

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-NINTH LEGISLATURE

OF THE

STATE OF MAINE

1899.

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

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AUGUSTA  
KENNEBEC JOURNAL PRINT  
1899.

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1899.

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corporators, seven days at least before the meeting, naming the time, place and purpose of such meeting, and at such meeting the necessary officers may be chosen, by-laws adopted, and any other corporate business transacted.

Section 17. This act shall take effect when approved.

Approved February 17, 1890.

CHAP. 31

### Chapter 31.

An Act to amend charter of City of Hallowell.

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

Section two is hereby amended by striking out the word "five," in the fifth line, and inserting in place thereof the word "seven;" also by striking out the words "and one council of ten, to be denominated the common council," in the sixth and seventh lines; also by striking out the letter "s" in the word "boards," in the eighth line; so that said section as amended, shall read as follows:

Section 2,  
amended.

'Section 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, all of whom shall be inhabitants of said city, which board shall constitute and be called the city council, all of whom shall be sworn to the 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 Hallowell is not authorized to vote, assess or appropriate money, except for such purposes as are authorized by this act. And provided, further, that neither the city council, nor any agent or officer of the city, shall borrow or hire any money for or on account of the city or inhabitants thereof, except for the purposes for which the town of Hallowell is now by law authorized to raise money; and all notes, bonds, obligations, scrip or orders given by the city council or any officer or agent thereof, for money or property obtained for any other purposes shall be void.'

Administra-  
tion of af-  
fairs vested  
in mayor  
and city  
council.

—how  
money may  
be raised.

Section three is hereby amended by striking out the following: "and common council, or either of them," in the eighth and ninth lines; "or boards to be convened," in the fourteenth line; "to both of them," in the fifteenth line; "and in the joint meetings of the two boards," in the eighteenth and nineteenth lines;

Section 3,  
amended.

## CHAP. 31

Chief mag-  
istrate, pow-  
ers and  
duties.

also all of said section after the word "services," in the twenty-ninth line, so that said section, as amended, shall read as follows:

'Section 3. The mayor of said city shall be 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, when in his opinion the interests of the city require 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. He shall from time to time, communicate 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, 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 the 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, the city council may elect the mayor to any city office, and allow him a reasonable compensation for such services.'

—salary.

Section 4,  
amended.

Section four is hereby amended by striking out the words "and common council of said city, to be exercised by concurrent vote, each board to have a negative upon the other, but all other elections of officers by the city council shall be by joint ballot of the two boards in convention," in the eighth, ninth, tenth, eleventh and twelfth lines; also by adding after the word "city" in the sixteenth line the words 'except city marshal and street commissioner;'; also by striking out the words "by concurrent vote" and the letter "s" in the word "officers" in the twenty-third and twenty-fourth lines; also by adding the word 'any' after the word "remove" in the twenty-fourth line; also by striking out the words "the said" in the twenty-seventh line; also by striking out the word "fifteen" in the forty-fifth line and inserting in place thereof the word 'fifty;'; also by adding after the word "interest" in the forty-seventh line the words 'the fiscal year shall end on the thirty-first day of December in each year;'; also by adding after the word "year" in the forty-eighth line the words 'before the first day of February;'; also by adding after the word "property" in the fiftieth line the words 'for said year;'; also by striking out all of said section after the word "drawn"

in the fifty-fifth line; so that said section, as amended, shall read as follows:

'Section 4. The executive powers of said city generally, and the administration of police, with all the powers of the selectmen of the town of Hallowell, 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 powers granted by this act shall be vested in the mayor and aldermen. The city council shall annually, on the second Monday of March, or as soon thereafter as conveniently may be, elect and appoint all the subordinate officers and agents for the city, except city marshal and street commissioner, for the ensuing year, including a chief engineer, and other engineers of the fire department, which chief engineer, or in his absence any two other engineers 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 this state; and may remove any officer, when in their opinion sufficient cause for removal exists. All officers shall be chosen and vacancies supplied for the current year, except as hereinafter otherwise directed. All 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 and on account of the city, by any officer or agent thereof, shall forthwith be paid into the city treasury. The city council shall take care that moneys shall not be paid from the treasury unless granted or appropriated; shall secure a prompt and just accountability by requiring bonds with sufficient penalty and sureties from all persons trusted with the receipt, custody or disbursement of moneys; 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 fifty thousand dollars, including the property now owned by the town, as they may think useful to the public interest. The fiscal year shall end on the thirty-first day of December in each year. And the city council shall as often as once a year, before the first day of February, cause to be published for the information of the inhabitants, an account of receipts and expenditures and a schedule of the city property for said year, 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

Executive powers vested in mayor and aldermen.

