

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. 543

S. P. 224

In Senate, Feb. 8, 1933.

Taken from table on motion by Senator Jackson of Sagadahoc and on further motion by the same Senator referred to the Committee on Legal Affairs. Sent down for concurrence.

ROYDEN V. BROWN, Secretary.

Presented by Senator Jackson of Sagadahoc.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED THIRTY-THREE

AN ACT to Grant a New Charter to the City of Bath.

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 Bath shall continue to be a body politic and corporate by the name of the city of Bath, 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 to the inhabitants or municipal authorities thereof; and may enact reasonable by-laws, regulations and ordinances, for municipal purposes not inconsistent with the constitution and laws of the state of Maine, and impose penalties for the breach thereof, not exceeding \$100.00 in any one case, to be recovered for such uses as said by-laws, regulations or ordinances shall provide.

ARTICLE II

City Council

Section 1. Powers and duties. The administration of all fiscal, prudential and municipal affairs of said city with the government thereof, ex-

cept the general management, care, conduct, and control of the schools of the city, which are subject to chapter 115 of the private and special laws of 1915, and also, except as otherwise provided by this charter, shall be vested in one body of 8 members, consisting of a mayor and 7 councilors, which shall constitute and be called the city council, all of whom shall be inhabitants and legal voters of said city and shall be sworn in the manner hereinafter prescribed. Said city council shall exercise its powers in the manner hereinafter provided.

The members of the city council shall be and constitute the municipal officers of the city of Bath 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, under the laws of this state. They shall, with the exception of the mayor, receive \$5.00 for each regular meeting they attend.

The city council is hereby constituted the overseers of the poor of the city of Bath 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 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 hereby vested in the 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 officers of police shall be one chief, to be styled the city marshal, who shall be appointed by the mayor by and with the advice and consent of the councilors, and such other officers and as many watchmen, policemen, and constables as the city council may by ordinance or resolve prescribe, all of whom shall be appointed by the mayor, by and with the advice and consent of the councilors. All other powers now or hereinafter vested in the inhabitants of said city, and all powers granted by this act, except as otherwise provided, as well as all powers relating to the fire department, shall be vested in said city council.

Sec. 2. Composition, election, tenure of office, etc. The city council shall be composed of the mayor and 7 councilors. The councilors shall be elected from the city at large, by and from the qualified voters thereof. The mayor shall be ex-officio president of the city council. The councilors shall hold office for the term of 4 years or until their successors are elected and

qualified, except as hereinafter provided in article V, sections 1 and 2 of this act.

Sec. 3. Vice-president. At the first meeting, or as soon afterward as possible, the city council shall elect one of its members as vice-president of the council for the ensuing 2 years, (except that the term of office of the vice-president first elected under this charter shall expire on the 1st Monday in January, A. D., 1935, at 10 o'clock A. M.) The vice-president shall, in the absence of the mayor, preside at all meetings of the council and in case of any vacancy in the office of mayor, he shall exercise all the powers and perform all the duties of the office, so long as such vacancy shall remain; he shall continue to have a vote in the council but shall not have the veto power. The city council, in the absence of the mayor and vice-president, shall choose a chairman pro tempore who shall exercise the powers of vice-president.

Sec. 4. Vacancies, forfeiture of office. In case a vacancy caused by 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 warrants 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.

Sec. 5. 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, at which time the mayor-elect and the councilors-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 times for holding its meetings, and shall meet regularly at least twice in each month. The city clerk shall be clerk of the city council. He shall perform such duties as shall be prescribed by the city council, and shall also perform all the duties and exercise all the powers now incumbent on him by law. In case of the temporary absence of the city clerk, the city council may elect a city clerk pro tempore.

Sec. 6. 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 24 hours before the time for holding said special meeting.

Sec. 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 or compel attendance of absent members. At least 24 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. 8. Procedure. The city council shall keep a record of its proceedings and shall be the judge of the qualification and election of its own members. The city council shall determine its own rules of procedure and make lawful regulations for the enforcement thereof. 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 unanimous vote of the voting 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 2 or more voting members of the city council. Every ordinance shall require on final passage the affirmative vote of the majority of the voting members of the city council, and shall take effect and be in full force from and after it shall have received final passage by the city council and has been approved by some justice of the supreme judicial court. Within 10 days after approval by such justice, said ordinance shall be published in full in the newspaper published in said Bath, but the failure to publish said ordinance shall not affect its validity or force.

