

MAINE STATE LEGISLATURE

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N I N E T I E T H L E G I S L A T U R E

Legislative Document

No. 358

H. P. 1164

House of Representatives, February 4, 1941.

Referred to Committee on Legal Affairs. Sent up for concurrence and 1000 copies ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Murchie of Calais.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-ONE

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

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

ARTICLE I

Grant of Powers to the City

Sec. 1. Powers granted to city. The inhabitants of the city of Calais shall continue to be a body politics and corporate by the name of the city of Calais and shall have, exercise and enjoy all the right, immunities, powers, privileges and franchises and shall be subject to all the duties, liabilities and obligations provided for herein, or otherwise pertaining to or incumbent upon said city as a municipal corporation, or pertaining to or incumbent upon the inhabitants or municipal officers thereof; and may enact reasonable by-laws, regulations and ordinances for municipal purposes not inconsistent with the constitution and laws of the state of Maine and impose penalties for the breach thereof not exceeding \$100 in any one case.

ARTICLE II

City Council

Sec. 1. City council, members, duties, powers; wards. The administration of all the 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 a school committee as hereinafter provided, and also except as otherwise provided by this chapter, shall be and hereby is vested in one body of 5 members; which body shall constitute and be called the city council, all of whom shall be and remain during their term of office inhabitants of said city, and shall be sworn in the manner hereinafter prescribed. Said city council shall exercise its powers in the manner hereinafter provided.

The members of the city council shall be and constitute the municipal officers of the city of Calais for all purposes required by law or ordinance and, except as otherwise herein specifically provided, shall have all powers and authority given to and perform all duties required of municipal officers and mayors of cities under the laws of this state. When said council shall act as municipal officers, it shall be sufficient and lawful for such vote to be passed or such action to be taken as "City Council" and any record of any such vote passed or action taken, by law required to be passed or taken by municipal officers, shall be sufficient if recorded as passed, or taken by "City Council."

The city council is hereby constituted the overseers of the poor of the city of Calais 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 1 or more of said overseers and sent by a member or members of said overseers personally.

All the powers of establishing a watch and ward, now vested by the laws of the state in the justices of the peace and municipal officers or inhabitants of towns, are vested in the said city council so far as relates to said city; and they are authorized to unite the watch and ward and police departments into 1 department and establish suitable regulations for the government of the same.

All other powers now or hereafter vested in the inhabitants of said city, all powers granted by this act, except as herein otherwise provided, shall be vested in said city council.

The said city shall continue to be divided for election purposes into 7 wards with the now existing boundaries; except that it shall be the duty of the city council, once in 10 years, and not oftener than once in 5 years,

to revise and, if alteration is deemed necessary, to alter the boundaries of said wards in such manner as to preserve as nearly as convenient an equal number of inhabitants in each ward.

Sec. 2. Term of office. The city council shall consist of 5 members, who shall be elected at large by and from the qualified voters of the city for a term of 2 years from the 2nd Monday in April next following the date of their election and until their successors are elected and qualified; except that at the 1st election after the adoption of this charter the 2 candidates having the largest number of votes shall serve for 1 year and the 3 candidates having the next largest number of votes shall serve for 2 years, and until their successors are elected and qualified. Thereafter at each municipal election there shall be chosen at large 2 or 3 members (as the case may be) of the city council to fill the office of the members of the city council whose terms of office expire that year. At the said first election of members of the city council, in the event of 2 or more candidates receiving the same number of votes for member of the city council, the terms of office of said candidates shall be determined by lot by the city clerk after reasonable notice to said candidates by said city clerk of the time and place of said determination.

Sec. 3. Meetings, chairman of council. At the first meeting annually, or as soon thereafter as possible, the city council shall elect by majority vote of the entire council 1 of its members as chairman of the council for the ensuing year, and the city council may fill for the unexpired term any vacancy in the office of chairman that may occur. The chairman shall preside at all meetings of the city council and shall perform such other duties consistent with this office as the council may provide. He shall be entitled to vote and his vote shall be counted upon all matters and things as a vote of other members of the council. The chairman shall be recognized as the official head of the city for ceremonial purposes and shall have the powers and authority given to and perform the duties required of mayors of cities for all purposes of military laws, and shall act in lieu of the mayor in so far as representation is provided for the city by the mayor upon any board or commission or otherwise by any statute. In the temporary absence or disability of the chairman, the city council may select a chairman pro tempore from among its number and he shall exercise the powers of the chairman.

