

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

Legislative Document

NO. 401

H. P. 861

House of Representatives, Feb. 1, 1933.

Referred to Committee on Legal Affairs and 500 copies ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Eldridge of Eastport.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED THIRTY-THREE

AN ACT to Revise the Charter of the City of Eastport.

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

ARTICLE I

Grant of Powers to the City

Section 1. Corporate existence retained. The inhabitants of the city of Eastport, in the county of Washington, shall continue to be a municipal corporation under the name of the City of Eastport, 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 exceedingdollars in any one case, to be recovered for such uses as said by-laws, ordinances or regulations shall provide.

Sec. 2. Administration. The administration of all fiscal, prudential and municipal affairs of said city shall be vested in a city government consisting of an executive and a legislative department elected by the legally qualified voters of said city accordingly as elsewhere herein set forth.

ARTICLE II

Executive Department

Section 1. Power, how vested. The executive department of the city government shall be vested in a mayor who shall be sworn or affirmed in the form prescribed by the constitution of the state of Maine for state officers, and shall have among other powers the sole power of appointment and removal of appointive officers and fill any existing vacancy subject to any qualification hereinafter provided.

Causes to be assigned. On removal of any such officer the mayor shall notify the officer removed, make a memoranda containing the cause of removal and file withiñ not less than 24 hours with the city clerk and said removal shall be effective from the time of such filing.

Sec. 2. Notice. The mayor may at any time call a special meeting of the board of aldermen by causing written notification thereof, together with a statement of the subjects to be considered thereat, to be given in hand to or left at the usual place of residence of each member of the board of aldermen, at least 24 hours before the meeting is held.

Sec. 3. Presiding officer. The mayor shall preside at all meetings of the board of aldermen if present; unless he desires to call a member of the board to the chair in which event said member shall exercise all powers of the mayor except appointment to or removal from office.

Sec. 4. Right to vote. The mayor, or acting mayor when presiding shall have only a casting vote in the event of a tie on all matters properly before the board of aldermen requiring a vote of said board at any stage of the proceedings.

Sec. 5. Veto. The mayor shall have and exercise in his discretion a veto power as hereinafter provided in Article 10, section 2.

Sec. 6. Ex officio member. The mayor shall be ex officio chief of all other departments except the legislative and auditing departments, but shall receive only a salary as shall be provided for him as mayor.

Sec. 7. Implied powers. The mayor in addition to the express powers herein granted shall have all the implied powers that may necessarily and reasonably be inferred and deducted from the express powers set forth, or otherwise granted by the general or special laws in force in the state of Maine.

ARTICLE III

Legislative Department

Section 1. How constituted; mayor votes in event of a tie. The legislative department of said government shall consist of the aldermen

legally elected or appointed as herein provided from the various wards within the territory of said city assisted by the mayor or acting mayor as the case may be as presiding officer provided that the presiding officer shall not have a vote except in the event of a tie, on all matters properly before the board of aldermen requiring a vote of said board at any stage of the proceedings.

Sec. 2. Choosing of city auditor. The choosing of an officer designated as city auditor shall be an exclusive prerogative of the board of aldermen and said city auditor shall be chosen by a plurality vote of all members at its first meeting after taking the oath of office or subsequently as they deem necessary.

Sec. 3. Drains and sewers. The city government may lay out, install, maintain and repair all main drains or common sewers in said city and exercise exclusive control over all matters appertaining thereto.

Sec. 4. Licenses privileges and franchises. The city government shall have power to grant any and all licenses privileges and franchises, dispose of all property real and personal legally acquired, under such conditions and terms as they deem necessary, to contract in connection with its strictly municipal affairs as prudence and good business judgment would suggest.

Sec. 5. Schools. It shall be incumbent upon the city government to establish, maintain, and conduct such public schools, subject to the laws of the state, as the wisdom of said city government may deem necessary provided however that the erection of new school houses or any additions thereto shall not be authorized, nor any appropriation passed for such purposes until plans for the same have been approved by a vote of the school committee by a majority of its members and such approval has been certified to the board of aldermen by the chairman of said committee.

