

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-SECOND LEGISLATURE

OF THE

STATE OF MAINE.

1885.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
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1885.

PRIVATE AND SPECIAL LAWS
OF THE
STATE OF MAINE.

1885.

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Capital stock.

SECT. 4. The capital stock of said corporation shall be such an amount as the stockholders, by a majority vote of those present and voting, shall from time to time determine, not exceeding one hundred thousand dollars, said stock to be divided into the number of shares, and of such par value as the directors shall determine.

First meeting,
how called.

SECT. 5. F. E. Hitchcock, J. E. Nichols, W. P. Miller, and A. H. Brackett, named in this act, or a majority of them, may call the first meeting of said corporation for the purpose of organization, by given written notice thereof to each of the other corporators, fifteen days, at least, before said meeting.

SECT. 6. This act shall take effect when approved.

Approved March 3, 1885.

Chapter 482.

An Act to amend and revise the Charter of the City of Rockland.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :

Corporate name.

Rights, powers
and privileges.

SECT. 1. The inhabitants of the city of Rockland, in the county of Knox, shall continue to be a body politic and corporate, by the name of the city of Rockland, and, as such, shall have, exercise and enjoy all the rights, immunities, powers, privileges and franchises, and be subject to all the duties and obligations now appertaining to, or incumbent on said city as a municipal corporation, and may ordain and publish such acts, laws and regulations, not inconsistent with the constitution and laws of this state, as shall be needful to the good order of said body politic ; and may impose fines and penalties for the breach thereof, not exceeding one hundred dollars for any one offense, which may be recovered by said city in an action of debt or on complaint before the police court of said city.

Administration of
municipal affairs
vested in mayor,
aldermen and
common council.

SECT. 2. The administration of all the fiscal, prudential and municipal affairs of said city, with the government thereof shall be vested in one principal magistrate, to be styled the mayor, and one board of seven, to be denominated the board of aldermen, and one board of twenty-one, to be denominated

the board of common council; all of whom shall be qualified electors of said city; which boards shall constitute and be called the city council; all of whom shall swear or affirm to faithfully perform the duties of their respective offices.

SECT. 3. The mayor of said city shall be the chief executive officer 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 cause violations or neglect of duty to be punished. He may call special meetings of the board of aldermen and common council, or either of them, when, in his opinion, the interests of the city require it, by a notice in one or more of the city papers, or by causing a summons or notification to be given in hand or left at the last and usual place of abode of each member of the board or boards to be convened, at least six hours before the time fixed for such meeting. He shall, from time to time, communicate to the city council such information and recommend such measures as the interests of the city may require. He shall preside in the board of aldermen and in the joint meeting of the two boards, but shall have only a casting vote. The salary of the mayor shall be three hundred dollars per year; and he shall not receive from the city any other compensation for any service by him rendered in any other capacity or agency. The aldermen and common councilmen shall not be entitled to receive any salary or other compensation during the year for which they are elected, nor be eligible to any office of profit or emolument, the salary of which is payable by the city.

Mayor, chief executive officer.

—duties and powers.

—salary fixed.

SECT. 4. Every law, act, ordinance, resolve or order, requiring the consent of both branches of the city council, excepting rules and orders of a parliamentary character, shall be presented to the mayor for approval. If not approved by him, he shall return it with his objections at the next stated session of the city council, to that branch in which it originated, which shall enter the objections at large on its journal, and proceed to reconsider it. If upon such reconsideration it shall be passed by a vote of two-thirds of all the members of that branch, it shall be sent, together with the objections, to the other branch, by which it shall be reconsidered, and if passed by a vote of two-thirds of all the

Laws, etc., to be approved by mayor.

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members of that branch, it shall have the same effect as if signed by the mayor. If not so returned, or in case of vacancy in the office of mayor, when said law, act, ordinance, resolve or order be finally passed, the same shall be valid without approval.

Powers vested in mayor and aldermen.

SECT. 5. The executive powers of said city generally, and the administration of police and health departments, with all the powers of selectmen, except as modified by this act, shall be vested in the mayor and aldermen. All the powers of establishing 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 mayor and aldermen, 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. The officers of police shall be one chief, to be styled the city marshal, and one deputy marshal, and so many watchmen and policemen, as may, from time to time, be appointed. All other powers now or hereafter vested in the inhabitants of said city, and all powers granted by this act, as well as all powers relating to the fire department, shall be vested in the mayor and aldermen, and common council of said city, to be exercised by concurrent vote, each board to have a negative upon the other. Each board shall keep a record of its proceedings, and judge of the election of its own members; and in case of vacancies, new elections shall be ordered by the mayor and aldermen. A quorum for the transaction of business shall, in each board, consist of a majority thereof; all meetings of the aldermen and common councilmen and all meetings of the two boards in convention, shall be open and public; and the presiding officer of each of them shall have the powers of moderators of town meetings. At either of said meetings, when any two members shall request it, the votes shall be taken by yeas and nays, which vote shall be recorded by the clerk.

