

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-EIGHTH LEGISLATURE

OF THE

STATE OF MAINE

1897

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PRIVATE AND SPECIAL LAWS
OF THE
STATE OF MAINE.

1897.

Chapter 450.

An Act granting a new charter to the City of Portland.

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

Sect. 1. The inhabitants of Portland shall continue to be a body politic and corporate by the name of the city of Portland, and as such, shall have, exercise, and enjoy all the rights, immunities, powers, privileges, and franchises, and shall be subject to all the duties and obligations provided for herein or otherwise now appertaining to or incumbent upon, said city, or the inhabitants or municipal authorities thereof; and may ordain reasonable by-laws, and regulations for municipal purposes and impose penalties for the breach thereof, not exceeding one hundred dollars, to be recovered for such uses as the board of aldermen may appoint.

—corporate name.

—may ordain by-laws.

Sect. 2. The administration of all the fiscal, prudential, and municipal affairs of said city, with the government thereof, shall be vested in the mayor, as the chief executive officer, and a council of twenty-one, to be called the board of aldermen, all of whom shall be inhabitants of said city, and shall be sworn or affirmed in the form prescribed by the constitution of the state for state officers.

Administration of municipal affairs, shall be vested in mayor and city council.

Sect. 3. The city shall remain divided into seven wards as they now exist, and it shall be the duty of the board of aldermen, not oftener than once in ten years, to revise, and if it be needful, to alter such wards, in such manner as now provided by law, as to preserve, as nearly as may be, an equal number of voters in each. In each of said wards, at the annual municipal election, there shall be chosen by ballot, a warden and clerk, who shall hold their offices for one year from the Monday following their election, and until others shall have been chosen and qualified in their places. Said warden and clerk shall be sworn or affirmed to the faithful performance of their respective duties by any justice of the peace; and a certificate of such oaths or affirmations having been administered shall be entered by the clerk on the records of the ward. The warden shall preside at all ward meetings, with the powers of moderators of town meetings. If at any meeting the warden shall not be present, or shall refuse to preside, the clerk of such ward shall call the meeting to order and preside until a warden pro tempore shall

Wards and revision.

—warden and clerk, how chosen and sworn.

—warden shall preside in ward meetings.

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—warden
and clerk,
pro tem.

—duties of
clerk.

Islands
shall con-
stitute
separate
wards.

—warden
and clerk,
shall be
resident of
islands.

—first island
ward and
place of
meeting.

—second
island
ward and
place of
meeting.

—meetings
for election
of city
officers.

—votes for
city officers,
how re-
ceived and
returned.

Ward clerk
shall deliver
to persons
elected, cer-
tificate of
election and
to city clerk,
certified
copy of
record of
election.

be chosen. If both are absent, or shall refuse to act, a warden and clerk pro tempore shall be chosen. The clerk shall record all proceedings, and certify the votes given, and deliver over to his successor in office, all such records, together with all other documents and papers held by him in said capacity. The voters of each ward may choose two persons to assist the warden in receiving, sorting and counting the votes at all elections.

Sect. 4. The several islands within the city of Portland, so far constitute separate wards as to entitle the voters of each of said wards to choose a warden, ward clerk and one constable, who shall be residents of said islands and of their respective wards. The warden and ward clerk shall be sworn or affirmed to the faithful performance of their duties and shall hold office for one year from the Monday following their election, and until others shall have been chosen and qualified in their places. The first of said wards comprises Long island, Crotch island, Hope island, Jewell's island, and Little Chebeague island, or such parts of said islands as are within the city of Portland, and the ward meetings of said first ward shall be held on Long island. The second of said wards comprises the remaining islands within the city of Portland, and the ward meetings of said second ward shall be held on Peak's island. The electors of each of said wards may meet as provided in section forty-one of chapter four of revised statutes, and also for the choice of city officers, at the place designated, and may, on the day of election, vote for all officers named in the warrant calling the meeting. Said warden shall preside impartially at said meetings, receive the votes of all electors present, sort, count and declare them in open meeting and in presence of the clerk, who shall make a list of the persons voted for with the number of votes for each person against his name, and the offices respectively, and in open ward meeting and in presence of the warden, shall make a fair record thereof; a fair copy of this list shall be attested by the warden and clerk, sealed up in open meeting, and delivered to the clerk of ward number one in Portland within eighteen hours after closing the polls, and the votes thus thrown shall belong to the last mentioned ward.

