

# MAINE STATE LEGISLATURE

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E I G H T Y - S I X T H   L E G I S L A T U R E

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Legislative Document

No. 302

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H. P. 860

House of Representatives, Feb. 1, 1933.

On Motion of Mr. Piper of Bangor, tabled pending reference to a committee and 1,000 copies ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Piper of Bangor.

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S T A T E   O F   M A I N E

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I N   T H E   Y E A R   O F   O U R   L O R D   N I N E T E E N   H U N D R E D   T H I R T Y -  
T H R E E

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A N   A C T   t o   G r a n t   a   N e w   C h a r t e r   t o   t h e   C i t y   o f   B a n g o r .

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

Sec. 1. **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.

Sec. 2. **Administration of affairs vested in mayor and city council; powers and duties.** The administration of all the fiscal, prudential, and municipal affairs of said city, with the government thereof, except as otherwise in this charter specifically provided, shall be vested in one principal magistrate to be styled the mayor, and in one body consisting of two councillors from each ward, which body shall constitute and be called the

city council, all of whom shall be and remain during their term of office, inhabitants of said city, and shall be chosen in the manner hereinafter provided, and shall be sworn or affirmed in the form prescribed by the constitution of the state for state officers. The mayor and 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 specifically provided) shall have all powers and authority given to, and perform all duties required of municipal officers and aldermen of cities under the laws of this state; except that the general management, care and conduct of the schools shall be vested in a school committee.

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 31 and 32 of chapter 33 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.

The city council shall keep a record of its proceedings and judge of the election of its own members.

Sec. 3. **The mayor; duties; compensation.** The mayor of said city shall be the chief executive magistrate thereof. It shall be his duty to be vigilant and active in causing the laws of the state, and ordinances and regulations of the city to be executed and enforced, to exercise a general supervision over the conduct of all administrative and subordinate officers who shall be directly answerable to him for the conduct of their respective offices, and he shall cause violation or neglect of duty on their part to be punished. He shall from time to time communicate to the city council such information, and recommend such measures, as the interests of the city may require. He shall preside at all meetings of the city council, but shall have only a casting vote. He shall be compensated for his services by a salary to be fixed by the city council, payable at stated periods, and shall receive therefor no other compensation, which salary, however, shall not be increased or diminished during his term of office.

Sec. 4. **Laws, ordinances, orders, etc., must be presented to mayor for approval; procedure if mayor does not approve.** Every law, act, ordinance, resolve or order, excepting rules and orders of a parliamentary character, shall be presented to the mayor, and if he approve, he shall sign it; if not, he shall return it with his objections at the next stated session of the city council, provided said stated session is held at least one week after the aforesaid law, act, ordinance, resolve or order is presented to the mayor for his approval. The city council shall enter the objections at large on its journal and proceed to reconsider the same. If upon such reconsideration it shall be passed by a vote of two-thirds of all the members of the city council it shall have the same effect as if signed by the mayor. The mayor shall have the right to approve as a whole any resolve or order involving the appropriation and expenditure of money, or to approve or disapprove specific items thereof, and the portions approved shall thereby be in force in like manner as if no part thereof had been disapproved, and the portion or portions disapproved shall thereupon take the same course as herein provided as though said resolve or order had been disapproved as a whole.

Sec. 5. **City divided into wards.** That for the purpose of holding elections for mayor and members of the city council and other city officers, if any, as provided in this act, said city shall be divided into seven wards as follows:

Ward I. Beginning at the Kenduskeag stream at the foot of State street; thence up State street to the Veazie town line; thence by said town line to the Penobscot river; thence down said river to the mouth of Kenduskeag stream; thence up said stream to the place of beginning.

Ward II. Beginning at the Hampden line on the Penobscot river; thence running on said line to the head of lot number one in Bangor; thence along the head of the river lots to lot number six; thence southeasterly on the line of said lot, to a point where said line would be intersected by a continuation of the central line of Second street; thence on a direct line to and through Second street to Union street; thence down Union street to the Penobscot river; thence down said river to the place of beginning.

Ward III. Beginning on Union street at its junction with Second street; thence up Union street to the line of the city; thence westerly following said city line to where the same is intersected by the line of Ward Two; thence following said line of Ward Two easterly to the place of beginning.

Ward IV. Beginning on Union street at the Penobscot river; thence up said Union street to the line of the city; thence northerly to the corner of the city; thence easterly on the city line to the Kenduskeag stream;

thence down said stream to the Penobscot river; thence down said river to the place of beginning.

