

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

EIGHTY-FOURTH LEGISLATURE

Senate Document

No. 142

S. P. 312

In Senate, Feb. 6, 1929.

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

ROYDEN V. BROWN, Secretary.

Presented by Senator Noyes of Kennebec.

STATE OF MAINE

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

AN ACT Relating to the Charter of the City of Waterville.

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

Section 1. Section three, chapter one hundred and ninety-
2 five of the private and special laws of one thousand eight
3 hundred and eighty-seven, as amended by chapter one hun-
4 dred and fifty of the private and special laws of one thou-
5 sand eight hundred and ninety-nine, and as further amended
6 by chapter seventy-eight of the private and special laws of
7 one thousand nine hundred and twenty-seven, is hereby fur-
8 ther amended by inserting in place thereof, the following:

'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 and regulations of the city
4 to be executed and enforced, to exercise a general super-
5 vision over the conduct of all subordinate officers, and to
6 cause their violations or neglect of duty to be punished.
7 He shall appoint all city officers except those that are re-
8 quired by law to be elected by the qualified electors of said
9 city or of the several wards in said city, or to be appointed
10 or employed by authority of the board of education and
11 board of police and may remove city officers so appointed
12 by him, for cause. He shall also appoint an overseer of
13 the poor, who shall hold his office for a term of two years.
14 Such officer, so appointed, shall perform such duties as may
15 be prescribed by the municipal officers, and shall in general
16 do and perform all the duties and exercise all the powers
17 incumbent upon or vested in overseers of the poor by law.
18 Such overseer may be removed by the mayor for cause.
19 The mayor shall exercise the same power of appointment
20 to fill a vacancy in any appointive city office. He may call
21 special meetings of the board of aldermen and common
22 council, when, in his opinion, the interest of the city re-
23 quires it, by a notice in one or more of the papers printed
24 in the city, or by causing a summons or notification to be
25 given in hand, or left at the usual dwelling place of each
26 member of the board to be convened. He shall, from time
27 to time, communicate to the city council, such information
28 and recommend such measures as the business and inter-

29 ests of the city may, in his opinion, require. He shall pre-
30 side in the board of aldermen and joint meetings of the two
31 boards, but shall have only a casting vote. The salary and
32 compensation of the mayor shall be fifteen hundred dollars
33 per year, which shall not be increased or diminished during
34 his continuance in office unless by the vote of the qualified
35 electors in ward meetings called for that purpose, nor shall
36 he receive from the city any other compensation for any
37 services by him rendered in any other capacity or agency.'

Sect. 2. Section six, chapter one hundred and ninety-five
2 of the private and special laws of one thousand eight hun-
3 dred and eighty-seven, is hereby amended by striking out
4 all the words after the word "appointed" in the third line
5 of said section so that said section, as amended, shall read
6 as follows:

'Sect. 6. Mayor to appoint and remove subordinate offi-
2 cers. The compensation of all subordinate city officers
3 whatsoever, shall be fixed by the city council. All officers
4 of the health department shall be appointed by the mayor
5 and may be removed by him for good cause. All other
6 subordinate officers shall be appointed by the mayor and
7 such officers may be removed by him for good cause. Ex-
8 cept as otherwise specially provided in this act or by the
9 laws of the state of Maine, all subordinate officers shall be
10 appointed biennially on the first Monday of January, or
11 as soon thereafter as may be, and their term of office shall
• 12 be for two years and until others are qualified in their place.

13 All vacancies may be filled by the mayor.'

Sect. 3. Section seven, chapter one hundred and ninety-
2 five of the private and special laws of one thousand eight
3 hundred and eighty-seven is hereby amended by inserting
4 the words 'million five' after the word "one" in the four-
5 tenth line of said section so that said section as amended
6 shall read as follows:

'Sect. 7. Limit on authority to hold city property, in-
2 creased. No money shall be paid out of the city treasury
3 except on orders drawn and signed by the mayor, desig-
4 nating the fund or appropriation from which said orders
5 are to be paid, nor unless the same shall be first granted or
6 appropriated therefor by the city council, and the city coun-
7 cil shall secure a prompt and just accountability by requir-
8 ing bonds with sufficient penalty and surety or sureties, from
9 all persons trusted with the receipt, custody or disburse-
10 ment of money; they shall have the care and superintend-
11 ence of the city buildings and the custody and management
12 of all city property, with power to let or sell what may be
13 legally let or sold, and to purchase and take, in the name
14 of the city, real and personal property for municipal pur-
15 poses to an amount not exceeding one million five hundred
16 thousand dollars in addition to that now held by the town,
17 and shall, as often as once a year, cause to be published for
18 the information of the inhabitants, a particular account of
19 receipts and expenditures, and a schedule of city property.'

