

# MAINE STATE LEGISLATURE

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**Legislative Document**

**No. 780**

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S. P. 249

In Senate, February 23, 1937.

Taken from table on motion by Senator Marden of Kennebec and on further motion by Senator Marden referred to Committee on Legal Affairs. Sent down for concurrence and 1500 copies ordered printed.

ROYDEN V. BROWN, Secretary.

Presented by Senator Marden of Kennebec.

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**STATE OF MAINE**

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
THIRTY-SEVEN

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**AN ACT Relating to the Charter of the City of Waterville.**

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ARTICLE I

**Grant of Powers to the City**

The inhabitants of the city of Waterville in the county of Kennebec shall continue to be a body politic and corporate by the name of the city of Waterville 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 encumbent 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 breach thereof, not exceeding \$100 in any one case, to be recovered for such uses as said by-laws, regulations and ordinances shall provide.

ARTICLE II

**Municipal Officers**

**Sec. 1. Powers and duties.** The administration of all fiscal, prudential and municipal affairs of said city, with the government thereof, except the

general management, care, conduct and control of the schools of said city which shall be vested in the board of education as hereinafter provided, and also except as otherwise provided by this charter, shall be and are vested in one municipal magistrate, to be styled the mayor, and a board of 7 aldermen, designated as a board of aldermen, all of whom shall be inhabitants of said city and legal voters therein. Said mayor and board of aldermen shall constitute the municipal officers of the city and all shall be sworn to the faithful performance of the duties of their respective offices.

**Sec. 2. Watch and ward.** All the powers of establishing a watch and ward, now vested by the laws of the state in the justices of the peace and municipal officers, or inhabitants of towns, are vested in the said municipal officers 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.

**Sec. 3. Overseers of the poor.** The municipal officers are hereby constituted overseers of the poor of the city of Waterville and shall perform all duties required of overseers of the poor for cities by statute or otherwise. As such overseers of the poor they may authorize a clerk or agent to sign in their name and send written notices and the written answers referred to or required in sections 31 and 32 of chapter 33 of the revised statutes, and such written notices and written answers, so signed, shall have the same effect as if signed by one or more of said overseers and sent by a member or members of said overseers personally.

**Sec. 4. Compensation of subordinate officers.** The municipal officers shall fix the compensation of all subordinate city officers unless the compensation is expressly fixed by this charter and that compensation shall not be diminished during their term of office.

**Sec. 5. Quorum.** A majority of the members of the board of aldermen shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time. At least 24 hours' notice shall be given to all members who were not present at the meeting from which the adjournment was taken.

**Sec. 6. Procedure.** The board of aldermen shall keep a record of its proceedings and shall determine its own rule of procedure and make lawful regulations for enforcing the same. The meetings of the board shall be open to the public. The board of aldermen shall only act 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 order or resolve shall be passed on until it has been read on 2 separate days, with an elapse of at least 3 days between readings. The yeas and nays shall be taken on the passage of any order or resolve when called for by any member of the board. Every ordinance shall require on final passage the affirmative vote of a majority of the voting members of the board. Every ordinance before final passage shall be posted, marked "Proposed Ordinance," at the city hall and shall take effect and be in full force 30 days from and after it shall have received final passage by the board of aldermen and have been approved by corporation counsel. Within 10 days after the approval by such counsel said ordinance shall be published in full at discretion of the board in one or more of the newspapers published in Waterville.

No order or resolve shall take effect until 10 days after its passage except that the board of aldermen may by vote of 4/5 of its members pass emergency orders or resolves to take effect at the time indicated therein but such emergency orders or resolves shall contain a section in which the emergency is set forth and defined.

### ARTICLE III

#### **Initiative and Referendum**

**Sec. 1. How invoked.** The submission to the vote of the people of any proposed ordinance, order or resolve, or of any ordinance, order or resolve enacted by the board of aldermen and which has not yet gone into effect, may be accomplished by the presentation of a petition therefor to the board of aldermen in the manner hereinafter provided. Any 30 qualified voters of the city of Waterville may originate a petition putting in operation the initiative or the referendum, by signing such petition at the office of the city clerk. Whenever requested by 30 such voters, the city clerk, shall prepare the proper petition with a copy of the ordinance, order or resolve to be submitted attached thereto and upon its being signed by said 30 voters, the city clerk shall file the petition and shall, during office hours for 30 business days thereafter, keep the same open for signature by qualified voters of the city, and no such petition shall be signed or presented for signature at any place other than the clerk's office. At the expiration of said 30 days, the city clerk shall declare the petition closed and shall, at the first regular meeting of the municipal officers thereafter, present to that body the petition with verification of the number of valid signatures thereto attached. If the number of valid signatures to said petition shall amount to 300 or more, the board of aldermen shall immediately take the necessary

steps to submit to the voters of the city, the question proposed in said petition; provided that in the case of the referendum the entire repeal of the ordinance, order or resolve sought to be referred, and in the case of the initiative, the passage by the board of aldermen of the desired ordinance, order or resolve, shall put an end to all proceedings under said petition.

**Sec. 2. Form of petition.** The petition used to originate the initiative or the referendum shall be substantially in the following form:

Petition to the Municipal Officers.

For the Submission to the People of the Question

Shall the proposed ordinance, order or resolve, a copy of which is hereunto attached, be adopted?