Ward V. Beginning on the northerly line of the city where the Kenduskeag stream crosses the same; thence down said stream to the southerly line of lot No. 56, Holland; thence easterly on said line to Kenduskeag avenue; thence northerly, on said avenue, to Six Mile Falls road; thence down said road to the junction of Center street with said road; thence down Center street through the center of the same to Park street; thence down Park street, through East Market Square, to State street; thence up State street to Grove street; thence up Grove street to Milford street; thence west on Milford street to the line of the old Bangor, Old Town and Milford railroad; thence on said railroad line to the line between Bangor and Orono; thence on said line to Glenburn line; thence on Glenburn line to the place of beginning.

Ward VI. Beginning at the northwest corner of Ward One; thence easterly, on the line of Ward One, to a point at the center of Exchange street; thence northerly to a point in the center of Park street; thence on said center line of Park and Center streets to Six Mile Falls road; thence through the center of said road, to Kenduskeag avenue; thence down said avenue to the southerly line of lot No. 56, Holland; thence on said line westerly to the Kenduskeag stream, and down said stream to the center of Kenduskeag bridge; thence to the place of beginning.

Ward VII. Beginning on State street at its junction with Grove street; thence up the center of Grove street to Milford street and on Milford street to the line of the old Bangor, Old Town and Milford railroad; thence up said old railroad line to the town line of Orono; thence southeasterly and following the city line between the city and the towns of Orono and Veazie to State street; thence down State street to the place of beginning.

Sec. 6. **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 6 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.

Sec. 7. **Vacancy in office of mayor.** In case of a vacancy caused by the death, resignation or removal from the city of the mayor 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, and the election shall be held in the same manner as is provided herein for the election of mayor.

Sec. 8. **Regular meetings and qualifications.** The city council shall

meet at the usual place for holding meetings at 10 o'clock A. M. on the 1st 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.

Sec. 9. **Special meetings.** Special meetings may be called by the mayor, 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.

Sec. 10. **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.

Sec. 11. **Procedure.** The city council 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 2 separate days, except when the requirement of a reading on 2 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.

Sec. 12. **Referendum. 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.

Sec. 13. **Nominations and elections; date of elections and procedure to determine results.** The mayor shall be elected by and from the qualified voters of the city voting in their respective wards. Two councilors, a warden and ward clerk shall be elected from each ward by and from the qualified voters thereof voting in their respective wards.

At the 1st election after this charter is in force, to be held on the 1st Monday of December, 1933, and every 2 years thereafter, the qualified voters of the city shall ballot for a mayor for a term of 2 years, and on said 1st Monday of December, 1933, the qualified voters of each ward shall at the same time ballot by wards for 2 councilors from each of said wards for a term of 1 year, and on the 1st Monday of December each year thereafter said qualified voters of each ward shall ballot by wards for 2 councilors from each of said wards for the term of 1 year; and the qualified voters of each ward shall on the 1st Monday of December, 1933, and annually thereafter, ballot by wards for a warden and ward clerk for such ward.

The mayor and said councilors, wardens and ward clerks, shall be elected by ballot by a plurality of the votes given and shall after their election hold their offices for the respective terms provided in this charter, or by statute, and until others shall be elected and qualified in their places.

All city and ward officers elected hereunder shall be held to discharge the duties of the offices to which they have been respectively elected, notwithstanding their removal, after their election, out of their respective wards into any other wards in the city; but their office shall become vacant on their removal from the city.

All votes cast for the several officers 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 each election held under this charter the then municipal officers shall, as soon as they 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 mayor and 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.

Sec. 14. **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 1 year from the 1st 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 municipal officers in the manner provided by the laws of this state for notifying and calling town meetings by the selectmen of the several towns.

Sec. 15. **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 mayor shall be signed by not less than 200 nor more than 250 qualified voters of the city. The petition of a candidate for councilman shall be signed by not less than 100 nor more than 150 qualified voters of the ward in which said candidate or candidates shall reside. The petition of candidates for warden and for ward clerk shall be signed by not less than 25 nor more than 50 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.

Sec. 16. **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.

Sec. 17. **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 30 nor later than 14 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 14 days before the day of election, his consent, accepting the nomination, agreeing not to withdraw, and, if elected, to qualify.

Sec. 18. **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 nomi-

nated, of the candidates who have duly filed the above described petitions and acceptances.

Sec. 19. **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.

Sec. 20. **Form of ballot, candidates' names to be arranged by lot.** The names of the candidates nominated as herein provided shall be arranged according to lot under the title of the office to be filled. Lot shall be drawn by the city clerk, at which drawing the several candidates or their representatives shall be entitled to be present. The ballots shall be without party mark or designation. The full name and residence of each candidate shall be given. At the left 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 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:

CITY OF BANGOR  
 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. VOTE FOR ONE.

