

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES  
OF THE  
SEVENTY-SECOND LEGISLATURE

OF THE  
STATE OF MAINE

1905.

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Published by the Secretary of State, agreeably to Resolves of  
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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1905.

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sustaining damage for property so as aforesaid taken, and said corporation shall not mutually agree upon the sum to be paid therefor, such person may cause his damages to be ascertained in the same manner and under the same conditions, restrictions, limitations, as are by law prescribed in the case of damages by the laying out of highways.

Section 4. This act shall take effect when approved.

Approved February 28, 1905.

### Chapter 122.

An Act to amend the charter of the City of Rockland.

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

Section 2,  
city charter  
of Rockland,  
amended.

Section 1. Section two of the city charter of the city of Rockland is hereby amended by striking out the word "seven" in the fourth line thereof and inserting in lieu thereof the word 'fourteen,' and by striking out after the word "aldermen" in the fifth line of said section the words, "and one board of twenty-one to be denominated the board of common council" and inserting the words 'or city council,' and by striking out after the word "city" in the seventh line, the words "which boards shall constitute and be called the city council," and by inserting the word 'and' before the word "all" in the eighth line, so that said section as amended, shall read as follows:

City council  
established.

'Section 2. The administration of all 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 board of fourteen to be denominated the board of aldermen or city council, all of whom shall be qualified electors of said city and all of whom shall swear or affirm to faithfully perform the duties of their respective offices.'

Section 3.  
amended.

Section 2. Section three of said charter is hereby amended by striking out, after the word "aldermen" in the seventh line of said section the words "and common council or either of them," and by inserting after the word "abode" in the twelfth line the words, 'or place of business' and by striking out the words "or boards" in said twelfth line; and by striking out after the word "aldermen" in the seventeenth line, the words, "and in the joint meetings of the two boards," and by striking out in the twenty-fifth line the words "and common councilmen," so that said section as amended, shall read as follows:

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'Section 3. The mayor of said city shall be the chief executive officer 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 cause 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 city papers, or by causing a summons or notification to be given in hand or left at the last and usual place of abode, or place of business of each member of the board to be convened, at least six hours before the time fixed for such meeting. He shall, from time to time, communicate to the city council such information and recommend such measures as the interests of the city may require. He shall preside in the board of aldermen but shall have only a casting vote. The mayor shall receive for his services such compensation as the city council may allow, which shall not be less than three hundred or more than five hundred dollars per year, payable quarterly, and he shall not receive from the city any other compensation for any service by him rendered in any other capacity or agency. The aldermen shall not be entitled to receive any salary or other compensation during the years for which they are elected, nor be eligible to any office of profit or emolument, the salary of which is payable by the city.'

Mayor shall be chief executive officer.

—may call special meetings.

—shall communicate information and recommend measures.

—compensation of mayor

—aldermen shall receive no salary.

Section 3. Section four of said charter is hereby amended by striking out the words "of both branches" in the second line thereof, and by inserting after the word "council" in the sixth line, the words, 'which objections shall be entered at large on its journal and procedure shall be made to reconsider it' and by striking out after the word, "members" in the tenth line, the words, "of that branch, it shall be sent together with the objections to the other branch, by which it shall be reconsidered, and if passed by a vote of two-thirds of all the members of that branch" so that said section as amended, shall read as follows:

Section 4, amended.

'Section 4. Every law, act, ordinance, resolve or order, requiring the consent of the city council, excepting rules and orders of a parliamentary character, shall be presented to the mayor for approval. If not approved by him, he shall return it with his objections at the next stated session of the city council, which objections shall be entered at large on its journal and procedure shall be made to reconsider it. If, upon such reconsideration it shall be passed by a vote of two-thirds of all the members, it shall have the same effect as if signed by the mayor. If not so returned, or in case of vacancy in the office of mayor,

Acts, ordinances, orders, etc., shall be presented to mayor for approval.

—if not approved shall return same, with objections, to city council.

—how passed without approval of mayor.

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when said law, act, ordinance, resolve or order be finally passed, the same shall be valid without approval.'

Section 5,  
amended.

