

MAINE STATE LEGISLATURE

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EIGHTY-FIFTH LEGISLATURE

Legislative Document

No. 221

H. P. 600 House of Representatives, Jan. 28, 1931.

Referred to Committee on Legal Affairs and 1000 copies ordered printed. Sent up for concurrence.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Smith of Bangor.

STATE OF MAINE

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

AN ACT To Grant a New Charter to the City of Bangor.

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

ARTICLE I GRANT OF POWERS TO THE CITY

Corporate Existence Retained. The inhabitants of the city of Bangor shall continue to be a municipal corporation under the name of the city of Bangor, and shall have, exercise and enjoy all the rights, immunities, powers, privileges and franchises and shall be subject to all the duties, liabilities and obligations provided for herein, or otherwise pertaining to or incumbent upon said city as a municipal corporation, or pertaining to or incumbent upon the inhabitants or officers thereof; and may enact by-laws, ordinances and regulations for municipal purposes, not inconsistent with the constitution and laws of the state of Maine, and impose penalties for the breach thereof, not exceeding one hundred dollars in any one case, to be recovered for such uses as said by-laws, ordinances or regulations shall provide.

ARTICLE II CITY COUNCIL

Section 1. Powers and Duties. All the powers granted to the city by this charter and by the laws of this state, except as otherwise provided by this charter, are hereby vested in the city council, which shall exercise its powers in the manner

hereinafter provided; except that the general management, care, and conduct of the schools shall be vested in a school committee.

The members of the city council shall be and constitute the municipal officers of the city of Bangor for all purposes required by statute, and, except as otherwise herein specifically provided, shall have all powers and authority given to and perform all duties required of municipal officers, and mayors of cities under the laws of this state.

The city council is hereby constituted the overseers of the poor of the city of Bangor and shall perform all duties required of overseers of the poor for cities by statute or otherwise. As such overseers of the poor they may authorize a clerk or agent to sign in their name and send written notices and the written answers referred to or required in sections thirty-one and thirty-two of chapter thirty-three of the revised statutes, and such written notices and written answers, so signed, shall have the same effect as if signed by one or more of said overseers and sent by a member or members of said overseers personally.

All the powers of establishing a watch and ward, now vested by the laws of the state in the justices of the peace and municipal officers, or inhabitants of towns, are vested in the said city council so far as relates to said city; and they are authorized to unite the watch and police departments into one department and establish suitable regulations for the government of the same.

Sect. 2. Composition, election, tenure of office, etc. There shall be elected at large from the qualified voters in said city a city council consisting of nine members. At the first election under this act there shall be elected nine members of said city council. No voter shall vote for more than nine. The three candidates receiving the largest number of votes at said election shall hold office for three years, the three receiving the next largest number of votes shall hold office for two years, the three receiving the next largest number of votes shall hold office for one year. Thereafter at each annual municipal election there shall be chosen at large three members of the city council to hold office for a term of three years. No voter shall vote for more than three. Each member of the city council shall hold office until his successor is elected and qualified.

Members of the council shall serve without compensation.

Sect. 3. **Chairman.** At the first meeting, or as soon thereafter as possible, the city council shall elect one of its members as chairman of the council for the ensuing year, and until his successor is elected and qualified, and the city council may fill for the unexpired term any vacancy as chairman that may occur.

If the chairman shall fail from sickness, disability, absence from the city or other cause to attend to and perform the duties incumbent on him as such chairman, the remaining members of the city council may by unanimous vote, after notice and hearing, terminate the term of office of said chairman and remove him therefrom and thereupon by majority vote may elect some other member of said city council chairman and such newly elected member shall thereupon and thereafter hold the office and perform the duties of chairman for the balance of that year, and until his successor is elected and qualified.

