

# **MAINE STATE LEGISLATURE**

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# ACTS AND RESOLVES

OF THE

# SIXTY-THIRD LEGISLATURE

OF THE

STATE OF MAINE.

1887.

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Published by the Secretary of State, agreeably to Resolves of June 28, 1820,  
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PRIVATE AND SPECIAL LAWS  
OF THE  
STATE OF MAINE.

1887.

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**CHAP. 195**

May issue bonds  
and mortgage  
property.

First meeting,  
how called.

Damages, how  
estimated.

**SECT. 8.** The said company may issue its bonds for the construction of its works and for the purposes of its incorporation, upon such rates and times as it may deem expedient, and in such amounts as may be required for the objects of its incorporation, and for the purchases authorized by section six of this act, and secure the same by mortgage upon its franchise and property of said company.

**SECT. 9.** The first meeting of said company may be called by a written notice thereof, signed by any two corporators named herein and served upon each incorporator, by giving him the same in hand or by leaving the same at his last and usual place of abode, seven days before the time of meeting.

**SECT. 10.** Damages for any land taken for the purpose of laying pipes or other purposes, necessary for the proper use of said company in its business, as contemplated by this act, in case the parties cannot agree, shall be estimated, secured and paid, as in case of lands taken for railroads.

**SECT. 11.** This act shall take effect when approved.

Approved March 3, 1887.

## **Chapter 195.**

An Act to amend an act incorporating the City of Waterville.

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

Act to incor-  
porate the city  
of Waterville,  
amended.

Corporate name.

Rights, powers  
and privileges.

—may ordain  
laws and regu-  
lations.

The Act of the legislature of eighteen hundred and eighty-three, approved February twenty-eight, eighteen hundred and eighty-three, to incorporate the city of Waterville, is hereby amended so that the several sections of said act, shall read as follows:

**'SECT. 1.** The inhabitants of the town of Waterville, in the county of Kennebec, shall continue to be a body politic and corporate by the name of the city of Waterville, and 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 upon said town as a municipal corporation, or appertaining to or incumbent upon the inhabitants or selectmen thereof, and may ordain and publish such acts, ordinances, 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 impose fines and penalties for the breach thereof not exceeding twenty dollars for any one offense, which may be recovered to the use of said city, by action of debt, or on complaint before the municipal court in said city.

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'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 a board of seven aldermen, designated as the board of aldermen, and a board of fourteen councilmen, denominated the common council, all of whom shall be inhabitants of said city and legal voters therein. Said mayor, board of aldermen and common council, shall constitute the city council. All shall be sworn to a faithful performance of the duties of their respective offices.

Municipal affairs  
vested in mayor,  
aldermen and  
common council.

'SECT. 3. The mayor of said city shall be the chief executive magistrate thereof. It shall be his duty to be vigilant and active in causing the laws and regulations of the city to be executed and enforced, to exercise a general supervision over the conduct of all subordinate officers, and to cause their violations or neglect of duty to be punished. He may call special meetings of the board of aldermen and common council, when, in his opinion, the interest of the city requires it, by a notice in one or more of the papers printed in the city, or by causing a summons or notification to be given in hand, or left at the usual dwelling place of each member of the board to be convened. He shall, from time to time, communicate to the city council, such information and recommend such measures as the business and interests of the city may, in his opinion, require. He shall preside in the board of aldermen and joint meetings of the two boards, but shall have only a casting vote. The salary and compensation of the mayor shall be two hundred dollars per year, which shall not be increased or diminished during his continuance in office, unless by the vote of the qualified electors in ward meetings called for that purpose, nor shall he receive from the city any other compensation for any services by him rendered in any other capacity or agency; provided, however, that the city council may elect the mayor to any city office, and allow him a reasonable compensation for services rendered in such office.

Duties and  
powers of  
mayor.

'SECT. 4. Every law, act, ordinance, resolve or order, requiring the consent of both branches of the city council, except-

Laws, etc., to be  
approved by  
mayor.