Sect. 5. The ward clerk of each ward, within twenty-four hours after any election, shall deliver to the persons elected in said ward, 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 such officers 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 shall refuse to accept the office, the said board shall issue their warrants for another election; and in case the citizens shall fail on second ballot to elect a mayor, the board of aldermen in convention shall, from the four highest candidates voted for at the second election and returned, elect a mayor for the ensuing term of one year; and in case of a vacancy in the office of mayor by death, resignation or otherwise, if such vacancy occurs before the last six months of said term, it shall be filled for the remainder of said term by a new election in the manner hereinbefore provided for the choice of said officer. If a vacancy occurs in the last six months of said term, the chairman of the board of aldermen shall act as mayor for the unexpired term, but shall not have the veto power.

Sect. 6. All ward meetings shall be notified and called by warrant from the mayor and aldermen, in the manner prescribed by law for notifying and calling town meetings by the selectmen of towns.

Sect. 7. The municipal election shall take place annually on the second Monday of December, and the municipal year shall begin at ten o'clock in the morning, on the first Monday of January next following, and continue until ten o'clock in the morning of the first Monday of January next following.

Sect. 8. At said municipal election the inhabitants of the city, voting in their respective wards, shall give in their votes by ballot for mayor, and in each ward, for members of the board of aldermen, or such of them as are to be elected, members of the superintending school committee, or such of them as are to be elected, members of the board of overseers of the poor, or such of them as are to be elected, a warden and clerk and two constables for such ward. The person receiving the highest number of votes for any of said offices shall be deemed and declared to be elected to such office, and whenever two or more

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—meetings for election of city officers, shall be adjourned when election is not completed on first day.

—mayor shall be notified of election.

—in case of no election, warrants shall be issued for another election.

—if second election fails, aldermen shall elect.

—vacancies, how filled.

Ward meetings, how called.

Municipal election shall be held annually on second Monday in Dec.

—municipal year.

Election of city and ward officers.

—persons receiving highest number of votes, shall be declared elected.

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—officers shall be residents of wards electing them.

—officers shall be held to discharge of duties, notwithstanding removal into any other wards.

General meetings of voters may be held.

—how called.

Election of mayor and tenure.

—election of aldermen and tenure.

—election of warden, etc., and officers and tenure.

—vacancies in board of aldermen, how filled.

persons are to be elected to the same office, the several persons up to the number required to be chosen, receiving the highest number of votes, shall be deemed and declared to be elected. Members of the board of aldermen, members of the board of overseers of the poor, members of the superintending school committee, the warden, ward clerk, and constables, shall, when elected, be residents of the wards electing them. 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. 9. 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; and such meeting shall be called 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.

Sect. 10. The qualified voters of said city shall, at the first annual election held under this act, give in their votes in their respective wards for one able and discreet person, being an inhabitant of the city, to be mayor for the term of one year from the first Monday in January following his election, and until his successor is chosen and qualified. At said first municipal election held under this act, three members of the board of aldermen from each ward shall be elected by and from the voters of each ward, one to serve for the term of one year, and one to serve for the term of two years, and one to serve for the term of three years, beginning with the first Monday in January next ensuing, and thereafter one member of the board of aldermen from each ward shall be elected by and from the voters of each ward, at each annual municipal election to serve for the term of three years, beginning with the first Monday in January next ensuing. The qualified voters of each ward shall also elect at each annual election a warden, ward clerk and two constables, all to serve for the term of one year, beginning with the Monday following their election and until their successors are elected. Vacancies for an unexpired term in the board of aldermen may

be filled at any election in the same manner that new members are elected.