We, the undersigned, under oath, depose and say: That we are duly qualified voters of the city of Waterville, residing respectively at the addresses placed opposite our names, and we hereby petition the municipal officers to submit the foregoing question to the voters of the city of Waterville at the next regular municipal election (or at a special election).

Names	Residences	Date
.....	.....	.....
.....	.....	.....
.....	.....	.....

I, ....., the city clerk of the city of Waterville, do solemnly affirm that I witnessed the signing of each of the above signatures and that, at the time of said signing, I made certain that the person affixing his name thereto had reasonable knowledge of the purpose of the petition.

.....  
City Clerk

Date.....

**Sec. 3. Effect of referendum petition.** Whenever there has been completed as aforesaid, a petition for the reference to the people of any ordinance, resolve or order passed by the board of aldermen, which ordinance, order or resolve has not yet gone into effect, the same shall be suspended from going into operation until it has been submitted to a vote of the people and has received the affirmative vote of a majority of the voters voting on said question.

**Sec. 4. Time of election.** Within 10 days after an initiative or referendum petition with the required number of valid signatures is presented by the city clerk, the municipal officers shall set a time for the holding of a

special election at which the proposed or suspended ordinance, resolve or order shall be submitted to the voters of the city, which special election shall be held not less than 20 nor more than 40 days after such presentation; provided, that if a petition shall be so presented within 4 months next preceding a regular municipal election, no special election shall be called, but the question shall be submitted at said regular election.

**Sec. 5. Publication of ordinance.** Whenever any ordinance, order or resolve is required by the provisions of this charter to be submitted to the voters of the city at any election, the municipal officers may order a publication of the complete text thereof to be made in one or more newspapers of Waterville, such publication to be made not less than 5 days nor more than 10 days prior to the election, or in lieu of such publication, the municipal officers may cause the ordinance, order or resolve to be printed and mailed with a sample ballot to each voter at least 5 days prior to the election.

**Sec. 6. Form of ballot.** The ballots used when voting upon such proposed ordinance, order or resolve shall set forth the ordinance, order or resolve thereof in full and state its general nature, and shall contain the words: "For the ordinance, order or resolve" and "Against the ordinance, order or resolve."

**Sec. 7. Result of election.** If a majority of the qualified voters voting on said proposed initiative ordinance, order or resolve or said referred ordinance, order or resolve, shall vote in favor thereof, such ordinance, order or resolve shall take effect 5 days after the declaration of the official canvass of the return of such election.

**Sec. 8. Conflicting ordinances, orders or resolves.** Any number of proposed or referred ordinances, orders or resolves may be voted upon at the same election. In the event that 2 or more ordinances, orders or resolves adopted at the same election shall contain conflicting provisions, the ordinance, order or resolve receiving the highest number of votes at such election shall be paramount and all question of construction shall be determined accordingly.

**Sec. 9. Order upon the ballot.** In the event that 2 or more ordinances, orders or resolves are submitted at the same election, they shall be placed upon the ballot in order of the priority of the filing of the respective petitions and shall be given precedence upon the ballot over any and all questions submitted by the board of aldermen on its own initiative.

**Sec. 10. Repeal of popular ordinances, orders or resolves enacted by the people.** The board of aldermen may submit, on its own initiative, a propo-

sition for the enactment, repeal, or amendment of any ordinance order or resolve (except as herein otherwise provided) to be voted upon at any municipal election and should such proposition receive a majority of the votes cast thereon at any election such ordinance, order or resolve shall be enacted, repealed or amended accordingly. An ordinance, order or resolve proposed by petition or adopted by a vote of the people shall not be repealed or amended except by a vote of the people, unless such ordinance, order or resolve shall otherwise expressly provide.

**Sec. 11. Further regulations.** The municipal officers shall by ordinance, make such further regulations as may be necessary to carry out the provisions of this article.

**Sec. 12. Exceptions.** The provisions of this article shall not apply to permits granted to or regulations made for public utilities under the statutes.

#### ARTICLE IV

##### Nominations and Elections

**Sec. 1. Date of elections and procedure to determine results.** At the first election after this charter is in force, to be held on the 1st Monday of December following the approval of this charter by the qualified voters of the city of Waterville the city shall ballot for a mayor, and the qualified voters of each ward shall at the same time, ballot for an alderman, a member of the board of education, a warden and a clerk for his ward: wards 1, 2 and 3 shall each elect an alderman for a term of 4 years and a member of the board of education for a term of 2 years; wards 4, 5, 6 and 7 shall each elect an alderman for a term of 2 years and a member of the board of education for a term of 4 years and thereafter on the 1st Monday of December biennially a regular municipal election shall be held and the qualified voters of the city shall ballot for mayor, and the qualified voters of each ward shall ballot for alderman and a member of the board of education to fill the offices of alderman and member of the board of education whose terms of office shall expire that year and for a warden and a ward clerk for their ward.

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

After each election held under this charter the then municipal officers 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, aldermen and members of the board of education to be notified in writing of their election; but if it shall appear that no person shall have been elected to any office, or if the person elected shall refuse to accept office, warrants for another election shall be issued forthwith. At any election the person receiving the highest number of votes for an office shall be deemed and declared elected to such office.