City marshal, deputy and policemen.

Powers relating to fire department, vested in mayor and aldermen, and council.

Each board, judge of election of its members.

—quorum.

Meetings of boards to be public.

—powers of presiding officers.

Wards

SECT. 6. For election purposes said city shall be divided into seven wards, to contain, as near as conveniently may be, an equal number of legal voters; and it shall be the duty of the city council, once in ten years, and not oftener than five years, to review, and, if it be needful, to alter said wards, in such manner as to preserve as nearly as may be, an equal

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number of voters in each ward. All regular ward meetings shall be notified and called by the mayor and aldermen in the manner provided in the laws of this state, for notifying and calling town meetings by the selectmen of the several towns.

—ward meetings.

SECT. 7. The mayor shall be elected from the citizens at large, by the inhabitants of the city voting in their respective wards. One alderman and three common councilmen, a warden and ward clerk shall be elected by each ward, being residents in the ward where elected. All said officers shall be elected by ballot, by a plurality of the votes given, and shall hold their office one year from the second Monday in March, except as to wardens and ward clerks, who shall hold their office until others shall be elected and qualified in their places.

Mayor to be elected from citizens at large.

—members of city government and ward clerks to be residents of ward, where elected.

Tenure.

SECT. 8. On the first Monday in March, annually, the qualified electors of each ward shall ballot for a mayor, one alderman, three common councilmen, and a warden and ward clerk, on one ballot. All the votes given for the said several officers respectively, shall be sorted, counted, declared and registered in open ward meeting, by causing the names of the persons voted for, and the number of votes given for each, to be written on the ward records at length. The ward clerk within twenty-four hours after such election, shall deliver to the persons elected aldermen, common councilmen, 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; *provided, however,* that if the choice of aldermen, common councilmen, warden or ward clerk is not effected on that day, the meeting shall be adjourned from day to day, until a choice shall be effected.

Annual meeting.

Votes, how sorted, etc.

Ward clerk to deliver certificates of election to ward officers.

Meetings to be adjourned from day to day till choice is effected.

The board of aldermen shall, as soon as conveniently may be, examine the copies of the records of the several wards, certified as aforesaid, and shall cause the person who shall have received the greatest number of votes given for mayor in all the wards, to be notified in writing, of his election; but if it shall appear that no person shall have been so elected, or if the person elected shall refuse to accept said office, the said board shall issue their warrant for another election; and in case of a vacancy in the office of mayor, by death or otherwise, it shall be filled for the remainder of the term by a new election, in the manner heretofore provided for the choice of said mayor. The oath or affirmation prescribed by this

Mayor to be notified of election.

Proceedings if mayor is not elected at first meeting or refuses to accept.

Vacancy, how filled.

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Oaths, how administered.

act shall be administered to the mayor by the city clerk, or any justice of the peace in said city. The aldermen and common councilmen elect shall, on the second Monday in March, at ten o'clock in the forenoon, meet in convention, when the oath or affirmation required by the second section of this act shall be administered to the members of the two boards present, by the mayor or any justice of the peace, and thereupon the two boards shall separate, and the board of common council shall be organized by the election of president and clerk.

Wardens and clerks shall be sworn.

SECT. 9. The warden and ward clerk shall be sworn or affirmed to the faithful performance of their duty, by any justice of the peace of said city, or by the person presiding at the ward meeting, as heretofore provided, or by the clerk of said ward, and a certificate of such oath or affirmation having been administered shall be entered by the clerk on the records of said ward. The wardens shall preside at all the ward 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 till a warden, pro tempore, shall be chosen. If neither the warden nor clerk shall be present, any legal voter in the ward may preside till a clerk, pro tempore, shall be chosen and qualified. 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 together with all other documents and papers held by him in said capacity. The inhabitants of each ward may choose two persons to assist the warden in receiving, sorting and counting the votes.

Duties of wardens.

Who may preside in absence of warden and clerk.

Duties of clerk.

Permanent chairman, how chosen, and duties.