If the chairman shall fail from sickness, disability, continued 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 city council 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 of the entire council may elect some other member of said city council chairman, and such newly elected member shall thereupon and thereafter hold the office and perform the duties of the chairman for the balance of that year.

Sec. 4. Vacancy, how filled. In case of the death, resignation, or removal from office of any member of the city council and of a vacancy caused thereby more than 6 months prior to the next regular election of the city, the vacancy shall be filled by a special election, the warrant for which shall, upon vote of the city council, be issued by a member of the city council, by vote designated for that duty.

Sec. 5. Councilmen-elect to be sworn. The city council shall meet at the usual place for holding meetings at 10 o'clock A. M. on the 2nd Monday in April next following the regular city election, at which time the councilmen-elect shall be sworn to the faithful discharge of their duties by a justice of the peace or by the city clerk. At its first meetings, or as soon thereafter as may be, the city council shall establish by ordinances or resolve a time and place for holding its regular meeting, which shall be held at least once per month.

Sec. 6. Special meetings. Special meetings may be called by the chairman or by a majority of the members of the city council. Notice of such meeting shall be served in person upon, or left at the usual dwelling place of each member of the council and of the city manager. A majority of the members of the city council shall be and constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time, or compel attendance of absent members.

Sec. 7. Record to be kept; orders and resolves. The city council shall keep a record of its proceedings and shall be the judge of the qualification and election of its own members. The council may determine its own rules and procedure, make lawful regulations for enforcing the same, and punish members for misconduct. The meetings of the council shall be open to the public. The city council shall act only by ordinance, order or resolve; all ordinances, orders and resolves, except general appropriation resolves shall be confined to one subject. The appropriation order or resolve shall be confined to the subject of appropriation only. The city council may provide, by ordinance, order or resolve, for all other rules and orders of a parliamentary character.

ARTICLE III

Superintending School Committee

Sec. 1. Number of members; terms of office. The superintending school committee, hereinafter called the school committee, shall consist of three members who shall be elected at large by and from the qualified voters of the city for a term of 3 years and until their successors are elected and qualified, except that at the first election of members of the school committee after the adoption of this charter, the candidate receiving the largest number of votes cast at such election for member of the school committee shall hold office for 3 years from the second Monday in April, 1943. The candidate who shall receive the second largest number of votes cast at such election for member of the school committee shall hold office for two years from said date. The candidate who shall receive the third largest number of votes cast at such election for member of the school committee shall hold office for one year from said date; and each shall hold office until his successor is elected and qualified. At the said first election of members of the school committee, in the event that two or more candidates shall receive the same number of votes for member of the school committee, the terms of office of said candidates shall be determined by lot by the city clerk after reasonable notice to said candidates by said city clerk of the time and place of said determination.

Sec. 2. Chairman, how determined. Each year, the chairman of the school committee shall be that member whose term of office expires at the end of that municipal year. The chairman shall preside at all meetings of the school committee and shall have a vote as other members of said committee.

Sec. 3. Time of organization. The school committee shall meet and organize at 8 o'clock P. M. on the 2nd Monday in April, next following the regular city election. The members shall be sworn by a justice of the peace or by the city clerk to the faithful discharge of their duties. A majority of the whole number elected and serving shall be a quorum for the transaction of business.

Sec. 4. Powers and duties. The school committee shall have all the powers and shall perform all the duties in regard to the care and management of the public schools of the city which are now conferred and imposed upon school committees by the laws of the state, except as otherwise provided in this charter.

Sec. 5. Vacancies, how filled. Whenever, from any cause, a vacancy

in the school committee shall occur, said vacancy shall be filled at the next annual election, or the city council may call a special election.