ARTICLE III

The Mayor

Section 1. Eligibility, election, tenure of office. The mayor shall be elected by and from the qualified voters of the city voting in their respective wards. He shall hold office for a term of 2 years or until his successor is elected and qualified in his stead, except as hereinafter provided in Article V, sections 1 and 10 of this act.

Sec. 2. Vacancy. In case of the death, resignation, disqualification or removal from office of the mayor, more than 6 months prior to the next regular election, the vacancy for the unexpired term shall be filled by a special election, the warrant for which shall be issued by the council.

Whenever the office of mayor becomes vacant within 6 months prior to a regular election, whenever the office of mayor is vacant pending electing, or whenever the mayor for any reason is unable to attend to the duties of his office, the vice-president of the city council shall perform the duties of mayor.

Sec. 3. Powers and duties. The mayor shall be the chief executive magistrate of the city. He shall preside at all meetings of the city council, but shall have a vote in all its proceedings and actions only to break a tie. He shall appoint all administrative and executive officers and heads of departments subject to confirmation by the councilors and may remove all of such officers and heads of departments, after a hearing before the city council called for such purpose, by and with the advice and consent of the councilors, for inefficiency or other cause. He shall cause the laws, ordinances and regulations of the city to be faithfully executed and enforced, and exercise a general supervision over the conduct of all officers. He shall from time to time communicate to the city council such information and recommend such measures as the business and interests of the city may, in his opinion, require. He shall receive a salary to be determined by the city council, not exceeding \$1500.00 a year, payable monthly in arrears. He shall have no vote in the fixing of his own salary nor the salary of the administrative and subordinate officers, heads of departments, members of boards, clerks and agents. He shall exercise all the functions of mayor under the general laws of the state not inconsistent with the provisions of this charter.

Sec. 4. Veto power. Every ordinance, order or resolve, 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 held not earlier than one week after the aforesaid ordinance, order or resolve 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. The mayor shall have no voice or vote in such reconsideration. If upon such reconsideration it shall receive an affirmative vote of 5 of the councilors, it shall have the same effect as if signed by the mayor. If the ordinance, order or resolve shall not be returned by the mayor at the next stated meeting held not earlier than 1 week after the same has been presented to the mayor, it shall have the same effect as if he had signed it. 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 so approved shall thereby be in force in like manner as if no part thereof had been disapproved and the portion or portions disap-

proved shall thereupon take the same course as herein provided as though said resolve or order had been disapproved as a whole. In case of vacancy in the office of mayor when said ordinance, order or resolve be finally passed, the same shall be valid without approval.

ARTICLE IV

Superintending School Committee

Section 1. Board of education. The general management, care, conduct and control of the schools of the city shall continue to be in the board of education created and governed by chapter 115 of the private and special laws, 1915, and any amendments thereto.

ARTICLE V

Nominations and Elections

Section 1. Date of elections and procedure to determine results. At the 1st election after this charter is in force, to be held on the 7th day of November, A. D., 1933, the qualified voters of the city shall ballot for a mayor, 7 councilors at large and the qualified voters of each ward shall at the same time ballot for a warden, a ward clerk and a ward constable for such ward, all for the term of one year from the 1st Monday in January 1934 at 10 A. M., or until others are duly elected and qualified in their stead; and on the 1st Tuesday after the 1st Monday in November 1934, and biennially thereafter, the qualified voters of the city shall ballot for a mayor for a term of 2 years from the 1st Monday in January at 10 o'clock A. M. next following such election, or until another is duly elected and qualified in his stead; and on said 1st Tuesday after the 1st Monday in November, 1934, said qualified voters shall ballot for 7 councilors at large, and the 3 receiving the greatest number of votes cast for councilors shall hold office for a term of 4 years and the 4 receiving the next greatest number of votes cast for councilors shall hold office for a term of 2 years from the 1st Monday in January at 10 A. M. next following such election or until others are duly elected and qualified in their stead, and biennially thereafter on the 1st Tuesday after the 1st Monday in November, the qualified voters shall ballot for councilors to fill the office of councilors whose term of office expires on the 1st Monday in January next following and also to ballot for a councilor or councilors to fill the unexpired term of any councilor whose office is then vacant, if any such vacancy then exists, but whose term of office would not normally have expired on the 1st Monday in January next

following; and the qualified voters of each ward shall, at the same time biennially, ballot for a warden, a ward clerk and ward constable for such ward for a term of 2 years from the 1st Monday in January next following.

