office. Each
 9 set of ballots shall begin with the name of a different can-
 10 didate, the other names being arranged thereafter in reg-
 11 ular alphabetical order, commencing with the name next
 12 in alphabetical order, after the one that stands first on that
 13 set of ballots. When the last name is reached in alphabeti-

14 cal order it shall be followed by the name that begins with
15 the first letter represented in the list of names and by the
16 others in regular order. The ballots so printed shall then
17 be combined in blocks of fifty so as to have the fewest pos-
18 sible ballots having the same order of names printed thereon
19 together in the same block.

Sample ballots shall be printed from the arrangement of
2 the first group of ballots to be printed as above provided.

Sect. 21. As soon as the polls are closed, the warden shall
2 immediately open the ballot boxes, take therefrom the bal-
3 lots and sort, count and declare them in open meeting in
4 the presence of the ward clerk.

Sect. 22. Upon receipt of the returns, after the first elec-
2 tion under this charter, the then municipal officers and there-
3 after the city council shall determine the successful candi-
4 dates as hereinafter provided in this section.

The person receiving a plurality of the votes cast in the
2 electoral division in which he is a candidate at any election
3 for any office, shall be elected to that office.

Sect. 23. The city clerk shall cause specimen ballots to
2 be posted in public places in each ward and voting precinct
3 and advertised in the newspapers not later than ten days
4 prior to the city election and advertised in the newspapers
5 at least twice more prior to the election. Such specimen
6 ballots shall be printed on colored paper and marked speci-
7 men ballots, and shall contain the names of the certified
8 candidates with the residence of each, instructions to voters.

9 and such measures as may be submitted to the voters by
10 the legislature or by the city council. Such ballots shall be
11 without party mark or designation.

Should the city council fail or refuse to order an election
2 as herein provided, such election may be ordered by any
3 justice of the supreme judicial court.

Sect. 24. The provisions of the laws of the State of
2 Maine relating to the qualifications of electors, registration,
3 the manner of voting, the duties of election officers, and
4 all other particulars in respect to preparation for, conduct-
5 ing and management of elections, so far as they may be
6 applicable, shall govern all municipal elections of Portland,
7 except as otherwise provided in this charter.

Sect. 25. After the organization of a city government and
2 the qualification of a mayor, and when a quorum of the city
3 council shall be present, said city council, the mayor pre-
4 siding, shall proceed to choose a permanent chairman, who,
5 in the absence of the mayor, shall preside at all meetings
6 of the council, and in case of any vacancy in the office of
7 mayor, he shall exercise all the powers and perform all the
8 duties of the office, so long as such vacancy shall remain,
9 but while exercising such powers and duties, shall have
10 a casting vote only, and shall have the veto power. The
11 city council in the absence of the mayor and permanent
12 chairman at any meeting, shall choose a president pro tem-
13 pore who shall preside at such meeting.

Sect. 26. Nothing contained in this charter shall alter or

2 repeal the provisions of sections sixty-eight and sixty-nine
3 of chapter seven of the revised statutes of Maine relative
4 to elections and election officers on the several islands with-
5 in the city of Portland.

Sect. 27. The city council, in behalf of the city, may of-
2 fer rewards for the prevention of crimes or detection of
3 criminals. They may remove all sunken wrecks in the
4 harbor or its entrances, and dispose of the same to defray
5 the expense of removal, and may at the expense of the city,
6 cause its harbor to be kept open and unobstructed by ice.
7 They may also require all boats not under register or license,
8 kept for hire in said harbor, to be examined and licensed
9 for that purpose, and to be furnished with airtight com-
10 partments; and may establish such regulations respecting
11 such boats as they may deem expedient. They may also
12 make and enforce by penalties, regulations respecting the
13 enclosure of lots abutting on any street or way in the city,
14 which may for want of such enclosure, be dangerous to the
15 public; and after notice to the owners or lessees of such
16 lots, may, if the same are not enclosed in a reasonable time,
17 cause the same to be enclosed at the expense of the owners
18 or lessees. They may appropriate money for celebration
19 of the anniversary of our national independence, and other
20 public celebrations.

