

MAINE STATE LEGISLATURE

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EIGHTY-FOURTH LEGISLATURE

Senate Document

No. 362

H. P. 1557

In Senate, March 18, 1929.

Referred to Committee on Legal Affairs in concurrence and on motion of Senator Nickerson of Waldo, 500 copies ordered printed.

ROYDEN V. BROWN, Secretary.

Presented by Mr. Taylor of Belfast.

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 Belfast.

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

ARTICLE I.

GRANT OF POWERS TO THE CITY

Section 1. *Corporate existence retained.* The inhabitants
2 of the city of Belfast shall continue to be a municipal cor-
3 poration under the name of the city of Belfast and as such
4 shall have, exercise and enjoy all the rights, immunities,
5 powers and privileges, and shall be subject to all the duties,
6 liabilities and obligations provided for herein, or otherwise
7 pertaining to or incumbent upon said city as a municipal
8 corporation; and may enact ordinances, by-laws, and regu-

9 lations not inconsistent with the constitution and laws of
10 the State of Maine.

ARTICLE II.

CITY COUNCIL

Section 1. *Powers and duties.* All the powers granted
2 to the city by this charter and by the laws of this state, ex-
3 cept as otherwise provided by this charter, are hereby vested
4 in the city council, which shall exercise its powers in the
5 manner hereinafter provided; except that the general man-
6 agement, care and conduct of the schools shall be vested
7 in a school committee. The members of the city council
8 shall be the municipal officers of the city of Belfast for all
9 purposes required by statute or ordinance. The city council
10 is hereby constituted overseers of the poor of the city of
11 Belfast. As such they may authorize a clerk or agent to
12 sign and send the written notices and the written answers
13 referred to in sections thirty-five and thirty-six of chapter
14 twenty-nine of the revised statutes; and such written notices
15 and written answers shall have the same effect as if signed
16 and sent by the members of the city council themselves.

Sect. 2. *Composition, election, tenure of office, etc.* The
2 council shall be composed of the mayor and five other mem-
3 bers. The members other than the mayor shall be elected
4 one from each ward by and from the qualified voters there-
5 of. The mayor shall be ex-officio president of the council.
6 The members of the council shall hold office for a term of
7 two years or until their successors are elected and qualified.

8 Members of the council other than the mayor shall serve
9 without compensation.

Sect. 3. *Vacancies; forfeiture of office.* In case of the
2 death, resignation, or removal from office of any member
3 of the council, more than six months prior to the next reg-
4 ular city election, the vacancy shall be filled by a special
5 election which shall be held in the ward from which the
6 vacancy occurs, the warrants for which shall be issued by
7 the mayor. Any member of the council who shall have
8 been convicted of a crime while in office shall thereby for-
9 feit his office.

Sect. 4. *Regular meetings and qualification.* The council
2 shall meet at the usual place for holding meetings, at ten
3 o'clock a. m. on the first Monday following the regular city
4 election, at which time the mayor-elect and the councilmen-
5 elect shall be sworn to the faithful discharge of their duties
6 by a justice of the peace or by the city clerk. Thereafter
7 the council shall meet at such time and place as may be
8 prescribed by ordinance or resolution, except that it shall
9 meet regularly twice each month.

Sect. 5. *Special meetings.* Special meetings may be called
2 by the mayor, or by a majority of all the members of the
3 council. Notice of such meetings shall be served in person
4 upon, or left at the usual dwelling place of, each member
5 of the council and the city manager.

Sect. 6. *Quorum.* A majority of the members of the
2 council shall constitute a quorum for the transaction of busi-

3 ness, but a smaller number may adjourn from time to time
4 or compel attendance of absent members.