The chairman shall preside at all meetings of the council, and shall perform such other duties, consistent with this office, as the council may provide. He shall be entitled to vote, and his vote shall be counted upon all matters and things as a vote of other members of the council. The chairman shall be recognized as the official head of the city for ceremonial purposes, and shall have the powers and authority given to and perform the duties required of mayors of cities for all purposes of military law, and shall act in lieu of the mayor in so far as representation is provided for the city by the mayor upon any board or commission by any statute. In the temporary absence or disability of the chairman the city council may select a chairman pro tempore from among its number and he shall exercise all the powers of the chairman.

Sect. 4. **Vacancies, forfeiture of office.** In case of a vacancy caused by the death, resignation, removal from the city, or removal from office, as hereinafter provided, of any member of the city council more than six months prior to the next regular city election, the vacancy shall be filled by a special election, the warrant for which shall upon vote of the city council be issued by a member of the city council by vote designated for that duty.

Any member of the city council who shall be convicted of a crime while in office, after due notice and hearing before the city council and the production of the records of such conviction, shall forfeit his office.

Sect. 5. **Regular meetings and qualifications.** The city council shall meet at the usual place for holding meetings at ten o'clock A. M., on the first Monday in January following the regular city election, and at said meeting the councilmen elect shall be sworn to the faithful discharge of their duties by a justice of the peace, or by the city clerk. The city council shall, at its first meeting, or as soon thereafter as possible, establish by ordinance or resolution a regular place and time for holding its meetings, and shall meet regularly at least twice each month.

Sect. 6. **Special meetings.** Special meetings may be called by the chairman, and in case of his absence, disability or refusal, may be called by a majority of the members of the city council. Notice of such meeting shall be served in person or left at the residence of each member of the city council at least twenty-four hours before the time for holding said special meeting.

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

Sect. 8. **Procedure.** The city council shall keep a record of its proceedings and shall determine its own rules of procedure and make lawful regulations for enforcing the same. The meetings of the city council shall be open to the public. The city council shall act only by ordinance, order or resolve; all ordinances, orders and resolves, except orders or resolves making appropriations of money, shall be confined to one subject which shall be clearly expressed in the title. The appropriation order or resolve shall be confined to the subject of appropriations only. No ordinance and no appropriation resolve shall be passed until it has been read on two separate days, except when the requirement of a reading on two separate

days has been dispensed with by a two-thirds vote of the members of the city council. The yeas and nays shall be taken upon the passage of all ordinances and entered on the record of the proceedings of the city council by the clerk. The yeas and nays shall be taken on the passage of any order or resolve when called for by any member of the city council. Every ordinance shall require on final passage the affirmative vote of a majority of the members of the city council.

ARTICLE III REFERENDUM

Section 1. Ordinances, orders or resolves submitted to popular vote. The city council may submit, on its own initiative, a proposition for the enactment, repeal, or amendment of any ordinance, order or resolve (except as herein otherwise provided) to be voted upon at any municipal election and should such proposition receive a majority of the votes cast thereon at said election such ordinance, order or resolve shall be enacted, repealed, or amended accordingly.

ARTICLE IV NOMINATIONS AND ELECTIONS

Section 1. Date of elections and procedure to determine results. At the first election after this charter is in force, to be held on the first Monday in December, A. D., nineteen hundred and thirty-one, the qualified voters of the city shall ballot for nine councilmen, and the qualified voters of each ward shall, at the same time, ballot for a warden, and a ward clerk for his ward, and thereafter, on the first Monday in December in each year, a regular municipal election shall be held and the qualified voters of the city shall ballot for councilmen to fill the office of the councilmen whose terms of office expire that year, and the qualified voters of each ward shall, at the same time ballot for a warden, and a ward clerk for their ward.

All votes cast for the several offices shall be sorted, counted, declared and registered in open ward meeting, as provided by statute. The ward clerk shall forthwith deliver to each person elected warden or ward clerk a certificate of his election and shall forthwith deliver to the city clerk a certified copy of the record of such election.