Sect. 11. The board of overseers of the poor of the city of Portland shall consist of seven persons. At the first annual election under this act a member of said board shall be elected in each ward, who shall be a resident of the ward in which he is elected; those elected in wards one, two, five and six, to serve for the term of two years, and those elected in wards three, four and seven, to serve for the term of one year beginning with the first Monday of January following their election, and until their successors are elected and qualified; and thereafter at each annual election such a number of overseers shall be elected to serve for the term of two years, beginning with the Monday following their election, as shall be necessary to fill the places of those whose term of office shall expire in that year. In case of a vacancy in said board of overseers of the poor, the board of aldermen shall elect by ballot, some person, resident in the ward in which the vacancy occurred, to hold office until the next annual election, when the unexpired term, if any, shall be filled in the manner provided in this section for the election of new members.

Board of overseers of the poor, election, qualification and tenure of.

Sect. 12. The school committee of the city of Portland shall consist of the mayor of said city, who shall be, ex-officio, chairman of the committee, and of seven other persons, one of whom shall be elected in each of the wards of said city at the annual election for municipal officers by the qualified voters of each ward, and such person shall be a resident of the ward in which he is elected. At the annual election in the year eighteen hundred and ninety-seven, a member of said committee shall be elected in ward one, ward three and ward five, and in the year eighteen hundred and ninety-eight in ward two, ward four, ward six and ward seven, and shall hold his office for the term of two years; and thereafter at each annual election such number of said committee shall be elected as shall be necessary to fill the places of those whose terms of office shall expire in that year. In case of a vacancy in said committee the board of aldermen shall elect by ballot some person, resident in the ward in which the vacancy occurred, to hold office until the next annual election, when the unexpired term, if any, shall be filled as provided by this act. The terms of office of the members of the school committee elected at the annual municipal election held in March, eighteen hundred and ninety-six, shall expire at ten

Mayor shall be chairman of school committee.

School committee, number, and election and qualification of.

—vacancies, how filled.

—terms of office of members.

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o'clock in the morning of the first Monday of January, eighteen hundred and ninety-eight, and those elected at the annual municipal election held in March, eighteen hundred and ninety-seven, shall expire at ten o'clock in the morning of the first Monday of January, eighteen hundred and ninety-nine.

Mayor shall be chief executive officer of the city.

—duties.

—salary shall not be diminished or increased, during term of office.

—shall appoint certain city officers.

—city marshal.

Commissioner of public works and commissioner of cemeteries, subject to confirmation.

—examining board of police and fire department, subject to confirmation.

—tenure.

—shall appoint board trustees of Evergreen cemetery, Back cove and Fore river commissioners.

Sect. 13. The mayor shall be the chief executive officer of the corporation of the city of Portland; shall be vigilant and active at all times in causing the laws for the government of the city to be duly executed and put in force; shall from time to time communicate to the board of aldermen such information and recommend such measures as the interests of the city may require; shall preside at all meetings of the board of aldermen, but shall have a casting vote only; shall be compensated for his services by a salary to be fixed by the board of aldermen, payable at stated periods and shall receive therefor no other compensation, which salary, however, shall not be increased or diminished during his term of office; shall appoint the following named officers for the terms hereinafter specified, beginning with the first day of February in the year of appointment and until their successors are appointed or confirmed, where confirmation is required. A city marshal for the term of one year, without confirmation by the board of aldermen; a commissioner of public works and a commissioner of cemeteries and public grounds for the term of three years each, subject to confirmation by the board of aldermen; a police and fire department examining board to consist of three members who shall exercise the powers conferred upon the police examining board of the city of Portland by an act entitled, "An Act regulating the appointment of members of the police force of the city of Portland," approved March four, eighteen hundred and eighty-five, and acts additional thereto and amendatory thereof; and whose appointment, subject to confirmation by the board of aldermen, shall be as follows: On the first day of February following the adoption of this charter the mayor shall appoint one member of said board for three years, one for two years, and one for one year, and thereafter annually, before the first day of February, one person to serve for three years, each to hold office until another is appointed in his stead. If for any reason any of the appointments provided for in this section are not made at the dates herein specified, the same shall be made as soon as may be thereafter. The mayor shall appoint, according to law, a board of trustees of Evergreen cemetery and a board of Back cove and

Fore river commissioners and a board of water commissioners, all of whom shall exercise the powers legally conferred upon said boards. The mayor shall appoint, with the consent of the board of aldermen, all other officers required for the government of said city for whose appointment no other method is provided by city ordinance or the laws of the state, and not provided for by this act; and shall appoint in the same manner in which the original appointment is made, an officer to fill any vacancy occurring in any of the aforesaid offices to serve for the remainder of an unexpired term. All officers appointed by the mayor shall be citizens of Portland.