Sect. 4. Section eight, chapter one hundred and ninety-

2 five of the private and special laws of eighteen hundred and
3 eighty-seven, is hereby amended by striking out all words
4 before the words "an assistant" in the eighth line of said
5 section, so that said section as amended shall read as fol-
6 lows :

'Sect. 8. Assessors appointed by mayor ; present assessors
2 to complete terms ; assistant assessors appointed by mayor.
3 The board of assessors shall consist of three members to
4 be appointed by the mayor on the second Monday in March
5 in the manner hereinafter provided. Each member shall
6 hold office for a term of three years. The present assessors
7 shall continue in office until their term as heretofore pro-
8 vided, expires. And a vacancy caused by the expiration of
9 their term shall be filled by appointment by the mayor. The
10 mayor shall appoint an assistant assessor in each ward,
11 whose duty it shall be the furnish the assessors with all the
12 necessary information relative to persons and property tax-
13 able in his ward ; he shall be sworn or affirmed to the faith-
14 ful performance of his duty. All taxes shall be assessed,
15 apportioned and collected in the manner prescribed by the
16 laws of this state relative to town taxes, except as herein
17 modified, and the city council may establish further or addi-
18 tional provisions for the collection thereof, and of interest
19 thereon.'

Sect. 5. Section nine, chapter one hundred and ninety-five
2 of the private and special laws of eighteen hundred eighty-
3 seven, as amended by chapter four hundred eighty-three of

4 the private and special laws of eighteen hundred ninety-
5 three, is hereby further amended by inserting the words 'or
6 establish a grade' after the word "city" in the eighth line
7 of said section, so that said section as amended shall read
8 as follows:

'Sect. 9. City council authorized to establish grades of
2 streets. The city council shall have exclusive authority to
3 lay out, widen or otherwise alter, or discontinue any and all
4 streets or public ways in the city of Waterville, without
5 petition therefor, and to estimate all damage sustained by
6 the owners of land taken for that purpose. A joint stand-
7 ing committee of the two boards shall be appointed, whose
8 duty it shall be to lay out, alter, widen or discontinue any
9 street or way in said city or establish a grade, first giving
10 notice of the time and place of their proceedings to all par-
11 ties interested, as now required by law in case of town
12 ways. The committee shall first hear all parties interested
13 and then determine and adjudge whether the public con-
14 venience requires such street or way to be laid out, altered
15 or discontinued, and shall make a written return of their
16 proceedings, signed by a majority of them, containing the
17 bounds and descriptions of the street or way, if laid out
18 or altered, and the names of the owners of the land taken,
19 when known, and the damages allowed therefor; the return
20 shall be filed in the city clerk's office, at least seven days
21 previous to its acceptance by the city council. The street
22 or way shall not be altered or established until the report

23 is accepted by the city council, and the report shall not be
24 altered or amended before its acceptance. A street or way
25 shall not be discontinued by the city council, excepting upon
26 the report of said committee. The committee shall estimate
27 and report the damages sustained by the owners of the lands
28 adjoining that portion of the street or way which is so dis-
29 continued; their report shall be filed with the city clerk,
30 seven days at least before its acceptance. Any person ag-
31 grieved by the decision or judgment of the city council in
32 establishing, altering or discontinuing streets, may, so far
33 as relates to damages, appeal therefrom as in case of town
34 ways. If a street or way is discontinued before the dam-
35 ages are paid or recovered for the land taken, the land
36 owner shall not be entitled to recover such damages, but
37 the committee in their report discontinuing the same, shall
38 estimate and include all the damages sustained by the land
39 owner, including those caused by the original location of
40 the streets, and, in such cases, if an appeal has been reg-
41 ularly taken, the appellant shall recover his costs. The city
42 shall not be compelled to construct or open any street or
43 way thus hereafter established, until in the opinion of the
44 city council, the public good requires it to be done; nor
45 shall the city interfere with the possession of the land so
46 taken, by removing therefrom materials, or otherwise, until
47 they decide to open and construct said street. The city
48 council may regulate the height and width of sidewalks in
49 any public square, places, streets, lanes or alleys in said

50 city, and may authorize posts and trees to be placed along
51 the edge of said sidewalks. Nor shall the city be answer-
52 able for damages occasioned by telegraph poles and wires
53 erected in its streets.