Section 4. Section five of said charter is hereby amended by striking out after the word "alderman" in the eighteenth line of said section the words, "and common council," and by striking out after the word "city" in the nineteenth line, the words "to be exercised by concurrent vote, each board to have a negative upon the other. Each board," and inserting therein the words, 'the board of aldermen;'; and by striking out after the word "by" in the twenty-third line the words "the mayor and aldermen" and inserting in lieu thereof the words 'this board'; and by striking out in the twenty-fourth line the words, "in each board"; and by striking out after the word "the" in the twenty-fifth line the words, "aldermen and common councilmen and all meetings of the two boards in convention" and inserting in lieu thereof the words, 'city council'; and by striking out in line twenty-eight the words, "of each of them" and in line twenty-nine the words "either of," so that said section as amended, shall read as follows:

Mayor and  
aldermen  
shall have  
powers of  
selectmen.

'Section 5. The executive powers of said city generally, and the administration of police and health departments, with all the powers of selectmen, except as modified by this act, shall be vested in the mayor and aldermen. All the powers of establishing watch and ward, now vested by the laws of the state in the justices of the peace and municipal officers or inhabitants of towns, are vested in the mayor and aldermen, so far as relates to said city; and they are authorized to unite the watch and police departments into one department and establish suitable regulations for the government of the same. The officers of police shall be one chief, to be styled the city marshal, and one deputy marshal, and so many watchmen and policemen, as may, from time to time be appointed. All other powers now or hereafter vested in the inhabitants of said city, and all powers granted by this act, as well as all powers relating to the fire department, shall be vested in the mayor and aldermen of said city. The board of aldermen shall keep a record of its proceedings, and judge of the election of its own members; and in case of vacancies new elections shall be ordered by this board. A quorum for the transaction of business shall consist of a majority thereof; all meetings of the city council shall be open and public; and the presiding officer shall have the powers of moderators of town meetings. At said meetings when any two members shall request it, the votes shall be taken by yeas and nays, which vote shall be recorded by the clerk.'

--watch and  
ward.

--police  
department.

--board of  
aldermen  
shall keep  
record of  
proceedings.

--quorum.

--yea and nay  
votes shall be  
taken on  
request of  
two members.

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Section 5. Section seven of said charter is hereby repealed and the following section enacted in its stead :

Section 7,  
amended.

'Section 7. The mayor shall be elected from the citizens at large by the inhabitants of the city voting in their respective wards. One alderman, a warden and ward clerk shall be elected by each ward, being residents of the ward where elected. All of said officers shall be elected by ballot by a plurality of the votes given and shall serve for the following terms, beginning on the second Monday of March in each year ; the mayor for one year, the aldermen for two years and the warden and ward clerk for one year or until others shall be elected and qualified in their places. Excepting that upon the first Monday of March, in the year of our Lord nineteen hundred and six, the first election of aldermen under this act shall take place, at which time the inhabitants of said city shall elect two aldermen from each ward, having the necessary qualifications, one of whom shall be elected for a term of two years and one for one year.'

Elections.

--term of  
office.

--first  
election  
under this  
act.

Section 6. Section eight of said charter is hereby amended by striking out in the third line of said section the words "three common councilmen" and by striking out in the eleventh line and in the fifteenth line thereof the words "common councilmen" and by striking out in the thirty-second line thereof the words "and common councilmen," and by striking out in the thirty-sixth line thereof the word "two," and by changing the word "boards" in the same line to the word "board"; and by striking out all after the word "peace" in the following line of said section, so that said section as amended, shall read as follows :

Section 8,  
amended.

'Section 8. On the first Monday in March annually, the qualified electors of each ward shall ballot for a mayor, one alderman, and a warden and ward clerk 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 the persons voted for, and the number of votes given for each, to be written on the ward records at length. The ward clerk within twenty-four hours after such election, shall deliver to the persons elected alderman, warden and ward clerk, certificates of their election, and shall forthwith deliver to the city clerk a certified copy of the records of such election ; provided, however, that if the choice of alderman, warden or ward clerk is not effected on that day, the meeting shall 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

Election shall  
be on first  
Monday in  
March,  
annually.

--ward clerk  
shall give  
notice to  
persons  
elected.

--board of  
aldermen,  
shall be  
canvassing  
board.

