

# 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. 654

H. P. 626

House of Representatives, Feb. 7, 1933.

On motion of Mr. Duquette of Biddeford taken from the table and on further motion same gentleman, referred to Committee on Legal Affairs. Sent up for concurrence. 1000 copies ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Duquette of Biddeford.

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S T A T E   O F   M A I N E

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T H R E E

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AN ACT to Redraft the Charter of the City of Biddeford.

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

**Charter of city of Biddeford amended.** Chapter 408 of the private and special laws of 1855, being an act entitled "An Act to Incorporate the City of Biddeford", as amended by chapter 473 of the private and special laws of 1855, by chapter 9 of the private and special laws of 1857, by chapters 383 and 436 of the private and special laws of 1860, by chapter 52 of the private and special laws of 1861, by chapter 170 of the private and special laws of 1862, by chapter 181 of the private and special laws of 1872, by chapter 59 of the private and special laws of 1881, by chapter 114 of the private and special laws of 1887, by chapter 529 of the private and special laws of 1897, by chapter 172 of the private and special laws of 1911, by chapter 235 of the private and special laws of 1911, is hereby further amended so that said chapter as amended shall read as follows:

'Section 1. **Incorporation of Biddeford continued.** The inhabitants of the city of Biddeford, in the county of York, shall continue to be a body politic and corporate by the name of the city of Biddeford; and as such shall have, exercise and enjoy all the rights, immunities, powers, privileges and franchises, and be subject to all the duties and obligations now appertaining to, or incumbent upon, the city of Biddeford as heretofore

enjoyed and obligated therefor; and may ordain and publish such acts, laws and regulations not inconsistent with the constitution and laws of this state, as shall be needful to the good order of said body politic; and impose fines and penalties for the breach thereof, not exceeding \$20 for any one offense, which may be recovered to the use of said city, by action of debt, or on complaint before the municipal court of said city.

Sec. 2. **Administration; city council.** The administration of all the fiscal prudential and municipal affairs of said city, with the government thereof except the department of education and police administration, shall be vested in one principal magistrate, to be styled the mayor; and one board of nine councilmen, all residents of the city of Biddeford; one councilman from each of the seven existing wards of the city, and two from the city at large, and not more than two councilmen from any one ward; and which board shall constitute and be called the city council, all of whom shall be sworn to the faithful performance of the duties of their respective offices. The city council shall annually elect a president of the council, who in the absence of the mayor shall be the presiding officer. In case of the death, resignation or inability of the mayor to serve, the president of the city council shall perform all the duties of the mayor. All powers now vested in the common council or board of aldermen, or jointly in said common council and board of aldermen, by chapter 408 of the private and special laws of 1855 and acts amendatory thereof and additional thereto, shall vest in the city council: PROVIDED, the city council shall not vote, assess or appropriate any money for any object or purpose for which the city of Biddeford is not now authorized by this act. AND PROVIDED FURTHER, that neither the city council, nor any agent or officer of the city, shall borrow or hire any money for or on account of the city, or inhabitants thereof, except for the purposes for which the city of Biddeford is now by law authorized to raise money; and all notes, bonds, obligations, scrip or orders given by the city council, or any officer or agent thereof, for money or property obtained for any other purpose, shall be void.

Sec. 3. **Duties of mayor.** 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 and regulations of the city to be executed and enforced, to exercise a general supervision over the conduct of all subordinate officers, and to cause their violations or neglect of duty to be punished. He may call special meetings of the city council when, in his opinion, the interests of the city require it, by a notice printed in a newspaper in the city, or by causing a summons or notification to be given in hand to, or left at the usual dwelling place of, each member of the board. 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 preside in the city council, but shall have only a casting vote. The salary and compensation of the mayor shall be fifteen hundred dollars per year, which shall not be increased or diminished during his continuance in office, unless by the vote of the qualified electors in ward meetings called for that purpose. Nor shall he receive from the city any other compensation for any service by him rendered in any other capacity or agency. The councilmen shall receive no compensation for their services as such unless by vote of the qualified electors in the ward meetings called for that purpose. No councilman shall directly or indirectly enter into any contract with the city.