- (Name)..... (Res.)

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- (Name)..... (Res.)

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- ..... (Res.)

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FOR COUNCIL. VOTE FOR TWO.

- (Name)..... (Res.)

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- (Name)..... (Res.)

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- ..... (Res.)

---

FOR WARDEN. VOTE FOR ONE.

(Name)..... (Res.)

..... (Res.)

FOR WARD CLERK. VOTE FOR ONE.

(Name)..... (Res.)

..... (Res.)

BACK OF THE BALLOT  
OFFICIAL BALLOT  
BANGOR

Ward.....

Monday.....19...

(Facsimile of Signature)

CITY CLERK

Sec. 21. **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.

Sec. 22. **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.

Sec. 23. **Administrative Officers.** There shall be the following administrative officers and boards:

(1) The following officers and boards shall be elected by ballot by a majority vote of the members of the city council: city clerk, city solicitor, city auditor, treasurer and tax collector, members of the superintending school committee, members of the board of assessors, city missionary, civil service commissioners, 2 members of the board of registration as provided under section 8 of chapter 6 of the revised statutes, board of Mother's aid.

trustees of Sophia Kirstein Student Loan Fund, and trustees of the Hersey Fund.

(2) The following officers shall be appointed by the mayor, subject to confirmation by the city council: city engineer, city electrician, chief of police, chief of the fire department, superintendent of the almshouse, health officer, city physician, inspector of buildings, harbor master, secretary to the overseers of the poor, and all other department heads or officers whose position may from time to time be created by ordinance.

Sec. 24. **Power of council with regard to appointive officers and boards.** The council shall have power by ordinance or resolve:

- (1) To create any new appointive office.
- (2) To authorize the appointment of assistants or deputies in any office.
- (3) To assign duties of 2 or more offices to one office.
- (4) To divide duties of any office between 2 or more offices.

Sec. 25. **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.

Sec. 26. **Compensation of officers.** The city council shall fix by order the salaries of the appointees of the mayor and of the city council.

Sec. 27. **Duties of administrative officers.** Duties of administrative officers may be prescribed by the city council. Such duties shall not be inconsistent with the provisions of this charter. Such duties shall not be inconsistent with the provisions of the laws of the state of Maine.

Sec. 28. **Superintending school committee.** The superintending school committee of the city of Bangor shall consist of 5 members elected by the city council, to serve for terms of 3 years, and until their successors are elected 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 auditor 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.

Sec. 29. **Assessors of taxes.** There shall be three assessors of taxes elected for terms of three years by the city council, and until their successors are elected 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 elected 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 elect 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.

Sec. 30. **Water board.** The water board of the city of Bangor is hereby abolished and all the powers and duties now vested in said board are hereby vested in the city council.

Sec. 31. **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, elected by the city council, one each year to serve for a term of three years and until their successors are elected 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.

Sec. 32. **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 4 citizens, one or more to be elected biennially by the city council to serve for terms of 6 years and until their successors are elected and qualified. They shall perform the

duties of the trusteeship of said loan fund as is now or may hereafter be provided by ordinance.

Sec. 33. **Trustees of the Hersey Fund.** The trustees of the "Hersey Fund" shall be composed of the city treasurer ex-officio, and 4 citizens, one or more to be elected biennially by the city council to serve for terms of 6 years and until their successors are elected and qualified. They shall perform the duties of the trusteeship of said loan fund as is now or may hereafter be provided by ordinance.

Sec. 34. **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 the 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 privileges of those who are members of the police department or of the fire department of the city of Bangor when this charter takes effect, 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.

Sec. 35. **Promotion to chief shall not affect rights as member.** 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, except as may be otherwise provided herein.

Sec. 36. **Accounts and records.** Accounting records shall be kept by the auditor showing the financial transaction of all departments of the city. Such forms as may be required for the same shall be prescribed by the auditor, subject to the approval of the mayor. All 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 mayor and each member of the city council, and to each daily newspaper published in said city, prior to the first regular meeting of the city council each month, a report which shall contain in detail all receipts and disbursements of the city in each and every

account, the expenditures made, and all obligations incurred during the preceding calendar month, and during the fiscal year to date, together with a balance sheet which shall show the financial condition of the city, of the several funds, and all unexpended balances to the credit of any department.

Sec. 37. **Annual audit.** All accounts of the city shall be annually audited by an experienced public accountant to be chosen by the mayor and city council or such audit may be done by the state auditor upon request of the mayor and city council.