—with consent of aldermen, appoint all other officers required.

Sect. 14. No contract made by any department, commission or board, or authorized by any order, ordinance or resolution of the board of aldermen in the construction of a new, or in the structural change of any building, or in any matter in which the amount involved exceeds five hundred dollars, shall be in force unless, and until, approved by the mayor.

Contracts by any department, shall be approved by mayor.

Sect. 15. The mayor may remove, subject to the approval of the aldermen, any officer, commissioner, or member of a board, appointed by the mayor as aforesaid, for such cause as he shall deem sufficient, and shall assign in writing in his order for removal; and said order for removal shall be filed with the city clerk and be open to public inspection.

Power to remove any officer.

Sect. 16. The mayor, the aldermen, and the aldermen elect shall, on the first Monday of January, 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 mayor and the aldermen elect, by the city clerk or any justice of the peace. The board of aldermen shall, by ordinance, determine the time of holding stated or regular meetings of the board, and shall also, in like manner, determine the manner of calling special meetings, and the person by whom they 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. A majority of all the members of the board of aldermen shall constitute a quorum for the transaction of business, but a less number may meet and adjourn from time to time.

Meeting of mayor and aldermen in convention.

—city clerk shall administer oaths.

—time of regular holding meetings.

—special meetings, how called.

—quorum.

Sect. 17. After the qualification of the members of the board of mayor and aldermen newly elected, said board, the mayor presiding, shall proceed to choose a permanent chairman for the

Permanent chairman, how chosen and duties.

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—president,
pro tempore.

ensuing municipal year who, in the absence of the mayor, shall preside at all meetings of the board, 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 a 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.

Every ordinance, etc., shall be presented to mayor.

—power to veto.

Sect. 18. Every ordinance, order, resolution, or vote passed by the board of aldermen, except in case of election of officers by the board of aldermen in which he shall have a casting vote only, and excepting rules and orders of a parliamentary character, shall be presented to the mayor, and if he approve, he shall sign it; if not, he shall return it with his objections to the board of aldermen which shall enter the objections at large upon its records and proceed to reconsider it. If after such reconsideration, two-thirds of the board shall agree to pass it, it shall have the same effect as if signed by the mayor. If the ordinance, order, resolution, or vote shall not be returned by the mayor at the next stated meeting of the board, it shall have the same effect as if he had signed it.

Mayor may approve in part, appropriations of money.

—shall return items not approved, with objections to board of aldermen.

—proceedings of aldermen.

Sect. 19. If any ordinance, order, resolution, or vote passed by the board involving the raising, appropriation, or expenditure of money is presented to the mayor, if he approves of a part and does not approve of a part of the sums or items thereof, he shall so indicate thereon and thereupon the sums and items so approved shall be in force, from the date of said approval, and he shall return the same with his objections to the sums or items not approved by him to the board, at the next stated meeting, which shall enter the objections at large upon its records and proceed to reconsider the sums or items not approved. If after such reconsideration, two-thirds of the board shall agree to pass the sums or items not approved, or any of them, said sums and items shall be in force as if he had approved. If the mayor shall disapprove a part of the sums or items of any such bill and shall fail to approve or disapprove a part, on or before the next stated meeting, the sums which he fails to approve or disapprove shall be in force as if he had approved.

May on public occasions, for-

Sect. 20. The mayor may, on public occasions, by his order, forbid the passing, temporarily, of horses, carriages, or other

vehicles, over or through such streets or ways in said city as he may deem expedient.