Sec. 4. **City officials; election; term of office; finances.** With the exception of the administration of the department of education and the police department, as hereinafter provided, all the executive powers of said city, generally, with all the powers of the selectmen of towns within the state, shall be vested in the mayor and city council as fully as if the same had been particularly enumerated herein; all of the powers now vested in the inhabitants of said city and all powers granted by this act, shall be vested in the mayor and city council of said city. On the first Monday of January of each year, or as soon thereafter as conveniently may be, the mayor shall nominate all necessary subordinate officers and agents for the city for the ensuing year, including one assessor whose term of office shall be for the period of three years, city solicitor, city treasurer, overseer of the poor, road commissioners for the several districts, two members of a finance committee, a purchasing agent, and in case of vacancy, a chief engineer and assistant engineers of the fire department, collector of taxes, health officer and such other necessary officers as is prescribed by the statutes of this state or the ordinances of the city, and which nominations shall be subject to the confirmation of the city council. All such officers so nominated and confirmed, after being duly sworn, shall be the duly elected and qualified officers of the city of Biddeford. All principal and subordinate officers of the city (except assessors, members of board of education and members of the board of police, chief engineer and members of fire department) after the passage and acceptance of this act, shall hold their office only until the first Monday of January following. The members of board of assessors, board of education, and board of police, where terms of office have two years or more remaining, shall hold their respective offices accordingly until the 2nd and 3rd anniversary respectively of a new city government. All vacancies created during the current year shall be filled as hereinbefore provided. All the sub-

ordinate officers and agents, with the exception of assessors, members of board of education and board of police, chief engineer and members of fire department, shall hold their offices during the ensuing year or during the pleasure of the mayor and city council, and until others shall be nominated, confirmed and qualified in their stead. All moneys received and collected for and on account of the city, by any officer or agent thereof, shall forthwith be paid into the city treasury. The city council shall take care that moneys shall not be paid from the treasury unless granted or appropriated; shall secure a prompt and just accountability, by requiring bonds with sufficient penalty and sureties from all persons trusted with the receipt, custody or disbursement of money; shall have the care and superintendence of city buildings and the custody and management of all city property, with power to let or sell what may be legally let or sold; and to authorize the purchase within the limits of any appropriation therefor, and take in the name of the city such real or personal property, not exceeding the sum of one million dollars, including the property now owned by the city, as they may think useful to the public interest. And the city council shall, as often as once a year, cause to be published for the information of the inhabitants, a particular account of receipts and expenditures, and a schedule of the city property; and no money shall be paid from the treasury unless the same be appropriated by the city council, and upon a warrant signed by the mayor, which warrant shall state the appropriation under which the same was drawn.

Sec. 5. **Veto power of mayor.** Every law, act, ordinance or bill appropriating money, having passed the city council, shall forthwith be presented in hand to the mayor of the city by the clerk of the board, and if he approves the same he shall sign it; if not, he shall return it to the city council within seven days with his objections thereto in writing, and which objections shall be entered upon the journals of the city council. In case no meeting of city council is held within seven days, he may return such objections at the next meeting of the city council, the same shall proceed to reconsider said law, act, ordinance or bill. If, upon such reconsideration, two-thirds of the whole number of said city council shall vote to pass the same, it shall have the same effect as if signed by the mayor.

Sec. 6. **Finance committee; budget; report.** On the first Monday of January, annually, or as soon thereafter as conveniently possible, the mayor shall nominate a finance committee consisting of two members of the city council subject to the confirmation of the remaining members of said board and of which committee the mayor shall be a member ex officio. It shall be the duty of the finance committee, on or before the first day of March of each year, to report to the city council a budget of