**CHAP. 195** ing 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 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 the same. 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 two-thirds vote of that branch, it shall have the same effect as if signed by the mayor. In case of vacancy in the office of mayor, when said law, act, ordinance, resolve or order be finally passed, the same shall be voted 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 and overseers of the poor, 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, so many deputy marshals as the city council may by ordinance prescribe, and so many watchmen and police as the mayor and aldermen may, from time to time, appoint. 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.

Officers of police,  
shall be marshal  
and deputies.

Vacancies in  
board, how  
filled.

Compensation  
of subordinate  
officers.

'SECT. 6. The compensation of all subordinate city officers whatsoever, shall be fixed by the city council. All officers of the police and health departments shall be appointed by nomination by the mayor and confirmation by the alder-

men, and may be removed by them for good cause. All CHAP. 195  
 other subordinate officers shall be elected by joint convention —<sup>election of</sup>  
 of the city council, and such officers may be removed for  
 good cause, by concurrent vote passed in each branch by the  
 assent of two-thirds of all the members thereof. Except as  
 otherwise specially provided in this act, all subordinate officers  
 shall be elected annually on the second Monday of March,  
 or as soon thereafter as may be, and their term of office shall —<sup>tenure.</sup>  
 be for one year, and until others are qualified in their place.  
 All vacancies may be filled by the board having authority to —<sup>vacancies,</sup>  
 elect. <sup>how filled.</sup>

'SECT. 7. No money shall be paid out of the city treasury except on orders drawn and signed by the mayor, designating the fund or appropriation from which said orders are to be paid, nor unless the same shall be first granted or appropriated therefor by the city council, and the city council shall secure a prompt and just accountability by requiring bonds with sufficient penalty and surety or sureties, from all persons trusted with the receipt, custody or disbursement of money; they shall have the care and superintendence of the city 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 and take, in the name of the city, real and personal property for municipal purposes to an amount not exceeding one hundred thousand dollars in addition to that now held by the town, and shall, as often as once a year, cause to be published for the information of the inhabitants, a particular account of receipts and expenditures, and a schedule of city property.

Payment of  
money from  
treasury, how  
made.

'SECT. 8. The assessors shall be elected on the second Monday in March. At the first election thereof under this act, three persons shall be elected assessors, one of whom shall be elected for one year, one for two years, and one for three years, and at each subsequent election, one assessor shall be elected for three years, each of whom shall continue in office until some other person shall have been elected and qualified in his place. The city council shall elect an assistant assessor in each ward, whose duty it shall be to furnish the assessors with all the necessary information relative to persons and property taxable in his ward; he shall be sworn or affirmed to the faithful performance of his duty. All taxes shall be assessed, apportioned and collected in the manner

Assessors, their  
election, powers  
and duties.

Assessment and  
collection of  
taxes.

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prescribed by the laws of this state relative to town taxes, except as herein modified, and the city council may establish further or additional provisions for the collection thereof, and of interest thereon.

City Council  
vested with au-  
thority to lay  
out, etc., streets.

—procedings.

'SECT. 9. 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 Waterville, without petition therefor, and to estimate all damage sustained by the owners of land 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, as now required by law in case of town ways. 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 owners 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 as in case of town ways. 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

—damages, how  
estimated.

—remedy in  
case any person  
is aggrieved.

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 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 poles and wires erected in its streets.

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-council may regulate height, etc., of sidewalks.

'SECT. 10. The mayor may, on such terms and conditions as he may think proper, authorize and empower 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, crosswalk, bridge, watercourse or drain, or for erecting, repairing or finishing any building or fences, or for laying or repairing gas or water pipes, provided, that not more than one-half of the width of the street shall be so occupied. And such materials 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 to any person for any damages occasioned by such materials.

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

'SECT. 11. For the purpose of holding elections, said city Wards.

shall, after the first election, 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 number of legal voters in each ward. The wardens shall preside at all the ward Wardens, and powers of.

meetings, with the powers of moderator 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 or the 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 in-

Duties of clerk.

Ward meetings,  
how notified and  
called.

**CHAP. 195** habitants of each ward may choose two persons to assist the warden in receiving, sorting and counting the votes. All regular ward meetings shall be notified and called by the board of 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, excepting that ward meetings for the election of mayor, after the first trial, may be called within the time provided in such cases in this act.

Mayor, how  
elected.

Election of  
aldermen and  
other officers.

