

# MAINE STATE LEGISLATURE

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**Legislative Document**

**No. 734**

H. P. 1179

House of Representatives, February 15, 1951.

Referred to the Committee on Legal Affairs, sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Low of Rockland.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FIFTY-ONE

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**AN ACT Amending the Charter of the City of Rockland.**

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

**Sec. 1. P. & S. L., 1945, c. 125, Art. II, § 224, repealed and replaced.** Section 224 of Article II of chapter 125 of the private and special laws of 1945 is hereby repealed and the following enacted in place thereof:

‘224. **Ordinances.** In addition to such acts of the council as are required by statute or by this charter to be by ordinance, every act of the council establishing a fine or other penalty or providing for the expenditure of funds or for the contracting of indebtedness, excepting the annual budget and emergency appropriations shall be by ordinance. The enacting clause of all ordinances shall be, “The council of the city of Rockland hereby ordains.”’

**Sec. 2. P. & S. L., 1945, c. 125, Art. V, § 515, repealed and replaced.** Section 515 of Article V of chapter 125 of the private and special laws of 1945 is hereby repealed and the following enacted in place thereof:

‘515. **Appropriation limitation.** Other than by the one regular annual budget appropriation resolve, the city council shall make no appropriations

except "emergency appropriations" as defined and provided under section 516.'

**Sec. 3. P. & S. L., c. 125, Art. V, § 521, additional.** Article V of chapter 125 of the private and special laws of 1945 is hereby amended by adding thereto a new section, to be numbered 521, to read as follows:

**'521. Serial bonds.** To provide for the redemption of the funded indebtedness of the city, above the amount of the sinking fund, the city council may authorize the issuance of serial bonds in a like or lesser amount than the refunding bonds coming due.

As such issues will not affect the constitutional debt limit of the city, the provisions of sections 713, 714, 718, 719, 725, and 727 of the charter only shall apply to this section.'

**Sec. 4. P. & S. L., 1945, c. 125, Art. VI, § 614, amended.** Section 614 of Article VI of chapter 125 of the private and special laws of 1945 is hereby amended to read as follows:

**'614. Budget message; capital improvements.** As a part of the budget message, with relation to the ~~proposed expenditures for down payments and other~~ proposed expenditures for capital projects stated in the budget, the city manager shall include a statement of pending capital projects and proposed new capital projects, relating the respective amounts proposed to be raised therefor by appropriations in the budget and the respective amounts, if any, proposed to be raised therefor by the issuance of bonds during the budget year.'

**Sec. 5. P. & S. L., 1945, c. 125, Art. VI, § 621, amended.** Section 621 of Article VI of chapter 125 of the private and special laws of 1945 is hereby amended to read as follows:

**'621. Miscellaneous revenues.** Miscellaneous revenues shall include anticipated revenues from the collection of taxes other than the general property tax; the amount of state aid to be received; the amount by which the city is expected to benefit from taxes collected by the state; the amounts estimated to be received from services and sales, fines and forfeiture, ~~pen- sion assessments~~ special assessments and any other special or non-recurring sources.'

**Sec. 6. P. & S. L., 1945, c. 125, Art. VI, § 625, sub-§ (k), repealed.** Subsection (k) of section 625 of Article VI of chapter 125 of the private and special laws of 1945 is hereby repealed.

**Sec. 7. P. & S. L., 1945, c. 125, Art. VI, § 627, repealed.** Section 627 of Article VI of chapter 125 of the private and special laws of 1945 is hereby repealed.

**Sec. 8. P. & S. L., 1945, c. 125, Art. VI, § 628, renumbered.** Section 628 of Article VI of chapter 125 of the private and special laws of 1945 is hereby renumbered to be 627.

**Sec. 9. P. & S. L., 1945, c. 125, Art. VII, § 704, sub-§ (4), repealed.** Subsection (4) of section 704 of Article VII of chapter 125 of the private and special laws of 1945 is hereby repealed.

**Sec. 10. P. & S. L., 1945, c. 125, Art. VII, § 704, sub-§ (5), renumbered.** Subsection (5) of section 704 of Article VII of chapter 125 of the private and special laws of 1945 is hereby renumbered to be subsection (4).

**Sec. 11. P. & S. L., 1945, c. 125, Art. VII, § 704, sub-§ (16), repealed and replaced.** Subsection (6) of section 704 of Article VII of chapter 125 of the private and special laws of 1945 is hereby repealed and the following enacted in place thereof :

‘(5) A determination of the net debt of the city after issuance of the bonds thereby authorized, together with the declaration that the bonds thereby authorized will be within the debt limitation prescribed by the constitution of the state of Maine. For the purposes of this section, “net debt” is hereby defined as the total of all outstanding bonds and notes, excepting tax anticipation notes, plus accounts payable overdue more than sixty days, and minus any funds in a sinking fund which are available only for debt retirement.’