proposed expenditures of all the various departments of the city government, including the school department, fire department, police department, street department, pauper department, and all other principal or subordinate departments of the city, including a contingent fund. Such budget, with such modifications as may be made by the city council, shall be the basis for the annual appropriations for the ensuing year. No department or officer of the city government shall have authority to contract any debt or liability for the city in excess of the appropriation made by the city council for the department sought to be charged. After the annual appropriations have been passed, no subsequent expenditures shall be authorized for any object unless provision for the same shall be made by a special transfer from the appropriation of another department, contingent fund or other source of income, or by expressly creating therefor a city debt, but no debt shall be created unless the resolution authorizing the same is passed by the affirmative vote of two-thirds of the entire city council voting by yeas and nays. Such committee shall direct and supervise the keeping of the books and accounts of the city. No bill or claim against the city shall be approved and allowed or a warrant drawn therefor by the mayor until such bill or claim shall have been certified by the finance committee to be proper in form and a legal and valid claim against the city, and within the unexpended appropriation of the department against which it is drawn. Said committee shall designate to what department or appropriation the same shall be chargeable. The finance committee shall annually, in the month of November, cause to be published in a newspaper published within the city of Biddeford, a report containing an account of the receipts and expenditures of the city, a schedule of the city property and city debts and liabilities. No department, official or agent of the city shall have any authority to contract any indebtedness against the city for supplies and materials, but must make requisition for such necessary supplies and materials to the purchasing agent of the said city, and any attempted indebtedness or contract incurred in contravention hereof shall be null and void ab initio as to the city. The city council shall not vote, assess or appropriate any money for any object or purpose for which towns are not authorized to vote, assess or appropriate money, except for such purposes as are authorized by this act. Neither the city council nor any officer of the city shall have the authority to make any contract or do anything binding the city or imposing upon the city any liability to pay money, until a definite amount of money shall have been appropriated for the liquidation of all pecuniary liability under said contract, and the amount of said appropriation shall be the maximum limit of the liability of the city under any such contract; said contract to be,

ab initio, null and void as to the city for any other or further liability.

**Sec. 7. Purchasing agent.** On the first Monday of January, annually, the mayor shall nominate a purchasing agent for the city, who shall be subject to the confirmation of the city council and who shall hold his office only during the pleasure of the mayor and city council; and whose duties, not herein enumerated, shall be fixed by the city council. The purchasing agent shall purchase all the materials and supplies for all departments of the city government, upon a requisition from the various departments setting forth the necessary supplies and materials needed. Such requisitions shall be approved by the finance committee before any such purchase or contract for purchase thereof. No purchase shall be so made in excess of the appropriation made for that particular department, or any transfer made thereto, and any indebtedness created by said purchasing agent in excess of the appropriation for that department shall be null and void. The purchasing agent shall make weekly reports to the finance committee of all purchases by him made and to what city department the same is to be allocated. The purchasing agent shall be under the direction and control of the finance committee and be answerable to said committee for his official acts. All purchases or contracts for purchase of materials and supplies made for or in behalf of the city or any department thereof contrary to the provisions hereof, shall be null and void.

**Sec. 8. Overseer of the poor.** The overseer of the poor shall have all the powers and perform all the duties now prescribed by law for the boards of overseers of the poor in towns, excepting only the purchase of materials and supplies. All supplies and materials in his department shall be furnished by the purchasing agent. He shall be an inhabitant of the city of Biddeford and well versed in its municipal affairs, and he shall have general charge and supervision of the city poor. Such person shall devote all of his time to the duties of the office.

**Sec. 9. City assessors.** The city assessors shall be three in number and shall hold their office for a period of three years. They shall execute and be subject to the same powers, duties, and liabilities that the assessors in the several towns in this state may exercise and be subject to under existing laws. The mayor may appoint one person in each ward, subject to confirmation by the city council, whose duty it shall be to furnish the assessors with all necessary information relative to persons and property, taxable in his ward, and who shall be sworn to the faithful performance of his duty. All taxes shall be assessed, apportioned and collected in the manner prescribed by the laws of this state relative to town taxes; pro-

vided, however, that it shall and may be lawful for the city council to establish further and additional provisions for the collection thereof.

Sec. 10. **Laying out, etc., of streets; damages, proceedings.** The city council, by itself or by a committee of said council, shall have exclusive power to lay out any new street or public way in said city, and fix the time when the same shall be opened, or widen or otherwise alter, or discontinue any existing street or public way in said city, and to estimate the damages any person may sustain thereby, and shall be governed by the same rules and regulations as are by law provided in case of the location, alteration and discontinuance of town ways by the selectmen of towns, and any person aggrieved by the decision or judgment of said city council or its committee in its award or damages, shall have the same remedies, and be entitled to the same proceedings in order to have them assessed by a committee or jury as are now provided by law in the case of town ways. The county commissioners of York county shall have power to lay out within said city any part of any new county road that shall by them be laid out, in any adjoining town or towns, and shall pass thence into, or through said city according to the provisions of law. Any highway, town way, or bridge, which has been, or may hereafter be, located within said town or city between high and low water mark, shall nevertheless, be deemed to be legally located and established.