Sec. 7. *Procedure.* The council shall keep a record of its
2 proceedings and shall be the judge of the qualification and
3 election of its own members. The council may determine
4 its own rules of procedure and punish members for mis-
5 conduct. The meetings of the council shall be open to the
6 public. The council shall act only by ordinance, order or
7 resolve; and all ordinances, orders, and resolves, except re-
8 solves making appropriations, shall be confined to one sub-
9 ject which shall be clearly expressed in the title. The appro-
10 priation resolves shall be confined to the subject of appro-
11 priations. No ordinance and no appropriation resolve shall
12 be passed until it has been read on two separate days, ex-
13 cept when the requirement of a reading on two separate
14 days has been dispensed with by a four-fifths vote of the
15 voting members of the council. The yeas and nays shall be
16 taken upon the passage of all ordinances and entered on
17 the record of the proceedings of the council by the clerk.
18 The yeas and nays shall be taken on the passage of any
19 order or resolve when called for by any member of the
20 council. Every ordinance shall require on final passage the
21 affirmative vote of a majority of the voting members of
22 the council. Every ordinance shall be published in full with-
23 in ten days after its final passage, and shall take effect and
24 be in force after its approval by some justice of the supreme
25 judicial court.

ARTICLE III.

THE MAYOR

Section 1. *Eligibility, election and tenure of office.* A mayor shall be elected by and from the qualified voters of the city. He shall hold office for a term of two years or until his successor is elected and qualified, except that when elected to fill a vacancy he shall hold office only for the unexpired term or until his successor is elected and qualified.

Sect. 2. *Vacancy.* In case of the death, resignation, or removal from office of the mayor more than six months prior to the next regular election, the vacancy for the unexpired term shall be filled by a special election, the warrants for which shall be issued by the council. Whenever the office of mayor becomes vacant within six months prior to a regular city election, whenever the office of mayor is vacant pending an election, or whenever the mayor, for any reason, is unable to attend to the duties of his office the council shall appoint one of its members to perform the duties of mayor.

Sect. 3. *Powers and duties.* The mayor shall preside at all meetings of the council and shall perform such other duties, consistent with his office, as the council may impose. He shall have no veto and no vote except in case of a tie. He shall be recognized as the official head of the city for ceremonial purposes, and for all purposes of military law. The title of mayor shall not be considered as conferring upon him any functions of a mayor under the general laws

9 of the state inconsistent with the provisions of this charter.

ARTICLE IV.

SUPERINTENDING SCHOOL COMMITTEE.

Section 1. *Composition, eligibility, election, tenure of office,*
2 *special provision.* The superintending school committee
3 shall consist of the mayor, ex-officio, and ten other mem-
4 bers elected two from each ward by and from the inhab-
5 itants thereof. No person shall be ineligible to membership
6 on the superintending school committee on account of sex.
7 They shall hold office for a term of four years or until their
8 successors are elected and qualified.

Sect. 2. *Organization, qualification, quorum.* The super-
2 intending school committee shall meet for organization on
3 the first Monday following the regular city election. The
4 members-elect shall be sworn by a justice of the peace to
5 the faithful discharge of their duties. A majority of the
6 whole number to be elected shall be a quorum.

Sect. 3. *Powers and duties.* The superintending school
2 committee shall have all the powers, and shall perform all
3 the duties in regard to the care and management of the
4 public schools of this city which are now conferred and im-
5 posed upon the superintending school committee by the laws
6 of this state, except as otherwise provided in this charter.

Sect. 4. *Vacancies.* Whenever from any cause a vacancy
2 in the superintending school committee shall occur, the city
3 council by a majority vote of all the members shall appoint
4 for the unexpired term, a resident of the ward where the
5 vacancy exists.

ARTICLE V.

NOMINATIONS AND ELECTIONS.

Section 1. *Date of elections and procedure as to determining result.* On the second Monday in March in the year nineteen hundred and thirty and biennially thereafter the qualified voters of each ward shall ballot for a mayor, a councilman, a member of the superintending school committee, a warden and a ward clerk; all the votes cast for the several officers shall be sorted, counted, declared and registered in open ward meeting, by causing the names of the persons voted for and the number of votes given for each to be written on the ward record at length. The ward clerk shall forthwith deliver to the persons elected warden and ward clerk certification of their election, and shall forthwith deliver to the city clerk a certified copy of the record of such election.