Sec. 6. Fire department. The city government shall establish a fire department and prescribe rules and regulations for its conduct.

Sec. 7. Police department. The city government shall establish a police department under the guidance of an officer designated the city marshal, of which the constables legally elected in the various wards shall ex officio be members thereof under rules and regulations prescribed by the city government for the operation and maintenance of said department.

Sec. 8. Street department. The city government shall establish a street department having general supervision over all matters pertaining to streets, alleys, sidewalks, ways, subways, etc., over which the city has jurisdiction supervised by an officer designated as the superintendent of streets, or street commissioner, subject to rules and regulations established for the conduct of this department.

Sec. 11. Building department. The city government shall establish a building department which shall include in addition to other buildings, wharves, landings, and piers, under the supervision of a building inspector under rules and regulations prescribed by ordinance as shall be deemed necessary by the city government in the exercise of a proper jurisdiction thereof.

Sec. 12. Health department. The city government shall establish a health department, a personnel of which shall be defined by ordinance and establish rules and regulations for the conduct of this department.

Sec. 13. Departments established. The city government may establish such other departments from time to time as it deems necessary for the conduct of the affairs of the city, prescribe all necessary rules, regulations, and compensation to be paid employees of such departments.

Sec. 14. Abolishment of departments. The city government may abolish any department herein or otherwise established except the executive, legislative, police and fire department and may transfer the functions of any department abolished to 1 or more existing departments and the salaries thus abolished shall not be paid to the members of the departments assuming and performing such additional duties.

ARTICLE IV

Organization of the City Government

Section 1. Procedure. The mayor, after taking the oath of office or as soon thereafter as may be convenient on the 3rd Monday in March, and after the aldermen have taken their respective oaths of office, convene the board of aldermen and proceed as the first order of business after roll-call, to choose a president of the board of aldermen.

Sec. 2. Vote necessary for choice. The candidate who must be a member of the board receiving the highest number of votes for president of the board shall be declared to be elected.

Sec. 3. No business transacted until choice is made. In the event that no choice is made for the president of the board of aldermen at this meeting it may be adjourned from time to time and no other business shall be transacted until a choice has been made and thereafter such order of business as shall be adopted shall govern provided always it shall be in order to move for a change of sequence to be made permanent or for the purposes of any meeting.

Sec. 4. Own rules determined. The board of aldermen shall determine the rules of its own proceedings, and be the judge of the election returns

and qualifications of its own members subject to and not in conflict with any provision of this charter.

Sec. 5. President pro tempore when necessary; how chosen. In case of absence of the president of the board of aldermen a president pro tempore may be chosen who shall exercise all the powers of said president while acting as such, and the candidate who must be a member of the board receiving the highest number of votes shall be declared elected. The board may make such selection temporary or permanent and if permanent shall in the absence of the president or the president pro tempore for that particular meeting by a majority vote of all the members of the board entitled to vote, and the same rule applies to the president and president pro tempore.

Sec. 6. Quorum. A majority of all the members of the board of aldermen shall constitute a quorum for all business purposes except in instances when 1 of their number is the presiding officer and then 1 more than a majority shall be required.

Sec. 7. Time of meetings. The board of aldermen shall by ordinance determine the time of holding its stated or regular meetings and may, also, in a like manner or otherwise, determine the manner of calling special meetings of its members in addition to those which may be called by the mayor.

ARTICLE V

Appointments

Section 1. Appointments by the mayor. The following officers shall be appointed by the mayor subject to removal as herein provided, a city treasurer, a city marshal, a tax collector, a chief engineer of the fire department, a purchasing agent, and one or more overseers of the poor, and all other heads of departments and personnel of all departments.

ARTICLE VI

Election of Tax Assessors

Section 1. Members at time charter is effective. The 3 members of the board of tax assessors in office when this charter takes effect may serve out the term for which they were respectively elected, and as otherwise provided in section 5, Article 6.