Sec. 11. **Sidewalks regulated.** It shall be lawful for the city council, by a committee by them appointed, or by instructions of the commissioner of streets to appropriate, set off and reserve as sidewalks, such part or portions of the several streets in said city, now or hereafter to be established, as to said council may appear necessary for the safety, convenience and accommodation of foot passengers. It shall be lawful for the city council to permit or direct posts, or trees, to be placed along the edge of said sidewalk next to the travelled part of the street, in such number and manner as they may deem necessary to protect said sidewalks, and the persons travelling thereon, from damage or inconvenience from teams or vehicles. So much of the several streets in said city as shall be appropriated and reserved as sidewalks, agreeable to the provisions of this act, shall be taken and deemed to be reserved exclusively for the accommodation, convenience, and use of persons travelling on foot; and said city shall not be liable for damages for any injury done or occasioned in consequence of any person, vehicle, team or animal striking against any of said sidewalks, or the posts or trees set or placed to protect the same. The several sidewalks on the streets in said city, as at present established and used, shall be taken and deemed to be the proper and lawful reservation



for that purpose until altered or otherwise established by the proper authority.

Sec. 12. **Street obstruction regulated.** The city council shall have power, on such terms and conditions as they may think proper, to authorize and empower any person or corporation to place in any street, for such time as may be necessary, any materials for making or repairing any street, sidewalk, crosswalk, bridge, water-course, or drain, or for erecting, repairing or finishing any building or fence; PROVIDED, that not more than one-third of the width of the street shall be so occupied; and such material so placed by virtue of any license obtained as aforesaid, shall not be considered an incumbrance or nuisance in such street; and the city, or person, or corporation so placing the same, shall not be liable for any damages occasioned by such materials.

Sec. 13. **Regulation of wood sales; harbor-master.** The city council shall have authority to establish and make regulations for the measurement and sale of wood and bark, in said city, whether brought by land or water, and may affix suitable penalties for the violation thereof, anything in the public laws of the state to the contrary notwithstanding; and shall also have authority to make all needful regulations in relation to the harbor; may appoint a harbor-master, prescribe his duties and fix his compensation.

Sec. 14. **Present ordinances, etc., continued.** All the laws, ordinances and regulations now in force in said city of Biddeford, and not inconsistent herewith, shall, notwithstanding this act, be and remain in full force until they expire by their own limitations, or be revised or repealed by the city council; and prosecutions and suits may be commenced and proceeded thereon in the name of the city, by officers or other persons thereby empowered or directed to prosecute and sue; and the fines and penalties shall go to the uses provided in such laws or regulations.

Sec. 15. **Wards; ward officers.** For the purpose of holding elections, said city shall be divided into seven wards, to contain as nearly as conveniently may be, an equal number of legal voters; and it shall be the duty of the city council, once in ten years, and not oftener than once in five years, to review and, if it be needful, to alter said wards, in such a manner as to preserve as nearly as may be, an equal number of legal voters in each. In each of said wards, there shall annually, on the first Monday of December, be chosen by ballot a warden and clerk, who shall hold their offices for one year, and until others shall have been chosen and qualified in their places. Said warden and clerk shall be sworn to the faithful performance of their respective duties, by any justice of the peace of said city, or by the person presiding in said ward meeting, or by the clerk of

said ward, and a certificate of such oaths having been administered, shall be entered by the clerk on the records of the wards. The warden shall preside at all ward meetings, with the power of moderators of town meetings; and if at any meeting the warden should not be present, the clerk of such ward shall call the meeting to order, and preside until a warden pro tem. shall be chosen. If neither of them should be present, any legal voter in the ward may preside until a clerk pro tem. shall be chosen and qualified. The clerk shall record all the proceedings, and certify the votes given, and forthwith deliver to the city clerk all such records and journals together with all other documents and papers held by him in said capacity. The inhabitants in each ward may choose two persons to assist the warden in receiving, sorting and counting the votes. All regular ward meetings shall be notified and called by the mayor and city council in the manner prescribed by the laws of this state for notifying and calling town meetings by the selectmen of the several towns.