In the year nineteen hundred and thirty, the board of aldermen, and thereafter the city council, shall, as soon as conveniently may be, examine the copies of the records of the several wards certified as aforesaid and shall cause the persons who shall have been elected mayor, councilmen, and members of the superintending school committee to be notified in writing of their election; but if it shall appear that no person shall have been elected to any office, or if the person elected shall refuse to accept the office, warrants for another election shall be issued forthwith. At any election the person receiving the highest number of votes for an

12 office shall be deemed and declared elected to such office.

Sect. 2. *Warden and ward clerk; eligibility, tenure, qual-*
2 *ification, powers and duties, vacancies; ward meetings; how*
3 *called.* The warden and the ward clerk chosen as provided
4 in the preceding section shall be residents of the wards for
5 which they are elected, and shall hold their offices for two
6 years from the first Monday in January following the reg-
7 ular city election, or until others have been chosen and qual-
8 ified in their stead; the warden and the ward clerk shall
9 be sworn to the faithful performance of their duties by the
10 person presiding in the ward meeting, or by the clerk there-
11 of, and a certificate of such oath shall be entered by the
12 clerk on the records of said ward. The warden shall preside
13 at all ward meetings with the powers of moderators of
14 town meetings, and if at any meeting the warden shall not
15 be present, the clerk of the ward shall call the meeting to
16 order and preside until a warden pro tempore shall be chos-
17 en. If neither the warden nor the clerk shall be present,
18 any legal voter in the ward shall preside until a clerk pro
19 tempore shall be chosen and qualified. The clerk shall re-
20 cord all the proceedings and certify the votes given, and
21 deliver over to his successor in office all such records and
22 journals together with all documents and papers held by
23 him in the capacity of clerk. All ward meetings shall be
24 notified and called by the city council in the manner pro-
25 vided in the laws of this state for notifying and calling
26 town meetings by the selectmen of the several towns.

Sect. 3. *Nominations for elective offices to be made by petition.* The nomination of all candidates for elective offices provided for by this charter shall be by petitions. The petition of candidates for mayor shall be signed by not less than one hundred qualified voters of the city. The petitions of candidates for councilman, for the superintending school committee, for warden and for ward clerk shall be signed by at least twenty-five qualified voters of the ward wherein the candidates are to be elected. No voter shall sign petitions for more than one candidate for each office to be filled at the election, and should he do so his signature shall be void as to the petition or petitions last filed.

Sect. 4. *Form of nomination paper.* The signatures to the nomination petition need not all be appended to one paper, but to each separate paper there shall be attached an affidavit of the circulator thereof, stating the number of signers of such paper and that each signature appended thereto was made in his presence and is the genuine signature of the person whose name it purports to be. With each signature shall be stated the place of residence of the signer, giving the street and number or other description sufficient to identify the same. The form of the nomination petition shall be substantially as follows:

We, the undersigned electors of the city of Belfast, hereby nominate, whose residence is, for the office of, to be voted for at the election to be held in the city of Belfast 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

(Space for signatures.)

..... being duly sworn, deposes and says that he is the circulator of the foregoing petition paper 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.)

This petition, if found insufficient by the election authorities, shall be returned to at No. Street

Sect. 5. *Filing of nomination paper; must be accompanied 2 by acceptance.* The nomination papers comprising a petition 3 shall be assembled by the city clerk, as one instrument, not 4 earlier than twenty-eight nor later than fourteen days, ex- 5 clusive of Sundays, before the day of the election. No 6 nomination shall be valid unless the candidate shall file with 7 the city clerk in writing his acceptance of the nomination, 8 not later than fourteen days before the day of the election.

Sect. 6. *List of candidates to be published.* The city clerk

2 shall certify the list of candidates, and shall cause to be
3 published in one or more newspapers, circulating in the city,
4 the names and residence of the candidates who have duly
5 filed the above mentioned petitions.

Sect. 7. *Ballots, etc., to be furnished by city clerk.* Speci-
2 men ballots and official ballots for use in all city elections
3 shall be provided by the city clerk.