Sec. 2. Elected when. A person to be a member of the board of tax assessors shall, except as otherwise provided in section 8, be elected by the board of aldermen on the 3rd Monday in March in each year or as soon thereafter as is reasonably possible before the term expiring in that

year, expires and the person so elected and qualified may assume office when said term expires or immediately if said term has expired.

Sec. 3. Eligibility. Candidates for membership on the board of tax assessors must at least be qualified voters of Eastport and over 30 years of age.

Sec. 4. Term. The term for which a tax assessor may be elected, except as otherwise provided, shall be 3 years.

Sec. 5. Length of service. Each tax assessor, elected and qualified including those in office at the time this charter becomes effective may serve for the term or portion thereof to which elected and until their successor has been elected and qualified.

Sec. 6. To proceed singularly. Election to membership on the board of tax assessors shall proceed singularly until the membership is complete.

Sec. 7. Votes necessary for choice. The candidate receiving the highest number of votes in each instance shall be declared elected except when procured illegally.

Sec. 8. Vacancies. When a vacancy for any cause requiring such vacancy to be filled, other than those caused by the regular annual expiration of any term, the election in each of such cases shall be that for the unexpired portion of the term wherein the vacancy exists and such vacancy shall be filled as soon as possible.

ARTICLE VII

Election of Members to the School Board

Section 1. Members at time charter is effective. The 3 members of the school board in office when this charter becomes effective may continue to serve as such until their respective terms expire except as otherwise provided.

Sec. 2. Sections of article 6 applicable. Sections 2, 3, 4, 5, 6, 7, and 8 of Article 6 governing the election of tax assessors shall likewise govern election of persons to be members of the school board.

ARTICLE VIII

Removal of the Mayor from Office

Section 1. Notice, how given. At any meeting of the board of aldermen it shall be in order for any member thereof to give written notice, seconded in writing by a majority at least of all members of the board of aldermen entitled to vote, of his intention to move, at the next meeting thereof, oc-

curring within not less than 10 days, a resolution that the mayor be removed for official misconduct or neglect of duties.

Sec. 2. Requisites. Such notice shall specify as particularly as possible the acts of misconduct or the instances of neglect of duty complained of, which shall be entered at large with the clerk in the minutes of the board of aldermen, and the clerk shall within 48 hours thereof serve a copy of said minutes on the mayor, and mail a copy to each member of the board of aldermen at his residence.

Sec. 3. Right to be heard. At such next meeting of the board of aldermen the mayor shall have the right to speak in his own defense or by counsel of both, and to apply to the judge of the municipal court of said city for process to compel the attendance of witnesses in his behalf.

Sec. 4. Three-fourths vote required. On the close of the case made by the evidence if the resolution fails to receive the affirmative vote of $\frac{3}{4}$ or more of all the members of the board of aldermen entitled to vote, otherwise the motion shall be declared as lost.

Sec. 5. Vacancy, when. If it received the affirmative vote of $\frac{3}{4}$ of all the members of the board of aldermen entitled to vote or more, it shall upon service of a copy thereof upon the mayor personally or by leaving the same at his last and usual place of residence within 48 hours thereafter, the office of the mayor shall thereupon become vacant, and the vacancy filled by choosing a new mayor in accordance with other provisions herein set forth.

ARTICLE IX

Removal of Members of Board of Aldermen from Office

Section 1. Notice. At any meeting of the board of aldermen it shall be in order for any member entitled to vote to give a notice as required in case of removal of the mayor and any alderman may be removed accordingly as in the case of removal of the mayor.

Sec. 2. Making new choice. Before the removal of another alderman it shall be incumbent upon those charged with the responsibility of making appointments or calling special elections to proceed to choose another alderman accordingly as the situation requires in accordance with the procedure herein set forth.