Whenever said city council shall determine to lay out,
2 widen or otherwise alter any public street or road, said
3 city council is authorized to levy an assessment upon the
4 real estate fronting upon the line of said street and upon
5 other land near said street and benefited thereby in pro-
6 portion to the valuation and the benefits derived. The
7 amount of said assessment shall be fixed by the committee
8 of the city council authorized to lay out, widen or alter said
9 road, and in their report to the city council said committee
10 shall state definitely what amount they have assessed on
11 each parcel of land or real estate, giving a description of
12 the same. In proceeding to lay out, widen or alter such
13 streets, such committee shall proceed in the same manner
14 and give the same notices as are required by law in laying
15 out other roads. The report of such committee shall be
16 filed with the city clerk at least seven days before action
17 thereon by the city council. The action of such committee
18 shall be subject to revision and change by the city council.
19 The city clerk shall give to the person owning or in pos-
20 session of said real estate at least five days' notice that such
21 assessment has been made, stating the amount of same, be-
22 fore the action of the city council upon the same, and a
23 fair opportunity shall be given to all the parties interested

24 to be heard on said assessment before the city council, be-
25 fore action shall be taken thereon and any person aggrieved
26 by the action of the city council shall have the right to
27 appeal, and be heard in court in the same manner as pro-
28 vided by law for appeals and hearings in cases of damages
29 for land taken for highways; said assessment shall con-
30 stitute a lien on said real estate, which shall continue in
31 force for one year after final action on said assessment,
32 either by city council or by way of proceedings on appeal.
33 The assessment so made shall within three months after
34 said final action thereon, be committed to the collector of
35 taxes, and he shall proceed to collect the same in the same
36 manner, and by the same means, as now provided by law
37 for collection of taxes on real estate.'

Sect. 6. Section twelve, chapter one hundred ninety-five
2 of the private and special laws of eighteen hundred and
3 eighty-seven, is hereby amended by striking out all of said
4 section twelve and inserting in place thereof, the following:

'Sect. 12. Biennial elections; tenure of office. The mayor
2 shall be elected by the inhabitants of the city, voting in
3 their respective wards. One alderman, two common coun-
4 cilmen, a warden, a clerk, one member of the board of
5 education and one member of the board of police, and one
6 constable, shall be elected by each ward, being residents in
7 the ward where elected. All said officers shall be elected
8 by ballot by plurality of the votes given, and shall hold their
9 offices two years from the first Monday in January (except

10 that all said officers elected at the first biennial election to
11 be held on the second Monday of December, nineteen hun-
12 dred and thirty, shall assume and hold their offices from
13 the second Monday in March, nineteen hundred and thirty-
14 one, until the first Monday in January, nineteen hundred
15 and thirty-three, and until others shall be elected and quali-
16 fied in their places).

(a) All city and ward officers shall be held to discharge
2 the 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 they shall not be so held after they have taken up
6 their permanent residence out of the city.'

Sect. 7. Section thirteen, chapter one hundred and ninety-
2 five, of private and special laws of eighteen hundred and
3 eighty-seven, is hereby amended by striking out all of said
4 section and inserting in place thereof the following:

'Sect. 13. Date of election changed to second Monday in
2 December, biennially. On the second Monday in December,
3 biennially, beginning with the year nineteen hundred and
4 thirty, the qualified electors of each ward shall ballot for
5 mayor, one alderman, two common councilmen, a warden
6 and clerk, a member of the board of education, a member
7 of the board of police, and one constable, on one ballot.
8 The ward clerk, within twenty-four hours after such elec-
9 tion, shall deliver to the persons elected, certificates of their
10 election, and shall forthwith deliver to the city clerk, a

11 certified copy of the record of such election, a plain and
12 intelligible abstract of which, shall be entered by the city
13 clerk on the city records. If the choice of any ward officer
14 is not effected on that day, the meeting shall be adjourned
15 to another day, not more than two days thereafter, to com-
16 plete such election, and may so adjourn, from time to time,
17 until the election is complete. The board of aldermen shall,
18 as soon as conveniently may be, examine the copies of the
19 records of the several wards, certified as aforesaid, and shall
20 cause the person who shall have been elected mayor by a
21 plurality of the votes given in all the wards, to be notified
22 in writing of his election, but if it shall appear that no per-
23 son shall have been so elected, or if the person elected shall
24 refuse to accept the office, the said board shall issue their
25 warrants for another election; and in case the citizens shall
26 fail on a second ballot to elect a mayor, the city council in
27 convention shall, from the four highest candidates voted
28 for at the second election and returned, elect a mayor for
29 the ensuing year; and in case of a vacancy in the office of
30 mayor by death, resignation or otherwise, it shall be filled
31 for the remainder of the term by a new election in the
32 manner hereinbefore provided for the choice of said officer.
33 The oath or affirmation prescribed by this act shall be ad-
34 ministered to the mayor by the city clerk or any justice of
35 the peace in said city, and a certificate thereof filed with
36 the clerk and recorded. The aldermen and common coun-
37 cilmen elect, shall, on the first Monday in January, at ten

38 o'clock in the forenoon, meet in convention, when the oath
39 or affirmation required by the second section of this act,
40 shall be administered to the members of the two boards
41 present, by the mayor or any justice of the peace, after
42 which the board of common council shall be organized by
43 the election of a president and clerk (except that the first
44 organization meeting after the first biennial election to be
45 held on the second Monday of December, nineteen hundred
46 and thirty, shall be held on the second Monday of March,
47 nineteen hundred and thirty-one). The city council shall,
48 by ordinance, determine the time of holding stated or reg-
49 ular meetings of the boards, and shall also, in like manner,
50 determine the manner of calling special meetings and the
51 persons by whom the same shall be called, but until other-
52 wise provided by ordinance, special meetings shall be called
53 by the mayor, by causing a notification to be left at the
54 usual residence or place of business of each member of the
55 board or boards, to be convened.'