ARTICLE IV

Nominations and Elections

Sec. 1. Warden; ward clerk. On the 1st Monday in April after the adoption of this charter the qualified voters of the city shall elect 5 members of the city council, and the qualified voters of each ward shall, at the same time, elect a warden and a ward clerk for their ward; and thereafter on the 1st Monday in April every other year, a regular municipal election shall be held and the qualified voters of the city shall elect such members of the city council as are necessary to fill the offices of those whose terms of office expire that year, and also to fill any vacancies in the above offices which then may exist, and the qualified voters of each ward shall, at the same time, elect a warden and a ward clerk.

All votes cast for the several offices shall be sorted, counted, declared and registered in open ward meeting as provided by statute. The ward clerk shall forthwith deliver to the persons elected warden and ward clerk certificates of their election, and shall forthwith deliver to the city clerk a certified copy of the records of such election.

As provided by law, after the 1st election held under this charter, the then municipal officers, and annually thereafter, following the regular city election, the city council shall examine the copies of the records of the several wards, certified as aforesaid, and shall cause the persons who shall have been elected members of the city council, and the persons who shall have been elected members of the school committee, to be notified in writing of their election. If it shall appear that at the 1st election, or at any subsequent election, 1 or more of the offices to be filled by said election has not been so filled, or if at any election the person elected shall refuse to accept the office for which he has been elected, warrants for another and special election to fill such vacancy or vacancies shall be issued forthwith.

At any election, the person or persons having the highest number of votes for an office, not exceeding the number to be chosen, shall be deemed and declared elected to such office.

Sec. 2. Term of office; ward meetings. The warden and ward clerk, chosen as provided in the preceding section, shall be residents of the ward from which they are elected, and shall hold their office for 1 year from the 2nd Monday in April following their election and until others have been chosen and qualified in their stead. The warden and the ward clerk shall

be sworn to the faithful performance of their duties by a justice of the peace or by the clerk of the ward meeting or by any legal voter of said ward, and a certificate of such oath shall be entered by the clerk on the records of said ward. The warden shall preside at all meetings with the powers of moderators of town meetings, and if at any meeting the warden shall not be present, the clerk of the ward shall call the meeting to order and preside until a warden pro tempore shall be chosen. The warden shall have all rights and powers now held by the warden of such ward. If neither the warden nor the ward clerk shall be present, any legal voter in the ward may preside until a clerk pro tempore shall be chosen and qualified. Immediately following the election of a clerk pro tempore a warden pro tempore shall be chosen. The clerk shall record all the proceedings and certify the votes given and deliver over to his successor in office all such records and journals in his possession or under his control, together with all documents and papers held by him in his capacity as clerk. The ward clerk shall have all rights and perform all duties now had and performed by the ward clerk of such ward so far as consistent with this charter. All ward meetings shall be notified and called by the city council in the manner provided by the laws of this state for notifying and calling ward meetings.

Sec. 3. Nomination of candidates to be by petition. The nomination of all candidates for elective offices provided for by this charter shall be by petition. The petition of candidates for warden and for ward clerk shall be signed by not less than 10 or more than 30 qualified voters of the ward in which said candidates are residents. The petition of each candidate for member of the city council, and member of the school committee shall be signed by not less than 100 nor more than 125 qualified voters of the city. No voter shall sign petitions for more than 1 candidate for each office to be filled at the election and should he do so his signature shall be counted only upon the first petition filed, and shall be void upon all other petitions.

Sec. 4. Nomination papers, signatures to; form of petition. The signatures to nomination papers need not all be affixed to 1 petition, but to each separate petition there shall be attached an affidavit of the circulator thereof stating the number of signers on each petition and that each signature appended thereto was made in his presence and is the genuine signature of the person whose name it purports to be. With each signature shall be stated the place of residence of the signer, giving the street and number of the street or other description sufficient to identify the same. The form of the nomination petition shall be substantially as follows:

“To the City Clerk of the City of Calais. We, the undersigned voters of the City of Calais, hereby nominate _____ whose residence is _____ for the office of _____, to be voted for at the election to be held in the City of Calais on the _____ day of _____ 19____ and we individually certify that we are qualified to vote for a candidate for the above office and that we have not signed more nomination petitions of candidates for this office than there are persons to be elected thereto.

Name Street and Number being duly sworn deposes and says that he is the circulator of the foregoing nominating petition containing _____ signatures and that the signatures appended thereto were made in his presence and are the signatures of the persons whose names they purport to be.