Sect. 21. The board of aldermen shall have and exercise all the powers now vested in the city of Portland, or the inhabitants thereof as a municipal corporation, or in the city council of the city of Portland, or either branch thereof, except as modified by this act; shall be the judge of the election and qualification of its members; may establish, subject to the provisions of this act, by ordinance such departments in charge of such officers to be appointed by the mayor and aldermen as may be necessary or desirable for the proper government and administration of the affairs of said city; shall have the power of confirmation or rejection of all officers appointed by the mayor, except in cases where by this act authority to appoint without confirmation has been given to the mayor; shall annually, in the month of January, elect by ballot the city clerk, city treasurer, city auditor, city messenger, and such other officers as are required to be elected by the ordinances of said city or by the laws of the state not inconsistent with the provisions of this act, also a board of three assessors, one for one year, one for two years, and one for three years, and thereafter one to be elected each year for the term of three years, an assistant assessor for each ward, to serve for the term of one year from the first day of February then next ensuing and until their successors are elected and qualified, who shall perform their duties as directed by the board of assessors. Vacancies may be filled for any unexpired term.

Sect. 22. The board of aldermen, in behalf of the city, may offer rewards for the prevention of crimes or detection of criminals. They may remove all sunken wrecks in the harbor or its entrances, and dispose of the same to defray the expense of removal, and may at the expense of the city, cause its harbor to be kept open and unobstructed by ice. They may also require all sail boats not under register or license, kept for hire in said harbor, to be examined and licensed for that purpose, and to be furnished with air tight compartments; and may establish such regulations respecting such boats as they may deem expedient. They may also make and enforce by penalties, regulations respecting the enclosure of lots abutting on any street or way in the city, which may for want of such enclosure be dangerous to the public; and after notice to the owners or lessees of such lots, may, if the same are not enclosed in a reasonable time, cause the same to be enclosed at the expense of the owners or lessees.

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bid use of horses and carriages on the streets.

Powers and duties of board of aldermen.

May offer rewards for prevention of crime.

—remove sunken wrecks and cause examination of sail boats not registered.

—make regulations concerning enclosure of lots abutting on any street.

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—appropriate money for celebrations.

Aldermen shall serve without compensation.

—money shall be expended only, for which appropriated.

Accounts, how audited.

Money shall be paid on orders drawn by mayor.

—bonds required from all persons, intrusted with custody of public moneys.

—aldermen shall have care of all city property.

—shall publish annually, account of receipts and expenditures.

Mayor and aldermen shall have power in all hearings, to send for persons and papers, and compel attendance of witnesses.

They may appropriate money for celebration of the anniversary of our national independence and other public celebrations.

Sect. 23. The aldermen shall not be entitled to receive any salary or other compensation during the term for which they are elected, nor be eligible to any office of profit or emolument, during said term, 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 board of aldermen may direct.

Sect. 24. All bills, accounts and vouchers of all departments, commissions and boards charged with the expenditure of money appropriated by the board of aldermen, including all bills, accounts, and vouchers of the school committee and overseers of the poor, shall be audited and examined in such manner as the board of aldermen shall by ordinance determine.

Sect. 25. 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 board of aldermen; and the board of aldermen shall secure a prompt and just accountability by requiring bonds with sufficient penalty and surety or sureties, from all persons entrusted 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 the 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 two hundred thousand dollars in addition to that now held by the city. 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 the city property.

Sect. 26. The mayor and aldermen of the city of Portland and any committee thereof, when authorized by the board of aldermen, shall have power to send for persons and papers, and compel the attendance of witnesses at any meeting of said board of mayor and aldermen, or of any said committee, at which a hearing is had in any matter of inquiry regarding alleged dereliction of duty of any city officer or any person in the

employ of said city, or in any hearing on any municipal matter. The mayor and the chairman of any committee, when authorized by the board of aldermen, shall have power to issue summons to such witnesses as shall be required in such hearings. Any person failing to comply with summons of the mayor or of said chairman shall be punished by a fine not less than five dollars nor more than fifty dollars, or by imprisonment not more than thirty days. The municipal court of the city of Portland shall have jurisdiction of such offenses.

—may issue summons.

—failure to comply with, punished.