SECT. 10. After the organization of the city government and the qualification of a mayor, and when a quorum of the board of aldermen shall be present, said board, the mayor presiding, shall proceed to choose a permanent chairman, who, in the absence of the mayor, shall preside at all meetings of the board, and at conventions of the two boards, and in case of any vacancy in the office of mayor, he shall exercise all the powers and perform all the duties of the office so long as such vacancy shall remain; he shall continue to have a vote in the board, but shall not have the veto power. The board of aldermen, in the absence of the mayor and permanent chairman, shall choose a president, pro tempore, who shall exercise the powers of a permanent chairman.

President, pro tem., powers.

SECT. 11. The city council shall annually on the second Monday in March, or as soon thereafter as may be convenient, by ballot in joint convention, elect for the ensuing year the following officers: a city clerk, a city treasurer, a chief of police, who shall be styled the city marshal, and who shall exercise all the powers and perform all the duties of a constable; one overseer of the poor, one assessor of taxes, a road commissioner, a collector of taxes, a school agent, one member of the superintending school committee or a supervisor and one or more city constables. All said officers and agents shall hold their offices during the ensuing year and until others are elected and qualified in their stead, unless sooner removed by the city council; and all moneys received and collected for and on account of the city by any officer or agent thereof, shall forthwith be paid into the city treasury. The city council shall take care that moneys shall not be paid from the treasury unless granted or appropriated; shall secure a prompt and just accountability by requiring bonds with sufficient penalties and sureties from all persons trusted with the receipt or custody of the public money; shall have the care and superintendence of the city public buildings and the custody and management of all city property, with power to let or sell what may be legally let or sold, and to purchase in the name of the city such real or personal property, not exceeding the sum of two hundred thousand dollars, including the property now owned by the city, as they may deem of public utility. And the city council shall, as often as once a year, cause to be published, for the information of the inhabitants, an account of receipts and expenditures and a schedule of the city property, and no money shall be paid from the city treasury unless the same be appropriated by the city council and upon a warrant signed by the mayor, which warrant shall state the appropriation under which the same is drawn.

City officers, how elected.

—tenure.

Duties of city council.

SECT. 12. At the first election of assessors of taxes and overseers of the poor, under this charter, three persons shall be elected members of each of said boards, one of whom shall be elected for one year, one for two years, and one for three years; and at each subsequent annual election one member of each board shall be elected for three years, each

Assessors, election, and tenure of.

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of whom shall continue in office until some other person shall have been elected and qualified in his place.

Election and removal of other officers, provided for.

—how officers elected by city, may be removed.

—vacancies, how filled.

Duties of assessors.

Taxes, how assessed.

—proviso.

Duties of city clerk.

General meetings, how and for what purpose held.

SECT. 13. The city council may provide by ordinance for the election and removal of all other necessary officers. All officers elected by the city council in joint convention may be removed by concurrent vote of a majority of all the members of each board of the city council. The compensation of all officers except the mayor shall be fixed by the city council. All vacancies may be filled by the board or boards having the power to elect or appoint. The term of all officers, except as otherwise specially provided, shall be for one year and until others are qualified in their places.

SECT. 14. The assessors of taxes shall execute and be subject to the same powers, duties and liabilities that the assessors in the towns in this state may exercise and be subject to. *Provided, however,* that the city council may appoint one person in each ward, whose duty it shall be to furnish the assessors with all necessary information relative to persons and property, taxable in his ward, and who shall swear or affirm to faithfully perform his duty. All taxes shall be assessed, apportioned and collected in the manner prescribed by the laws of this state relative to town taxes; *provided, however,* that it shall be lawful for the city council to establish further and additional regulations and provisions for the collection thereof.

SECT. 15. The city clerk shall be the clerk to the board of aldermen; he shall perform such duties as shall be prescribed by the board of aldermen or common council, and shall perform all the duties and exercise all the powers by law incumbent upon or vested in town clerks; he shall give notice in one of the papers printed in the city, of the time and place of regular ward meetings; but the place of regular ward meetings, and also the day and hour, when not fixed by law, shall be determined by the board of aldermen.

SECT. 16. General meetings of the citizens, qualified to vote in city affairs, may from time to time, be held to consult upon the public good; to instruct their representatives and to take all lawful measures to obtain redress of any grievances, according to the right secured to the people by the constitution of this state; and such meetings shall be duly warned by the mayor and aldermen upon the requisition in

writing, of thirty qualified voters. The city clerk shall act as clerk of such meetings and record the proceedings upon the city records.

