

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-SIXTH LEGISLATURE

OF THE

STATE OF MAINE.

1893.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
February 18, 1840, and March 16, 1842.

AUGUSTA :
BURLEIGH & FLYNT, PRINTERS TO THE STATE.
1893.

PRIVATE AND SPECIAL LAWS
OF THE
STATE OF MAINE.

1893.

CHAP. 439

may at any time dismiss him, if they deem it proper or expedient. His compensation shall not be increased or diminished for the term for which he was elected. The fact of the election of the superintendent and his compensation shall be duly certified to the clerk of said city.

City shall furnish office for superintendent.

SECT. 4. A suitable and convenient room shall be furnished by the city for the superintendent's office and the meetings of said committee, wherein shall be kept their records, open to inspection of citizens of the city.

City shall furnish, annually, city council with estimates.

SECT. 5. Said committee shall annually before each municipal election, furnish to the city council an estimate of the several sums required, during the ensuing municipal year, for the support of public schools in said city, and the expenditures shall not be increased beyond the amount appropriated therefor.

When term of present committee shall terminate.

SECT. 6. Immediately upon the election and qualification of the committee herein provided for, the term of office of the committee then existing in said city shall cease.

Inconsistent acts, repealed.

SECT. 7. All acts and parts of acts inconsistent with this act, are, as far as the city of Belfast is concerned, hereby repealed.

When act shall take effect.

SECT. 8. This act shall take effect when approved, and accepted by the city council of the city of Belfast.

Approved March 1, 1893.

Chapter 439.

An Act amendatory to sections four and fifteen of chapter five hundred and six of the Special Laws of eighteen hundred eighty-nine, relating to the charter of the city of Deering.

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

Sec. 4, ch. 506, Special Laws, 1889, amended.

SECT. 1. Section four of chapter five hundred and six of the special laws of eighteen hundred eighty-nine is hereby amended by inserting in the next to the last line between the words "next" and "session" the word 'stated', so that said section as amended, shall read as follows :

Powers of city council.

'SECT. 4. 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 ; the city council

CHAP. 439

shall also have the care and superintendence of the city buildings, and the custody and management of all city property and trust funds for the benefit of schools, public library, parks, cemeteries and for any other beneficial purpose, whether acquired by purchase or legacy; 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 the receipts and expenditures and a schedule of the city property and the city debt. The city council shall have the power to establish by ordinance such officers as may be necessary for municipal government not provided for by this act, and to elect such subordinate officers as may be elected by towns under general laws of the state for whose election or appointment other provision is not made; to define their duties and fix their compensation, to act upon all matters in which authority is now given to said town of Deering and to determine what streets, if any, shall be lighted and upon what terms. The city council shall appropriate annually the amount necessary to meet the expenditures of the city for the current municipal year. The city council shall have exclusive authority to lay out, widen or otherwise alter or discontinue any and all streets or public ways in said city and as far as extreme low water mark, and to estimate all damages sustained by owners of land taken for such purpose. A committee of the council shall be appointed whose duty shall be to lay out, alter, widen or discontinue any street or way, first giving notice of the time and place of their proceedings to all parties interested, by an advertisement in two newspapers printed in Deering or Portland, for three weeks at least, next 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 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

—shall have care of public buildings.

—may take property for municipal purposes.

—provide for election of subordinate officers.

—vested with powers to lay out, etc., streets.

—proceedings.

CHAP. 439

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 so filed shall not be altered or amended before it comes up before the city council for action. A street or way shall not be discontinued by the city council, except upon the report of said committee.

—estimate damages. 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 it acceptance. Any party aggrieved at their decision may appeal therefrom as provided by law in the case of town ways. If a street or way is discontinued before the damages are paid or recovered for the land taken, the land owners 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 any 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 possession of the land so taken by removing therefrom materials or otherwise, until they decide to open said street. The city council may regulate the height and width of the sidewalks in any public square, places, streets, lanes or alleys in said city; and may authorize hydrants, drinking fountains, posts and trees to be placed along the edge of sidewalks, and may locate and construct culverts and reservoirs within the limits of any street or way in said city whenever they deem it needful for protection against fire, and the city shall not be liable for any damages caused by such posts, hydrants, drinking fountains, trees and reservoirs, nor by any posts or wires erected in its streets by any parties authorized so to do. Every law, act, ordinance, resolve or order of the city council, excepting rules and orders of a parliamentary character, shall be presented to the mayor. If not approved by him he shall return it with his objections in writing at the next stated session of the city council which shall enter the objections at large on its journal and proceed to reconsider the same. If, upon such recon-

—may regulate sidewalks, authorize hydrants, posts and trees to be placed.