Sect. 27. 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 and shall also perform all the duties and exercise all the powers now incumbent on him by law. He shall give notice in two or more of the papers printed in said city, of the time and place of ward meetings; the time of such meetings when not fixed by law, shall be determined by the mayor and board of aldermen. In case of the temporary absence of the city clerk, the mayor with the consent of the board of aldermen may appoint a city clerk pro tempore.

Duties of city clerk.

Clerk pro tem.

Sect. 28. The board of aldermen shall establish by ordinance a police department, consisting of a city marshal, two deputy marshals, and of such subordinate officers and other members of the police force as it may prescribe. The power of appointment of said city marshal, deputy marshals, subordinate officers and members of the police force shall be vested in the mayor exclusively, subject to the provisions of an act entitled "An Act regulating the appointment of the members of the police force of the city of Portland," approved March four, eighteen hundred and eighty-five, and acts additional thereto and amendatory thereof, except so far as the same may be modified by this act. The mayor shall have power to order at any time a re-examination of any officer or member of the police department, and to suspend and to remove, subject to the approval of the aldermen, all officers and members of the police department, except the city marshal, whom he may remove at pleasure, for such cause as he shall deem sufficient, and shall assign in writing in his order for removal. The deputy marshals and all members of the permanent police force, except the city marshal, shall hold office during good behavior, subject, however, to removal in the manner above provided. The deputy marshals shall be appointed by promotion from members of the permanent police force.

Police department, established.

—appointment of shal, deputy marshals and police officers, vested in mayor.

—re-examination and removal of members of police department.

—tenure of deputy marshals and police officers.

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Committee
on fire de-
partment,
appoint-
ment of.

—duties of.

—present
members of
fire depart-
ment shall
hold office
till term ex-
pires.

—future ap-
point-
ments,
how made.

—members
shall hold
office till re-
moved by
mayor and
aldermen.

Committee
shall have
sole charge
of fire de-
partment.

—appoint-
ment of en-
gineer and
assistants
and electric-
ian.

—powers
and duties.

Sect. 29. Annually at the organization of the board of aldermen or as soon thereafter as may be, the mayor shall appoint three aldermen, all of whom shall not be of the same political party if more than one party is represented in said board, who shall with the mayor, ex-officio, who shall be chairman of said committee constitute a committee to be called committee on fire department. Said committee shall have charge of the fire department of the city under such rules and regulations as the board of aldermen may by ordinance determine. All present officers and members of the fire department shall continue to hold office for the full terms for which they were elected or appointed, unless sooner removed as herein provided, and all future appointments of members of the fire department, the number of whom shall be determined by the board of aldermen, except as herein otherwise provided, shall be made by the mayor from persons certified to him by the police examining board, which shall hereafter be known as the police and fire department examining board, in the same manner that persons are certified to the mayor for appointment to the police force of the city of Portland under the provisions of the act aforesaid entitled, "An Act regulating the appointment of members of the police force of the city of Portland," approved March four, eighteen hundred and eighty-five, and acts additional thereto and amendatory thereof. All officers and members of the fire department appointed by the mayor under this act shall hold the office to which they were appointed until removed by the mayor subject to the approval of the aldermen, for such cause as he shall deem sufficient, and assign in writing in his order for removal, which order shall be filed with the city clerk for public inspection.

Sect. 30. The committee on fire department shall have sole charge of a department to be known as the fire department, and shall purchase and keep in repair all apparatus used therefor, including the fire alarm telegraph and telephone system. The mayor shall appoint, subject to the approval of the aldermen, a chief engineer, and not exceeding four assistant engineers and a city electrician, who shall be the superintendent of the fire alarm telegraph and telephone system, without their being certified by the police and fire department examining board, and shall appoint all other firemen when certified as provided in the preceding section; shall perform such other duties and have such other powers not inconsistent herewith as the board of aldermen may prescribe.

Sect. 31. Said chief engineer shall direct the work of the members of the fire department in case of fire, act as the executive officer of said committee on fire department, and have authority, in case of fire, to establish fire limits in the neighborhood of the building or buildings in which a fire may have occurred, and to prevent persons not authorized by him from coming within said limits.

Powers of chief engineer.