Sec. 16. **Elections.** The mayor shall be elected from the citizens at large by the inhabitants of the city voting in their respective wards, and shall hold his office for two years from the first Monday of January following his election. One councilman shall be elected by each ward, being a resident in the ward where elected. Two councilmen-at-large shall be elected from the citizens by the inhabitants of the city, but there shall be not more than two councilmen within any ward limits. At the first election after the passage and acceptance of this act, the said councilmen elected shall determine by lot, which three members of said city council shall hold office for one year, which three members for two years, and which three members for three years, and record thereof shall be entered upon the records of the city, and thereafter three councilmen shall be elected each year, and each councilman shall hold his office for a period of three years. All of said officers shall be elected by ballot by a plurality of the votes given, and they shall hold their office from the first Monday of January following election in December, according to the tenure of office as herein provided and until others shall be elected and qualified in their stead. On the first Monday of December following the passage and acceptance of this act, the qualified electors of each ward shall ballot for a warden and ward clerk, one councilman, all inhabitants of the said ward, a mayor and two councilmen-at-large, one member of the board of education and one member of board of police. And thereafter, on each alternate year, on said first Monday of December, a mayor shall be elected as hereinbefore provided. On the first Monday of each December, following the first election held hereunder, an election shall be held in all the wards of the city for the election of a member of the board of education,

member of board of police, and one or two councilmen-at-large provided the term of such councilman-at-large shall expire by limitation at the end of that current year. At such election councilmen shall be elected by those wards where the office of councilman is about to expire or is vacant. Vacancies in the office of the mayor or city council, may also be filled at a special election duly called by law therefor.

Sec. 17. **Ward elections.** On the first Monday of December after the passage and acceptance of this act, the qualified electors of each ward shall ballot for a mayor, two councilmen-at-large from the city, and one councilman, a resident of the ward, member of board of education, member of board of police, warden and ward clerk. All the votes given for the said several officers, respectively, shall be sorted, counted, declared, and registered in open ward meeting by causing the names of the persons voted for, and number of votes given to each, to be written on the ward records at length. The ward clerk, within twenty-four hours after such election, shall deliver to the city clerk a certified copy of the record of such election. PROVIDED, HOWEVER, that if the choice of any of such officers cannot be conveniently effected on that day, the meeting may be adjourned from day to day to complete such election. The persons receiving the highest number of votes for councilman of that particular ward, warden or clerk shall be declared elected; if no one shall then have such highest number, the balloting shall be continued from day to day, until a choice is thus effected. In balloting for mayor, member of the board of education, member of board of police and two councilmen-at-large, the persons receiving the highest number of votes given in all the wards shall be declared elected. On the first Monday of December, annually, following the first election held hereunder, the qualified electors of each ward shall ballot for a mayor, member of the board of education, member board of police, one or two councilmen-at-large, warden and ward clerk, and councilman for that particular ward, provided the term of office of any or all of them shall expire at the end of that current year, or, in case any vacancies shall have occurred therein, and like procedure shall be thereafter had as hereinbefore provided. The board of councilmen shall, as soon as conveniently may be, examine the copies of the records of the several wards, certified as aforesaid, and shall cause the persons who shall have been elected mayor, member board of education, member board of police and councilman-at-large to be notified, in writing, of their election; but if it shall appear that no person shall have been elected or if the person elected shall refuse to accept the office further elections shall in the same manner be ordered, till a choice shall be made of some one having the highest number of votes; and in case of a vacancy in the office of mayor,

by death, resignation or otherwise, it shall be filled for the remainder of the term by a new election, in the manner hereinbefore provided for the choice of said officer; and in the meantime the president of the board of councilmen shall perform the duties of the mayor. The oath prescribed by this act shall be administered to the mayor by the city clerk, or any justice of the peace in said city. The councilmen elect, shall, on the first Monday of January, at ten of the clock in the forenoon, meet, when the oath required by the second section of this act, shall be administered to the members present, by the mayor or any justice of the peace.

Sec. 18. **Calling of elections.** Warrants for the first election of city officers to be held in the several wards of the city after the passage and acceptance of this act shall be issued by the same officers and in the same manner as now prescribed for the holding of elections in the city. Thereafter warrants for the calling of meetings of the citizens in the several wards for the choosing of city officers to be elected therein, and all questions to be submitted to the electorate of the city, shall be issued by the mayor and city council.