Sect. 8. *Form of ballot; candidates' names to be arranged*
2 *by lot.* The names of the candidates nominated as provided
3 in the preceding section shall be arranged according to lot
4 under the title of the office to be filled. Lot shall be drawn
5 by the city clerk, at which drawing the candidates or their
6 representatives shall be entitled to be present. The ballots
7 shall be without party mark or designation. The full name
8 and residence of each candidate shall be given. At the left
9 of each name shall be a square within which the voter shall
10 place a cross to designate his choice. Blank spaces shall
11 be left at the end of the list of the candidates for each of-
12 fice, in which the voter may insert the name of any person
13 not printed on the ballot, for whom he desires to vote.

The ballot shall be printed substantially as follows:

CITY OF BELFAST

Ward ()

REGULAR (OR SPECIAL) CITY ELECTION

(Date)

OFFICIAL BALLOT

INSTRUCTIONS TO VOTERS

To vote for any candidate mark a cross (X) in the square at the left of the name.

If you wrongly mark, tear or deface the ballot return it and obtain another.

For MAYOR

John Doe (Res.)

Richard Doe (Res.)

..... (Res.)

For COUNCIL

John Smith (Res.)

William White (Res.)

..... (Res.)

For SUPERINTENDING SCHOOL COMMITTEE

Charles Brown (Res.)

Joe Jones (Res.)

..... (Res.)

For WARDEN

William Doe (Res.)

Charles Roe (Res.)

..... (Res.)

For WARD CLERK

John Jones (Res.)

Charles White (Res.)

..... (Res.)

Mark a cross (X) in the square at the left of your answer.

Yes	Shall
No	?
Yes	Shall
No	?

Sect. 9. *Specimen ballots to be published and posted.*
 2 The city clerk shall cause specimen ballots to be posted in
 3 public places and advertised in the newspapers not later
 4 than ten days prior to the city election. Such specimen
 5 ballots shall be printed on colored paper and marked speci-
 6 men ballot, and shall contain the names of the certified
 7 candidates with the residence of each, instructions to vot-
 8 ers, and such measures as may be submitted to the voters.
 9 Such ballots shall be without party mark or designation.

Sect. 10. *State laws not inconsistent applicable.* The
 2 provisions of the laws of the State of Maine relating to
 3 the qualification of electors, registration, the manner of
 4 voting, the duties of election officers, and all other partic-
 5 ulars in respect to the management of elections, so far as
 6 they may be applicable, shall govern all municipal elections
 7 except as otherwise provided in this charter.

ARTICLE VI.

ADMINISTRATIVE OFFICERS.

Section 1. *Enumeration.* There shall be the following ad-
 2 ministrative officers and boards.

(a) The following officers and boards shall be appointed
 2 by ballot by a majority vote of the voting members of the

3 council: City manager, clerk, city solicitor, treasurer and
4 tax collector, auditor, Belfast water commissioners, assessors
5 of taxes, planning board, and board of health.

(b) The following officers and boards shall be appointed
2 by the city manager, subject to confirmation by the city
3 council: City engineer, superintendent of streets, wire in-
4 spector, plumbing inspector, inspector of buildings, city phy-
5 sician, city marshal, chief of the fire department, all other
6 department heads whose position may be from time to time
7 created by ordinance, and, upon recommendation of heads
8 of departments, all minor officers and employees.

Sect. 2. *Scope of ordinance or resolve.* The council shall
2 have power by ordinance or resolve:

(a) To create any new appointive office.

(b) To assign or authorize the city manager to assign
2 the duties of two or more offices to one officer.

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

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

Sect. 3. *Civil service; exception.* The city council shall
2 provide by ordinance for a system of civil service rules for
3 the appointment, promotion, lay-off, reinstatement, suspen-
4 sion, and removal of the members of the police department
5 and the fire department, except that the chief of the fire de-
6 partment and the city marshal shall be appointed or removed
7 as hereinbefore provided.

Sect. 4. *Appointive officers; tenure, removal.* All appointive officers and boards, whose terms are not specified in this charter, shall hold office at the pleasure of the appointing power, except that the city manager, in case the city council proceeds to remove him, after six months of service, may demand and be entitled to written charges and a public hearing before the council, upon the question, prior to the date of his removal, but pending such hearing the council may suspend him from office. Appointive officers and boards, whose terms are specified in this charter, may be removed by the council upon written charges and after a public hearing on the same.