Subscribed and sworn to before me, this _____ day of _____ 19____

.....
Justice of the Peace
Notary Public

If this petition is deemed insufficient by the City Clerk he shall forthwith notify by mail at No. St.”

Sec. 5. Nomination petitions to be assembled into 1 petition; validity. The nomination petitions for any 1 candidate shall be assembled and united into 1 petition and filed with the city clerk not earlier than 30 nor later than 14 days before the day of election. No nomination shall be valid unless the candidate shall file with the city clerk in writing, not later than 14 days before the day of election, his consent accepting the nomination, agreeing not to withdraw, and, if elected, to qualify.

Sec. 6. List of candidates to be certified. The city clerk shall certify a list of candidates and shall cause to be published, in a newspaper published in the city of Calais, the names, residences and offices to which nominated, of the candidates who have duly filed the above described petition and acceptances.

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

Sec. 8. Determination of position of names upon ballot. The position upon the ballot of the names of the candidates nominated, as hereinbefore

provided, shall be determined by lot and said names shall be so placed upon said ballot under title of the office to be filled. Said determination of said position by lot shall be conducted by the city clerk at which said candidates or their representatives shall be entitled to be present. The ballot shall be without party mark or designation. The name and residence of each candidate shall be given. At the right of each name shall be a square within which the voters shall place a cross (X) to designate his choice. A blank space shall be left at the end of the list of candidates for each office in which the voter may insert the name of any person not printed on the ballot for whom he desires to vote.

The ballot shall be printed substantially as follows:

(Back of the Ballot)

“OFFICIAL BALLOT

CALAIS

Ward

Monday A. D.

(Facsimile of Signature)

City Clerk

(Face of the Ballot)

To vote for a candidate mark a cross (X) in the square at the right of the candidate’s name and residence.

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

| FOR MEMBERS OF CITY COUNCIL | | Vote for |
|-----------------------------|-----------|----------|
| Name of Candidate | Residence | |
| | | |
| | | |
| | | |

| FOR SUPERINTENDING SCHOOL COMMITTEE | | Vote for |
|-------------------------------------|-----------|----------|
| Name of Candidate | Residence | |
| | | |
| | | |
| | | |

| FOR WARDEN | | Vote for One |
|-------------------|-----------|--------------|
| Name of Candidate | Residence | |
| | | |
| FOR WARD CLERK | | Vote for One |
| Name of Candidate | Residence | |
| | | |

Mark a cross (X) in the square at the right of your answer.

Shall Yes
 No”

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

ARTICLE V

Administrative Officers

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

(A) The following boards and officers shall be appointed by ballot by a majority vote of the members of the city council; city manager, city clerk, assessors of taxes, city solicitor, chief of police, secretary to overseers of the poor, health officer, whose term of office and duties shall be as provided under section 87 of chapter 1 of the public laws of 1933, as amended, of the revised statutes of 1930 and 2 members of the board of registration under chapter 6, section 8 of the revised statutes.

(B) The following officers shall be appointed by the city manager, subject to confirmation by the city council: city treasurer, collector of taxes, auditor, chief of the fire department and inspector of fires, superintendent of fire alarms and inspector of electrical wiring, road commissioner, inspector of buildings, superintendent of sewers, inspector of plumbing, milk inspector, not more than 6 constables, and all other officers and employees the appointment of whom is not otherwise provided for by this charter or by ordinance.

Sec. 2. Tenure of office. All appointive officers and boards, whose terms are not specified in this charter, shall hold office at the pleasure of the appointing power; except that the tenure of office of policemen shall be as provided by section 1 of chapter 120 of the private and special laws of 1917. Appointive officers and boards whose terms are specified in this charter shall be removable by the city council upon written charges, notice and hearing, if upon such hearing they are adjudged guilty of the charges preferred.

Sec. 3. Power of council in re offices. The city council shall have power, by ordinance or resolve (a) to create any new appointive office; (b) to assign or to authorize the city manager to assign the duties of 2 or more offices to one officer; (c) to divide the duties of any office between 2 or more officers (d) to authorize the appointment of assistants or deputies in any office.