—appointment of subordinate officers.

—shall define duties and fix compensation.

—vacancies supplied.

—tenure.

—moneys, how raised and appropriated.

—shall have care of city buildings.

—may take real estate.

—shall publish account of receipts and expenditures.

CHAP. 31 warrant shall state the appropriations under which the same is drawn.'

Section 5,  
amended.

Section five is hereby amended by striking out the words "both branches of," in the second line; also by striking out in the fifth, sixth and seventh lines the words, "to that branch of the city council in which it shall have originated" and "branch shall enter the;" also by striking out the word "at" in the seventh line, and inserting in place thereof the words, 'shall be entered at;' also by striking out the word "its," in the eighth line, and inserting in place thereof the word 'the;' also by adding after the word "journal" in the eighth line the words, 'of the board of aldermen and said board shall;' also by striking out the word "and" in the eighth line; also by striking out the words "that branch," in the tenth line, and inserting in place thereof the words, 'the board;' also by striking out in the eleventh, twelfth, thirteenth and fourteenth lines the words, "it shall be sent, together with the objections, to the other branch by which it shall be reconsidered, and if approved by a majority of the whole number of that branch." So that said section as amended, shall read as follows:

All ordi-  
nances shall  
be presented  
to the mayor  
for approval  
or otherwise.

'Every law, act, ordinance or bill appropriating money having passed the city council, shall be presented to the mayor of the city; and if he approve the same he shall sign it; if not, he shall return it, in seven days with his objections, which objections shall be entered at large on the journal of the board of aldermen and said board shall proceed to reconsider said law, act, ordinance or bill. If upon such reconsideration a majority of the whole number of the board shall agree to pass it, it shall have the same effect as if signed by the mayor.'

Section 17,  
amended.

Section seventeen is hereby amended by adding after the word "mayor," in the first line, the words, 'two aldermen, city marshal and street commissioner;' also by striking out the words, "and two common councilmen," in the third and fourth lines; also by striking out in the sixth line the word "majority" and inserting in place thereof the word 'plurality;' also by adding after the word "given," in the seventh line, the words, 'the mayor and aldermen;' also by striking out the word "and," in the seventh line; also by adding at the end of said section the following: 'The city marshal and street commissioner shall hold their offices one year from the second Monday in March and until others shall be elected and qualified in their places, unless sooner removed by the city council.' So that said section as amended, shall read as follows:

Election of  
mayor, al-

'Section 17. The mayor, two aldermen, city marshal and street commissioner shall be elected from the citizens at large by

the inhabitants of the city, voting in their respective wards; one alderman shall be elected by each ward, being residents in the wards where elected; all said officers shall be elected by ballot, by a plurality of the votes given. The mayor and aldermen shall hold their offices one year from the second Monday in March and until others shall be elected in their places. The city marshal and street commissioner shall hold their offices one year from the second Monday in March and until others shall be elected and qualified in their places, unless sooner removed by the city council.'

Section nineteen is hereby amended by adding after the word "mayor" in the fourth line, the words, 'two aldermen at large;' also by adding after the word "alderman," in the fourth line, the words, 'for each ward, a city marshal and street commissioner;' also by striking out the words "and two common councilmen," in the fourth and fifth lines; also by striking out the words "and common councilmen," in the twelfth line; also by adding after the word "of" in the fifteenth line the word 'ward;' also by striking out the words "and common councilmen," in the fifteenth and sixteenth lines; also by adding after the word "any," in the nineteenth line, the word 'ward;' also by striking out the words "common councilmen" in the nineteenth line; also by striking out the words "by a majority vote," in the twenty-first line; also by changing the word "person," in the twenty-ninth line, to 'persons;' also by adding after the word "mayor" in the thirtieth line, the words, 'alderman at large, city marshal and street commissioner;' also by striking out the word "majority" in the thirtieth line and inserting in place thereof the word 'plurality;' also by striking out the word "his," in the thirty-first line, and inserting in place thereof the word 'their;' also by adding after the word "office" in the thirty-third line the words, 'to which he was elected;' also by striking out in the thirty-fourth, thirty-fifth, thirty-sixth, thirty-seventh, thirty-eighth, thirty-ninth, fortieth and forty-first lines the following: "One other election; and in case the citizens should fail on a second ballot to elect a mayor, the said board shall again issue their warrants for a third election to be held not less than three nor more than four days thereafter; at which election the candidate having the greatest number of votes shall be declared elected and notified as aforesaid; if no one shall then have such number;" also by striking out in the forty-second line the words, "shall in the same manner be ordered;" also by adding the word 'and' after the word "ordered" in the forty-second line; also by adding after the word "mayor," in the forty-fifth line, the words 'aldermen at large, city marshal and street commissioner;' also by

## CHAP. 31

dermen, city  
marshal and  
street com-  
missioner.