**Sec. 2. Warden and ward clerk; eligibility, tenure, qualifications, powers and duties, vacancies; ward meetings and how called.** The warden and ward clerk, chosen as provided in the preceding section, shall be residents of the ward for which they are elected and shall hold office for 2 years from the 1st day of January following their election, and until others have been elected and qualified in their stead. The warden and the ward clerk shall be sworn to the faithful performance of their duties by a person qualified under the statutes of the state to administer oaths, and a certificate of such oath shall be entered by the clerk upon the records of such 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 shall be present, any legal voter in the ward may preside until a clerk pro tempore shall be chosen. The warden shall have all rights and powers now held by the warden of such ward. If neither the warden or the ward clerk shall be present, any legal voter in the ward may preside until a clerk pro tempore shall be chosen and qualified. Immediately following the election of a ward clerk pro tempore a warden pro tempore shall be chosen. The clerk shall record all the proceedings and certify the votes given and deliver over to his successor in office all such records and journals in his possession or under his control, together with all documents and papers held by him in his capacity as clerk. The ward clerk shall have and perform all rights and duties now held and performed by the ward clerk of such ward so far as consistent with the charter. All ward meetings shall be notified and called by the municipal officers in the manner provided by the laws of this state for notifying and calling town meetings by the selectmen of the several towns.

**Sec. 3. Nominations for elective offices.** All nominations for elective offices shall be made as provided by the laws of Maine for nominations of elective officers in towns.

**Sec. 4. Nomination papers and acceptances of nomination must be filed.** Nomination papers for any elective candidate shall be filed with the city clerk not earlier than 30 days nor later than 14 days before the day of election. No nomination shall be valid unless the candidate shall file with the



city clerk in writing not later than 14 days before the election, his consent, accepting the nomination, agreeing not to withdraw and if elected to qualify.

**Sec. 5. Ballots to be prepared by the city clerk.** Specimen ballots and official ballots for use in all city elections shall be prepared by the city clerk and furnished by the city.

**Sec. 6. Specimen ballots.** The city clerk shall cause specimen ballots to be posted in public places, including each polling place and advertised in the newspapers published in the city not later than 7 days prior to a city election. Such specimen ballots shall be printed on a different colored paper than that used for the printing of official ballots, and shall contain the names of the certified candidates, printed thereon as indicated by the candidate in his acceptance paper but shall contain nothing other than family name and surnames of such candidates, with his residence, instructions to voters, and such measures as may be submitted to the voters.

**Sec. 7. Recall provisions.** The mayor, and any member of the board of aldermen and board of education may be recalled and removed therefrom by the electors of the city as herein provided:

(a) **Procedure for filing recall petitions.** Any voter of the city may make and file with the city clerk an affidavit containing the name or names of the official or officials whose removal is sought and a general statement of the reasons why his removal is desired. The clerk shall thereupon deliver to the voter 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 municipal officers, shall contain the name of the persons 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 45 days after the filing of the affidavit. The petition before being returned and filed shall be signed by the voters of the city of Waterville, or of the ward which the member against whom the affidavit has been filed represents, to the number of at least 10% of those registered voters of the city or the ward who voted at the election at which the official sought to be recalled was elected and to every such signature shall be added the place of residence of the signer, giving the street and number or other description sufficient to identify the place. The signing of first name initials shall not be sufficient to disqualify the signer of a

petition if the registration list contains full names unless there is more than one person registered having the same initials.

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 endorsement thereon of the names and addresses of 3 persons designated as filing the same.

(b) **Examination and amendment of recall petitions.** Within 10 days after the filing of the petition the clerk shall ascertain whether or not the petition is signed by the requisite number of voters 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 the persons designated on the petition as filing the same; and the petition may be amended at any time within the 10 days after the giving of the notice, by the filing of 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 ending of the insufficiency of a petition shall not prejudice the filing of a new petition for the same purpose.

(c) **Calling of recall election.** 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 municipal officers at its next meeting and shall notify the official or officials whose removal is sought of such action. The municipal officers shall thereupon, within 10 days of the receipt of the city clerk's certificate, order an election to be held not less than 20 nor more than 40 days thereafter; provided, that if a regular municipal election is to occur within 90 days after the receipt of said certificate, the municipal officers 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.

(d) **Form of ballot in recall election.** Unless the official or officials whose removal is sought shall have resigned within 10 days after the receipt by the municipal officers 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 official or officials 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 a ballot.

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 this charter for elective officers.

If the person or persons sought to be removed shall have resigned within 10 days after the receipt by the municipal officers 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.

(e) **Procedure on refusal of municipal officers.** Should the municipal officers fail or refuse to order any election as herein provided, such election may be ordered by any justice of the supreme judicial court.

**Sec. 8. Vacancies, forfeiture of office.** In case of vacancy by death, resignation, removal from the city or removal from office as herein provided of the mayor, any member of the board of aldermen or any member of the board of education more than 6 months prior to the next regular city election the vacancy shall be filled by a special election, the warrant for which shall upon the vote of the board of aldermen be issued by the mayor and in case of refusal or inability on the part of the mayor to call such special election the board of aldermen may designate one of its members to issue the call.

If any member of the board of aldermen or of the board of education should remove from the ward from which he is elected into another ward in the city he shall hold office as such aldermen or member of the board of education until the next biennial election and his unexpired term of office shall be filled at that election. In the event that there is a vacancy in the office of mayor within 6 months prior to the next regular city election the chairman of the board of aldermen shall serve as mayor until the next regular election.

**Sec. 9. State election laws.** The provisions of the laws of the state of Maine relating to qualification of electors, registration, the manner of voting, the counting of votes, the duties of election officers, and all other par-

particulars in respect to the management of elections, so far as they may be applicable, shall govern all municipal elections except as otherwise provided in this charter.