Sect. 8. Chapter three hundred eighty-three of the pri-
2 vate and special laws of nineteen hundred and one, is here-
3 by repealed; section sixteen of chapter one hundred ninety-
4 five of the private and special laws of eighteen hundred
5 eighty-seven, is hereby amended by adding at the end there-
6 of, the following:

'The members of the board of education to be elected on
2 the first Monday of March, nineteen hundred and thirty,
3 from wards one and two, shall be succeeded by members

4 of the board of education from said wards one and two,
5 to be elected at the biennial election on the second Monday
6 of December, nineteen hundred and thirty-two, these newly
7 elected members to take office on the second Monday of
8 March, nineteen hundred and thirty-three, and to retain
9 their office until the first day of January, nineteen hundred
10 and thirty-seven. Members of the board of education from
11 wards three and four to be elected on the second Monday
12 of December, nineteen hundred and thirty, to take their
13 seats on the second Monday of March, nineteen hundred
14 and thirty-one, shall hold their office until the first Monday
15 in January, nineteen hundred and thirty-five. The mem-
16 bers of the board of education from wards five, six and
17 seven, elected on the first Monday in March, nineteen hun-
18 dred and twenty-nine, shall hold their office until the first
19 Monday in January, nineteen hundred and thirty-three, and
20 at each biennial election, members for those wards shall be
21 chosen by those wards whose members' terms are about to
22 expire and the term of office shall be four years. In case
23 of a vacancy, a member may be chosen by the ward in which
24 the vacancy exists to fill the unexpired term,' so that said
25 section, as amended, shall read as follows:

'Sect. 16. Terms of office of members of board of edu-
2 cation from various wards fixed. The board of education,
3 elected as hereinbefore provided, shall take the place of
4 the superintending school committee, and perform all its
5 duties and be invested with all its rights and powers. The

6 board shall elect a chairman annually, and appoint some
7 suitable person, not a member of the board, superintendent
8 of schools, and may adopt such rules and regulations for
9 the management of the schools as are not inconsistent with
10 the laws of the state. The superintendent shall be the sec-
11 retary and executive agent of the board, which shall fix his
12 salary, to be paid from the city treasury as salaries of teach-
13 ers are paid, and may remove him for good cause and ap-
14 point a successor. The members of the board shall receive
15 no compensation for their services as such. The members
16 of the board of education to be elected on the first Monday
17 of March, nineteen hundred and thirty, from wards one
18 and two, shall be succeeded by members of the board of
19 education from said wards one and two, to be elected at
20 the biennial election on the second Monday of December,
21 nineteen hundred and thirty-two, these newly elected mem-
22 bers to take office on the second Monday of March, nine-
23 teen hundred and thirty-three, and to retain their office
24 until the first day of January, nineteen hundred and thirty-
25 seven. Members of the board of education from wards
26 three and four to be elected on the second Monday of De-
27 cember, nineteen hundred and thirty, to take their seats on
28 the second Monday of March, nineteen hundred and thirty-
29 one, shall hold their office until the first Monday in Jan-
30 uary, nineteen hundred and thirty-five. The members of
31 the board of education from wards five, six and seven,
32 elected on the first Monday in March, nineteen hundred

33 and twenty-nine, shall hold their office until the first Mon-
34 day in January, nineteen hundred and thirty-three, and at
35 each biennial election, members for those wards shall be
36 chosen by those wards whose members' terms are about to
37 expire and the term of office shall be four years. In case
38 of a vacancy, a member may be chosen by the ward in
39 which the vacancy exists to fill the unexpired term.'

Sect. 9. This act shall not take effect unless approved by
2 a majority of those voting upon the question of its approval
3 at any general or special election held at any time up to
4 and including the second Monday in September, nineteen
5 hundred and thirty, and the municipal officers of the city
6 of Waterville shall issue their warrant calling said election
7 or elections at least seven days before the date appointed
8 by them for said election. If this act is accepted by a ma-
9 jority of the inhabitants of said city of Waterville, within
10 the time limited by this section, the first election under the
11 provisions of this act shall be held on the second Monday
12 of December, nineteen hundred and thirty.

Sect. 10. All acts and parts of acts inconsistent with this
2 act and amendments thereto, are hereby repealed, from and
3 after the time when this act shall have been accepted as
4 aforesaid.