Sect. 32. The board of aldermen shall annually appropriate such sums of money as it may deem necessary and sufficient to carry on the work of said committee. Such appropriation shall be drawn from the city treasury in such manner as the board of aldermen may by ordinance direct.

Appropriations for committee.

Sect. 33. The commissioner of public works shall perform the duties and have the powers prescribed in an act entitled "An Act to establish a commission of public works in the city of Portland," approved March eight, eighteen hundred and ninety-five.

Duties of commissioner of public works.

Sect. 34. The commissioners of cemeteries and public grounds shall have the power and perform the duties now vested in the commissioners of cemeteries and public grounds by an act entitled "An Act to authorize the city of Portland to appoint commissioners of cemeteries and public grounds," approved March five, eighteen hundred and eighty-five.

Powers and duties of commissioner of cemeteries and public grounds.

Sect. 35. The treasurer of the city of Portland shall also be the collector for said city with all the powers of collectors of taxes under the laws of this state. He shall be styled treasurer and collector and shall give but one bond, said bond to be approved by the mayor and aldermen, for the faithful performance of his duties; and may appoint assistants and deputies as provided by law. All warrants directed to him by the assessors and municipal officers shall run to him and his successors in office, and shall be in the form prescribed by law, changing such parts only as by this act are required to be changed. The method of keeping, vouching and settling his accounts, shall be subject to such rules and regulations as the board of aldermen may establish. Said treasurer and collector shall collect all uncollected taxes and assessments in whatever year assessed and at the expiration of said term his powers as collector shall wholly cease; all sales, distresses, and all other acts and proceedings, lawfully commenced by him as such treasurer and collector, may be as effectually continued and completed by his successor in office as though done by himself; and all unreturned war-

Treasurer and collector and powers.

—shall give bond.

—method of keeping accounts, regulated by board of aldermen.

—powers as collector shall cease when term expires.

—sales and other acts as treasurer and collector,

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may be completed by successor.

Aldermen shall have authority to lay out, widen, alter or discontinue any and all public ways.

—shall appoint standing committee on ways.

—duties and powers of committee.

—how streets shall be laid out, altered or discontinued.

—committee shall estimate and report damages.

—appeals may be taken to supreme judicial court and how determined.

—when appeals shall be made.

rants, which would otherwise be returnable to him, shall be returned to his successor in office. These provisions shall apply in all respects to all uncollected taxes of said city.

Sect. 36. The board of aldermen shall have authority to lay out, widen or otherwise alter, or discontinue any and all streets or public ways in the city of Portland, without petition therefor, and as far as extreme low water mark; and to estimate all damages sustained by the owners of land taken for that purpose; but all locations below high water mark shall be subject to the provisions of the laws relating to the commissioners of Portland harbor. A standing committee of the board of aldermen 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 an advertisement in two daily papers printed in Portland, for 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 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 board of aldermen, and the report shall not be altered or amended before its acceptance. A street or way shall not be discontinued by the board of aldermen except 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 board of aldermen 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 Cumberland, 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 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 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, subject to an appeal as aforesaid, and in such cases, if an appeal has been regularly taken, the appellant in the original appeal 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 board of aldermen 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.

Sect. 37. The board of aldermen 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. The city shall not be answerable for damages occasioned by telegraph poles and wires erected in its streets. No person or corporation shall dig, tear up, or excavate any portion of the surface of any street or sidewalk in said city unless authorized therefor, in writing, by the board of aldermen, or by some person by them authorized for that purpose and subject to such conditions as they may impose. All powers heretofore conferred by any prior act of legislature contrary to this section are hereby repealed. The board of aldermen or some person by them authorized may on such terms and conditions as they 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

—notice shall be served upon the mayor or clerk.

—land owner shall not be entitled to damages, if way is discontinued before damages are paid.

—committee shall estimate such damage.

—streets shall not be opened till public requires it.

Aldermen may regulate height and width of sidewalks.

—city not liable for damages caused by erection of poles and wires.

—aldermen may empower persons to place materials in any street for making or repairing same or laying water and gas pipes, etc.

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—material so placed, not be considered a nuisance.

Existing laws relating to drains, shall continue in force.

City may ordain laws for government of Evergreen cemetery.