—tenure.

Section 19,  
amended.

## CHAP. 31

adding after the word "mayor" in the fiftieth line the words, 'and the mayor or acting mayor shall appoint a city marshal or street commissioner to act until such election can be held;' also by striking out the words "and common councilmen" in the fifty-third line; also by striking out the words "of the two boards" in the fifty-seventh line; also by striking out all of said section after the word "peace" in the fifty-eighth line. So that said section as amended, shall read as follows:

Annual election of city officers.

'Section 19. On the first Monday of March, annually immediately after a warden and clerk shall have been elected and sworn, the qualified electors of each ward shall ballot for a mayor, two aldermen at large, one aldermen for each ward, a city marshal and street commissioner; all the votes given for the said several officers respectively shall be sorted, counted, declared and registered in open ward meeting, by causing the names of the persons voted for, and the number of votes given to each to be written on the ward record at length. The ward clerk, within twenty-four hours after such election, shall deliver to the persons elected aldermen, 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 ward aldermen cannot conveniently be effected on that day, the meeting may be adjourned from day to day to complete such election. If on the second balloting for any ward aldermen, constable, warden or clerk, a choice shall not be effected, then the persons receiving the highest number of votes for any of those offices at the subsequent trial shall be declared elected; if no one shall then have such highest number, the balloting shall be continued from day to day until a choice is thus 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 persons who shall have been elected mayor, aldermen at large, city marshal and street commissioner, by a plurality of votes given in all the wards, to be notified in writing of their election; but if it shall appear that no person shall have been elected, or if the person elected shall refuse to accept the office to which he was elected, the said board shall issue their warrants for further elections and till a choice shall be made, by some one having the highest number of votes; and in case of a vacancy in the office of mayor, aldermen at large, city marshal or street commissioner 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 meantime the

--how the votes shall be counted.

--if election is not effected on first day, meetings may be adjourned.

--plurality shall elect on second ballot.

--if election is not effected, further meetings shall be held.

--vacancies, how filled.

president pro tempore of the board of aldermen shall perform the duties of mayor, and the mayor or acting mayor shall appoint a city marshal or street commissioner to act until such election can be held. 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 elect, shall on the second Monday of March, at ten of the clock in the forenoon, meet in convention, when the oath required by the second section of this act, shall be administered to the members present, by the mayor or any justice of the peace.'

—oaths, how administered.

Section twenty is hereby amended by striking out the words "or common council," in the third and fourth lines; also by striking out the words "joint" and "two" in the thirteenth line; also by changing the word "boards" in the fourteenth line to 'board;'; also by striking out the word "each" in the fourteenth line and inserting in place thereof the word "The;"; also by striking out the words "in each board" in the nineteenth line; also by striking out the words, "and common council, and all meetings of the two boards in convention," in the twentieth, twenty-first and twenty-second lines; also by striking out the words "of each of them" in the twenty-third line; also by striking out the word "either" in the twenty-fourth line and inserting in place thereof the word 'any.' So that said section as amended, shall read as follows:

Section 20, amended.

'Section 20. The city clerk shall be the clerk of the board of aldermen; he shall perform such duties as shall be prescribed by the board of aldermen; and shall perform all duties, and exercise all the powers by law incumbent upon or vested in, the town clerk of the town of Hallowell; he shall give notice in one or two of the papers printed in said city of the time and place of regular ward meetings, but the place of regular ward meetings, and also the day and hour, when not fixed by law, shall be determined by the board of aldermen. The board of aldermen may, in the absence of the mayor, choose a president pro tempore, who shall preside at meetings of the board. The board shall keep a record of its proceedings, and judge of the election of its own members; and in case of failure of election or vacancy by death, resignation or otherwise, may order new elections. A quorum for the transaction of business, shall consist of a majority of the members thereof; all meetings of the aldermen shall be open and public, and the presiding officer shall have the power of moderators of town meetings. At any of said meetings, when any two members shall request it, the vote shall be taken by yeas and nays, which shall be recorded by the clerk.'

Duties of the city clerk.

—president pro tempore, how chosen.

—power of board of aldermen.

—quorum.

—meetings shall be public.