Sect. 28. 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
5 by law. He shall give notice in two or more of the papers
6 printed in said city, of the time and place of regular ward
7 meetings; the time of such meetings when not fixed by law,
8 shall be determined by the city council. In case of the 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. 29. 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. 30. Each member of the city council shall be en-
2 titled to receive as compensation for the discharge of his
3 duties, the sum of five hundred dollars per annum, payable
4 quarterly, and he shall not be eligible while a member of
5 the council, to any other office of profit or emolument, the
6 salary of which is payable by the city. For failure on the
7 part of any member of the city council to attend any stated
8 or other duly called meeting of the city council or of the
9 municipal officers, there shall be deducted from his com-

10 pension the sum of ten dollars; unless such failure to
11 attend is caused by accident or illness, in which case the
12 certificate of a duly registered physician filed with the city
13 clerk not more than twenty-four hours after such meeting
14 shall be a sufficient excuse for such absence; and all de-
15 partments, boards, officers and committees, acting under
16 the authority of the city, and entrusted with the expendi-
17 ture of public money, shall expend the same for no other
18 purpose than that for which it is appropriated; and shall
19 be accountable therefor to the city, in such manner as the
20 city council may direct.

Sect. 31. The treasurer of the city of Portland shall also
2 be the collector for said city with all the powers of col-
3 lectors of taxes under the laws of this state. He shall be
4 styled "treasurer and collector," and shall give but one bond
5 for the faithful performance of his duties; said bond to be
6 approved by the mayor and city council; and may appoint
7 assistants and deputies as provided by law. All warrants
8 directed to him by the assessors and municipal officers shall
9 run to him and his successors in office, and shall be in the
10 form prescribed by law, changing such parts only as by
11 this act are required to be changed. The method of 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
16 be collected during his term of office; and at the expira-

17 tion of said term, his powers as collector shall wholly cease;
18 all sales, distresses, and all other acts and proceedings, law-
19 fully commenced by him as such treasurer and collector,
20 may be effectually continued and completed by his successor
21 in office as though done by himself; and all unreturned war-
22 rants, which would otherwise be returnable to him, shall
23 be returned to his successor in office.

Sect. 32. The original location of all streets and ways
2 in said city shall, once in ten years, or oftener, be ascer-
3 tained by the commissioner of public works, under the di-
4 rection of the city council, as accurately as practicable, the
5 location of different streets being ascertained by him from
6 time to time, when expedient. He shall make a written re-
7 port of his doings to the committee on new streets, which
8 shall give twenty days' notice, by advertisement in two or
9 more public papers in the city of the time and place at
10 which it will act upon said report. Any person may appear
11 and object to the report, and after a full hearing of all par-
12 ties interested, the committee may accept, alter, or amend
13 the report as it shall think right, and shall report their pro-
14 ceedings to the city council, who shall thereupon determine
15 the lines for such streets and ways in said city according
16 to the original location thereof, and shall order the same
17 to be designated anew by fixed and permanent boundaries,
18 as and for the original boundaries; and a record of the loca-
19 tion thereof to be made upon the city records, and a copy
20 of the last record of such proceedings respecting any street,

21 with evidence of the location of the boundaries therein des-
22 igned, shall in all judicial proceedings, be prima facie
23 evidence of the place of the original location of said street.

Sect. 33. The mayor and city council of said city may on
2 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 harbor shall be
6 extended into the harbor a greater distance below low water
7 mark than the same now exists, and hereafter no such new
8 wharf or any part thereof shall be extended below low
9 water mark into the harbor, without in either case the writ-
10 ten assent of the mayor and city council. No wharf or in-
11 cumbrance shall hereafter be erected or extended into said
12 harbor beyond the harbor commissioner's line.

Sect. 34. 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 adja-
6 cent 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. 35. The superintending school committee shall have
2 the powers and perform the duties appertaining to the care
3 and management of the public schools of said city now con-
4 ferred and imposed upon superintending school committees

5 by law, except as otherwise provided in this charter.

The superintending school committee shall annually, as
2 soon after the organization of their board as practicable,
3 furnish to the city council a statement in detail as a budget,
4 of the several sums which they estimate will be required
5 during the ensuing municipal year for the support of public
6 schools. Nothing in this charter or general law contained
7 shall impair the right, which is hereby granted, for the
8 city 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 stat-
12 utes of Maine and amendments thereof, which may have
13 been heretofore or which may hereafter be made thereto,
14 and that the portion of any such appropriation applicable
15 to salaries of superintendent and teachers, shall not, without
16 the consent of said superintending school committee, be re-
17 duced below the amounts specified therefor in the preced-
18 ing annual school appropriation of the city council.

Sect. 36. 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.