Sec. 38. **Reports.** Monthly, the auditor shall prepare and cause to be published a suitable statement, in concise form, showing the financial condition of the city

Each administrative officer so required by the city council, and all boards, shall annually on such date as may be fixed by the city council, render to the mayor and city council a full report of the transactions of his or their department for the year. On the basis of these reports the mayor and city council shall prepare and publish for general distribution the annual report. A summary of all services rendered by the various departments shall be made and included in the report, and further, said report shall show classified receipts and the source from which they come, all expenditures classified according to objects, which classification of receipts and expenditures shall be put into such report in such a manner as shall generally conform to the classification upon the books of the auditor, balance sheets, and such other information as to the financial condition of the city as may be deemed essential.

Sec. 39. **Annual budget.** At least 15 days before the end of the fiscal year, the auditor shall prepare and deliver to the mayor elect and each councilman elect, and to each daily newspaper published in said city, budget estimates for the ensuing fiscal year, which budget shall be compiled from detailed information furnished by the administrative offices and boards on blanks, the forms of which shall be designated by the auditor and mayor, and shall contain:

- (1) Accurate statement of the financial condition of the city.
- (2) 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.
- (3) 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.

Sec. 40. **Appropriation resolve.** As early as practicable after the be-

ginning of the fiscal year, the city council shall pass an annual appropriation resolve, which shall be based on the budget submitted as aforesaid.

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.

Sec. 41. **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.

Sec. 42. **Borrowing.** The borrowing of money by and for the city shall be limited as to form and purpose by the provisions of section 43 and section 44 of this charter. The credit of the city shall in no manner be loaned to any individual, association or corporation.

Sec. 43. **Bond issue.** 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 30 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.

Sec. 44. **Sinking fund.** The water loan sinking fund and the sinking fund created under chapter 54 of the special laws of 1931 are hereby consolidated. No change of investments made prior to such consolidation shall be required hereunder. The water loan bonds of said city, due July 1, 1935, shall be paid out of said sinking fund. In all other respects said sinking fund shall be deemed a sinking fund under and by virtue of section 93 of chapter 5 of the revised statutes of 1930, and all acts additional thereto and amendatory thereof.

Sec. 45. **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 in relation thereto.

Sec. 46. **Payments.** Money shall be paid out only on warrants on the city treasury issued by the auditor and countersigned by the mayor 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.

Sec. 47. **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.

Sec. 48. **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.

Sec. 49. **Purchase of supplies.** The mayor shall purchase all supplies for the city 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 mayor shall see to the delivery of supplies to each officer and department to whom they belong, and take and file receipt 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.

Sec. 50. **Members of the city council ineligible for certain offices.** No member of the city council shall, during the term for which he was chosen, receive any fees or compensation incident thereto, nor 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. All fees which might otherwise be so received shall be paid into the city treasury for the use of the city.

Sec. 51. **City officers and employees not to be personally interested in contracts for labor, materials, etc.** No officer or employee of the city, elected or appointed, shall be interested directly or indirectly in any contract or work or materials, or the purchase thereof, to be furnished or performed for the city.

Sec. 52. **Power and water rights retained.** No part nor the whole of the property of the city connected with the supplying water to the inhabitants of said city, nor the water power site and development, nor the municipal lighting plant used in connection therewith shall ever be sold, encumbered or alienated from the city unless and until the same has been approved by a referendum vote thereon by a majority of the registered voters of said city.

Sec. 53. **General meeting of citizens to consult upon public good provided for.** General meetings of the citizens qualified to vote in city affairs may from time to time be held to consult upon the public good, to instruct their representatives, and to take all lawful measures to obtain redress of any grievances, according to the right secured to the people by the constitution of this state; and such meetings shall be duly warned by the mayor and city council upon requisition of forty qualified voters. The city clerk shall act as clerk of such meetings, and record the proceedings upon the city records.

Sec. 54. **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 2nd Monday in September in the year A. D. 1933 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 1933, 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 conducted by law, and the results thereof shall be determined in the manner now provided by law for the determination of the election of councilmen. 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.

Sec. 55. **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 1st Monday in January in the year 1934.

Sec. 56. **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.

Sec. 57. **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.

Sec. 58. **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 mayor or city council shall serve out the terms for which they were appointed or elected, and all such appointive officers now holding office during the pleasure of the appointing power shall continue to hold such offices during the pleasure of the appointing power as is herein provided, except that the members of the police and fire departments shall serve as herein provided.

Sec. 59. **Acts repealed.** In case this act is accepted in the manner hereinbefore provided, all acts and parts of acts inconsistent herewith are hereby repealed.