Sec. 3. Assignment of causes. Cause, or causes of removal must be assigned as in case of removal of mayor and a cause sufficient to remove a mayor shall be sufficient to remove an alderman.

Sec. 4. Right to be heard. In proceedings for removal, any alderman shall have and may exercise the same right to defend himself against charges of removal as is elsewhere herein provided in case of an attempt to remove the mayor.

ARTICLE X

Ordinances

Section 1. Necessary readings to pass ordinances. In case any ordinance, order, resolution or vote involves the appropriation or expenditure of money, to an amount which may exceed \$100, the laying of an assessment of the granting to a person or corporation of any right in, over or under any street or other public ground of said city, the affirmative votes of a majority of all the members of the board of aldermen shall be necessary for its passage. Every such ordinance, order, resolution or vote shall be read 3 times, with an interval of at least 3 days between each reading, before being finally passed, and the vote upon its final passage shall be by roll-call.

Sec. 2. Approval by the mayor. Every ordinance, order, resolution or vote of the board of aldermen, except such as relates to its own internal affairs to its own officers or employees, to the election or duties of the auditor of accounts, to the removal of the mayor, or to the declaration of a vacancy in the office of mayor, shall be presented to the mayor for approval. If not approved by him, he shall return it, with his objections, at the next session of the board of aldermen, and the board of aldermen shall cause such objection to be entered at large upon its journal, and shall proceed to reconsider the same. If upon such reconsideration it shall be passed by a $\frac{2}{3}$ vote of all the members of the board of aldermen, it shall have the same effect as if signed by the mayor. In case of a vacancy in the office of mayor when such ordinance, order, resolution or vote is finally passed, it shall go into effect without approval, but must be passed by roll-call of a majority of all the members of the board of aldermen. The board of aldermen shall have power within said city, to make and establish ordinances and by-laws for the management of its fiscal, prudential and municipal affairs, as herein and by general law provided, without the sanction of any court or justice thereof; provided, however, that all the by-laws and regulations now in force in the city of Eastport, shall until they expire by limitation, or be revised or repealed by the board of aldermen, remain in force.

Sec. 3. Continuing in force. All ordinances in force at the time when this charter takes effect shall continue in force until amended or repealed, and all rules and regulations of the municipal officers of the city of Eastport likewise in force not inconsistent with the provisions of this charter shall continue in force accordingly.

ARTICLE XI

Section 1. Date. The municipal elections after the first, shall take place on the first Tuesday in March.

Sec. 2. Vote necessary for choice. The mayor shall be chosen by a plurality vote of legally qualified voters of said city voting at any election called for the purpose.

Sec. 3. Vote necessary. The aldermen shall be chosen by a plurality vote of the legally qualified voters of their respective wards voting at any election called for the purpose.

Sec. 4. Vacancies. If it shall appear that there is no choice of mayor, or any of the other officers to be elected from the citizens at large, or from any of the several wards, or if the person elected mayor, or any person or persons elected to any other of the offices aforesaid, shall refuse to accept the office, or shall die before qualifying, or if a vacancy in the office of mayor shall occur subsequently, and more than 6 months previous to the expiration of the municipal year, warrants shall forthwith be issued for a new election, and the same proceedings shall be had in all respects as hereinbefore provided, and shall be repeated until such election is completed.

Sec. 5. Eligibility. In order to be eligible for election or appointment to any office established by this act, unless at the time of election or appointment he shall have been a citizen of the United States and a resident of the city for at least 3 months, except the office of superintendent of schools. Any office established by or under this act, except that of superintendent of schools, shall become vacant if the incumbent thereof ceases to be a resident of the city.

Sec. 6. Choice how determined. Whenever 2 or more persons are to be elected to the same office, the several persons up to the number to be chosen, receiving the highest number of votes, shall be deemed and declared to be elected.

Sec. 7. Board of aldermen to decide. In the event it becomes necessary to choose an officer or officers whose election or appointment is not elsewhere herein provided for, the board of aldermen shall determine by ordinance the manner and form of making the choice, not in conflict with any provision elsewhere herein provided.