Sect. 5. *Salaries.* The council shall fix by order the salary of the mayor and the salaries of the appointees of the council. Salaries of the appointees of the city manager shall be fixed by the city manager subject to the approval of the council.

Sect. 6. *City manager; eligibility.* The city manager shall be chosen by the council solely on the basis of his executive and administrative qualifications, and need not be a resident of the city of Belfast or the State of Maine at the time of his appointment.

Sect. 7. *Powers and duties of city manager.* The city manager shall be the administrative head of the city government, and shall be responsible to the council for the administration of all departments. The powers and duties of the city manager shall be as follows:

(a) To see that the laws and ordinances are enforced.

(b) To exercise control over all departments and divisions created herein, or that may hereafter be created.

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

(d) To attend meetings of the council, except when his removal is being considered, and recommend for adoption such measures as he may deem expedient.

(e) To keep the council fully advised as to the business, financial condition, and future needs of the city.

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

Sect. 8. *Vacancy in office of city manager.* During the vacancy in the city manager's office, and during the absence or disability of the manager, the council may designate a properly qualified person to perform the duties of manager and fix his compensation.

Sect. 9. *Duties of administrative officers prescribed by council.* Duties of administrative officers other than the manager may be prescribed by the council. Such duties shall not be inconsistent with the provisions of this charter.

Sect. 10. *Assessors of taxes; appointment, tenure of office, vacancies, powers and duties.* At its first meeting in March, nineteen hundred and thirty, or as soon thereafter as may be, the city council shall appoint three assessors of taxes, one for a term of one year, one for a term of two years, and one for a term of three years; and annually

7 thereafter there shall be appointed by the city council one
8 assessor for a term of three years. The assessors shall hold
9 office until their successors are appointed and qualified. If
10 for any reason, a vacancy occurs in the membership of the
11 board of assessors, the vacancy shall be filled forthwith by
12 the council, for the unexpired term. The assessors thus
13 appointed shall exercise the same powers and be subject to
14 the same duties and liabilities that similar officers of the
15 several towns and cities in the state may exercise, and are
16 subject to, under the laws of the state.

Sect. 11. *City planning board.* The city planning board
2 shall consist of three members, each to serve three years,
3 except that at the first appointment under this charter one
4 shall be appointed for one year, one for two years, and one
5 for three years, and thereafter one shall be appointed each
6 year.

Sect. 12. *Powers and duties of planning board; city engi-
2 neer to be chief engineer of board; board of health to sub-
3 mit recommendations.* It shall be the duty of the city plan-
4 ning board to keep itself informed of the progress of city
5 planning in this and other countries, to make studies and
6 recommendations for the improvement of the plan of the
7 city with a view to the present and future movement of
8 traffic, the convenience, health, recreation, general welfare,
9 and other needs of the city dependent on the city plan; to
10 consider and report upon the designs and their relations
11 to the city plan, of all new public ways, lands, buildings,

12 bridges, and all other public places and structures, of addi-
13 tions to and alterations in those already existing, and of
14 the layout or plotting of new sub-divisions of the city. All
15 acts of the council or of any other branch of the city gov-
16 ernment affecting the city plan shall be submitted to the
17 board for report and recommendations. The council may
18 at any time call upon the board to report with recommenda-
19 tions, and the board of its own volition may also report to
20 the council with recommendations on any matter which, in
21 the opinion of either body, affects the plan of the city.

Any matter referred by the council to the board shall be
2 acted upon by the board within thirty days of the date of
3 reference, unless a longer or shorter period is specified by
4 the council.

The board shall submit to the council an annual report
2 summarizing the activities of the board for the fiscal year,
3 the recommendations made by it to the council during the
4 year and the action of the council during the year on any
5 and all recommendations made by the board in that year.