Sec. 19. **City clerk; meetings of council.** The city clerk shall be the clerk of the board of councilmen and shall perform all duties, and exercise all powers by law incumbent upon, or vested in the city clerk of the city of Biddeford and by law vested in town clerks of the several towns within the state; he shall give notice in one or two of the papers printed in said city of the time and place of regular and special ward meetings; but the place of regular ward meetings, and also the day and hour, when not fixed by law, shall be determined by the board of councilmen. The city council may, in the absence of the mayor and president of the board, choose a president pro tempore, who shall preside at meetings of the board. The city council shall keep a record of its proceedings, and judge of the election of its own members; and in case of failure of election, or vacancy by death, resignation, or otherwise, may order new elections. A quorum for the transaction of business shall consist of a majority of members thereof; all meetings of the councilmen shall be open and public, and the presiding officer shall have the power of moderators of town meetings. At any of said meetings, when any two members shall request it, the vote shall be taken by yeas and nays, which shall be recorded by the clerk.

Sec. 20. **General meetings of citizens.** 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

may and shall be duly warned by the city council, upon the requisition of one hundred qualified voters of said city.

Sec. 21. **Ward lines.** The present ward lines and limitations of the city shall remain and exist until change is made thereof as provided in section 15 of this act.

Sec. 22. **Councilmen not to hold other offices.** No member of the city council of the city of Biddeford shall, during the period of time for which he was elected, be eligible by election or appointment to any office of profit or emolument in said city.

Sec. 23. **Fiscal year.** The fiscal year of the city of Biddeford shall be from the 1st day of November to the 31st day of October of each year.

Sec. 24. **Consolidation of debt.** The city of Biddeford is hereby authorized at any time, to consolidate the debt of said city and to issue therefor, bonds with interest coupons attached, for such sums and for such time not exceeding twenty years as the city council of said city may determine.

Sec. 25. **Duties of abutters.** The city council of the city of Biddeford may require the owner of any lot of ground fronting on any street or way in said city to cause the foot way or sidewalks in front of said lot to be paved with brick or flat stones, with suitable curb stones, or to be covered with plank or other suitable materials, as they may deem proper, the same to be done under the direction and the approbation of the committee on streets. If the owner of such lot shall refuse or neglect to pave or cover such sidewalk or footway to the satisfaction of said committee for the space of thirty days after he or the tenant of such lot shall have been thereto required by the commissioner of streets, it shall then be the duty of said commissioner to procure the same to be done, and the city shall have a lien on the property for the expenses thereof, to be enforced as in the following section; the city council before requiring any such sidewalk or foot way to be paved or covered, shall by a general ordinance assume a portion of said expense to an amount not less than one-third thereof, to be paid by the city in money or materials.

Sec. 26. **Assessment of sidewalk repair cost.** The mayor and city council of said city may assess upon the owner of said lot the amount of said expense not assumed by said city, and shall give notice thereof to said owner, if an inhabitant of said city, by giving him in hand or leaving at his last and usual place of abode a copy of said assessment; or if not an inhabitant of said city, by publishing the same three weeks successively in one paper published in said city. All assessments made under the provisions of this section shall constitute a lien upon said lot for two years after they are laid. They shall be certified by the mayor and city council-

men under their hands to the treasurer and collector of said city and his successors, with directions to collect the same according to law, and may, with all costs and expenses, be levied by sale of said lot by him or them, if the assessment is not paid within three months after a written demand of payment made by him or them, either upon the person assessed, his agent or tenant, or in case neither can be found in said city in three months after notice of said assessment published in one of the papers in said city. Such sale to be conducted in the same manner as sales for the non-payment of taxes on land of resident owners and with a similar right of redemption.

Sec. 27. **Board of police.** The administration of the police department of the city of Biddeford shall be under the jurisdiction of a board of police consisting of three citizens of the city of Biddeford who shall constitute a board of police of said Biddeford and who shall be sworn before entering upon the duties of their office. The term of office of said members of board of police shall be three years. All nominations shall be made and elections held under the laws which govern the nomination and election of mayor and councilmen of said city of Biddeford. The term of office of the present one-year member of the board of police shall expire on the first Monday of January after the passage and acceptance of this act, and the term of office of the two-year and three-year members of the present board of police shall expire on the first Monday of the second and third January following thereafter. One member of the board of police shall be elected each year. Vacancies in said board shall be temporarily filled by the city council and the member so chosen to fill said vacancy shall hold office until the first Monday of the January following and at the next annual municipal election occurring after said vacancy exists some citizen shall be elected to serve during the remainder of that term. The board shall annually elect one of their number chairman and one of their number clerk, who shall be sworn and shall keep a record of all proceedings, issue all notices, and attest all such papers and orders as the board directs.