After the first election held under this charter the then municipal officers and thereafter the city council shall, as soon as it conveniently can, examine the copies of the records of the several wards, certified as aforesaid, and shall cause the persons who shall have been elected councilmen 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 office shall be deemed and declared elected to such office.

Sect. 2. Warden and ward clerk; eligibility, tenure, qualifications, powers, and duties; vacancies; ward meetings, and how called. The warden and ward clerk, chosen as provided in the preceding section, shall be residents of the ward and precinct for which they are elected and shall hold their office for one year from the first Monday in January following their election, and until others have been chosen and qualified in their stead. The warden and the ward clerk shall be sworn to the faithful performance of their duties by a person qualified under the statutes of the state to administer oaths, and a certificate of such oath shall be entered by the clerk on the records of said ward. The warden shall preside at all ward meetings, with the powers of moderators of town meetings and if at any meeting the warden shall not be present, the clerk of the ward shall call the meeting to order and preside until a warden pro tempore shall be chosen. The warden shall have all rights and powers now held by the warden of such ward. If neither the warden nor the ward clerk shall be present, any legal voter in the ward may preside until a clerk pro tempore shall be chosen and qualified.

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

notified and called by the city council in the manner provided by the laws of this state for notifying and calling 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 petition. The petition of a candidate for councilman shall be signed by not less than one hundred fifty nor more than two hundred qualified voters of the city. The petition of candidates for warden, and for ward clerk shall be signed by not less than twenty-five nor more than fifty qualified voters of the ward wherein the candidate is to be elected. The number of said petitions for candidates for any office that may be signed by any voter shall not exceed the number of candidates to be elected to said office, and in no case may a voter sign more than one petition for any one candidate.

Sect. 4. Form of nomination paper. The signatures to nomination papers need not all be affixed to one nomination petition, but to each separate petition there shall be attached an affidavit of the circulator thereof stating the number of signers on each petition, 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 of the street, or their description sufficient to identify the same. The form of the nomination petition shall be substantially as follows:

To the City Clerk of the City of Bangor:

We, the undersigned voters of the city of Bangor, hereby nominate whose residence is for the office of to be voted for at the election to be held in the city of Bangor 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 nominating 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. 5. Filing nomination papers; acceptances of nominations must be filed. The nomination petitions for any one candidate shall be assembled and united into one petition, and filed with the city clerk not earlier than thirty nor later than sixteen days before the day of election. No nomination shall be valid unless the candidate shall file with the city clerk in writing not later than sixteen days before the day of election, his consent, accepting the nomination, agreeing not to withdraw, and, if elected, to qualify.

Sect. 6. List of candidates to be published. The city clerk shall notify the list of candidates and shall cause to be published at least ten days prior to the date of the election in one or more of the daily newspapers published in said Bangor the names, residences, and office to which nominated, of the candidates who have duly filed the above described petitions and acceptances.

Sect. 7. Ballots, etc., to be prepared by the city clerk. Specimen ballots and official ballots for use in all city elections shall be prepared by the city clerk and furnished by the city.

Sect. 8. Contents and form of ballot. The names of candidates nominated as provided in the preceding section shall be arranged on the ballot in alphabetical order according to surnames, except as hereinafter provided. In any case where the names of four or more persons appear on the ballot as candidates for city councilmen, the city clerk shall have printed as many sets of ballots as there are candidates. Each set of ballots shall begin with the name of a different candidate, the other names being arranged thereafter in regular alphabetical

order, commencing with the name next in alphabetical order after the one that stands first on that set of ballots. When the last name is reached in alphabetical order it shall be followed by the name that begins with the first letter represented in the list of names and by the others in regular order. The ballots so printed shall then be combined in blocks of fifty so as to have the fewest possible ballots having the same order of names printed thereon together in the same block.

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

The ballots shall be without party mark or designation. The full name and residence of each candidate shall be given. At the right of each name shall be a square within which the voter shall place a cross to designate his choice. Blank spaces shall be left at the end of the list of the candidates for each office, in which the voter may insert the name of any person not printed on the ballot, for whom he desires to vote.