The city engineer shall serve as chief engineer of the city
2 planning board. The board of health of the city shall ad-
3 vise the planning board from time to time of any municipal
4 improvements within the scope of the planning board which,
5 in the opinion of the board of health, would improve the
6 healthfulness of the city.

Sect. 13. *Planning board to act as park commissioners.*

2 The planning board shall be a board of park commissioners

3 and as such shall have the powers and duties of park com-
4 missioners provided for by section eighty-four of chapter
5 four of the revised statutes.

Sect. 14. *Board of health; composition, appointment and
2 tenure of office; vacancies.* At its first meeting in nineteen
3 hundred and thirty, or as soon thereafter as may be, the
4 city council shall appoint a board of health of three mem-
5 bers, one for a term of one year, one for a term of two
6 years, and one for a term of three years, and annually there-
7 after there shall be appointed by the city council one mem-
8 ber of the board of health for a term of three years.

The members of the board of health shall hold office until
2 their successors are appointed and qualified. If for any
3 reason a vacancy occurs in the membership of the board of
4 health, the vacancy shall be filled forthwith by the council
5 for the unexpired term.

ARTICLE VII.

BUSINESS AND FINANCIAL PROVISIONS.

Section 1. *Accounts to be audited; report to be submitted.*
2 Accounts shall be kept by the auditor showing the financial
3 transactions of all departments of the city. Forms for all
4 such accounts shall be prescribed by the auditor with the
5 approval of the city manager. Accounts shall be kept in
6 such a manner as to show fully at all times the financial con-
7 dition of the city. The auditor shall furnish to the man-
8 ager, prior to the first regular meeting of the council in
9 each month, a report containing in detail the receipts and

10 disbursements of the city on all accounts, the expenditures
11 made and the obligations incurred during the preceding cal-
12 endar month, and a balance sheet showing the financial con-
13 dition of the city, of the several funds, and the total unex-
14 pended balance to the credit of each department.

Sect. 2. *Auditor to be qualified accountant.* All the ac-
2 counts of the city shall be audited annually by a qualified
3 accountant to be chosen by the council.

Sect. 3. *Auditor to publish monthly statement; reports*
2 *of other administrative officers.* The auditor shall publish
3 each month a statement of the financial condition of the
4 city.

Each of the administrative officers and boards shall an-
2 nually, on such a date as may be fixed by the council, ren-
3 der to the manager a full report of the transactions of his
4 department for the year. On the basis of these reports,
5 the manager shall prepare and publish an annual report.
6 In addition to a summary of the services rendered by the
7 various departments the report shall show:

1. Receipts classified according to sources.
2. Expenditures classified according to objects. The
2 classification of receipts and expenditures in the report shall
3 conform in general to the classification in the auditor's
4 books.
3. Balance sheets.
4. Such other financial information as may be required
2 by the council.

Sect. 4. *Budget estimates to be submitted by city manager.* Not later than one month before the end of the fiscal year the city manager shall submit to the council budget estimates for the ensuing fiscal year. This budget shall be compiled from detailed information furnished by the administrative officers and boards on blanks, the forms of which shall be designated by the city manager; and shall contain:

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

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

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

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

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

Sect. 5. *Annual appropriation resolve.* Not later than
2 one month after the beginning of the fiscal year the coun-
3 cil shall pass an annual appropriation resolve, which shall
4 be based on the budget submitted by the city manager.

The total amount appropriated shall not exceed the esti-
2 mated revenue of the city.

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

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

Sect. 7. *Borrowing power limited; suitable provisions to*
2 *be made for support of poor.* The borrowing of money by
3 and for the city shall be limited as to form and purpose

4 according to provisions eight and nine of article seven of
5 this charter. The credit of the city shall not in any man-
6 ner be loaned to, or in aid of, any individual, association,
7 or corporation except that suitable provisions may be made
8, for the aid and support of the poor of the city.