Sec. 8. Elections, how warned. All meetings of the citizens for municipal purposes shall be notified and called in their respective wards, by the mayor and aldermen, in the manner provided by the laws of this state for notifying and calling town meetings by the selectmen of the several towns. The wardens shall preside at all ward meetings, with the powers of moderators at town meetings; and if at any ward meeting the warden shall not

be present, the clerk shall preside till a clerk, pro tempore, shall be chosen and qualified. The wardens of their respective wards may choose such persons as he deems necessary to assist the warden in receiving and sorting the votes by choosing an equal number from each of the 2 dominant parties based on the vote cast by such parties at the last previous state election.

Sec. 9. State and national. State and national elections shall be warned and conducted in accordance with the state law and laws of the United States.

Sec. 10. Mayor continues in office. The mayor serving as such at the time this charter takes effect shall continue to serve as such mayor for a period of 2 years dating from the time he assumed office.

Sec. 11. Power to change. Two aldermen shall be elected from each ward at the time the mayor is elected to serve for 1 year subject to the power elsewhere herein provided of the board of aldermen to make a change either in the term of the mayor or in the term of the aldermen or any other change herein provided for.

Sec. 12. Nominations. The nomination for mayor shall be made by the qualified voters of the respective parties participating in the election to fill this office, by a caucus or convention called in accordance with the laws of the state made and provided.

Sec. 13. Previous officers. Any office which heretofore was created under any previous charter of the city of Eastport and in which no provision is made in this charter for an officer to fill such office, such officer shall be appointed by the mayor, and such officers in office at the time this charter becomes effective shall continue in office until his successor is appointed and qualified.

Sec. 14. Nominations. The nomination of alderman shall be made by the qualified voters of the respective parties participating in the election to fill this office by a caucus or convention called in the respective wards at least 1 hour before the general caucus for the nomination of mayor is held in accordance with the laws of the state made and provided.

Sec. 15. Ward officers. The following officers for each ward shall be nominated; a warden, a ward clerk and a constable at the meeting in which the aldermen for the ward is nominated and in accordance with that procedure, and elected accordingly as the mayor and aldermen are.

Sec. 16. Procedure in event of repeal. In the event that the state laws covering the subject matter of nominating the mayor and aldermen and ward officers, are repealed and until new laws are enacted the board of aldermen shall have power to prescribe by ordinance the method of procedure in such cases.

Sec. 17. Check lists verified. Verified check lists may be used in making such nominations and the list shall be verified by the oath of the president of the board of registration, under the seal of the person administering the oath.

ARTICLE XII

Salaries

Section 1. Salary of mayor. The mayor shall receive as full compensation for services for any 1 year the sum of \$100 which shall be paid to him on or before the 10th of each month proportionally.

Sec. 2. Aldermen to serve without compensation. The aldermen shall receive no salary or other compensation for their services.

Sec. 3. Salaries may be changed by board of aldermen. The board of aldermen may change the salaries of all the officials and employees of said city including the salaries herein established and all salaries hereafter established by the board of aldermen providing compensation for officials and employees of the city of Eastport, provided however that in the event a change is made said change shall not be effective until the next subsequent administration assumes control, provided further that the said change must be made 6 months before said administration take office.

Sec. 4. Exemption. The salaries herein provided or otherwise provided for municipal employees shall be exempt from trustee process, garnishment, attachment or any other manner or process of law desiring to compel the city of Eastport to pay over to creditors any money as it may have from time to time due its employees as compensation for services.

ARTICLE XIII

Municipal Enterprise

Section 1. Corporate body. The city of Eastport is expressly empowered by this act to cause to be incorporated a corporate body under the guidance and control of 3 trustees whose official acts shall subject to the laws of the state, be governed by the by-laws of said corporate body adopted at the first or any subsequent meeting of the stockholders, and said corporate body shall have power accordingly to indulge in the manufacture, the sale of and to produce and otherwise deal in the following commodities or any by-product thereof as set forth in section 2.