The ballot shall be printed substantially as follows:

To vote for a candidate make a Cross (X) in the square at the right of Name and Residence.

For CITY COUNCIL (3 years) Vote for ()

Name of candidate	Residence
Name of candidate	Residence
Name of candidate	Residence

For WARDEN (1 year) Vote for one

Name of candidate	Residence
-------------------	-----------

For WARD CLERK (1 year) Vote for one

Name of candidate	Residence
-------------------	-----------

Back of the Ballot.

OFFICIAL BALLOT
BANGOR

Ward

Monday,, 19..

(Facsimile of Signature)

City Clerk

Sect. 9. **Specimen Ballots.** The city clerk shall cause specimen ballots to be posted in public places, including each polling place, and/or advertised in the newspapers not later than ten days prior to the city election. Such specimen ballots shall be printed on colored paper and marked specimen ballot, and shall contain the names of the certified candidates with the residence of each, instructions to voters, and such measures as may be submitted to the voters. Such ballots shall be without party mark or designation.

Sect. 10. **State election laws.** The provisions of the laws of the state of Maine relating to the qualification of electors, registration, the manner of voting, the counting of votes, the duties of election officers, and all other particulars in respect to the management of elections, so far as they may be applicable, shall govern all municipal elections except as otherwise provided in this charter.

ARTICLE V
ADMINISTRATIVE OFFICERS

Section 1. **Titles and appointment.** There shall be the following administrative officers and boards:

(a) The following officers and boards shall be appointed by ballot by a majority vote of the members of the city council: city manager, city clerk, city solicitor, city auditor, treasurer and tax collector, members of the superintending school committee, members of the board of assessors, members of the water board, civil service commissioners, two members of the board of registration as provided under R. S. Chap. 6, sec. 8, board of mothers' aid, trustees of Sophia Kirstein Student Loan Fund, and trustees of the Hersey Fund.

(b) The following officers shall be appointed by the city manager, subject to confirmation by the city council: city engineer, city electrician, chief of police, chief of the fire de-

partment, superintendent of the almshouse, health officer, city physician, inspector of buildings, harbor master, secretary to overseers of the poor, and all other department heads or officers whose position may from time to time be created by ordinance; and, except as herein otherwise provided, upon recommendation of the heads of their departments, all minor officers and employees.

Sect. 2. Power of council with regard to appointive officers and boards. The council shall have power by ordinance or resolve:

- (a) To create any new appointive office.
- (b) To authorize the appointment of assistants or deputies in any office.
- (c) To assign duties of two or more offices to one office.
- (d) To divide duties of any office between two or more offices.

Sect. 3. Term of service. All appointive officers whose terms of service are specified herein to be for a fixed term, shall be removable by the city council upon written charges, notice, and hearing, if upon such hearing they are adjudged guilty of the charges preferred.

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

The term of office of members of the board of registration of voters shall be as now provided by law, except as otherwise specifically provided in this act.

Sect. 4. Compensation of officers. The city council shall fix by order the salaries of the appointees of the city council. Salaries of the appointees of the city manager shall be fixed by the city manager, subject to the approval of the city council.

Sect. 5. Appointment and qualifications of the city manager. The city manager shall be chosen by the city council solely on the basis of his character and his executive and administrative qualifications, and may or may not be a resident of the city of Bangor or of the state of Maine at the time of his appointment. He shall give bond for the faithful discharge of his duties to the city of Bangor in such sum as the city council shall determine and direct, and with surety or sureties to be approved by the city council. The premium on his bond shall be paid by the city.

Sect. 6. Powers and duties of the city manager. The city

manager shall be the administrative head of the city and shall be responsible to the city 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, but he shall delegate to the chief of the police department the active duties connected therewith regarding criminal misdemeanors.
- (b) To exercise control over all departments and divisions created herein or that may hereafter be created.
- (c) To make appointments as provided in this charter.
- (d) To attend meetings of the city council, except when his removal is being considered, and recommend for adoption such measures as he may deem expedient.
- (e) To keep the city council fully advised as to the business and financial condition and future needs of the city and to furnish the city council with all available facts, figures and data connected therewith, when requested.
- (f) To perform such other duties as may be prescribed by this charter or required by ordinance of the city council.