Sect. 8. *Bond issue not to be made without public no-
2 tice; purposes.* Money may be borrowed by the issue and
3 sale of bonds and notes, pledged on the credit of the city,
4 for the acquisition of land, the construction and equip-
5 ment of buildings, and other permanent public improve-
6 ments, and the payment or refunding of bonds, notes and
7 certificates of indebtedness previously issued. No order
8 providing for the issue of bonds shall be passed without
9 public notice by posting a notice of the same in two public
10 places in the city of Belfast and advertising same in one
11 newspaper published in Waldo county at least two weeks
12 before final action by the council, and the approval of four-
13 fifths of all the members of the council. Every issue of
14 bonds shall be payable within a term of years, not to ex-
15 ceed the period of the useful life of the improvement for
16 which they are issued, and in no case to exceed thirty
17 years. Bonds issued after the adoption of this charter shall
18 be payable in equal annual serial instalments, including
19 principal and interest. Every order for the issue of bonds
20 shall provide for a tax levy for each year to meet the an-
21 nual serial instalment of principal and interest, and such
22 amounts shall be included in the tax levy for each year
23 until the debt is extinguished.

Sect. 9. *Temporary loans.* Money may be borrowed in
2 anticipation of receipts from taxes during any fiscal year,
3 but the aggregate amount of such loan at any time shall
4 not exceed eighty per cent of the revenue from taxes re-
5 ceived during the preceding fiscal year. All such loans
6 shall be paid out of the receipts from taxes for the fiscal
7 year in which they are issued. Money may also be bor-
8 rowed in anticipation of revenue from bond issue in case
9 such bond issue has been authorized.

Sect. 10. *Sinking fund to be established; how invested.*
2 Until the bonded indebtedness of the city of Belfast, in
3 force at the time of the adoption of this charter, is paid,
4 the city council shall raise and set apart each year for a
5 sinking fund, a sum equivalent to two per cent of the total
6 appropriation for that year. The sinking fund shall be
7 applied only to the payment of that bonded indebtedness
8 of the city, the payment of which has not been provided
9 for by serial instalments.

The sinking fund shall be invested in the bonds of the
2 city or in such other bonds as savings banks in this state
3 may from time to time be authorized to hold for invest-
4 ment, or may be deposited in such savings banks.

Sect. 11. *Money to be paid out only on warrants; provi-*
2 *sions.* Money shall be paid out only on warrants on the
3 city treasury issued by the auditor and countersigned by
4 the city manager.

The auditor shall examine all pay rolls, bills and other
2 claims and demands against the city and shall issue no war-

3 rant for payment unless he finds that the claim is in proper
4 form, correctly computed and duly certified, and legally
5 payable.

The auditor may require any claimant to make oath to the
2 validity of a claim, may investigate any claim, and for such
3 purpose or purposes may examine witnesses under oath.

Sect. 12. *Bonds to be required of certain officers.* The
2 city council shall require bonds, with sufficient sureties,
3 from all persons trusted with the collection, custody, or
4 disbursement of the public moneys.

Sect. 13. *All receipts to be paid into city treasury.* All
2 moneys received by any officer, employee, or agent of the
3 city for, or in connection with, the business of the city
4 shall forthwith be paid into the city treasury, and shall be
5 deposited with such responsible banking institutions as the
6 council may determine. All interest from such deposits
7 shall accrue to the benefit of the city.

Sect. 14. *Purchasing agent; powers and duties; city
2 manager to act temporarily.* The purchasing agent shall
3 purchase all supplies for the city and for the several officers
4 and boards thereof, except supplies for the schools which
5 he shall purchase only upon requisition by the superintend-
6 ing school committee.

The purchasing agent shall see to the delivery of supplies
2 to each department and take and file receipts therefor. He
3 shall conduct all sales of property unfit or unnecessary for
4 the city's use, after such sales have been authorized by the
5 council.

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

ARTICLE VIII.

PUBLIC UTILITIES

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

Sect. 2. *City to reserve certain rights.* All orders pro-
2 viding for grants, renewals, amendments or extensions of
3 public utility franchises shall retain to the city the follow-
4 ing 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 otherwise to comply with the terms pre-
4 scribed;

(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.