## ARTICLE V

### Administrative Officers

**Sec. 1. The mayor; duties, tenure and salary.** 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 board of aldermen, when, in his opinion, the interest of the city requires it, by a notice in 1 or more of the papers printed in the city, or by causing a summons or notification to be given in hand, or left at the usual dwelling place of each member of the board. He shall monthly communicate to the board of aldermen such information and recommend such measures as the business and interests of the city may require. He shall preside in the board of aldermen, but shall have only a casting vote.

The salary and compensation of the mayor shall be \$2400 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 services by him rendered in any other capacity or agency.

He shall be elected for a term of 2 years.

**Sec. 2. The board of aldermen, duties, tenure and salary.** There shall be 7 aldermen elected, 1 from each ward, to hold office for terms as set out in this charter. At the first meeting after their election or as soon thereafter as possible the board of aldermen shall elect one of its members as chairman of the board for the ensuing year, and until his successor is elected and qualified and the board of aldermen may fill for the unexpired term any vacancy as chairman that may occur.

If the chairman shall fail from sickness, disability, absence from the city or other cause to attend to and perform the duties incumbent on him as such chairman, the remaining members of the board of aldermen may by unanimous vote, after notice and hearing, terminate the term of office of said chairman and remove him therefrom and thereupon by majority vote may elect some other member of said board of aldermen chairman and such newly elected member shall thereupon and thereafter hold the office and

perform the duties of chairman for the balance of that year, and until his successor is elected and qualified.

The members of the board of aldermen shall serve at a fixed salary of \$200 per year and for any absence from any regular or special meeting of the board there shall be deducted the sum of \$5 unless within 24 hours after the meeting there shall be presented to the mayor a certificate signed by a duly licensed physician stating that the board member was unable to attend because of sickness. The certificate shall set out what the illness which prevented the member from attending was.

Regular meetings of the board shall be held on the 1st Monday of each month at 8 o'clock P. M.

**Sec. 3. Titles and appointments of subordinate officers.** In addition to the mayor there shall be the following administrative officers and boards:

(a) The following officers and boards shall be appointed by ballot by a majority vote of the members of the municipal officers:

1. A fire commissioner,
2. A police commissioner,
3. Civil service commission,
4. Board of mother's aid,
5. Public debt amortization fund commission.

(b) The following officers shall be appointed by the mayor: city clerk, city auditor, board of assessors, consisting of 3 members, welfare director, superintendent of public works, corporation counsel, city physician, inspector of buildings and all other department heads or officers whose position may from time to time be created by ordinance; and, except as herein otherwise provided, upon recommendation of the heads of their departments all minor officers and employees.

(c) The following officers shall be appointed by ballot by a majority vote of the members of the board of aldermen:

Tax collector, city treasurer, city purchasing agent.

**Sec. 4. Power of municipal officers with regard to appointive officers and boards.** The municipal officers shall have power by ordinance or resolve:

(a) To create any new appointive office. (b) To authorize the appointment of assistants or deputies in any office. (c) To assign duties of 2 or more offices to 1 office and to divide duties of any office between 2 or more offices.

**Sec. 5. Term of service.** All appointive officers whose terms of service are specified herein to be for a fixed term, shall be removable by the mu-

municipal officers upon written charges, notice, and hearing, if upon such hearing they are adjudged guilty of the charges preferred.

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

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

**Sec. 6. Bonding.** Municipal officers may require a bond from any appointive officer for the faithful performance of his duties and in all cases where an appointive officer has the duty of receiving money for the city or of disbursing money for the city a bond shall be required in such amount as the municipal officers shall fix. The sureties upon any bond before its acceptance by the municipal officers must be approved by the corporation counsel. The premiums on these bonds to be paid by the city.

**Sec. 7. Duties of administrative officers.** Except as herein specifically set out the duties of all subordinate officers may be prescribed by the municipal officers. Such duties shall not be inconsistent with the provisions of this charter.

**Sec. 8. Board of education.** The superintending school committee of the city of Waterville shall be called the board of education and shall consist of 7 members, one elected by each ward in the city, to hold their offices for terms set out in this charter. The members of the board of education shall annually by majority vote designate one of its members to serve as chairman.

The board of education shall have all the powers and perform all the duties in regard to the care and management of the public schools of said city, which are now or may hereafter be conferred and imposed upon school committees by the laws of this state, except as otherwise provided in this charter. They shall whenever there is a vacancy, elect a superintendent of schools who shall have the care and supervision of said public schools under their direction, and act as secretary of their board; they shall fix his salary at the time of his election. They shall annually before December 1st furnish to the municipal officers an estimate in detail of the several sums required during the ensuing municipal year for the support of public schools. On the basis of such estimates the municipal officers shall make one gross appropriation for the support of public schools for the ensuing municipal year, and such appropriation shall not be exceeded except by consent of the municipal officers, but the expenditure of said appropriation shall be under the direction and control of the board of education, and all purchases be made by requisition upon the city purchasing agent.

**Sec. 9. Assessors of taxes.** There shall be 3 assessors of taxes appointed by the mayor each to serve for terms of 3 years and until their successors are appointed and qualified. If for any reason a vacancy shall exist in the membership of the board of assessors, the vacancy shall be filled forthwith by the mayor for the unexpired term. The assessors appointed as above provided shall exercise the same powers and be subject to the same duties and liabilities that similar officers of the several towns and cities in the state may exercise, and may now or hereafter be subject to under the laws of the state. The mayor may appoint 1 assistant assessor in each ward whose duty it shall be to furnish the assessors with all the necessary information relative to persons and property taxable. The compensation of such assistant assessors shall be fixed by the municipal officers, but such assistant assessors shall hold office during the pleasure of the mayor.