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received the greatest number of votes given for mayor 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 said office, the said board shall issue their warrant for another election; and in case of a vacancy in the office of mayor, by death or otherwise, it shall be filled for the remainder of the term by a new election, in the manner heretofore provided for the choice of said mayor. The oath or affirmation prescribed by this act shall be administered to the mayor by the city clerk, or any justice of the peace in said city. The aldermen elect shall, on the second Monday in March, at ten o'clock in the forenoon, meet in convention, when the oath or affirmation required by the second section of this act shall be administered to the members of the board present, by the mayor or any justice of the peace.'

--vacancy in office of mayor, how filled.

--city clerk shall administer oath to mayor.

--aldermen to be sworn by mayor or justice of the peace.

Section 10, amended.

Section 7. Section ten of said charter is hereby amended by striking out after the word "board" in the sixth line thereof, the words "and at conventions of the two boards," so that said section as amended, shall read as follows:

Chairman of city council.

'Section 10. After the organization of the city government, and the qualification of a mayor, and when a quorum of the board of aldermen shall be present, said board, the mayor presiding, shall proceed to choose a permanent chairman, who, in the absence of the mayor, shall preside at all meetings of the board, and in case of any vacancy in the office of mayor, he shall exercise all the powers, and perform all the duties of the office, so long as such vacancy shall remain, and when the mayor shall be absent from the city, or is prevented by sickness or other cause from attending to the duties of his office, shall possess all rights and powers of the mayor, during such absence or disability. The board of aldermen in the absence of the mayor and permanent chairman, shall choose a president pro tempore, who shall exercise all the powers of a permanent chairman.'

--president pro tem.

Section 11, amended.

Section 8. Section eleven of said charter is hereby amended by striking out in the third line thereof the words "in joint convention," so that said section as amended, shall read as follows:

Officers to be elected by city council.

'Section 11. The city council shall annually, on the second Monday in March, or as soon thereafter as may be convenient, by ballot elect for the ensuing year the following officers; a city clerk, a city treasurer, a chief of police, who shall be styled the city marshal, and who shall exercise all the powers and perform all the duties of a constable, one overseer of the poor, one assessor of taxes, a road commissioner, or in lieu of a road com-

--city clerk, treasurer, city marshal.

--overseer of poor,



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missioner, a board of road commissioners consisting of three members who shall have charge of all the work and expenditures upon the streets, sidewalks and sewers; and when the city council shall by vote decide to elect a board of commissioners as aforesaid they shall be elected, one for three years, one for two years and one for one year; after the first election one member thereof shall be elected annually; a collector of taxes, a school agent, one member of the superintending school committee or a supervisor, and one or more city constables. All said officers and agents shall hold their offices during the ensuing year and until others are elected and qualified in their stead, unless sooner removed by the city council; and 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 penalties and sureties from all persons trusted with the receipt or custody of the public money; shall have the care and superintendence of the city public 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 in the name of the city such real or personal property, not exceeding the sum of two hundred thousand dollars, including the property now owned by the city, as they deem of public utility. And the city council shall, as often as once a year, cause to be published, for the information of the inhabitants, an account of receipts and expenditures and a schedule of the city property, and no money shall be paid from the city 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 which the same is drawn.'

assessor of taxes, road commissioner.

--collector of taxes, school committee and constables.

--tenure of officers.

--duties of city council.

--account of receipts and expenditures shall be published annually.

Section 9. Section thirteen is hereby amended by striking out in the third line the words "in joint convention" and by striking out after the word "removed" in the fourth line thereof, the words "by concurrent vote of a majority of all the members of each board of the city council," and inserting in lieu thereof the words, 'by the mayor upon the approval of a majority of the board of aldermen.' And by striking out after the word "council" in the seventh line of said section, the words, "all vacancies may be filled by the board or boards having the power to elect or appoint," and inserting in lieu thereof the words, 'the board of aldermen may fill a vacancy in any position over which they have elective or appointive control,' so that said section as amended, shall read as follows:

Section 13, amended.

**CHAP. 122****Other officers.**

—officers,  
how  
removed.

'Section 13. The city council shall provide by ordinance for the election and removal of all other necessary officers. All officers elected by the city council may be removed by the mayor upon the approval of a majority of the board of aldermen. The compensation of all officers shall be fixed by the city council. The board of aldermen may fill a vacancy in any position over which they have elective or appointive control. The term of all officers, except as otherwise specially provided, shall be for one year and until others are qualified in their places.'