Sect. 7. Substitute. During any vacancy in the office of city manager, and during the absence or disability of the city manager, the city council may designate a properly qualified person to perform the duties of manager and fix his compensation; while so acting he shall have the same powers and duties as those given to and imposed on the city manager. Before entering upon his duties, he shall give bond to the city of Bangor in a sum and with surety or sureties to be approved by the city council. The premium on said bond is to be paid by the city.

Sect. 8. Duties of administrative officers other than manager. Duties of administrative officers other than the city manager may be prescribed by the city council. Such duties shall not be inconsistent with the provisions of this charter.

Sect. 9. Superintending school committee. The superintending school committee of the city of Bangor shall consist of five members appointed by the city council, to serve for terms of three years, and until their successors are appointed and qualified. If for any reason a vacancy shall exist in the membership of the school committee the vacancy shall be filled forthwith by the city council for the unexpired term.

The members of the school committee shall annually by majority vote designate one of its members to serve as chairman of the school committee.

The school committee shall have all the powers and perform all the duties in regard to the care and management of the public schools of said city, which are now or may hereafter be conferred and imposed upon school committees by the laws of this state, except as otherwise provided in this charter. They shall annually, and whenever there is a vacancy, elect a superintendent of schools for the current municipal year, who shall have the care and supervision of said public schools under their direction, and act as secretary of their board; they shall fix his salary at the time of his election. They shall annually furnish to the city council an estimate in detail of the several sums required during the ensuing municipal year for the support of public schools. On the basis of such estimates the city council shall make one gross appropriation for the support of public schools for the ensuing municipal year, and such appropriation shall not be exceeded, except by consent of the city council, but the expenditure of said appropriation shall be under the direction and control of the school committee.

Sect. 10. Assessors of taxes. There shall be three assessors of taxes appointed for terms of three years by the city council, and until their successors are appointed and qualified. If for any reason a vacancy shall exist in the membership of the board of assessors, the vacancy shall be filled forthwith by the city council for the unexpired term. The assessors appointed as above provided shall exercise the same powers and be subject to the same duties and liabilities that similar officers of the several towns and cities in the state may exercise, and may now or hereafter be subject to under the laws of the state. The assessors may appoint one assistant assessor in each ward and one additional assistant assessor in each ward, if the city council shall so direct, whose duty it shall be to furnish the assessors with all the necessary information relative to persons and property taxable. The compensation of such assistant assessors shall be fixed by the city council but such assistant assessors shall hold office during the pleasure of the assessors.

Sect. 11. Water board. The Water Board of the city of

Bangor shall consist of six members, two appointed annually by the city council to serve for terms of three years, and until their successors are appointed and qualified.

The said water board shall have all the powers and perform all the duties which are now or may hereafter be conferred and imposed upon said water board by state law and city ordinances.

Sect. 12. **Municipal Board of Mothers' Aid.** The Municipal Board of Mothers' Aid shall consist of three persons, one of whom, at least, shall be a woman, appointed by the city council, one each year to serve for a term of three years and until their successors are appointed and qualified. The said board shall perform the duties which are now required or may hereafter be required, under the provisions of the laws of the state.

Sect. 13. **Trustees of Sophia Kirstein Student Loan Fund.** The trustees of "Sophia Kirstein Student Loan Fund" shall be composed of the Superintendent of Schools of Bangor ex-officio, and of four citizens, one or more to be appointed biennially by the city council to serve for terms of six years and until their successors are appointed and qualified. They shall perform the duties of the trusteeship of said loan fund as is now or may hereafter be provided by ordinance.