**Sec. 10. Municipal board of mothers' aid.** The municipal board of mothers' aid shall consist of 3 persons, 2 of whom, at least, shall be women, appointed by the municipal officers, 1 each year to serve for a term of 3 years and until their successors are appointed and qualified. The first appointments under the provisions of this section are to be as follows: 1 member to serve for 1 year, 1 member to serve for 2 years, 1 member to serve for 3 years and thereafter their successors to be appointed for a term of 3 years.

**Sec. 11. Police commissioner; salary, tenure of office.** The police commissioner shall have general supervision over the administration of the police department and shall make a monthly report to the municipal officers covering the activities of his department. The first appointment shall be for a term of 4 years and thereafter the appointment of his successors shall be for a term of 6 years.

The salary of the police commissioner shall be fixed at \$200 per year.

He shall by virtue of his office be a member of the civil service commission of the city.

**Sec. 12. Fire commissioner; salary, tenure of office.** The fire commissioner shall have general supervision over the administration of the fire department and shall make a monthly report to the municipal officers covering the activities of his department. The first appointment shall be for a term of 2 years and thereafter the appointment of his successors shall be for a term of 6 years.

The salary of the fire commissioner shall be fixed at \$200 per year.

He shall by virtue of his office be a member of the civil service commission of the city.

**Sec. 13. Civil service commission.** There shall be erected in the city of Waterville a commission consisting of 3 persons, 2 of whom shall be the police commissioner and the fire commissioner. The municipal officers shall appoint a secretary and examining member of the commission who shall hold office for a term of 6 years and until his successor is chosen and qualified, at a fixed salary of \$200 per year.

**Sec. 14. Civil service rules for police and fire departments.** The municipal officers shall provide by ordinance for a system of civil service rules for the appointment, promotion, demotion, lay-off, reinstatement, suspension and removal of city employees including members of the police department and of the fire department.

Neither the municipal officers nor the civil service commission shall have power or authority to reduce, terminate or diminish in any way the pay, term of office, or pension or retirement privileges of those who are members of the police department or of the fire department of the city of Waterville when this charter takes effect, as now enjoyed by them, except that the municipal officers may provide for the removal for cause of members of either the fire or police department upon presentation of charges and hearing before the civil service commission hereinbefore provided for. No further or other physical examination shall be required of the present members of the police or fire departments other than that to which they are now subject, and no existing statutes, or ordinances relating to the police department or fire department shall be considered as repealed by this act except as herein provided.

**Sec. 15. Appointments.** All appointments to the police and fire departments and to other departments of the city shall be made by the municipal officers upon the recommendation of the heads of the departments from a list of applicants submitted by the civil service commission to the municipal officers from the eligible kept by the civil service commission. At the request of the municipal officers the civil service commission shall submit 3 names for each vacancy from the eligible list and the municipal officers shall select one of the names submitted to fill the vacancy or may call for a new set of names to be submitted.

All appointments, except renewal appointments, shall be for a probationary period not exceeding 6 months before any appointment is made permanent. Emergency appointments may be made at any time from the list of applicants submitted by the commission to the municipal officers whenever the municipal officers shall determine that emergency exists and all appointments made under this provision shall be for the period of the



emergency only and the mayor shall have the right to determine when the emergency has ended.

The civil service commission shall keep eligible lists for fire department, police department, clerical work for all departments and skilled labor. All lists shall be made up after and as the result of an open competitive test or examination covering the work required for the position to be filled.

**Sec. 16. Qualifications.** Any applicant for appointment to any position must be a citizen of the United States and a legal voter in the city of Waterville for a period of 1 year next preceding the date of the application.

**Sec. 17. Pension provisions.** (a) A pension is hereby provided for, to be paid by the city of Waterville to the following employees of the city including members of the police department and members of the fire department of said city, said pension to be equal, at any given time, to  $\frac{1}{2}$  the regular pay received by an employee or member in the same line of work; all pension payments made under the provisions of this section to be automatically increased or diminished in amount by increases or reductions in the daily pay allowed by the municipal officers for such position: to any contributing employee of the city of Waterville who has performed faithful service for a period of 25 years or more in a full time position in any department thereof and who has attained the age of 65 years; (b) or to any such member who has performed faithful service for a period of 25 or more years in a full time position in any department and who has become incapacitated for further useful service; (c) or to any such member in a full time position who has been or who shall have been certified in writing to the municipal officers of said city by the city physician or (if required by said municipal officers) by a majority of a disinterested board of 3 physicians chosen by the said municipal officers, as being permanently incapacitated from further performing his duties as such member by reason of injuries resulting from an accident arising out of and in the course of his employment as such employee; (d) if any contributing employee shall through no fault of his own and while in the performance of his official duty receive injuries causing his death the pension shall be paid to his widow, if any, and if no widow to the guardians of his children, if 2 or more, pro rata; until they severally arrive at the age of 16 years, and if but one child to the guardian of that child shall be paid \$1 for each day until it shall have arrived at the age of 16 years.

