

MAINE STATE LEGISLATURE

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N I N E T Y - F I F T H L E G I S L A T U R E

Legislative Document

No. 707

H. P. 1120

House of Representatives, February 14, 1951.

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

HARVEY R. PEASE, Clerk.

Presented by Mr. Hall of Calais.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-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 politic 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 a body of 7 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."

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 and 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 7 members, 1 member being elected from each of the 7 wards by the qualified voters thereof. All 7 members shall be elected for a term of 1 year from the 2nd Monday in April next following the date of their election and shall serve until their successors are elected and qualified.

Sec. 3. Meetings, chairman of council. At the 1st 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 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 meeting, or as soon thereafter as may be, the city council shall establish by ordinance or resolve a time and place for holding its regular meeting, which shall be held at least once each 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 appropriations resolves shall be confined to one subject. The appropriation order or resolve shall be confined to the subject of appropriations 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 3 members who shall be elected by the qualified voters of the city in the following manner: at the 1st election following the adoption of this charter the voters shall elect 1 member for 1 year, 1 member for 2 years and 1 member for 3 years, and in each succeeding year there will be elected 1 member of the school committee to serve for a term of 3 years.

Sec. 2. Chairman. 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. Organization; quorum. The school committee shall meet and organize at 8 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. Vacancy, how filled. Whenever, from any cause, a vacancy in the school committee shall occur, said vacancy shall be filled for the remainder of that year in the same manner as vacancies in the city council.

ARTICLE IV

Elections

Sec. 1. Councilmen; warden; ward clerk; constable. On the 1st Monday in April after the adoption of this charter the qualified voters of each ward shall elect a councilman, a warden, a ward clerk and a constable for their ward; and thereafter, on the 1st Monday in April every year, a regular municipal election shall be held and the qualified voters of each ward shall elect the officials above named.

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 councilman, warden, ward clerk and constable 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 officer 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 councilman, warden, ward clerk and constable, 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, ward clerk, and constable 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 ward clerk and constable shall be signed by not less than 10 nor more than 30 qualified voters of the ward in which said candidates are residents. The petition of candidates for councilman shall be signed by not less than 10 nor more than 30 qualified voters of the ward in which said candidate is a resident. The petition of each candidate for member of the school committee shall be signed by not less than 50 nor more than 75 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 shall he do so his signature shall be counted only upon the 1st 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 one 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 signa-

ture 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 petitions 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 _____ 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 one petition; validity. The nomination petitions for any 1 candidate shall be assembled and united into 1 petition and filed with the city clerk in writing, not earlier than 30 nor later than 14 days before the day of election. Nomination shall not 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 one or more of the weekly newspapers published in the county of Washington, 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) or check mark (✓) 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) or check mark (✓) in the square at the right of Name and Residence.

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

FOR SUPERINTENDING SCHOOL COMMITTEE		Vote for
Name of Candidate	Residence	

FOR MEMBER OF CITY COUNCIL		Vote for one
Name of Candidate	Residence	

FOR WARDEN		Vote for one
Name of Candidate	Residence	

FOR WARD CLERK		Vote for one
Name of Candidate	Residence	

FOR CONSTABLE		Vote for one
Name of Candidate	Residence	

Mark a cross (X) or check mark (✓) 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

Sec. 1. Administrative board 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, who shall act as tax collector, overseer of the poor and road commissioner; city clerk; assessors of taxes; city solicitor; health officer and milk inspector whose term of office and duties shall be as provided under section 34 of chapter 22 of the revised statutes of 1944, and 2 members of the board of registration under section 11 of chapter 3 of the revised statutes of 1944; city treasurer; controller.

(B) The following officers shall be appointed by the city manager for a term of 1 year, subject to confirmation by the city council; chief of police, chief of the fire department and inspector of fires, superintendent of fire alarms and inspector of electrical wiring, inspector of buildings, superintendent of sewers, inspector of plumbing, constables and all other officers and employees the appointment of whom is not otherwise provided for by this charter or by ordinance.

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. 2. Tenure of office. All appointive officers and boards, whose terms are not specified in this charter, shall hold office for the term of 1 year from the 2nd Monday in April next following the date of their election and shall serve until their successors are elected and qualified.

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 1 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.