Sect. 14. **Trustees of the Hersey Fund.** The trustees of the "Hersey Fund" shall be composed of the city treasurer ex-officio and four citizens, one or more to be appointed biennially by the city council to serve for terms of six years and until their successors are appointed and qualified. They shall perform the duties of the trusteeship of said loan fund as is now or may hereafter be provided by ordinance.

Sect. 15. **Civil Service rules for police and fire departments.** The City Council shall provide by ordinance for a system of civil service rules for the appointment, promotion, demotion, lay-off, reinstatement, suspension and removal of the members of the police department and of the fire department, other than the chiefs of said departments, and for a civil service commission to administer to same.

Neither the city council nor Civil Service Commission shall have power or authority to reduce, terminate, or diminish in any way the pay, term of office, or pension or retirement priv-

ileges of the members of the police department or of the fire department of the city of Bangor, as now enjoyed by them, other than the chiefs of said departments, except that the city council may provide for the removal for cause of members of either the fire or police department upon presentation of charges and hearing before the civil service commission hereinbefore provided for. No further or other physical examination shall be required of the present members of the police or fire departments other than that to which they are now subject, and no existing statutes or ordinances relating to the police department or fire department shall be considered as repealed by this act except as herein provided. Any chief of the police department, or chief of the fire department, selected from the ranks of his department, shall not be held by his service as chief to have lost his position, benefits, or privileges as a member of the department.

Sect. 16. **Recreation committee.** The members of the city council shall be and constitute the recreation committee of the city of Bangor and they shall have all the power and authority and be subject to the same duties and liabilities as are now possessed by the recreation committee of the city of Bangor.

ARTICLE VI

BUSINESS AND FINANCIAL PROVISIONS

Section 1. **Accounts and records.** Accounts shall be kept by the auditor, showing the financial transactions of all departments of the city. Forms for all such accounts shall be prescribed by the auditor, with the approval of the city manager. Accounts shall be kept in such a manner as to show fully at all times the financial condition of the city. The auditor shall furnish to the city manager, prior to the first regular meeting of the city council in each month, a report containing in detail the receipts and disbursements of the city on all accounts, the expenditures made and the obligations incurred during the preceding calendar month, and a balance sheet showing the financial condition of the city, of the several funds, and the total unexpended balance to the credit of each department.

Sect. 2. **Annual audit.** All the accounts of the city shall be audited annually by a certified public accountant to be chosen by the city council, or by an accountant assigned by the State Auditor.

Sect. 3. **Reports.** The auditor shall publish each month a statement of the financial condition of the city.

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

- (a) Receipts classified according to sources.
- (b) Expenditures classified according to objects. The classification of receipts and expenditures in the report shall conform in general to the classification in the auditor's books.
- (c) Balance sheet.
- (d) Such other financial information as may be required by the city council.

Sect. 4. **Annual budget.** Not later than one month before the end of the fiscal year, the city manager shall submit to the city council budget estimates for the ensuing fiscal year. This budget shall be compiled from detailed information furnished by the administrative officers and boards on blanks, the forms of which shall be designated 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. All 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 last preceding year.
- (d) Such other information as may be required by the city council.

The budget shall be published not later than two weeks after its submission to the city council.

Sect. 5. **Appropriation resolve.** As early as practicable after the beginning of the fiscal year, the city council shall

pass an annual appropriation resolve, which shall be based on the budget submitted by the city manager.

The total amount appropriated shall not exceed the estimated revenue of the city.

Before the annual appropriation resolve has been passed the city council may make appropriations for current departmental expenses, chargeable to the appropriation for the year, when passed, to an amount sufficient to cover the necessary expenses of the various departments until the annual appropriation resolve is in force.