Sec. 2. Powers. Said corporation shall have power to acquire all necessary real estate, buildings and equipment by lease, purchase or otherwise to carry out the purposes for which said corporation is created.

Sec. 3. Purchase of stock. The city of Eastport is hereby empowered to subscribe a sum of money not exceeding \$10,000 for the purchase of stock of said corporation in any 1 year for a period of 5 years immediately following the establishing of said corporation as a corporate body.

Sec. 4. Reimbursement. The city of Eastport shall not be liable in law or in equity beyond the value of the stock held by the city represented in the assets of the corporation, and such assets is the only source to which creditors may look for reimbursement.

Sec. 5. Implied powers. The charter granted by the state creating said corporate body shall include among other powers enumerated all powers necessarily implied from the express powers to carry out the purposes for which said body was created.

Sec. 6. Classes of stock. The stock of said corporate body shall be divided into 2 classes at least to-wit: preferred stock par value \$100, common stock, par value \$5 per share.

Sec. 7. Transfer of stock. The transfer of this stock by holders other than the city of Eastport shall not become effective until the option to buy or not to buy said stock is exercised by said city which must be done at the first meeting of said board of aldermen of said city after said stock is offered.

ARTICLE XIV

Miscellaneous Provisions

Section 1. Money raised for specific purpose only. Money appropriated for a specific purpose shall not be expended for any other purpose than that for which it is appropriated and any unexpended amount remaining in said funds when it appears that it is no longer necessary to continue the fund in existence such unexpended sums shall at the option of the board of aldermen be transferred and used as a general fund or a part thereof or to any other department fund, or for the use of any other department of said city.

Sec. 2. Liabilities. Liabilities shall not be incurred by or in behalf of the city until an appropriation has been duly voted by the board of aldermen sufficient to meet such expenditure or liability, together with all the prior unpaid liabilities which are payable out of such appropriation; provided however, that after the expiration of the financial year and until the passage of the regular annual appropriations, liabilities payable out of a regular appropriation to be contained therein, may be incurred to an amount not exceeding 1/3 of the total of such appropriation for the preceding year.

Sec. 3. Appropriation resolve. As early as practicable after the beginning of the fiscal year the board of aldermen shall pass an annual

appropriation resolve which shall be based on a budget or estimation submitted by the heads of the various departments for which any appropriation is to be made, and the total appropriation shall not exceed the estimated revenue for that year. Before the annual appropriation resolve has been passed, the board of aldermen 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. 4. 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 1 time shall not exceed 80% 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.

Sec. 5. Anticipatory borrowing. 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 or such loans shall be paid in 1 year and subject to the provisions of the laws of the state in relation thereto.

Sec. 6. The sinking fund. Until the bonded indebtedness of the city of Eastport accepts serial installment bonds in force at the time of the adoption of this charter together with any renewals thereof is fully paid, the board of aldermen shall raise and set apart each year for a sinking fund a sum equal to at least 2 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.

Sec. 7. Fund invested. The sinking fund thus created shall be invested as provided by the revised statutes of the state of Maine and all acts in addition thereto and in amendment thereof for trust funds.

Sec. 8. Purchasing agent. The officer designated or acting as purchasing agent for the city of Eastport shall purchase all supplies of every kind and nature for use by the various city departments, officers or boards thereof, except educational supplies which the school authorities in which event the said school authorities shall reimburse the city for such expenditures within 30 days after bill rendered.

Sec. 9. City reports; bids. The city government shall cause to be printed for general distribution at least 200 and not more than 500 city reports, showing the condition of the affairs of the city, at least once in each fiscal year.

The city treasurer shall make a report to the city council on or before the

1st Monday in February of each year, said report to be rendered as of January 31st, inclusive.

Bids shall be required for all contracts to print city reports.