Sec. 4. Salaries. The city council shall fix by order or resolve the salaries of the appointees of the council. Salaries of the appointees of the city manager shall be fixed by the city manager subject to the approval of the council.

Sec. 5. City manager. The city manager shall be appointed for an indefinite term but may be removed by a majority vote of the members of the council or by the method hereinafter provided. At least 30 days before such removal may become effective the manager shall be furnished with a formal statement in the form of a resolution passed by a majority vote of the members of the council, stating the council's intention to remove him and the reasons therefor. The manager may reply in writing to such resolutions. If so requested by the manager, the council shall fix a time for a public hearing upon the question of his removal, and the final resolution removing the manager shall not be adopted until such public hearing has been had. Upon passage of a resolution stating the council's intention of removing the manager, the council may suspend him from duty, but his pay shall continue until his removal shall become effective as herein described. The action of the council in removing the manager shall be final. In case of the absence or disability of the manager the council may designate a qualified administrative officer of the city to perform the duties of the manager during such absence or disability.

Sec. 6. Terms of office. The term of all elective officers of the city of Calais except wardens and ward clerks as hereinafter provided shall be 2 years unless removed by a method hereinafter provided. In case of the removal of any such officer by the method hereinafter provided, the suc-

cessor of said officer shall hold office for the remainder of the unexpired term.

Sec. 6-A. Petition; signature; contents; affidavits; checking; submission to council. The procedure to effect the removal of a member of the school board, or the city manager, or both shall be as follows: A petition signed by voters entitled to vote for a successor to the incumbent, equal in number to at least 25 per centum of the entire vote for all candidates for the office, the incumbent of which is sought to be removed, cast at the last preceding general municipal election, demanding an election of a successor of the person to be removed, shall be filed with the city clerk: Provided, That the petition sent to the council shall contain a general statement on the grounds for which the removal is sought. The signatures to the paper need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. Any person competent to make affidavit may circulate such petition. The person circulating each such paper shall make oath before an officer competent to administer oaths, that the statements therein made are true, and that each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed. Within 10 days from the date of filing such petition the city clerk shall examine the register and therefrom ascertain whether or not said petition is signed by the requisite number of qualified voters; and, if necessary, the council shall allow him extra help for that purpose; and he shall attach to said petition his certificate showing the result of said examination. If, by the clerk's certificate, the petition is shown to be insufficient, it may be amended within 10 days from the date of said certificate. The clerk shall, within 10 days after such amendment, make like examination of the amendment to the petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same without prejudice to the filing of a new petition to the same effect. If the petition shall be found to be sufficient, the clerk shall submit the same to the council without delay; and thereupon the city council shall order and fix a date for holding said election, not less than 30 days nor more than 40 days from the date of the clerk's certificate to the council that a sufficient petition is filed.

Sec. 6-B. Recall election; term of successor; incumbent a candidate. The city council shall make or cause to be made publication of notice, and all arrangements for holding of such election; and the same shall be conducted, returned and the result thereof declared, in all respects, as are other elections. The successor of any officer so removed shall hold office

during the unexpired term of his predecessor. Any person sought to be removed may be a candidate to succeed himself, and unless he requests otherwise in writing, the clerk shall place his name on the official ballot without nomination. In any such election the candidate receiving the highest number of votes shall be declared elected.

Sec. 6-C. Largest vote elects; to qualify; vacancy. At such election, if some other person than the incumbent receives the highest number of votes, the incumbent shall thereupon be deemed removed from the office upon the qualification of his successor. In case the party who receives the highest number of votes should fail to qualify within 10 days after receiving notification of election, the office shall be deemed vacant. If the incumbent receives the highest number of votes he shall continue in office.

Sec. 7. Powers and duties of city manager. The city manager shall be the administrative head of the city and shall be responsible to the city council for the administration of all departments. The powers and duties of the city manager shall be as follows:

(a) To see that the laws and ordinances are enforced, but he shall delegate to the chief of the police department the active duties connected therewith regarding criminal misdemeanors.

(b) To exercise control over all departments and divisions created herein or that may hereafter be created.

(c) To make appointments as provided in this charter.

(d) To attend meetings of the city council, except when his removal is being considered, and recommend for adoption such measures as he may deem expedient.