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, ward clerk and constable a certificate of his election and shall forthwith deliver to the city clerk a certified copy of the record of the election in his ward.

After the 1st 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 mayor and councilors to be notified in writing of their election; but if it 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 to fill such vacancies shall be issued forthwith. If it shall appear that at the first election to be held under this charter a mayor and 7 councilors have not been elected, the municipal officers then in office shall continue to hold office and perform their duties until a mayor and 7 councilors have been elected. At any election for any elective office herein provided for, the person receiving the greatest number of votes for such office shall be deemed and declared elected thereto.

The city of Bath shall continue to be divided for election purposes into 7 wards with the now existing boundaries; except that it shall be the duty of the city council, once in 10 years, and not oftener than once in 5 years, to revise and, if alteration is deemed necessary, to alter the boundaries of said wards in such manner as to preserve as nearly as convenient an equal number of inhabitants in each ward.

Sec. 2. Warden and ward clerk. The warden and ward clerk, chosen as provided in the preceding section, shall be residents of the ward for which they are elected and shall, except for the term following the 1st election under this charter, hold their office for 2 years from the 1st Monday in January next following their election, and until others are chosen and qualified in their stead. The warden and the ward clerk shall be sworn to the faithful performance of their duties by a justice of the peace and 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. If neither the warden nor the ward clerk shall be present, any legal voter in the ward may pre-

side 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 warden and ward clerk shall have and perform all rights and duties now held and performed by the warden and 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.

Sec. 3. Nominations for elective officers. 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 35 nor more than 50 qualified voters of the city. The petition of candidates for councilors shall be signed by not less than 25 nor more than 35 qualified voters of the city. The petition of candidates for warden, ward clerk and ward constable from the several wards shall be signed by not less than 10 nor more than 15 qualified voters of the ward wherein the candidate is to be elected. No voter shall sign petitions for more than one candidate for each office to be filled at the election, and should any voter sign more than one such petition, his signature shall be counted only upon the first petition filed, and shall be void upon all other petitions.

Sec. 4. Form of nomination paper. The signatures to the 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 on the street, or other 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 Bath:

We, the undersigned electors of the City of Bath, hereby nominate , whose residence is , for the office of , to be voted for at the election to be held in the City of Bath 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
.....
.....
Circulator of Petition	Residence

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 — Notary Public.

If this petition is deemed insufficient by the city clerk he shall forthwith notify by mail at No. Street.'

* * * * *

The nominating petitions shall be prepared by the city clerk and furnished by the city.

Sec. 5. Filing of petitions; acceptance by candidates. 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 12 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 12 days before the day of election, his consent, accepting the nomination, agreeing not to withdraw, and if elected, to qualify. Such written consent may be made and signed on the back of the nominating petitions.

Sec. 6. List of candidates to be published. The city clerk shall certify a list of candidates and the offices to which nominated together with the names of the signers to their respective petitions and shall cause the same to be published in the local daily paper at least 5 days prior to the day of election. Only the candidates who have duly filed the above described petitions and acceptances shall be so certified and published.

Sec. 7. City clerks to prepare ballots. Specimen ballots and official ballots for use in all city elections shall be prepared by the city clerk at the expense of the city.

Sec. 8. Description of ballot. The position upon the ballot of the candidates nominated as hereinbefore provided shall be arranged in alphabetical order according to surnames under title of the office to be filled. The ballot shall be without party mark or designation. The name and residence of each candidate shall be given. At the right of each name shall be a square within which the voters shall place a cross (X) to designate his choice. A blank space 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 substantially as follows:

(Back of the Ballot)

OFFICIAL BALLOT

BATH

Ward

Date A. D. 19....

(Facsimile of Signature)

City Clerk.

(Face of the Ballot)

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

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

For Mayor. Vote for One.

Name of Candidate	Residence		

For Councilors. Vote for.....