—present by-laws shall be valid.

Inconsistent acts, repealed.

—repeal shall not affect any suit or case pending.

—persons holding office at time of repeal, shall continue till others are elected.

—all acts not inconsistent with this, and ordinances in force at time of repeal, shall continue in force till repealed.

Act void, unless adopted by inhabitants in legal ward meetings, called for such purpose.

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.

Sect. 38. The existing laws of the state relating to drains and sewers and sidewalks including those in the charter existing before the adoption of this act shall continue in force.

Sect. 39. The city of Portland may ordain reasonable by-laws and regulations for the government of Evergreen cemetery, and shall have full power and authority to impose and enforce penalties for the breach thereof, and for the punishment of offenses committed in said cemetery. All by-laws and regulations heretofore ordained by said city of Portland for the government of Evergreen cemetery are, and shall be, valid and in force; and all penalties imposed under the same, and for the breach of the same, and for punishment of offenses committed in said cemetery, shall be enforced.

Sect. 40. All acts and parts of acts, inconsistent with this act, are hereby repealed. Provided, however, the repeal of the said acts shall not affect any act done, or any act accruing, or accrued, or established, or any suit or proceeding had or commenced in any civil or criminal case before the time when such repeal shall take effect, and that no offense committed, and no penalty or forfeiture incurred, under the acts hereby repealed, and before the time when such repeal shall take effect, shall be affected by the repeal. And provided, also, that all persons who, at the time the said repeal shall take effect, shall hold any office under the said acts or ordinances of the city shall continue to hold the same until others are elected and qualified in their stead as provided in this act. And provided, also, that all acts of legislature relating to the city of Portland and the ordinances, rules and regulations of the city of Portland, which shall be in force at the time when the said repeal shall take effect, and not inconsistent with this act, shall continue in force until the same are repealed. No act which has been heretofore repealed shall be revived by the repeal of the above acts.

Sect. 41. This act shall be void unless the inhabitants of the city of Portland, at legal ward meetings called for that purpose, by a written vote, determine to adopt the same; and the qualified voters of the city shall be called upon to give in their votes

upon the acceptance of this act, at meetings in the several wards, duly called by the mayor and aldermen, to be held on the date fixed by them, those favoring the adoption thereof voting 'yes,' and those opposed voting 'no;' and thereupon the same proceedings shall be had respecting the sorting, counting, declaring, and recording the returns of said votes as is herein provided at the election of mayor; and the board of mayor and aldermen shall within three days meet together and compare the returns of the ward officers; and if it appear that a majority of all the votes given on the question of its acceptance are in favor thereof, the mayor shall forthwith make proclamation of the fact, and thereupon this act shall take effect. And in case this act is so adopted and takes effect, the terms of office of all city officers shall expire on the appointment or election and qualification of their successors as provided in this act.

Sect. 42. Section forty-one of this act shall take effect upon approval by the governor.

Approved March 17, 1897.

—method of voting.

—proceedings in counting and recording votes.

—if majority are in favor of acceptance, mayor shall make proclamation of fact.

—when terms of city officers shall expire.

Section 41, shall take effect upon approval of this act.

Chapter 451.

An Act to amend Section four of Chapter three hundred and eight of the Private and Special Laws of eighteen hundred and eighty-nine, as amended by Section one, Chapter two hundred and thirty-two of the Private and Special Laws of eighteen hundred and ninety-one, entitled "An Act to incorporate the Thorn Brook Dam Company."

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

Sect. 1. Section four of chapter three hundred and eight of the private and special laws of eighteen hundred and eighty-nine, as amended by section one, chapter two hundred and thirty-two of the private and special laws of eighteen hundred and ninety-one, is hereby amended as follows: By striking out that part which commences at the end of the third line with the word "fifty" and continuing to the word "cents" in the seventh line, and inserting the following: 'Seventy-five cents for each thousand feet board measure, woods scale, for all logs and lumber put into said Thorn brook, and twenty-five,' and further by striking out all of said section after the word "manufacture" in the fifteenth line, and inserting the following: 'Said lien may be enforced in the manner provided in sections thirty-eight

Charter amended.