

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-SEVENTH LEGISLATURE

OF THE

STATE OF MAINE

1895.

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1895.

PRIVATE AND SPECIAL LAWS
OF THE
STATE OF MAINE.

1895.

Chapter 132.

An Act to amend "An Act to incorporate the City of Bath."

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

SECT. 1. The act to incorporate the city of Bath shall be amended from the passage of this act, by inserting in section two after the words "is not authorized to vote, assess and appropriate money," where they occur in said section, the words 'except for such purposes as are authorized by law.' Also by adding at the end of said section the words, 'except those negotiable and in the hands of a bona fide holder for value.' So that the section as amended, shall read as follows :

City charter,
amended.

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 council of seven to be denominated the board of aldermen, and one council of twenty-one to be denominated the common council, all of whom shall be inhabitants of said city ; which boards shall constitute and be called the city council ; and shall be sworn to a faithful performance of the duties of their respective offices. Provided, the city council shall not vote, assess or appropriate any money for any object or purpose for which the town of Bath is not authorized to vote, assess and appropriate money, except for such purposes as are authorized by law. But the city council may vote, assess and appropriate money for the building and repairing of school houses, and for the purchase of land whereon to build the same. And provided, further, that neither the city council, nor any agent or officer of the city, shall raise or hire any money for, or on account of the city, or the inhabitants thereof, except for the purposes for which the town of Bath is now by law authorized to raise money ; and all notes, bonds, obligations, scrip or orders given by the city council, or by any officer or agent thereof, for money or property obtained for any other purposes, shall be void, except those negotiable and in the hands of a bona fide holder for value.'

Municipal
affairs vested
in mayor and
city council.

Powers and
duties of city
council.

Also in the third section, by striking out after the words "the city requires it," the words "by a notice in one or more of the papers printed in the city or," and by inserting after

Sec. 3,
amended.

CHAP. 132 the words "the year preceding the year for which he was elected," the words 'prior to the first Monday in March,' so that the section as amended, shall read as follows :

Mayor shall be chief executive.

—powers, and duties of.

—salary of.

—may be elected to any city office.

Sec. 4, amended.

‘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, or either of them, when in his opinion the interest of the city requires it, by causing a summons or notification to be left at the usual dwelling place of each member of the board or boards to be convened. He shall, from time to time, communicate to both of them 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 in the joint meetings of the two boards, but shall have only a casting vote. The salary and compensation of the mayor shall be determined by the city council of the year preceding the year for which he is elected, prior to the first Monday in March ; and when not so established, his salary, as mayor, shall be the same as was allowed the mayor of the next preceding year for his services as such, which shall not be increased or diminished during his continuance in office, unless by the vote of the qualified electors in ward meeting called for that purpose. Nor shall he receive from the city any other compensation for any service by him rendered in any other capacity or agency. Provided, however, the city council may elect the mayor to any city office, and allow him a reasonable compensation for such services. But the aldermen and common councilmen shall not be entitled to receive any salary or compensation for any services by them performed as such.’

Also, in the fourth section, by striking out after the words, "for the ensuing year, including," the words "a chief engineer" down to and including the words "that fire wards now have" and inserting instead thereof, the words, "the board of engineers of the fire department, which shall consist of a chief engineer and a first and second assistant engineer, who shall be elected for the following terms ; chief engineer, for three years ; first assistant engineer, for two years ; and the second assistant

engineer, for one year, and all subsequent elections of engineers shall be for three years. The chief engineer, or, in his absence, the next engineer in rank who may be present, shall have all the power and authority that fire wards now have.' And by striking out the word "fifty" where it occurs in said section, and inserting instead thereof the words 'one hundred.' And also by inserting after the words "the public interest," the words 'the municipal fiscal year shall end on the thirty-first day of January, and the reports of all city officials shall be completed and made to the city council at a meeting to be held on the second Wednesday of February, or at a special meeting to be held within three days after the second Wednesday of February.' And by striking out after the words "and the city council shall," the words "as often as once a year," and inserting instead thereof the words 'at least one week prior to the first Monday of March,' and by adding at the close of said section the words, 'the mayor shall not overdraw any appropriation, except by vote of the city council, and the city treasurer shall present to the city council, at each regular meeting of said body, a statement showing the exact condition of each appropriation.' So that the section as amended, shall read as follows :

‘SECT. 4. The executive powers of said city generally, and the administration of police, with all the powers of selectmen of the town of Bath, shall be vested in the mayor and aldermen, as fully as if the same had been herein particularly enumerated. All other powers now vested in the inhabitants of said town, and all other powers granted by this act, including the power to establish such laws and ordinances as may be necessary and proper for the due organization and regulation of 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. But all elections of officers by the city council shall be by joint ballot of the two boards in convention. The city council shall annually, on the third Monday in March, or as soon thereafter as conveniently may be, elect and appoint all subordinate officers and agents for the city for the ensuing year, provided, that the board of engineers of the fire department which shall consist of a chief engineer, and a first and second assistant engineer shall be elected by the city council of

Executive powers generally, shall be vested in mayor and aldermen.