—city, not be liable for damages.

—laws enacted, shall be presented to mayor.

—veto power of mayor.

sideration, it shall be passed by vote of two-thirds of all the members of the board, it shall have the same force as if approved by the mayor. In case of vacancy in the mayor's office this section shall not apply to any act of the council. In case the mayor fails to either sign or return the bill at the next stated session, then it becomes a law as though he had signed it.'

SECT. 2. Section fifteen of chapter five hundred and six of the special laws of eighteen hundred eighty-nine is hereby amended by striking out between the words "provided for" in thirty-first line and words "shall be" in thirty-second line the words "all of which officers except the mayor," and inserting therefor the words 'the aldermen and ward officers.' And said section fifteen is further amended by inserting after the word "elected" and before the word "and" in the thirty-third line the words 'provided, however, if there shall be no choice of alderman or other ward officer on said day, the ward meeting may be adjourned from day to day to complete said election.' And said section fifteen is further amended by striking out between the word "records" in the forty-eighth line and the words "the said" in the forty-ninth line the words "if the person elected shall refuse to accept the office," and by inserting therefor the words 'the city council shall as soon as conveniently may be, examine the records of the several wards certified as aforesaid, and shall cause the person who shall have been elected mayor and such persons as have been elected to other offices by vote of the city at large to be notified in writing of their election. If it shall appear that no person has been elected mayor, or if there shall be a failure to elect in the case of any other office, or if any person elected to an office shall refuse to accept the same.' And said section fifteen is further amended by inserting in the fiftieth line between the words "mayor" and "by" the words 'or alderman' so that said section as amended, shall read as follows :

SECT. 15. 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 shall, at least seven days before the first Mouday 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,

Sec. 15,
amended.

Processings, for
organization of
city govern-
ment.

CHAP. 439

seven aldermen, an auditor, 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 herein provided.

--wards.

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. After such division into wards, ward meetings of the legal voters thereof shall be called, which meetings shall be presided over by some person appointed by the city council, and the records of said first meetings in the several wards shall be made by some person designated by the city council, and at said first meetings 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.

--annual meetings, and proceedings.

And on the first Monday in March, annually thereafter, the qualified voters of each ward shall vote on one ballot for city and ward officers, as hereafter provided for, the aldermen and ward officers shall be residents of the ward or district where elected, provided, however, if there shall be no choice of alderman or other ward officer on said day the ward meeting may be adjourned from day to day to complete said election. And all 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 the removal after their election, out of their respective wards into any other wards in the city, but they shall not so be held after they have taken up their permanent residence out of the city; the ward clerk, within twenty-four hours after such election shall deliver to the ward officers 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 upon

--ward cl-rk, shall deliver certificates to ward officers.

the city records. The city council shall as soon as conveniently may be examine the records of the several wards certified as aforesaid, and shall cause the person who shall have been elected mayor, and such persons as have been elected to other offices by vote of the city at large to be notified in writing of their election. If it shall appear that no person has been elected mayor, or if there shall be a failure to elect in the case of any other office, or if any person elected to an office shall refuse to accept the same, the said board shall issue their warrants for another election; and in case of a vacancy in the office of mayor or alderman by death, resignation or otherwise, it shall be filled for the remainder of the term by a new election, to be called as herein provided, and held within twenty days after the vacancy occurs. 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. The aldermen elect shall meet on the second Monday in March at seven o'clock in the evening, when the oath, or affirmation, required by the second section of this act shall be administered to the members present by the mayor, or any justice of the peace. The city council shall, by ordinance, determine the times of holding stated or regular meetings of the board, 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 given in hand or left at the usual residence of each member.

—new election, if there is failure to elect, or in case of any vacancy.

—oaths of officers, by whom administered.

—meetings of city council.

SECT. 3. This act shall take effect when approved.

Approved March 1, 1893.

Chapter 440.

An Act to amend section seven of chapter forty-seven of the Private and Special Laws of eighteen hundred eighty-seven, establishing the Waterville and Fairfield Railroad.

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

Section seven of chapter forty-seven of the private and special acts of the year eighteen hundred eighty-seven, is hereby amended by adding at the end thereof the following

Sec. 7, ch. 47,
Special Laws,
1837, amended.