Sect. 37. The auditor shall examine all payrolls, bills and
2 other claims and demands against the city, and shall
3 issue no warrant for payment until he finds that the claim

4 is in proper form, correctly computed, duly certified and
5 legally 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 such purpose or purposes may examine witnesses under
4 oath.

Sect. 38. The city council shall require a bond with suffi-
2 cient surety or sureties, satisfactory to the city council, from
3 all persons trusted with the collection, custody or disburse-
4 ment of any of the public moneys; and may require such
5 bond from such other officials as it may deem advisable;
6 the premium charges for said bonds to be paid by the city.

Sect. 39. The assessors of the city shall assess annually
2 a tax of one mill on the dollar upon all estates and property
3 subject to taxation in said city to be taken at the last reg-
4 ular valuation. The amount of said tax when raised shall
5 be appropriated as a special fund and expended by the
6 park and recreation commissions for the duties and work
7 prescribed for said park and recreation commissions by the
8 laws of this state and by this charter; provided however,
9 that in lieu of the amount now provided by law to be ex-
10 pended by said recreation commission for its purposes, there
11 shall be set aside and expended by said park and recrea-
12 tion commissions for said purposes ten per centum of the
13 aforesaid fund; and provided further, that one per centum
14 of the amount of said mill tax shall be reserved by the
15 city treasurer to cover any uncollected portion of said tax

16 and carried to the credit of the account known as overlay-
17 ings and abatements.

Sect. 40. The purchasing agent shall purchase all sup-
2 plies for the city and for the several officers and boards
3 thereof, excepting for supplies for the city schools, which
4 school supplies he shall purchase only upon requisition by
5 the superintending school committee.

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 receipts therefor. He shall conduct all sales
4 of property belonging to the city which are unfit or unnec-
5 essary 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.

Sect. 41. 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. No
10 order providing for the issue of bonds shall be passed with-
11 out public notice given by posting notice of the same in two
12 public places in the city of Portland, and publishing said
13 notice in at least two daily newspapers published in said

14 Portland at least two weeks before final action by the city
15 council, and the approval of seven-ninths of all the members
16 of the city council. Every issue of bonds shall be payable
17 within a fixed term of years; if said bonds are issued in
18 payment of indebtedness incurred for a permanent improve-
19 ment the term of such bonds shall not exceed the estimated
20 period of utility of said improvement but the declaration
21 of the city council embodied in the order authorizing the
22 issue shall be a conclusive determination of the estimated
23 period of utility thereof; and the term within which all
24 bonds shall be made payable shall in no case exceed thirty
25 years. Bonds issued after the adoption of this charter
26 shall be made payable in equal, annual, serial installments
27 as pertains to principal, and interest shall be made payable
28 semi-annually. Every order for the issue of bonds shall
29 provide for a tax levy for each year of an amount necessary
30 to meet the payment of the annual, serial installment of
31 principal and interest; and such amounts shall be included
32 in the tax levy for each year until the debt is extinguished;
33 provided, however, that bonds issued to refund any indebt-
34 edness of the city of Portland existing prior to September
35 tenth, nineteen hundred and twenty-three, or bonds issued
36 to refund such bonds shall not be subject to the aforesaid
37 requirement of being made payable in equal, annual, serial
38 installments.

Sect. 42. Money may be borrowed in anticipation of re-
2 ceipts from taxes during any fiscal year but the aggregate

3 amount of such loans outstanding at any one time shall
4 not exceed eighty per cent of the revenue received from
5 taxes during the preceding fiscal year. All such loans shall
6 be paid within the year out of receipts from taxes for the
7 fiscal year in which said loans are made. Money may be
8 borrowed in anticipation of money to be received from
9 the sale of bonds to be issued, in case such bond issue has
10 been authorized; all such loans shall be paid within one
11 year and are subject to the provisions of laws of the State
12 of Maine in relation thereto. This section shall not limit
13 in any way the power granted to towns and cities to borrow
14 money as contained in chapter four, section sixty-two of the
15 revised statutes and acts amendatory thereof and additional
16 thereto.

Sect. 43. Until the bonded indebtedness of the city of
2 Portland in force at the time of the adoption of this charter
3 together with any renewals thereof is fully paid, the city
4 council shall raise and set apart each year for a sinking
5 fund a sum equal to one and one-half per cent of the total
6 amount of appropriations for that year. The sinking fund
7 shall be applied only to the payment of that bonded indebt-
8 edness of the city, the payment of which has not been pro-
9 vided for by payments in serial installments.