—all other powers vested in mayor and city council.

—election of city officers, shall be by joint ballot.

—council shall elect annually all subordinate officers.

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Election of board of engineers of fire department.

—powers and authority of chief engineer.

—terms of subordinate officers.

—moneys shall not be paid out, unless granted.

Council shall have care of all city property.

—when fiscal year shall end, and reports be made.

—shall publish accounts of receipts and expenditures.

—how money may be paid out of treasury.

eighteen hundred and ninety-five for the following terms: chief engineer for three years, first assistant engineer for two years, and the second assistant engineer for one year, and all subsequent elections of engineers shall be for three years. The chief engineer, or in his absence, the next engineer in rank who may be present, shall have all the power and authority that fire wards now have, shall define their duties, and fix their compensation, in cases where such duties and compensation shall not be defined and fixed by the laws of the state, and may, by concurrent vote, remove officers, when in their opinion sufficient cause for removal exists. All officers shall be chosen and vacancies supplied for the current year, except as herein otherwise directed. All the said subordinate officers and agents shall hold their offices during the ensuing year and until others shall be elected and qualified in their stead, unless sooner removed by the city council. All moneys received and collected for or 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, custody or disbursement of money; shall have the care and superintendence of 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, such real or personal property, not exceeding the sum of one hundred thousand dollars, exclusive of the property now owned by the town, as they may think useful to the public interest. The municipal fiscal year shall end on the thirty-first day of January, and the reports of all city officials shall be completed and made to the city council at a meeting to be held on the second Wednesday of February, or at a special meeting to be held within three days after the second Wednesday of February. And the city council shall, at least one week prior to the first Monday of March, 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 no money shall be paid from the 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

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which the same is drawn. The mayor shall not overdraw any appropriation, except by vote of the city council, and the city treasurer shall present to the city council, at each regular meeting of said body, a statement showing the exact condition of each appropriation.'

—appropriation shall not be overdrawn, except by vote of.

Also by striking out the word "Lincoln" in section seven and inserting instead thereof, the word 'Sagadahoc.' So that the section as amended, shall read as follows :

Sec. 7, amended.

'SECT. 7. The city council shall have exclusive authority and power to lay out any new street or public way in said city, and to estimate the damages any individual may sustain thereby, and shall in other respects be governed by and subject to the same rules and restrictions as are provided in the laws of this state regulating the laying out and repairing streets and public highways. And any person aggrieved by the decision or judgment of said city council, may, so far as relates to damages, have them assessed by a committee or jury as now by law provided; and the county commissioners for Sagadahoc county shall have power to lay out within said city, any part of any new county road that shall by them be laid out in any adjoining town or towns, and shall pass thence into or through said city, according to the provisions of law; and any highway, town way or bridge which has been, or hereafter may be located within said town or city, between high and low water mark, shall, nevertheless, be deemed to be legally located and established.'

City council, shall have authority to lay out all streets, and estimate damages.

—how damages may be assessed, if any person is aggrieved.

County commissioners may lay out any new county road.

All highways located between high and low water, shall be deemed legally located.

Also in the twelfth section, by striking out after the words "shall be divided into seven wards" the words "which shall respectively embrace" down to and including the words "preceding wards," and inserting instead thereof, the words, 'and the city council shall provide and designate a building or room, to be used as a ward room by the inhabitants of each ward, and said room on election days shall be for their special use, and at all other times, during evenings, said room shall be at the service, free of charge, of the inhabitants of said wards for the purpose of holding caucuses or meetings. The several wards shall embrace all the territory lying within the limits of the city, to be known, described and bounded as they now exist, said bounds and description to appear under the head of ward boundaries immediately following the city charter.

Sec. 12, amended.

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And by striking out after the words "held by him in said capacity" the words "the inhabitants of each ward" down to and including the words "assessors and selectmen of towns" and insert instead thereof, the words "the warden of each ward shall appoint two persons, one from each of the two political parties casting the largest number of votes at the preceding election, to assist the warden in sorting and counting the votes." So that the section as amended, shall read as follows :

Wards. 'SECT. 12. For the purpose of holding elections, said city shall be divided into seven wards, and the city council shall provide and designate the building or room, to be used as a ward room by the inhabitants of each ward, and said room on election days shall be for their special use, and at all other times, during evenings, said rooms shall be at the service, free of charge, of the inhabitants of said wards for the purpose of holding caucuses or meetings. The several wards shall embrace all the territory lying within the limits of the city, to be known, described and bounded as they now exist, said bounds and descriptions to appear under the head of ward boundaries immediately following the city charter. And it shall be the duty of the city council, once in ten years, and no 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 inhabitants in each. In each of said wards, there shall annually, on the first Monday of March, be chosen by ballot a warden and clerk, who shall hold their offices for one year, and until others have been chosen in their places. Said warden and clerk shall be sworn to the faithful performance of their respective duties by any justice of the peace of said city; and a certificate of such oaths having been administered shall be entered by the clerk on the records of the ward. The wardens shall preside at all ward meetings with the power of moderators of town meetings. If at any meeting the warden should not be present, the clerk of such ward shall call the meeting to order, and preside until a warden, pro tempore, shall be chosen. If neither of them should be present, any legal voter in the ward may preside until a clerk, pro tempore, shall be elected. In case no justice of the peace be present the person presiding may administer the oath to the

--boundaries.