SECT. 17. The city council shall have authority to establish and make regulations for the measurement and sale of wood and bark in said city, whether brought by land or water; and may affix suitable penalties for the violation thereof, anything in the public laws of the state to the contrary notwithstanding; and are hereby authorized and empowered to control the building of wharves and piers in said city and may authorize the extension of wharves into tide waters, and to make and ordain from time to time, such ordinances not repugnant to the constitution and laws of the state as they may deem expedient or necessary for the location and regulation of vessels, boats, steamers and other crafts in that portion of the harbor of Rockland which lies northerly and westerly of the following lines, namely; a line commencing at the point where the southern line of said city meets the shore and extending into said harbor in the same direction with said south line until it intersects a line running due south from the point where the northerly line of said city meets the shore; to affix penalties for the breach of such by-laws not exceeding twenty dollars for each offense, to be recovered upon complaint by the harbor master hereafter provided for, before the police court of said city, to the use of the city.

Council to establish regulations for sale of wood, bark, etc.

—control building of wharves.

—make harbor regulations.

—affix penalties for breach of by-laws.

SECT. 18. The city council shall have power to provide by ordinance for the election or appointment of a harbor master for said city, whose duty it shall be to enforce the observance of the ordinances of the city relating to the harbor, and laws of the state applicable thereto, and to prosecute all violations of such laws and ordinances; and such harbor master, in case of sickness or disability, may appoint a deputy, subject to the approval of the board of aldermen of said city, to perform his duties during such sickness or disability.

—may appoint harbor master.

—duties of.

SECT. 19. The city council shall have exclusive authority to lay out, widen, or otherwise alter or discontinue any and all streets or public ways in the city of Rockland without petition therefor and as far as extreme low water mark; and to estimate all damages sustained by the owners of land

—have exclusive authority over streets.

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—proceedings,
when streets are
to be laid out, etc.

taken for that purpose. A joint standing committee of the two boards shall be appointed, whose duty it shall be to lay out, alter, widen or discontinue any street or way in said city, first giving notice of the time and place of their proceedings to all parties interested, by publishing the same two weeks successively in two weekly papers printed in Rockland, the last publication to be one week at least previous to the time appointed. The committee shall first hear all parties interested and then determine and adjudge whether the public convenience requires such street or way to be laid out, altered or discontinued; and shall make a written return of their proceedings, signed by a majority of them, containing the bounds and descriptions of the street or way, if laid out or altered, and the names of the owner of the land taken, when known, and the damages allowed therefor; the return shall be filed in the city clerk's office at least seven days previous to its acceptance by the city council. The street or way shall not be altered or established until the report is accepted by the city council, and the report shall not be altered or amended before its acceptance. A street or way shall not be discontinued by the city council excepting upon the report of said committee. The committee shall estimate and report the damages sustained by the owners of the lands adjoining that portion of the street or way which is so discontinued; their report shall be filed with the city clerk seven days at least before its acceptance. Any person aggrieved by the decision or judgment of the city council in establishing, altering or discontinuing streets may, so far as relates to damages, appeal therefrom to the supreme judicial court, which court shall determine the same by a committee or reference under a rule of court if the parties agree, or by a verdict of its jury, and shall render judgment and issue execution for the damages recovered, with costs, to the party prevailing in the appeal. Such appeal shall be made to the term of the supreme judicial court, which shall first be holden in the county of Knox, more than thirty days from and after the day the street is finally established, altered or discontinued, excluding the day of commencement of the session of said court. The appellants shall serve written notice of such appeal upon the mayor or city clerk, fourteen days at least before the session of the court, and shall at the first

—damages.

—remedy, if any
party is
aggrieved.

term file a complaint setting forth substantially the facts of the case. On the trial exceptions may be taken to the rulings of the court as in other cases. Co-tenants who are appellants shall join in their appeal or shall not recover their costs. If an appeal is not so taken the right of appeal shall be held to be waived. If a street or way is discontinued before the damages are paid or recovered for the land taken, the land owner shall not be entitled to recover such damages, but the committee in their report discontinuing the same shall estimate and include all the damages sustained by the land owner, including those caused by the original location of the streets, and in such cases, if an appeal has been regularly taken the appellant shall recover his costs. The city shall not be compelled to construct or open any street or way thus hereafter established, until in the opinion of the city council the public good requires it to be done, nor shall the city interfere with the possession of the land so taken by removing therefrom materials, or otherwise until they decide to open and construct said street. The city council may reserve and set off as sidewalks such part or portion of the several streets in said city now or hereafter to be established, as may appear to be necessary for the safety, convenience and accommodation of foot passengers, and may regulate the height and width of sidewalks in any public square, places, streets, lanes or alleys in said city; and may authorize posts and trees to be placed along the edge of said sidewalks. Nor shall the city be answerable for damages occasioned by telegraph, telephone or electric light poles and wires erected in its streets.

Council may set off sidewalks.