**Sec. 12. P. & S. L., 1945, c. 125, Art. VII, §§ 711 and 712, repealed.** Sections 711 and 712 of Article VII of chapter 125 of the private and special laws of 1945 are hereby repealed.

**Sec. 13. P. & S. L., 1945, c. 125, Art. VII, §§ 713 and 714, renumbered.** Sections 713 and 714 of Article VII of chapter 125 of the private and special laws of 1945 are hereby renumbered to be sections 711 and 712, respectively.

**Sec. 14. P. & S. L., 1945, c. 125, Art. VII, § 715, repealed and replaced.** Sections 715 of Article VII of chapter 125 of the private and special laws of 1945 is hereby repealed and the following enacted in place thereof :

‘713. Special debt statement. In connection with any bond ordinance and prior to the date of introduction thereof, the director of finance may prepare, swear to and file for public inspection in the office of the city clerk, a special debt statement which shall set forth the aggregate principal

amount of all outstanding bonds and notes of the city, excepting tax anticipation notes; deductions permitted by the constitution and general laws; the amount of the existing net indebtedness; the amount of the net indebtedness after the issuance of the bonds authorized by such bond ordinance; and the aggregate principal amount of bonds and notes which the city may issue pursuant to law.'

**Sec. 15. P. & S. L., 1945, c. 125, Art. VII, §§ 716-724, renumbered.** Sections 716 to 724, inclusive, of Article VII of chapter 125 of the private and special laws of 1945 are hereby renumbered to be 714 to 722, inclusive, respectively.

**Sec. 16. P. & S. L., 1945, c. 125, Art. VII, § 125 renumbered and amended.** Sections 725 of Article VII of chapter 125 of the private and special laws of 1945 is hereby renumbered to be section 723 and amended to read as follows:

'723. **Public sale.** All bonds issued under this charter shall be sold at public sale upon sealed proposals after at least 10 days' notice published at least once in a publication carrying municipal bond notices and devoted primarily to financial news or to the subject of state and municipal bonds ~~published in Boston, Massachusetts~~ and at least 10 days' notice published at least once in a qualified newspaper published in or having a general circulation in the city of Rockland.'

**Sec. 17. P. & S. L., 1945, c. 125, Art. VII, §§ 726 and 727, renumbered.** Sections 726 and 727 of Article VII of chapter 125 of the private and special laws of 1945 are hereby renumbered to be sections 724 and 725.

**Sec. 18. P. & S. L., 1945, c. 125, Art. VIII, § 809, repealed and replaced.** Section 809 of Article VIII of chapter 125 of the private and special laws of 1945 is hereby repealed and the following enacted in place thereof:

'809. **Service of tax papers.** Police officers of the city of Rockland are hereby authorized to exercise, within the limits of said city, all of the common law and statutory powers of constables, including the power to serve such papers in connection with delinquent or unpaid taxes as the director of finance may request, and such police officers shall collect the same fees which are now or may hereafter be authorized by law to be paid to county sheriffs for similar duties, such fees to be added to the tax as a cost in each such case.'

**Sec. 19. P. & S. L., 1945, c. 125, Art. IX, § 903, additional.** Article IX of chapter 125 of the private and special laws of 1945 is hereby amended by adding thereto a new section, to be numbered 903, to read as follows:

**'903. Personnel examining board.** There shall be a personnel examining board consisting of 3 members who shall be appointed by the city council for a term of 3 years pursuant to rules established by ordinance. No compensation shall be paid to any of the appointive members.'

**Sec. 20. P. & S. L., 1945, c. 125, Art. XII, § 1202, amended.** Section 1202 of Article XII of chapter 125 of the private and special laws of 1945 is hereby amended to read as follows:

**'1202. Power of referendum.** The electors of the city of Rockland shall have power to approve or reject at the polls an ordinance passed by the city council, or submitted by the council to a vote of the electors, ~~except the regular annual budget or appropriation ordinance and~~ except any bond ordinance authorized solely for a capital purpose made necessary as result of fire, flood, hurricane or other disaster, such power being known as the referendum. Ordinances submitted to the council by initiative petition and passed by the council shall be subject to the referendum in the same manner as other ordinances. Within 20 days after the enactment by the city council of any ordinance which is subject to a referendum, a petition signed by at least 500 qualified electors of the city of Rockland, may be filed with the city clerk requesting that any such ordinance be either repealed or submitted to a vote of the electors.'