Sect. 6. Transfers. The city council in the appropriation resolve shall provide for a reserve fund from which transfers shall be made only by vote of the city council, and no transfer of any money shall be made from any fund other than this reserve fund until the end of the fiscal year, at which time after all warrants have been paid out of the various funds against which such warrants have been drawn, the auditor shall transfer to the reserve fund any balance or balances then remaining in the various other funds, except balances in the school fund; the city council shall then transfer the full balance then in the reserve fund to the sinking fund of the city; provided, however, that the city council may, in special cases, continue any particular fund without transfer temporarily pending the completion of expenditures in process or in contemplation.

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

Sect. 8. Bond issues. Money may be borrowed, within the limits fixed by the constitution and statutes of the state now or hereafter applying to said Bangor, by the issue and sale of bonds or notes pledged on the credit of the city, the proceeds to be used for the payment of indebtedness of the city contracted for the acquisition of land, the construction and equipment of buildings and other permanent public improvements, and the payment or refunding of bonds, notes, and certificates of indebtedness previously issued. No order providing for the issue of bonds shall be passed without public

notice given by posting notice of the same in two public places in the city of Bangor, and publishing said notice in at least two daily newspapers published in said Bangor at least two weeks before final action by the city council, and the approval of two-thirds of all the members of the city council. Every issue of bonds shall be payable within a fixed term of years; if said bonds are issued in payment of indebtedness incurred for a permanent improvement the term of such bonds shall not exceed the estimated period of utility of said improvement, but the declaration of the city council embodied in the order authorizing the issue shall be a conclusive determination of the estimated period of utility thereof; and the term within which all bonds shall be made payable shall in no case exceed thirty years. Bonds issued after the adoption of this charter shall be made payable in equal, annual, serial installments as pertains to principal, and interest shall be made payable semi-annually. Every order for the issue of bonds shall provide for a tax levy for each year of an amount necessary to meet the payment of the annual, serial installment of principal, and the annual interest thereon; and such amounts shall be included in the tax levy for each year until the debt is extinguished; provided, however, that bonds issued prior to the adoption of this charter shall not be subject to the aforesaid requirement of being made payable in equal, annual, serial installments.

Sect. 9. **Sinking fund.** Until the bonded indebtedness of the city of Bangor except serial installment bonds in force at the time of the adoption of this charter together with any renewals thereof is fully paid, the city council shall raise and set apart each year for a sinking fund a sum equal to at least two per cent of the total amount of appropriations for that year. Said sinking fund shall be applied only to the payment of such bonded indebtedness of the city, the payment of which has not been provided for by payments in serial installments.

The sinking fund shall be invested as provided by the revised statutes of the state of Maine and all acts in addition thereto and in amendment thereof.

Sect. 10. **Temporary loans.** Money may be borrowed in anticipation of receipts from taxes during any fiscal year, but the aggregate amount of such loans outstanding at any one time shall not exceed eighty per cent of the revenue received

from taxes during the preceding fiscal year. All such loans shall be paid within the year out of receipts from taxes for the fiscal year in which said loans are made. Money may be borrowed in anticipation of money to be received from the sale of bonds to be issued, in case such bond issue has been authorized; all such loans shall be paid within one year and are subject to the provisions of laws of the state of Maine in relation thereto.

Sect. 11. Payments. Money shall be paid out only on warrants on the city treasury issued by the auditor and countersigned by the city manager and a member of the city council to be designated from time to time by said city council.

The auditor shall examine all pay-rolls, bills, and other claims and demands against the city, and shall issue no warrant for payment until he finds that the claim is in proper form, correctly computed, duly certified and legally due and payable.

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

Sect. 12. Bonds of officers. The city council shall require a bond with sufficient surety or sureties, satisfactory to the city council, from all persons trusted with the collection, custody or disbursement of any of the public moneys; and may require such bond from such other officials as it may deem advisable. The premium charges for said bonds shall be paid by the city.

Sect. 13. Collection and custody of city moneys. All moneys received by any officer, employee or agent of the city belonging to the city, or for or in connection with the business of the city, shall forthwith be paid by the officer, employee or agent receiving the same into the city treasury, and shall then be deposited by the city treasurer with a responsible banking institution or institutions to be chosen by said city council. All interest from all deposits of money belonging to the city shall accrue to the benefit of the city.