The pension provided herein shall be paid only to such employees of the city as shall make voluntary contributions to the pension fund of 5% of

their pay. The municipal officers shall by appropriation set up an amount equal to that contributed by the employees and these sums together with the accrued interest thereon shall form the pension fund of the city of Waterville and shall be kept separate and distinct from any other fund. This fund and the accrued interest thereon shall be invested by a committee composed of the secretary of the civil service commission, the city treasurer, and a member chosen by the board of aldermen in such investments as are legal under the law for investments by savings banks.

The pension fund and any moneys contributed by an employee shall not be the subject of a trustee process or attachment in any civil suit brought against the employee.

Any contributing employee who ceases to be an employee of the city of Waterville before retirement date may withdraw from the pension fund the moneys which he has contributed while an employee, plus interest at 2% per year upon that fund.

The heads of all departments shall submit monthly to the secretary of the civil service commission a list of all employees in his department setting out the rate of pay and the amount deducted as a contribution therefrom by each employee.

The mayor in his annual report to the municipal officers shall include therein all matters pertaining to the pension fund hereby erected.

**Sec. 18. Superintendent of public works.** The superintendent of public works shall have general supervision over all public works including streets, side walks, sewers, buildings and electrical appliances and systems excepting the fire signal system and the police signal system the care and maintenance of which are expressly placed herein under the respective commissioners of these departments. He shall have general supervision over the location of sewers, manholes, new streets and sidewalks and shall make a monthly report to the mayor which report shall include all matters pertinent to his department together with the expenditures of the department for the month and recommendations of work, together with estimates of its cost, for the following month.

**Sec. 19. Welfare director.** The welfare director shall have general supervision over all the welfare activities of the city of Waterville and shall be by virtue of his office the clerk to the overseers of the poor.

**Sec. 20. City clerk.** The city clerk shall perform all of the duties and enjoy all the rights now performed and enjoyed by the city clerk of the city and shall by virtue of his office be the clerk of the board of aldermen.

**Sec. 21. City auditor.** The auditor shall be responsible for keeping of the books of all departments and funds of the city of Waterville and shall make a monthly report to the mayor which report shall show all outstanding obligations, bonds, notes and accounts payable of the city, the condition of all departmental appropriations as to expenditures and balance unexpended and he shall hold no other office either elective or appointive in the city.

**Sec. 22. Corporation counsel.** The corporation counsel shall pass upon all ordinances of the city of Waterville before they shall take effect.

**Sec. 23. City purchasing agent.** The city purchasing agent of the city shall purchase all supplies, material, merchandise of all kinds and he shall make a monthly report to the municipal officers which report shall show accounts payable and the names and amounts of all persons dealing with the city for the month.

## ARTICLE VI

### Business and Financial Provisions

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

**Sec. 2. Annual audit.** All the accounts of the city shall be audited annually by a certified public accountant to be chosen by the municipal officers or by an accountant assigned by the state auditor.

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

Each of the administrative officers and boards shall monthly, on such a date as may be fixed by the board of aldermen, render to the mayor a full report of the transactions of his or their department for the month. On the basis of these reports, the mayor shall prepare and publish an annual re-

port for general distribution. In addition to a summary of the services rendered by the various departments, the report shall show :

- (a) Receipts classified according to sources.
- (b) Expenditures classified according to objects.

The classification of receipts and expenditures in the report shall conform in general to the classification in the auditor's books.

- (c) Balance sheet.
- (d) Such other financial information as may be required by the municipal officers.

**Sec. 4. Annual budget.** Not later than 1 month before the end of the fiscal year, the mayor shall submit to the municipal officers budget estimates for the ensuing fiscal year. This budget shall be compiled from detailed information furnished by the administrative officers and boards on blanks, the forms of which shall be designated by the mayor, and shall contain :

- (a) Exact statement of the financial condition of the city.
- (b) Itemized statement of appropriations recommended for current expenses, and for permanent improvements; with comparative statements in parallel columns of expenditures for the current and next preceding four fiscal years. All increase or decrease in any item as compared with the expenditures for the year next preceding shall be indicated.
- (c) Itemized statement of estimated revenue from all sources, other than taxation; and a statement of taxes required, with comparative figures from the current and last preceding year.

- (d) Such other information as may be required by the municipal officers.

The budget shall be published not later than 2 weeks after its submission to the municipal officers.

**Sec. 5. Appropriation resolve.** As early as practicable after the beginning of the fiscal year but not later than January 31 thereof the municipal officers shall pass an annual appropriation resolve, which shall be based on the budget submitted by the mayor, and after public hearings on each department budget estimates, such hearings shall be given 3 days published notices.

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

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

**Sec. 7. Borrowing.** The borrowing of money by and for the city shall be limited as to form and purpose by the provisions of sections 8 and 10 of article VI of this charter. The credit of the city shall in no manner be loaned to any individual, association or corporation.