Nothing herein contained is intended to repeal, or shall
2 be construed as repealing the whole or any part of any
3 existing statute, and all the rights and duties herein men-
4 tioned shall be exercised and performed in accordance with
5 all the applicable provisions of chapter fifty-five of the re-
6 vised statutes, and all acts amendatory thereof or addi-
7 tional thereto.

ARTICLE IX.

MISCELLANEOUS PROVISIONS

Section 1. *Offices incompatible.* No member of the city
2 council shall during the term for which he was chosen be
3 eligible for any other office the salary of which is payable
4 by the city, or shall during such term hold any such office.

Sect. 2. *City officers and employees not to be personally*
2 *interested in contracts for labor, materials, etc.; not to ac-*
3 *cept favors from firm or corporation holding city franchise;*
4 *exceptions.* No officer or employee of the city, elected or
5 appointed, shall be interested directly or indirectly in any
6 contract for work or materials, or the purchase thereof, to
7 be furnished or performed for the city. No such officer
8 or employee, except a policeman or fireman, shall accept
9 or receive from any person, firm, or corporation acting un-
10 der a franchise or license from the city, any frank, free

11 pass, free ticket, or free service, or accept directly or in-
12 directly from any such person, firm, or corporation, any
13 service upon terms more favorable than those granted to the
14 public generally. This provision shall not apply however to
15 any free service now or hereafter provided for by con-
16 tract, franchise, or ordinance.

Sect. 3. *Referendum provision, date of meeting, form of*
2 *question, procedure.* This act shall be submitted for ap-
3 proval or rejection to the qualified voters of the city of Bel-
4 fast at an election to be held the second Monday in Septem-
5 ber in the year nineteen hundred and twenty-nine and war-
6 rants shall be issued for such election in the manner now
7 provided by law for the holding of municipal elections,
8 notifying and warning the qualified voters of said city to
9 meet in the several ward meetings of said city, there to cast
10 their ballot for the approval or rejection of this act. The
11 question proposed on said ballot shall be substantially in
12 the following form:

“Shall an act passed by the legislature in the year nine-
2 teen hundred and twenty-nine, approved (insert date) en-
3 titled ‘An Act to Grant a New Charter to the City of Bel-
4 fast’ be accepted,” otherwise said ballot shall be in form
5 provided by law when a constitutional amendment is sub-
6 mitted to the vote of the people. The provisions of law
7 relating to the preparation of voting lists for municipal
8 elections shall apply to such election and said election shall
9 in all other respects be conducted as municipal elections in
10 said city are now conducted by law, and the results there-

11 of shall be determined in the manner now provided by law,
12 for the determination of the election of mayor. If a ma-
13 jority of the ballots deposited as aforesaid shall reject, this
14 act shall not go into effect, but if a majority of the elec-
15 tors voting at said ward meetings shall approve, then this
16 act shall take effect as herein provided.

Sect. 4. *Date when effective.* So much of this act as
2 authorizes the submission of the acceptance of this charter
3 to the electors of the city of Belfast shall take effect as
4 provided in the constitution of the state, but it shall not
5 take further effect unless accepted by the electors of the
6 city of Belfast as herein before provided. If accepted by
7 the electors of the city, then this act for the purpose of
8 nominating and electing officers hereunder shall take effect
9 on the date of its adoption by the electors, and for all other
10 purposes this act shall take effect on the second Monday in
11 March in the year nineteen hundred and thirty.

Sect. 5. *Ordinances no inconsistent continued in force.*
2 All ordinances in force at the time when this charter takes
3 effect, not inconsistent with the provisions of this charter,
4 shall continue in force until amended or repealed.

Sect. 6. *Existing contracts not invalidated, unless incon-*
2 *sistent.* All rights, actions, proceedings, prosecutions, and
3 contracts of the city or any of its departments, pending
4 or unexecuted when this charter goes into effect and not
5 inconsistent therewith shall be enforced, continued or com-
6 pleted in all respects as though begun or executed here-
7 under.

Sect. 7. *Inconsistent statutes repealed when act becomes*
2 *effective.* In case this act is approved in the manner here-
3 inbefore provided, all acts and parts of acts inconsistent
4 herewith are hereby repealed.