Sect. 14. Purchasing of supplies. The purchasing agent shall purchase all supplies for the city and for the several officers and boards thereof, excepting educational supplies for the city schools, which may be purchased by him upon requisition by the superintending school committee.

The purchasing agent shall see to the delivery of supplies to each officer and department to whom they belong, and take and file receipts therefor. He shall conduct all sales of property belonging to the city which are unfit or unnecessary for the city's use, but only after such sale has been authorized by the city council, and subject to such restrictions as the city council may by ordinance provide.

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

ARTICLE VII MISCELLANEOUS PROVISIONS

Section 1. Members of the city council ineligible for certain offices. No member of the city council shall during the term for which he was chosen be eligible for any other office the salary of which is payable by the city, nor shall he during such term hold any such office.

Sect. 2. Referendum; date of meeting; form of question; procedure. This act shall be submitted for approval or rejection to the qualified voters of the city of Bangor at an election to be held the second Monday in September in the year A. D. nineteen hundred and thirty-one and warrants shall be issued for such election in the manner now provided by law for the holding of municipal elections, notifying and warning the qualified voters of said city to meet in the several ward meetings of said city, there to cast their ballot concerning the acceptance of a new charter for the city of Bangor. The vote shall be taken by ballot at said election in answer to the question: "Shall an act passed by the legislature in the year nineteen hundred and thirty-one, entitled 'An Act to Grant a New Charter to the City of Bangor,' be accepted?" Which shall be printed on the official ballots and at said election the voters of said city in favor of accepting this act shall vote "Yes" and those opposed shall vote "No."

Otherwise said ballot shall be in the form provided by law when a constitutional amendment is submitted to the vote of the people. The provisions of law relating to the preparation of voting lists for municipal elections shall apply to such election and said election shall in all other respects be con-

ducted by law, and the results thereof shall be determined in the manner now provided by law for the determination of the election of mayor. If a majority of the valid ballots cast as aforesaid shall favor accepting the same, then this act shall forthwith take effect as herein provided.

Sect. 3. Date when effective. So much of this act as authorizes the submission of the acceptance of this charter to the voters of the city of Bangor shall take effect as provided in the constitution of the state, but it shall not take further effect unless adopted by the voters of the city of Bangor as hereinbefore provided. If adopted by the voters of the city, then this act for the purpose of nominating and electing officers hereunder shall take effect on the date of its adoption by the voters, and for all other purposes this act shall take effect on the first Monday in January in the year nineteen hundred and thirty-two.

Sect. 4. Ordinances not inconsistent continued in force. All ordinances in force at the time when this charter takes effect, not inconsistent with the provisions of this charter, shall continue in force until amended or repealed.

All rules and regulations of the municipal officers of the city of Bangor in force at the time when this charter takes effect, not inconsistent with the provisions thereof, shall continue in force until amended or repealed.

Sect. 5. Existing contracts not invalidated, unless inconsistent. All rights, actions, proceedings, prosecutions, and contracts of the city or any of its departments, pending or unexecuted when this charter goes into effect and not inconsistent therewith shall be enforced, continued or completed in all respects as though begun or executed hereunder.

Sect. 6. Term of office, officers, boards. All officers, trustees, members of commissions or departments now in office holding positions hereafter to be filled under the provisions of this charter by the city council or city manager, shall not serve out their present terms but shall continue in office only until their successors are appointed and qualified as provided in this act; except that officials and boards specified in Art. V, Secs. 9 to 14 inclusive, and the members of the board of registration shall serve out the terms for which they were appointed; and except that the members of the police and fire de-

partments shall serve as provided in section fifteen of Art. V of this charter.

Sect. 7. **Acts repealed.** In case this act is accepted in the manner hereinbefore provided, all acts and parts of acts inconsistent herewith are herewith and hereby repealed.