Name of Candidate	Residence		
Name of Candidate	Residence		
Name of Candidate	Residence		

For Warden. Vote for One.

Name of Candidate	Residence		

For Ward Clerk. Vote for One.

Name of Candidate	Residence		

For Ward Constable. Vote for One.

Name of Candidate	Residence		

For Members of School Board. Vote for.....

Name of Candidate	Residence	
Name of Candidate	Residence	

Sec. 9. General law; how applicable. The provisions of the laws of the state relating to the qualifications of electors, registration, the manner of voting, the duties of election officers, and all other particulars in respect to preparation for, conducting and management of elections, so far as they may applicable, shall govern all municipal elections except as otherwise provided in this charter.

Sec. 10. Recall provisions. Any member of the city council, including the mayor, may be recalled and removed therefrom by the electors of the city as hereinafter provided.

Any elector of the city may make and file with the city clerk an affidavit containing the name or names of the member or members whose removal is sought and a general statement of the reasons why his removal is desired. The clerk shall thereupon deliver to the elector making such affidavit copies of petition blanks for such removal, printed forms of which he shall keep on hand. Such blanks shall be issued by the clerk with his signature and official seal thereto attached; they shall be dated and addressed to the city council, shall contain the name of the person to whom issued, the number of blanks so issued and the name of the person or persons whose removal is sought. A copy of the petition shall be entered in a record book to be kept in the office of the city clerk. The recall petition, to be effective, must be returned and filed with the city clerk within 30 days after the filing of the affidavit. The petition before being returned and filed shall be signed by electors of the city to the number of at least 25% of the number of electors who cast their votes at the last preceding regular municipal election, and to every such signature shall be added the place of residence of the signer, giving street and number or other description sufficient to identify the place. Such signatures need not all be on one paper, but the circulator of every such paper shall make an affidavit that each signature appended to the paper is the genuine signature of the person whose name it purports to be. All such recall papers shall be filed as one instrument, with the endorsements thereon of the names and addresses of the persons designated as filing the same.

Within 10 days after the filing of the petition the city clerk shall ascertain whether or not the petition is signed by the requisite number of electors and shall attach thereto his certificate showing the result of such examination. If his certificate shows the petition to be insufficient, he

shall forthwith so notify in writing one or more of the persons designated on the petition as filing the same; and the petition may be amended at any time within 10 days after the giving of said notice, by filing a supplementary petition upon additional papers issued, signed and filed as provided herein for the original petition. The clerk shall, within 10 days after such amendment, make like examination of the amended petition, and attach thereto his certificate of the result. If then found to be insufficient, or if no amendment was made, he shall file the petition in his office and shall notify each of the persons designated thereon as filing it of that fact. The final finding of the insufficiency of a petition shall not prejudice the filing of a new petition for the same purpose.

If the petition or amended petition shall be certified by the city clerk to be sufficient he shall submit the same with his certificate to the city council at its next meeting and shall notify the member or members whose removal is sought of such action. The city council shall thereupon, within 10 days of the receipt of the city clerk's certificate, order an election to be held not less than 40 nor more than 60 days thereafter. Provided, that if a regular municipal election is to occur within 90 days after the receipt of said certificate, the city council may in its discretion provide for the holding of the removal election on the date of such other municipal election. The removal election shall be called and held and nominations made as in other elections under this charter except for the specific limitations of this section.

Unless the member or members whose removal is sought shall have resigned within 10 days after the receipt by the city council of the city clerk's certificate, the form of the ballot at such election shall be as nearly as may be: "Shall A be recalled? Shall B be recalled?" etc., the name of the member or members whose recall is sought being inserted in place of A, B, etc., and the ballot shall also contain the names of the candidates nominated in place of the men recalled, as follows: "Candidates for the place of A, if recalled; Candidates for the place of B, if recalled," etc., but the men whose recall is sought shall not themselves be candidates upon such ballot. The names shall be arranged as provided in section 1 hereof.

In case a majority of those voting for and against the recall of any official shall vote in favor of recalling such official he shall be thereby removed, and in that event the candidate to succeed him for the balance of the unexpired term shall be determined as provided in the 3rd paragraph of section 1 hereof.

If the officer or officers sought to be removed shall have resigned within 10 days after the receipt by the city council of the city clerk's certificate

referred to in this section above, the form of ballot at the election shall be the same, as nearly as may be, as the form in use at a regular municipal election and all other procedure shall be the same.