—tenure.

Annual meet-  
ings and pro-  
ceedings.

—ward clerks  
shall deliver to  
persons elected,  
certificates of  
election.

—if choice of  
officers is not  
effected, meet-  
ing shall be  
adjourned.

—aldermen to  
cause mayor to  
be notified of  
election.

—if no person is  
elected, another  
election shall  
be called.

**'SECT. 12.** The mayor shall be elected by the inhabitants of the city, voting in their respective wards. One alderman, two common councilmen, a warden, a clerk, one member of the board of education and one constable, 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 offices one year from the second Monday in March, and until others shall be elected and qualified in their places. All city and ward officers shall be held to discharge the duties of the offices to which they have been respectively elected, notwithstanding their removal after their election out of their respective wards into any other wards in the city, but they shall not be so held after they have taken up their permanent residence out of the city.

**'SECT. 13.** On the first Monday in March, annually, the qualified electors of each ward shall ballot for mayor, one alderman, two common councilmen, a warden and clerk, a member of the board of education and one constable, on one ballot. The ward clerk, within twenty-four hours after such election, shall deliver to the persons elected, certificates of their election, and shall forthwith deliver to the city clerk, a certified copy of the record of such election, a plain and intelligible abstract of which, shall be entered by the city clerk on the city records. If the choice of any ward officer is not effected on that day, the meeting shall be adjourned to another day, not more than two days thereafter, to complete such election, and may so adjourn, from time to time, until the election is complete. 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 been elected mayor by a plurality of the votes given 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

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—proceedings, if mayor is not elected on a second ballot.

shall refuse to accept the office, the said board shall issue their warrants for another election; and in case the citizens shall fail on a second ballot to elect a mayor, the city council in convention shall, from the four highest candidates voted for at the second election and returned, elect a mayor for the ensuing year; and in case of a vacancy in the office of mayor by death, resignation or otherwise, it shall be filled for the remainder of the term by a new election in the manner hereinbefore provided for the choice of said officer. The oath or affirmation prescribed by this act shall be administered to the mayor by the city clerk or any justice of the peace in said city, and a certificate thereof filed with the clerk and recorded. 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, after which the board of common council shall be organized by the election of a president and clerk. The city council shall, by ordinance, determine the time of holding stated or regular meetings of the boards, and shall also, in like manner, determine the manner of calling special meetings and the persons by whom the same shall be called, but until otherwise provided by ordinance, special meetings shall be called by the mayor, by causing a notification to be left at the usual residence or place of business of each member of the board or boards, to be convened.

—oaths of office, by whom and when administered.—regular and special meetings.

'SECT. 14. After the organization of a 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, or 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.

Permanent chairman, election of, powers and duties.—president, pro tem., how and when chosen.

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Duties of city  
clerk, pre-  
scribed.

'SECT. 15. The city clerk shall be clerk of the board of aldermen. He shall perform such duties as shall be prescribed by the mayor and aldermen or the city council, and shall also perform all the duties and exercise all the powers now incumbent on him by law. He shall give notice in one or more of the papers printed in said city, of the time and place of regular ward meetings; the time of such meetings, when not fixed by law, shall be determined by the board of aldermen. In case of the temporary absence of the city clerk, the mayor and aldermen may appoint a city clerk, pro tempore.

Board of Edu-  
cation, powers  
and duties of.

'SECT. 16. The board of education, elected as hereinbefore provided, shall take the place of the superintending school committee, and perform all its duties and be invested with all its rights and powers. The board shall elect a chairman annually, and appoint some suitable person, not a member of the board, superintendent of schools, and may adopt such rules and regulations for the management of the schools as are not inconsistent with the laws of the state. The superintendent shall be the secretary and executive agent of the board, which shall fix his salary, to be paid from the city treasury as salaries of teachers are paid, and may remove him for good cause and appoint a successor. The members of the board shall receive no compensation for their services as such.

Aldermen and  
councilmen  
shall not be  
entitled to any  
compensation.

'SECT. 17. 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, and all departments, boards, officers and committees, acting under the authority of the city, and entrusted with the expenditures of public money, shall expend the same for no other purpose than that for which it is appropriated, and shall be accountable therefor to the city, in such manner as the city council may direct.