Sec. 10. Existing contracts not invalidated unless inconsistent. All rights, actions, proceedings, prosecutions and contracts of the city of Eastport 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, provided however that vested rights shall not be affected by the provisions of this section.

Sec. 11. Bond issues. Money may be borrowed within the limits of the constitution and statutes of the state now or hereafter applying to the city of Eastport 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 of the payment of bonds, notes and certificates of indebtedness to be previously issued. No order providing for the issue of bonds shall be passed without giving public notice by posting said notice in 2 or more public places in the city of Eastport and publishing said notice at least twice in any newspaper in the city of Eastport of general circulation at least 15 days before the final vote by the board of aldermen on the issue of such bonds and shall pass only in the event $2/3$ or more of all the board of aldermen shall vote in the affirmative.

Sec. 12. Terms of office may be changed. The board of aldermen shall have power to change the term, or terms of office of the mayor and aldermen and such change can be affected by a $2/3$ or more vote of all members of the board of aldermen and approval of the mayor. In the event the mayor disapproves by veto a change can be affected by a $3/4$ vote of all the members of the board of aldermen, and said change shall become affective for the next ensuing election for city offices provided that said change must be made at least 6 months before the election in which the proposed change is to become affective.

Sec. 13. Audit. A complete audit of the books of the city of Eastport must be made at least once in each fiscal year, under such rules and regulations as the city government shall prescribe, provided that rules and regulations having a tendency to nullify the objective of the audit cannot be made.

Said audit shall be made under the supervision of the state auditing department, and the usual and customary fees for such audit shall be paid for this service.

ARTICLE XV

Rules of Construction

Section 1. Rules of construction. The following rules of construction shall be used in so far as applicable in construing the term city government and the term board of aldermen whenever it becomes necessary to arrive at the intent and meaning of any part of this charter:

(1) An act of the board of aldermen requiring the approval of the mayor when so approved is an act of the city government.

(2) An act of the board of aldermen when disapproved by the mayor and passed over the mayor's veto by a $\frac{2}{3}$ majority vote or any other majority hereinafter or otherwise provided to override the mayor's veto is an act of the city government.

(3) An act of the board of aldermen not requiring the approval of the mayor is an act of the board of aldermen.

(4) In any case of reasonable doubt with reference to whether or not this charter grants any power to the city government it shall be resolved in the negative.

(5) The usual rule of legal construction shall otherwise govern in interpreting and construing the provisions of this charter.

ARTICLE XVI

Approval and Acceptance

Section 1. Effective when. This act shall take effect and be in full force when it shall have been accepted by the people of Eastport qualified to vote at any regular or special meeting called for the purpose or any meeting in which acceptance is one of the purposes, provided it shall be, accepted within 5 years from the date of approval by the legislature, and at such meeting said voters shall vote by written ballot, and said ballot shall have only matter printed thereon, submitting the proposition of accepting or rejecting this charter by a provision in the affirmative accompanied by the word "yes," and in the usual square in which the voter shall register a mark denominated a cross, if in favor of accepting, and a similar provision in the negative accompanied by the word "no" in the usual square, in which a voter shall place his cross if opposed to accepting.

Sec. 2. Accepting or rejecting. The proposition receiving the highest number of votes shall be declared in favor of accepting or rejecting said charter.

Sec. 3. Resubmission. On being resubmitted within the time herein

specified and not more often than once in each 6 months the same method shall be used as in the first instance.

Sec. 4. Records. A record of rejections, if any, shall be kept by the city clerk and the record of acceptance shall be kept by the city clerk and a verified duplicate record shall be recorded with the department of the state having jurisdiction pertaining to corporations.

Sec. 5. Approval by state legislature accepted by people of Eastport. So much of this act as authorized the submitting of the question of its acceptance to the legal voters of said town shall take effect upon its approval; but it shall not take further effect unless accepted by the legal voters of said town as hereinbefore provided.

Sec. 6. Inconsistent acts. All acts and parts of acts inconsistent with this act are hereby repealed.