--when wards may be reviewed.

--election of warden and clerk.

--shall be sworn.

--wardens shall preside at all ward meetings.

--warden, pro tem.

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warden and clerk. 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 warden of each ward shall appoint two persons, one from each of the two political parties casting the largest number of votes at the preceding election, to assist the warden in sorting and counting the votes. All regular ward meetings shall be notified and called by a warrant from the mayor and aldermen in the manner prescribed by 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 second trial, may be called within the time provided in such cases in this act.'

—duties of clerk.

—persons shall be appointed to assist in counting votes.

—how all ward meetings shall be called.

Also in the thirteenth section, by inserting after the words "common councilmen" the words 'warden, ward clerks, ward constable and one member of the school board,' and by striking out the word "majority" and inserting instead thereof, the word 'plurality' and also by adding at the end of said section the words 'and the mayor, wardens, ward clerks, ward constables and members of the school board shall hold their office until others shall be duly qualified.' So that the section as amended, shall read as follows:

Sec. 13, amended.

'SECT. 13. The mayor shall be elected from the citizens at large, by the inhabitants of the city voting in their respective wards; one alderman, three common councilmen, warden, ward clerk, ward constable and one member of the school board shall be elected from each ward, being residents in the wards 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 third Monday in March and until others shall be elected in their places; and the mayor, wardens, ward clerks, ward constables and members of the school board shall hold their office until others shall be duly qualified.'

Election of mayor and other officers.

—shall hold till others are chosen.

Also by striking out in the fifteenth section the words "immediately after a warden and clerk shall have been elected and sworn" and by inserting after the words "three common councilmen" the words 'and a warden, ward clerk, ward constable and one member of the school board, on one ballot,' and by inserting after the words "deliver to the persons elected aldermen and common councilmen" the words 'war-

Sec. 15, amended.

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den, ward clerk, ward constable and one member of the school board,' and by inserting after the words "choice of aldermen and common councilmen" the words 'warden, ward clerk, ward constable and one member of the school board,' and by striking out the words "to complete such election. If on the second balloting," down to and including the words "thus effected" and insert instead thereof the words 'until a choice shall be effected.'

And by striking out the word "majority" and insert instead thereof, the word 'plurality.'

And by inserting after the words "notified in writing of his election" the words 'within twenty-four hours,' and also by striking out after the words "and in case the citizens should fail on a second ballot to elect a mayor" the words "the said board shall again" down to and including the words "if no one shall then have such number" and also by striking out the words "by some one having the highest number of votes;" so that the section, as amended, shall read as follows :

Annual meet-
ings shall be
held on first
Monday of
March, and
officers
elected on one
ballot

‘SECT. 15. On the first Monday in March annually the qualified electors of each ward shall ballot for a mayor, one alderman, three common councilmen, a warden, ward clerk, ward constable and one member of the school board, 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 persons voted for, and the number of votes given for each, to be written in the ward record in words at length. The ward clerk, within twenty-four hours after such election, shall deliver to the persons elected alderman, common councilmen, warden, ward clerk, ward constable and one member of the school board, certificates of their election, and shall forthwith deliver to the city clerk a certified copy of the record of such election; provided, however, that if the choice of alderman, common councilmen, warden, ward clerk, ward constable and member of the school board cannot conveniently be effected on that day, the meeting may be adjourned from day to day until a choice shall be 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 been elected mayor by a plurality of votes given in all the

—how votes
shall be
counted.

Ward clerk
shall deliver
to persons
elected,
certificates of
election.

If election is
not completed,
meeting may
be adjourned
until choice is
effected.

Mayor shall
be notified of
election
within 24
hours.

wards, to be notified in writing of his election, within twenty-four hours; but if it shall appear that no person shall have been elected, or if the person elected shall refuse to accept the office, the said board shall issue their warrants for another election; and in case the citizens should fail on a second ballot to elect a mayor, further elections shall in the same manner be ordered, until a choice be made; 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; and in the mean time the president, pro tempore, of the board of aldermen shall perform the duties of mayor. The oath 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 and common councilmen elect shall, on the third Monday in March, at ten o'clock in the forenoon, meet in convention, when the oath 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 a president and clerk. And the board of aldermen, the mayor being present, shall choose a president, pro tempore, of that board, who, in the absence of the mayor, shall do and perform all the duties incumbent on the mayor, except the exercise of the veto power.'

—further elections may be held, if there is no choice.

—vacancy, how filled.

—how mayor shall be sworn.

—how oath to aldermen and councilmen, may be administered.

—president, pro tem.

SECT. 2. This act shall take effect when approved.

Approved March 6, 1895.