Town regula-  
tions, etc., now  
in force, to con-  
tinue till re-  
pealed, etc.

'SECT. 18. All the laws and regulations now in force in said town shall, notwithstanding this act, be and remain in force until they expire by their own limitations, or be revised or repealed by the city council, and prosecutions and suits may be commenced and proceeded thereon in the name of the city, by officers or other persons thereby empowered or directed to prosecute and sue, and the fines and penalties shall go to the uses in such laws or regulations named according to law.

'SECT. 19. 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 grievance 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 requisition of sixty qualified voters. The city clerk shall act as clerk of such meetings, and record the proceedings upon the city records.

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General meet-  
ings, may be  
held.

'SECT. 20. For the purpose of organizing the system of government hereby established and putting the same in operation in the first instance, the selectmen of the town for the time being, shall seasonably before the third Monday of March, after the acceptance of this charter, issue their warrant for calling a meeting of the legal voters at such place and hour of the day as they shall choose, for the purpose of choosing a mayor, seven aldermen, fourteen councilmen, one city clerk and seven members of a board of education, and seven constables, to be taken from the city at large; said officers shall be elected by a plurality vote. The town clerk shall notify the several officers elect of their election, in writing, within twenty-four hours. Their powers and duties shall be as hereinbefore provided. It shall be the duty of the city council, as soon as may be after their election, to cause a division of the city into seven wards in such manner as to include as nearly as may be, consistently with well defined limits, an equal number of legal voters in each ward.

Proceedings for  
organization of  
city govern-  
ment.

At said first meeting after such division into wards, the ward meetings shall be called to order and presided over by some person appointed by the board of mayor and aldermen, and the records of said first meetings in the several wards, shall be made by some person designated by the board of mayor and aldermen, and at said first meeting, lists of voters corrected by the aldermen, shall be delivered to the persons designated to act as recording officers in the several wards, to be used as provided by law in town meetings. Said recording officers shall perform the duties of ward clerks as before herein provided, relative to making a record of the election and returning a copy of the records to the city council.

'SECT. 21. This act shall take effect and be in full force when the same shall have been accepted by the inhabitants of said town, qualified to vote in town affairs, at a legal meeting

This act shall  
be in force when  
accepted.

CHAP. 196  
—proceedings  
upon questions  
of acceptance.

called for that purpose, provided, it shall be accepted before March twenty, in the year of our Lord one thousand eight hundred and ninety-two; and at such meeting, the inhabitants of said town shall vote by a written ballot, those in favor of accepting this act having on the ballot the word "yes," and those opposed having on the ballot the word "no;" and if a majority of all the ballots received are in favor of accepting the same, it shall then become a law and take effect; and it shall be the duty of the clerk of said town to file a copy of the record of the vote of said town accepting the same, with the clerk of the city of Waterville, when elected, who shall transcribe such copy into the records of the city, and such record shall be conclusive evidence that this act has been accepted. For the purpose of calling and conducting a meeting of the inhabitants to vote upon the acceptance of this act, it takes effect when approved.

Inconsistent  
acts, repealed.

'SECT. 22. All acts and parts of acts inconsistent with this act and amendments hereof, are hereby repealed from and after the time when this act shall have been accepted as aforesaid, and the government shall have been organized as herein provided.'

Approved March 4, 1887.

## Chapter 196.

An Act to incorporate the Bar Harbor Trust and Banking Company.

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

Corporators.

SECT. 1. A. P. Wiswell, E. H. Greely of Ellsworth; George H. Grant, Fred C. Lynam, and Wellington Barbour of Bar Harbor; their associates and successors, are made a corporation by the name of the Bar Harbor Banking and Trust Company.

Corporate name.

Capital stock.

SECT. 2. The capital stock of said corporation shall be fifty thousand dollars, and may be increased from time to time, by vote of the majority of its shareholders, to two hundred and fifty thousand dollars, and shall be divided into shares of one hundred dollars each. Said corporation shall not commence business until the sum of fifty thousand dollars shall have been paid in, in cash, and no certificate of stock shall be issued un-

—shall not commence business until fifty thousand dollars has been paid in.