Sec. 28. **Salaries and quarters of board of police.** The salaries of the members of said board shall be voted annually by the city council of said city and paid quarterly from the treasury thereof, but the salary of any member of said board shall not be diminished during the term of office. Said board of police shall be provided with such rooms as shall be convenient and suitable for the performance of its duties by said city and at its expense. The said city shall provide all suitable accommodations for the police of said city as said board shall require. All rooms in all build-

ings and all property used by said police shall be under the control of said board of police.

All the expenses for the maintenance of said rooms and all incidental expenses incurred in the administration of said police and all materials and supplies therefor shall be submitted by said board of police, upon its requisition, to the purchasing agent of the city, who, after approval thereof by the finance committee, shall purchase such necessary materials and supplies as is provided for other departments of said city government. The number of police officers and their compensation shall be determined by the city council upon the advice of said board of police.

**Sec. 29. Fees and expenses of police officers.** The fees of the chief of police, captain of police, and all other police officers of said city in criminal cases prosecuted in the municipal court of the city of Biddeford, including their fees as witnesses, shall be taxed and allowed as in behalf of the sheriffs of the county of York, and seventy-five per cent of the criminal costs and fees in said municipal court, exclusive of the fees of witnesses other than police officers, shall be paid annually by the treasurer of said county to the city of Biddeford, provided, however, that when said percentage exceeds the annual salary or compensation of the chief of police, and captain of police of said city, the excess amount shall not be paid to said city, but shall be paid into the treasury of said county of York. Police officers may retain for their own use all fees received by them in civil cases. Neither the chief of police, captain of police, nor any other police officer of said city shall receive from any respondent in any criminal case any money, fine or costs, but in all such cases fines and costs shall be paid to the magistrate issuing the precept against such respondent, but fees taxed and allowed to the officers for attendance as witnesses in any criminal case before the appellate court, or before any court held in some town other than the one in which such officers reside, shall be paid to them from the county treasury. The expenses of any such officer necessarily and reasonably incurred and actually disbursed in the services of any criminal precept shall be allowed and paid to him by the treasurer of said county upon his filing an itemized account thereof, under oath, accompanied by proper vouchers thereof.

**Sec. 30. Reports of board of police.** Said board of police shall make a report of its doings annually to the city council at the close of the fiscal year.

**Sec. 31. Board of education.** The educational department of the city of Biddeford shall be administered by a board of education, consisting of the mayor who shall be ex-officio, chairman of the board, and four other persons, one of whom shall be elected annually at the municipal election.

The term of office of the one-year member of said board shall terminate on the first Monday of January following the passage and acceptance of this act, and the term of office of the second-, third- and fourth-year members shall terminate on the first day of the second, third and fourth January thereafter, respectively. The terms of office of the members of the board of education shall be for a period of 4 years. They shall be nominated and elected in the manner provided by law for the nomination and election of mayor of the city. Not more than one resident in any ward, exclusive of the mayor, shall be elected a member of the board of education by the same political party.

Sec. 32. **Vacancies; how filled.** In the event of a vacancy in said board, other than in the position of mayor, from any cause, such vacancy shall be filled by the city council till the next annual municipal election, when an election shall be held for said unexpired term.

Sec. 33. **Duties.** The said board of education shall have and exercise the powers conferred and discharge all the duties imposed by law upon superintending school committees of towns in the state, except the purchase of supplies and materials as hereinbefore provided for.

Sec. 34. **Superintendent of schools.** The said board may appoint a superintendent of schools for a term not exceeding three years and fix his annual compensation. The duties of the superintendent of schools shall be those prescribed by law for superintendents of schools of towns. The superintendent of schools may be removed at the pleasure of the board.

Sec. 35. **Purchase of school supplies, etc.** All materials and supplies necessary for the school department and all contracts for the free transportation of pupils shall be made upon requisition of the superintendent bearing the approval of the board of education to the purchasing agent of said city, as hereinbefore provided for the purchase of other materials and supplies for and in behalf of the city.

Sec. 36. **Municipal officers.** The mayor and city council of the city shall constitute its municipal officers.

Sec. 37. **Salaries.** The salaries of all subordinate officers of the city shall be fixed by the mayor and city council.

Sec. 38. **Inconsistent law repealed.** All acts and parts of acts inconsistent herewith are hereby repealed.