Sec. 5. Powers and duties of city manager. The city manager shall be the administrative head of the city and shall be responsible for the city council for the administration of all departments. The powers and duties of the city manager shall be as follows:

(1) Appoint, prescribe the duties of, and, when necessary for the good of the service, remove all employees of the city under his supervision. Any such employee removed, however, at his request shall be entitled to a full hearing before the city council and the city council shall have the power to confirm or reject the action of the city manager in so removing the employee.

(2) Prepare the budget annually, submit it to the council, and be responsible for its administration after adoption.

(3) Prepare and publish city report annually; this to include publication in a weekly newspaper published in the city of Calais.

(4) To act as purchasing agent as defined in section 10 of Article VI of this charter.

(5) 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.

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

Sec. 6. 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. 7. 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. 8. 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. 9. Assessors of taxes. The first city council to be elected under this charter shall appoint 3 assessors of taxes, for 1, 2 and 3 years respectively from the 2nd Monday in April, 1952, 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 2nd 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, detailed report to be furnished. Full and accurate accounts of all the departments of the city shall be kept. The city manager shall prescribe the forms for such accounts; however, all forms shall conform to general accounting procedure for municipalities. Said account shall be kept in such manner as to show fully at all times the financial condition of the city and of each department thereof. It shall be the duty of the city controller to keep the controlling books of entry and the general ledger so that there will always be an internal audit by the controller of the books and records kept by other city officials. The controller shall furnish to the city manager and the city council prior to the regular monthly meeting of the city council in each month a detailed report showing receipt and other credits and disbursements of the city on all accounts and also showing expenditures made and obligations incurred during the preceding month. Said controller shall also furnish the city manager or members of the council, upon his or their request, a balance sheet showing the financial condition of the city and of the several funds, including trust funds, together with the unexpended balance to the credit of each department. It shall further be the duty of the controller to audit and approve for payment any and all disbursements made or to be made by the city treasurer, said items of disbursements to be listed on a warrant drawn on the city treasurer, as further outlined in section 8 of this article.

The city treasurer shall keep a record of all moneys paid to the city, said record to show: date received, from whom and from what source. He shall also maintain his records so that the controller may verify his accounts at any time. Receipts of the city treasurer shall be deposited regularly in the bank or banks designated by the council and at whatever intervals they deem proper. The tax collector shall maintain records showing receipts from tax payments, said receipts to be posted to the individual taxpayer's record and deposited with the treasurer daily. Said collector of taxes shall furnish the city manager and the city council a detailed report monthly showing collections for the preceding month.

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. Reports of administrative officers. Each of the administrative

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

The classification of receipts and expenditures in the report shall conform in general to the classification employed in the city's accounting system.

Sec. 4. Budget estimates to be submitted. On or before May 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 section 106 of chapter 80 of the revised statutes of 1944 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 1 time shall not exceed 80% of the revenue received from taxes during the preceding fiscal year. All such loans shall be paid within the year out of receipts from taxes for the fiscal year in which said loans are made. 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 controller 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 controller 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, and funds legally available.

The controller 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 the 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 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. 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. 4. Present officials to hold office only until successors are appointed; exceptions. All officers now in office holding positions hereafter to be filled under the provisions of this charter by the city council 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.

Sec. 5. 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 herewith, shall be enforced, continued or completed in all respects as though begun or executed hereunder.

Sec. 6. Repealing clause. In case this act is approved in the manner hereinafter provided, all acts and parts of acts inconsistent herewith, so far as they relate to the city of Calais, are hereby repealed.

Sec. 7. Referendum; effective date. This act shall take effect 90 days after the adjournment of the legislature, only for the purpose of permitting its submission to the qualified voters of the city of Calais at an election to be held on the 2nd Monday in September, 1951, 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 city clerk shall prepare the required ballots, on which he shall reduce the subject matter of this act to substantially the following question: "Shall 'An Act to Grant a New Charter to the City of Calais', passed by the 95th legislature, be accepted?" and the voters shall indicate by a cross or check mark placed over the words "Yes" or "No" their opinion of the same. The provisions of law relating to the preparation of voting lists for municipal elections shall apply to this election and said election shall in all other respects be conducted as municipal elections in said city are now conducted by law. The result of said election shall be determined in the manner now provided by law for the determination of the election of superintending school committee members and due certificate thereof filed by the city clerk with the secretary of state. If a majority of the ballots cast at said election are in favor of the acceptance of this act, then it shall take effect immediately for the purpose of nominating and electing officers hereunder; and for all other purposes it shall take effect on the 2nd Monday in April next following.