The sinking fund shall be invested as provided by the re-
2 vised statutes of the State of Maine and all acts in addition
3 thereto and in amendment thereof.

Sect. 44. All public utility franchises, hereinafter granted,

2 and all renewals, amendments, and extensions thereof shall
3 be granted or made only by a seven-eighths vote of the vot-
4 ing member of the council. No franchise and no renewal
5 or amendment thereof shall be granted or made within
6 three months after the application therefor is filed with
7 the city clerk nor within thirty days after the publication
8 in full of the proposed franchise in its final form, nor until
9 a public hearing has been held thereon. No public utility
10 franchise shall be transferable except with the approval
11 of the 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-
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.

(e) Nothing contained in this section is intended to re-

2 peal, or shall be construed as repealing, the whole or any
3 part of any existing statute, and all the rights and duties
4 herein mentioned shall be exercised and performed in ac-
5 cordance with all the applicable provisions of chapter fifty-
6 five of the revised statutes, and all acts amendatory thereof
7 or additional thereto.

Sect. 44. The board of overseers of the poor as now
2 constituted is hereby abolished as of the second Monday
3 of December, nineteen hundred and twenty-nine, or as soon
4 thereafter as the city council provided for in this charter
5 shall be elected and qualified and the terms of office of the
6 present members of said board shall then terminate.

Sect. 45. 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 con-
4 tinue in force until amended or repealed.

The powers and duties of any committee of the city council
2 or of the board of aldermen of the city of Portland hereto-
3 fore 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. 46. Nothing in this act shall be construed as re-
2 pealing or amending any law of the state, or ordinance of
3 the city of Portland relative to the appointment, term of
4 office, removal, retirement or pension of the members of
5 the police department, the fire department and of the elec-
6 trical department of the city of Portland, except so far
7 as relates to the appointment, removal and term of office
8 of the chief of the fire department, chief of the police de-
9 partment, appointment and removal of the city electrician
10 and the appointment of the deputy and district chiefs of
11 the fire department.

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
7 departments, 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. 47. No mayor, no member of the city council, no
2 member of the school committee, no subordinate city offi-
3 cer, no member of any board or commission charged with
4 the expenditure of any money appropriated by the city

5 council or belonging to the city, no officer or employee of
6 the city, elected or appointed, shall be interested, directly
7 or indirectly, in any contract entered into by or in behalf
8 of the city of Portland for work or material, or the pur-
9 chase thereof, to be furnished to or performed for the city,
10 and all contracts made in violation hereof are void and the
11 city treasurer is expressly forbidden to pay any money out
12 of the city treasury on account of any such contract. No
13 such officer or employee, except a policeman or fireman,
14 shall accept or receive from any person, firm or corpora-
15 tion acting under a franchise or license from the city, any
16 frank, free pass, free ticket, or free service, or accept di-
17 rectly or indirectly, from any such person, firm or corpora-
18 tion, any service upon terms more favorable than those
19 granted to the public generally. This provision shall not
20 apply, however, to any free service now or hereafter pro-
21 vided for by contract, franchise or ordinance.

Sect. 48. So much of this act as authorizes the submis-
2 sion of the acceptance of this charter to the electors of
3 the city of Portland shall take effect as provided in the
4 constitution of the state, but it shall not take further effect
5 unless adopted by the electors of the city of Portland as
6 hereinafter provided. If adopted by the electors of the city,
7 then this act for the purpose of nominating and electing
8 officers hereunder shall take effect on the date of its adop-
9 tion by the electors, and for all other purposes this act shall

10 take effect on the second Monday of December in the year
11 nineteen hundred and twenty-nine.

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

Sect. 49. This act shall be submitted for approval or re-
2 jection to the qualified voters of the city of Portland at an
3 election to be held the second Monday in September, A. D.
4 nineteen hundred and twenty-nine, and warrants shall be
5 issued for such election in the manner now provided by
6 law for the holding of municipal elections, notifying and
7 warning the qualified voters of said city to meet at the sev-
8 eral ward meetings of said city, there to cast their ballot
9 for the approval or rejection of this act. The question pro-
10 posed on said ballot shall be in substantially the following
11 form:

FORM OF BALLOT

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

FORMS OF CHARTER

Plan 1. 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 elected at large for two years and board of nine councillors and nine school committee elected by wards for a term of three years each, one from each ward.”

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