**Sec. 8. Bond issues.** Money may be borrowed, with the limits fixed by the constitution and statutes of the state now or hereafter applying to said Waterville, by the issue and sale of bonds or notes pledged on the credit of the city, the proceeds to be used for the payment of indebtedness of the city contracted for the acquisition of land, the construction and equipment of buildings and other permanent public improvements, and the payment or refunding of bonds, notes and certificates of indebtedness previously issued. No order providing for the issue of bonds shall be passed without public notice given by posting notice of the same in 2 public places in the city of Waterville, and publishing said notice in at least 1 daily newspaper published in said Waterville at least 2 weeks before final action by the municipal officers, and the approval of 2/3 of all the members of the board of aldermen. Every issue of bonds shall be payable within a fixed term of years; if said bonds are issued in payment of indebtedness incurred for a permanent improvement the term of such bonds shall not exceed the estimated period of utility of said improvement, but the declaration of the municipal officers embodied in the order authorizing the issue shall be a conclusive determination of the estimated period of utility thereof; and the term within which all bonds shall be made payable shall in no case exceed 30 years. Bonds issued after the adoption of this charter shall be made payable in equal, annual, serial installments as pertains to principal, and interest shall be made payable semi-annually. Every order for the issue of bonds shall provide for a tax levy for each year of an amount necessary to

meet the payment of the annual, serial installment of principal, and the annual interest thereon; and such amounts shall be included in the tax levy for each year until the debt is extinguished; provided, however, that bonds issued prior to the adoption of this charter shall not be subject to the afore-said requirement of being made payable in equal, annual, serial installments.

**Sec. 9. Establishing an administration of a public debt amortization fund.** (A) There is hereby established in the city of Waterville a fund separate and distinct from every other fund and designated as the public debt amortization fund. Sources of said fund shall be:

1. The municipal officers shall enter into each annual appropriation resolve an appropriation of  $1\frac{1}{2}\%$  of the total income based upon the preceding fiscal year to the amortization fund and payable to the amortization commission set up to administer that fund.

2. All interest on moneys on hand in the city treasury or which may accrue to the city treasury of said city as interest earned on cash advanced for funding street improvements or delayed special assessments, and  $\frac{1}{3}$  of all interest money received from time to time by the city treasury on any city funds whatsoever, and  $\frac{1}{3}$  of all interest received by the city treasury on any other funds to the interest of which the city is entitled.

3. All such other moneys from any source whatsoever as the municipal officers may by resolution by a  $\frac{2}{3}$  vote from time to time direct to be paid into said fund.

4. Moneys received by gift or bequest to such fund.

(B) **Duties of city officers.** The proper city officers shall segregate such moneys annually from the general fund and other funds of the city and credit the same to the public debt amortization fund.

(C) **Not an offset to debt limit.** Said fund shall not be considered an offset to the constitutional debt limit.

(D) **Custodians of fund; public debt commission; officers.** The custodians of said public debt amortization fund shall be a public debt commission consisting of 3 citizens appointed by the mayor with the approval of the board of aldermen on the 1st Monday of January, each to hold office for a term of 3 years providing that the present members of the amortization commission in office at the time of the approval of this act shall hold office until their terms expire. In case of vacancy, the mayor shall appoint a successor to fill out the unexpired term. Said commission shall elect from its own members a chairman and a secretary.

(E) **Chairman of commission to give bond.** The chairman of the public debt amortization commission shall be the trust officer of the commission and shall before entering on the duties of his office give bond to the city of Waterville with sureties satisfactory to the municipal officers for the faithful discharge of his trust.

(F) **City auditor's duties.** All necessary work incident to the administration of said amortization fund shall be done by the city auditor's office.

(G) **Expenses of administration.** Expenses incident to the administration of said fund shall be paid from the public debt amortization fund.

(H) **Duties of secretary of commission.** The secretary of said commission shall keep books of record of all proceedings of said custodians relating to said fund, and an accurate account of the transactions, investments, earnings and expenditures and shall make a report annually on or before the 1st day of January each year to the municipal officers and shall permit examination of its accounts and records by the mayor, board of aldermen, the city treasurer and by any interested party.

(I) **Jurisdiction of bank commissioner.** The state bank commissioner is hereby empowered and directed to examine, invoice, check up and audit the said public debt amortization fund at least once each year and report the condition of said fund to the municipal officers.

(J) **Commission to enforce collection of funds.** Said commission is hereby authorized and enjoined, when necessary, to demand and enforce by proper proceeding the appropriation, segregation and payment of any amortization moneys due under this act.

(K) **Disbursement of funds; procedure.** Disbursements, investments, sale or transfer of securities shall be by resolution of said custodians by majority vote on checks signed by the chairman of said public debt commission and the city treasurer and countersigned by the city auditor.

(L) **Investment of funds.** Said public debt amortization commission shall from time to time cause investment of said fund or part thereof as it accrues, to be made by the trust officer in the bonds or securities or other evidences of indebtedness of the United States, of any of the New England States and the state of New York, and in the bonds of the counties, cities and towns of any of the New England States, preferably in those of the city of Waterville.

When bonds are issued by the city of Waterville, either new issues under the provisions of this charter or refunding issues of bonds now outstanding they shall be first offered by the city to the public debt amortization fund commission of the city.

(M) **Accrued interest added to fund.** All interest earned by said fund

on its investments shall, when it accrues, be added to said fund to augment the same for the purposes for which said fund is provided.

**(N) Application of fund.** When the total of principal and accrued interest in such fund is substantially equal to  $\frac{1}{2}$  of the outstanding bond indebtedness of said city then  $\frac{3}{4}$  of the principal and accrued interest on said fund shall be applied to cancel so much of the outstanding bond indebtedness or the public debt amortization commission may with the approval of the municipal officers apply this amount for any purpose for which municipal bonds may be legally issued.

**Sec. 10. Temporary loans.** Money may be borrowed in anticipation of receipts from taxes during any fiscal year, but the aggregate amount of such loans outstanding at any one time shall not exceed 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. Money may be borrowed in anticipation of money to be received from the sale of bonds to be issued, in case such bond issue has been authorized; all such loans shall be paid within 1 year and are subject to the provisions of laws of the state in relation thereto.