(e) To keep the city council fully advised as to the business and financial condition and future needs of the city and to furnish the city council with all available facts, figures and data connected therewith, when so requested.

(f) To perform such other duties as may be prescribed by this charter or required by ordinance of the city council.

Sec. 8. Vacancy in office of city manager. During any vacancy in the office of the city manager, and during the absence from the city, or disability of the city manager, the city council may designate some person properly qualified to perform the duties of city manager and said city council may fix the compensation of said person; while so acting, he shall have the same powers and duties as those given to and imposed on the city manager. If so required, he shall give bond to the city of Calais in such

sum as said city council shall approve and with surety or sureties which shall be approved by the city council. The premium on said bond shall be paid by the city.

Sec. 9. Duties of other administrative officers. The city council shall, by ordinance, resolve or order, prescribe and determine the duties of administrative officers other than the city manager, except as said duties are prescribed herein or by general law. Such duties shall not be inconsistent with the provisions of this charter.

Sec. 10. Vacancies, how filled. When any vacancy occurs in any office, said vacancy shall be filled as soon as may be by the appointing power authorized to appoint to said office.

Sec. 11. Assessors of taxes. The first city council to be elected under this charter shall appoint three assessors of taxes, for 1, 2 and 3 years respectively from the second Monday in April, 1943, and until their successors are appointed and qualified. Thereafter the city council shall annually appoint an assessor of taxes for a term of 3 years from the second Monday in April of the year of his appointment. If for any reason a vacancy shall exist in the membership of the board of assessors, the vacancy shall be filled forthwith by the city council for the unexpired term. The assessors 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.

ARTICLE VI

Business and Financial Provisions

Sec. 1. Accounts; how kept. Full and accurate accounts of all the departments of the city shall be kept. The city manager shall prescribe the forms of such accounts. Said accounts, however, shall be kept in such manner as to show fully at all times the financial condition of the city and of each department thereof. The auditor of accounts shall furnish to the city manager prior to the regular monthly meeting of the city council in each month a detailed report showing receipts and disbursements of the city on all accounts and also showing expenditures made and obligations incurred during the preceding calendar month. Said auditor of accounts shall also furnish the city manager a balance sheet showing the financial condition of the city and of the several funds, together with the unexpended balance to the credit of each department.

Sec. 2. Accounts to be audited. Accounts of the city shall be audited annually by a qualified accountant to be chosen by the city council.

Sec. 3. Statements of financial condition of city to be published. The auditor of accounts shall publish each month a statement of the financial condition of the city.

Each of the administrative offices and boards shall annually, on such date as may be fixed by the city council, render to the city manager a full report of the transactions of his or their department for the year. On the basis of these reports the city manager shall prepare and publish an annual report 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 employed in the city's accounting system.

- (c) Balance sheets.
- (d) Such other financial information as may be required by the city council.

Sec. 4. Budget estimates to be submitted. On or before April 1st of each year, the city manager shall submit to the city council budget estimates for the ensuing fiscal year. Said budget estimates shall contain :

- (a) A statement of the financial condition of the city.
- (b) An itemized statement of appropriations and amounts thereof recommended for current expenses, and also appropriations recommended for permanent improvements.
- (c) An itemized statement of revenue from sources other than taxation, together with a statement of the amount of money to be raised by taxation together with comparative figures from the current and the next preceding year.

- (d) Such other information, if any, as may be required by the city council.

Sec. 5. Reserve fund. In the annual appropriation resolve, the city council shall provide for a reserve fund, and an appropriation for the same shall therein be made. Transfers from said fund shall be made only by vote of the city council, and no transfer of any money shall be made from any fund other than the reserve fund until the end of the year, at which time, after all warrants have been paid out of the various funds against

which such warrants have been drawn, the treasurer shall transfer to said reserve fund any balance or balances then remaining in the various other funds, except balances in the school fund; the city council shall then apply the full balance in reserve fund to the reduction of the unfunded debt of the city, in case there is such debt, otherwise the city council shall transfer the full balance in the reserve fund to the sinking fund; provided, however, that before doing so the city council may authorize a transfer from the reserve fund to any other fund or account in which there is an overdraft created by an actual emergency.