SECT. 20. Whenever the city council shall determine, by vote, to pave any street or way, or any portion thereof, in said city, with stones or other pavement, it shall be lawful for said city council to assess the lots or parcels of land adjacent to and bounded on such street or way, in such proportion as in their opinion such lots or parcels of land are benefited or made more valuable by such pavement. *Provided, however,* that the whole assessment so made on any lot or parcel of land shall, in no case, exceed one-third part of the cost of said pavement adjacent to said lot or parcel of land.

—may pave streets and assess lots benefited.

—proviso.

SECT. 21. The city council shall have the power to construct a sewer, along the bed and in the line of the Lindsey

—may construct a sewer.

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—assess lots benefited by.

—proviso.

—fix rates for all persons draining into.

Rights provided for in sec. 19, shall apply to pavement and sewer assessments.

City not liable for damages caused by sidewalks, posts or trees.

Mayor and aldermen may authorize placing of materials in streets for repair of same.

—city not liable for damages arising therefrom.

brook, so called, or any of its tributaries, and may change the direction thereof where necessary. The city council may assess the lots or parcels of land adjacent to and bounded on such sewers, or land through which such sewer passes, in such proportion as in their opinion the same are benefited or made more valuable by such sewer; *provided, however*, that the whole assessment so made on any lot or parcel of land shall in no case exceed one-third part of the cost of said sewer adjacent to said lot or parcel of land; or in case of a lot of land owned by one person, not to exceed two-thirds of the cost through such lot.

SECT. 22. The city council shall have the right to charge uniform rates for all persons draining into such sewer.

SECT. 23. All of the rights, powers and duties now provided for in section nineteen, relating to laying out, widening or altering any street or way, shall apply to assessments made and provided for in sections twenty and twenty-one.

SECT. 24. So much of the several streets in said city as shall be appropriated and reserved as sidewalks, agreeably to the provisions of section nineteen shall be taken and deemed to be reserved exclusively for the accommodation, convenience and use of persons traveling on foot; and said city shall not be liable for any injury or damage done or occasioned in consequence of any cart, carriage, wagon, truck or other vehicle, or any team or animal striking against any of the said sidewalks or the posts or trees set or placed to defend the same. The several sidewalks on the streets in said city, as at present established or used, or as they may be established at the acceptance of this act, shall be taken and deemed to be the proper and lawful reservation for that purpose, until altered or otherwise established by the proper authorities.

SECT. 25. The mayor and aldermen may on such terms and conditions, as they may think proper, license any person or corporation to place in any street, for such time as may be necessary, any materials for making or repairing any street, sidewalk, cross-walk, bridge, water course or drain, or for erecting, repairing, moving or finishing any building or fences, or for laying or repairing gas or water pipes. And such material or building so placed by virtue of any license obtained as aforesaid shall not be considered an incumbrance or nuisance in such street; and the city shall not be liable for any damage occasioned by such materials. Any

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person or corporation occupying or using any of the streets in the city for the purposes aforesaid, without first obtaining a license therefor, shall be punished by a fine not exceeding twenty dollars for each offense, to be recovered on complaint for the use of the city.

—penalty for obstructing streets.

SECT. 26. The city council are hereby authorized and empowered to pass any ordinance or ordinances regulating or forbidding the erection of wooden buildings on any street or streets in said city, when they may deem it necessary or conducive to the public safety.

Council may regulate erection of wooden buildings.

SECT. 27. The municipal fiscal year shall end on the second Monday in February. And the reports of all city officials shall be completed and made to the city council at a meeting to be held on the third Monday of February. And the city treasurer shall cause to be published in all the city papers, at least one week prior to the first Monday in March, an accurate summary of the reports of all officials receiving or disbursing moneys of the city, and a statement of the condition of the several appropriations.

When fiscal year shall end.

SECT. 28. No appropriation of moneys for any purpose shall be made without a majority vote of all the members of each board of the city council.

Moneys, how appropriated.

SECT. 29. The city council may make and establish such ordinances or regulations as they may deem for the public good, for the regulation of the use of carts, drays or other teams in said city, and also prescribe the width of tire that shall be used.

Regulations for use of carts, etc., how made.

Approved March 4, 1883.

Chapter 483.

An Act to amend section five of chapter two hundred and eighty-one, Special Laws of eighteen hundred and eighty-three, entitled "An Act to incorporate the city of Waterville."

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :

Section five of chapter two hundred and eighty-one, special laws of eighteen hundred and eighty-three, is hereby amended by striking out in line eight, the words "a majority," and

Sec. 5, ch. 231, special laws of 1883, amended.