**Sec. 11. Payments.** Money shall be paid out only on warrants on the city treasury issued by the auditor and countersigned by the mayor and a member of the board of aldermen to be designated from time to time by said board of aldermen.

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

**Sec. 12. Collection and custody of city moneys.** All moneys received by any officer, employee or agent of the city belonging to the city, or for or in connection with the business of the city, shall forthwith be paid by the officer, employee or agent receiving the same into the city treasury, and shall then be deposited by the city treasurer with a responsible banking institution or institutions to be chosen by said municipal officers. All interest from all deposits of money belonging to the city shall accrue to the benefit of the city.

**Sec. 13. Purchasing of supplies.** The purchasing agent shall purchase all supplies for the city and for the several officers and boards thereof, excepting educational supplies for the city schools, which shall be purchased by him upon requisition by the board of education.



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

**Sec. 14. Fiscal year.** The fiscal year for the city of Waterville shall begin January 1st of each year and end on December 31st of each year both days inclusive.

## ARTICLE VII

### Miscellaneous Provisions

**Sec. 1. Members of the municipal officers ineligible for certain offices.** No member of the municipal officers shall during the term for which he was chosen be eligible for any other office the salary of which is payable by the city, nor shall he during such term hold any such office. No elected or appointed official of the city of Waterville shall do business with any department of the city directly or indirectly.

**Sec. 2. Referendum; date of meeting; form of question; procedure.** This act shall take effect and be in full force when the same shall have been accepted by a majority of the inhabitants of the city, qualified to vote in legal affairs, at any legal meeting called for the purpose provided it shall be accepted before September 1, 1941. The vote shall be taken by ballot at said election in answer to the question: "Shall an act passed by the legislature in the year 1937 entitled 'An act relating to the charter of the city of Waterville' be accepted"? which shall be printed on the official ballots and at said election the voters of said city in favor of accepting this act shall vote "yes" and those opposed shall vote "no".

Otherwise said ballot shall be in the form provided by law when a constitutional amendment is submitted to the vote of the people. The provisions of law relating to the preparation of voting lists for municipal elections shall apply to such election and said election shall in all other respects be conducted by law, and the results thereof shall be determined in the manner now provided by law for the determination of the election of mayor. If a majority of the valid ballots cast as aforesaid shall favor accepting the same, then this act shall forthwith take effect as herein provided.

**Sec. 3. Date when effective.** So much of this act as authorizes the submission of the acceptance of this charter to the voters of the city of Water-

ville shall take effect as provided in the constitution of the state, but it shall not take further effect unless adopted by the voters of the city of Waterville as hereinbefore provided. If adopted by the voters of the city, then this act for the purpose of nominating and electing officers hereunder shall take effect on the date of its adoption by the voters.

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

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

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

**Sec. 6. Term of office of present incumbents.** The mayor, members of the board of aldermen, members of the common council, members of the board of education and all other officers, trustees, members of commissions, boards or departments in office, holding positions hereafter to be filled under the provisions of this act, when this act shall have been approved shall not serve out their terms but shall continue in office only until their successors are elected or appointed and qualified as provided in this act except as otherwise provided herein.

**Sec. 7. Wards.** As soon as they conveniently can after the first election under this charter the municipal officers shall redistrict the wards of the city so that the 7 wards will contain a more equal number of voters; and once in 10 years and not oftener than 5 years the municipal officers shall review the wards and alter them, if it be needful, in such a manner as to preserve as nearly as may be, an equal number of legal voters in each ward.

**Sec. 8. Licenses; municipal officers of Waterville may enact certain ordinances.** The municipal officers of the city of Waterville are hereby authorized to enact ordinances regulating the following classes of persons, businesses and purposes. It may authorize the city clerk of said city to grant licenses and permits therefor for such periods of time and in accordance with such rules and regulations not inconsistent with law, and upon payment by

the licensee of such fees, and filing of such bonds as said municipal officers may establish and make provisions for by ordinance, to wit:

Auctioneers, the maintenance and operation of garages, filling stations, sidewalk tanks and pumps for the sale or distribution of gasoline and other volatile inflammable liquids for fuel or power, the manufacture, storage, sale, transportation, disposition and use of explosives and flammable liquids, billiard tables, pool tables, bowling alleys, roller skating rinks, junk dealers, dealers in second hand parts and salvage of automobiles, dealers in second hand merchandise, dealers in old gold, silver and precious metals, hawkers and peddlers, employment agencies, itinerant vendors, public automobiles, taxicabs and motor busses, public wagons and trucks, amusements, exhibitions and performances, theaters, moving picture houses, inns, victualers, pawn brokers, lodging houses of 10 lodging rooms or more, public shooting galleries, the manufacture, storage, sale, disposition and use of fireworks, dance halls, circuses, and the erection and maintenance of signs, flags, banners, awnings, marquees and all other things within the limits of the sidewalks, roads, ways and streets of said city, and no such objects placed within said limits in accordance with such ordinances shall be deemed defects in such sidewalks, roads, ways and streets.

**Sec. 9. Acts repealed.** Chapter 48 of the private and special laws of the state of Maine for the year 1933 and all acts and parts of acts inconsistent herewith upon the approval of this act by the legal voters of the city of Waterville as set out herein are at the time of the approval therewith and thereby repealed.