Sec. 6. Sinking fund. Until the funded indebtedness, not provided for by serial bonds, of the city of Calais in force at the time of the adoption of this charter, together with any renewal thereof, is fully paid, the city council shall raise and set apart each year for a sinking fund a sum equal to not less than 2% of the total of appropriations for that year, excluding the amount of the item of the appropriation resolve provided for by this section.

The sinking fund shall be invested as provided by the revised statutes of the state of Maine in chapter 5, section 93 and all acts in addition thereto and in amendment thereof.

Sec. 7. 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 of Maine in relation thereto.

Sec. 8. Payments. Money shall be paid out only on warrants on the city treasury, issued by the auditor and countersigned by the city manager and a member of the city council to be designated from time to time by said city council.

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

The auditor may require any claimant to make oath to the validity of his

claims, may investigate any claim, and for such purpose or purposes may examine witnesses under oath.

Sec. 9. Bond. The city council shall require bonds, with sufficient surety or sureties, from all persons trusted with the collection, custody, or disbursement of the public moneys, and all moneys received by any officer, employee or agent of the city, belonging to the city, or in connection with the business thereof, shall forthwith be paid into the city treasury, and shall be deposited with such responsible banking institutions as the city council may determine. All interest from such deposits shall accrue to and belong to the city.

Sec. 10. Purchase of supplies and equipment. The city manager shall purchase all supplies and equipment for the city and for the several officers and boards thereof, except educational supplies for the schools. The city manager shall see to the delivery of supplies to each department and take and file receipts therefor. He shall conduct all sales of property unfit or unnecessary for the city's use, after such sales have been authorized by the council.

ARTICLE VII

Miscellaneous Provisions

Sec. 1. Members of city council ineligible for other office. No member of the city council, during the term for which he was chosen as such member, shall be eligible for any other office, the salary of which is payable by the city, nor shall he, during such term, hold such other office.

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

service now or hereafter provided for by contract, franchise, statute, or ordinance.

Sec. 3. Referendum provided for. This act shall be submitted for approval or rejection to the qualified voters of the city of Calais at the annual election to be held on the 1st Monday in April, 1942, and warrants shall be issued for such election in the manner now provided by law for the holding of municipal elections, notifying and warning the qualified voters of said city to meet in the several ward meetings of said city, there to cast their ballots for the approval or rejection of this act. The question proposed on said ballot shall be substantially in the following form:

“Shall an act passed by the legislature in the year 1941 entitled ‘An Act to Grant a New Charter to the City of Calais’ be accepted?” Otherwise said ballot shall be in 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 as municipal elections in said city are now conducted by law, and the result thereof shall be determined in the manner now provided by law for the determination of the election of mayor. If a majority of the ballots deposited as aforesaid shall reject, this act shall not go into effect, but if a majority of the electors voting at said ward meetings shall approve, then this act shall take effect as herein provided.

Sec. 4. Effective date of act. So much of this act as authorizes the submission of the acceptance of this charter to the electors of the city of Calais shall take effect as provided in the constitution of the state, but it shall not take further effect unless accepted by the electors of the city of Calais as hereinbefore provided. If accepted by the electors of the city, then this act for the purpose of nominating and electing officers hereunder shall take effect on the date of its adoption by the electors, and for all other purposes this act shall take effect on the 2nd day in April next following.

Sec. 5. Amendatory clause. 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.

Sec. 6. Present officials to hold office until successors are appointed. All officers now in office holding positions hereafter to be filled under the provisions of this charter by the city council or city manager shall not serve out their terms but shall continue in office only until their successors are appointed and qualified; except that the members of the board of registration,

the health officer, and all policemen and patrolmen appointed and holding office by virtue of the provisions of chapter 120 of the private and special laws of 1917 shall serve out the terms for which they were appointed.

The members of the school board holding office when this charter goes into effect shall not serve out the terms for which they were appointed but shall serve only until the members of the school committee are elected and qualified as hereinbefore provided.

Sec. 7. Certain provisions continued. 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. 8. Repealing clause. In case this act is approved in the manner hereinbefore provided, all acts and parts of acts inconsistent herewith are hereby repealed.