Should the city council fail or refuse to order an election as herein provided, such election may be ordered by any justice of the supreme judicial court.

Sec. 11. State laws not inconsistent, applicable. The provisions of the laws of the state relating to the qualifications of electors, registration, the manner of voting, the duties of election officers and all other particulars in respect to preparation for, conducting and management of elections; so far as they may be applicable, shall govern all municipal elections of Bath, except as otherwise provided in this charter.

ARTICLE VI

Administrative Officers

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

(a) On the 1st Monday in January next following a regular municipal election, or as soon thereafter as possible, the mayor shall, subject to confirmation by the councilors, appoint the following officers: city clerk, treasurer and tax collector, auditor, health officer, city physician and as many constables as the city council may determine, assessors of taxes, chief of police, and secretary to the overseers of the poor.

(b) The mayor shall appoint, subject to confirmation by the councilors, all other department heads 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.

Sec. 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 assign or authorize the mayor to assign the duties of two or more officers to one officer.

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

(d) To authorize the appointment of assistants or deputies in any office.

Sec. 3. Compensation of officers. The city council shall fix by order the salaries of all appointive officers and heads of departments.

Sec. 4. Duties of administrative officers. The duties of the administrative officers may be prescribed by the city council. Such duties shall not be inconsistent with the provisions of this charter.

Sec. 5. Assessors of taxes. There shall be 3 assessors, appointed as

hereinbefore provided, who 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 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.

ARTICLE VII

Miscellaneous Provisions

Sec. 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.

Sec. 2. No personal interest. No mayor, no member of the city council, no subordinate officer, no member of any board or commission charged with the expenditure of any money appropriated by the city council, or belonging to the city, no officer or employee of the city, elective or appointed, shall be interested directly or indirectly in any contract entered into by or in behalf of the City of Bath for work or material, or the purchase thereof, to be furnished to or performed for the city, and all contracts made in violation hereof are void and the city treasurer is expressly forbidden to pay any money out of the city treasury on account of any such contract. No such officer or employee, except a policeman or fireman, shall accept or receive from any person, firm or corporation acting under a franchise, or license from the city, any frank, free pass, free ticket, or free service, or accept directly or indirectly from any such person, firm or corporation, any service upon terms more favorable than those granted to the public generally. This provision shall not apply, however, to any free service now or hereafter provided for by contract, franchise or ordinance.

Sec. 3. Town meetings. 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 meeting shall be duly warned by the municipal officers upon requisition of 60 qualified voters. The city clerk shall act as clerk of such meetings and record the proceedings upon the city records.

Sec. 4. Act to be voted on in September, 1933. This act shall not take effect unless at a special election to be held on the 2nd Monday in September in the year 1933, a desire for its adoption shall have been manifested by a majority of the legal votes cast on the question, which question shall have been submitted to the people at said election after such notice as may be required by the municipal officers of said city.

Sec. 5. Date when effective. So much of this act as authorizes the submission of the acceptance of this charter to the electors of the city of Bath shall take effect as provided in the constitution of the state, but it shall not take further effect unless accepted by the electors of the city of Bath as hereinbefore provided. If accepted by the electors 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 electors, and for all other purposes this act shall take effect on the 1st Monday in January, 1934.

Sec. 6. Ordinances continued. 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 Bath in force at the time when this charter takes effect, not inconsistent with the provisions hereof, shall continue in force until amended or repealed.

Sec. 7. Acts and parts of acts inconsistent repealed. All acts and parts of acts inconsistent with this act are hereby repealed. Provided, however, the repeal of the said acts shall not effect any act done, or any act accruing, or accrued, or established, or any suit or proceeding had or commenced in any civil or criminal case before the time when such repeal shall take effect, and that no offense committed and no penalty or forfeiture incurred under the acts hereby repealed and before the time when such repeal shall take effect, shall be effected by the repeal. No act which has been heretofore repealed shall be revived by the repeal of the above acts.

Sec. 8. Tenure of present officers. All officers now in office and all officers in office upon the date when this act shall take effect holding positions hereinafter to be filled under the provisions of this charter shall not serve out their terms but shall continue in office only until their successors are appointed and qualified.