—vacancies,  
how filled.

Section 15,  
amended.

Section 10. Section fifteen of said charter is hereby amended by striking out in the third line thereof the words, "or common council" so that said section as amended, shall read as follows:

Duties of  
city clerk.

'Section 15. 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 the duties and exercise all the powers by law incumbent upon or vested in town clerks; he shall give notice in one of the papers printed in the 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.'

Section 19,  
amended.

Section 11. Section nineteen of said charter as amended by chapter of the laws of eighteen hundred and ninety-seven, is hereby amended by striking out the word "joint" in the sixth line and the words "of the two boards" in the seventh line of said section, so that said section as amended, shall read as follows:

Laying out  
streets, etc.

'Section 19. The city council shall have exclusive authority to lay out, widen or otherwise alter or discontinue any and all streets, or public ways in the city of Rockland, 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. A standing committee 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 publishing the same two weeks successively in two weekly papers printed in Rockland, or in one weekly and one daily paper, printed in Rockland, and when notice is given in a daily paper said notice shall appear at least twice in each week, the last publication to be 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

—damages,  
how  
estimated.

—notice, how  
given.

—hearings.

—return of  
proceedings.

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the bounds and descriptions of the street or way, if laid out or altered, and the names, when known, of the owners of the land taken, to whom damages are allowed, and the damages allowed therefor; the return shall be filed in the city clerk's office at least seven days previous to its acceptance by the city council. The street or way shall not be altered or established until the report is accepted by the city council, and the report shall not be altered or amended before its acceptance. A street or way shall not be discontinued by the city council excepting upon the report of said committee. The committee shall estimate and report the damages sustained by the owners of the land adjoining that portion of the street or way which is so discontinued; their report shall be filed with the city clerk seven days at least before its acceptance. Any person aggrieved by the decision or judgment of the city council in establishing, altering, or discontinuing streets, may, so far as relates to damages, appeal therefrom 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 Knox 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 an appeal is not so taken, the right of appeal shall be held to be waived. If a street or way is discontinued before the damages are paid or recovered for the land taken, the land owner shall not be entitled to recover such damages, but the committee in their report discontinuing the same shall estimate and include all the damages sustained by the land owner, including those caused by the original location of the streets, and in such cases, if an appeal has been regularly taken, the appellant shall recover his costs. The city shall not be compelled to construct or open any street or way thus hereafter established, until in the opinion of the city council the public good requires it to be done, nor shall the city interfere with the possession of the land so taken by removing therefrom

—return shall be filed.

—land damages.

—appeal from decisions.

—appellants shall serve written notice.

—exceptions, how taken.

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materials or otherwise, until they decide to open and construct said street. The city council may reserve and set off as sidewalks such part or portion of the several streets in said city now or hereafter to be established, as may appear to be necessary for the safety, convenience and accommodation of foot passengers, and may regulate the height and width of sidewalks in any public square, places, streets, lanes or alleys in said city; and may authorize posts and trees to be placed along the edge of said sidewalks. Nor shall the city be answerable for damages occasioned by telegraph, telephone, electric light or electric car poles and wires erected in its streets.'

Section 25, amended.

Section 12. Section twenty-five of said charter is hereby amended by inserting after the word "aldermen" in the first line thereof, the words 'or in lieu thereof, a special licensing board composed of the mayor and four members of the board of aldermen to be designated by the mayor,' so that said section as amended, shall read as follows:

Licensing board.

'Section 25. The mayor and aldermen, or in lieu thereof, a special licensing board composed of the mayor and four members of the board of aldermen to be designated by the mayor, may on such terms and conditions as they may think proper, license 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, moving or finishing any building or fences, or for laying or repairing gas or water pipes. And such material or building 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 for any damage occasioned by such materials. Any person or corporation occupying or using any of the streets in the city for the purposes aforesaid, without first obtaining a license therefor, shall be punished by a fine not exceeding twenty dollars for each offense, to be recovered on complaint for the use of the city.'

--penalty for occupying streets without license.

Section 28, amended.

Section 13. Section twenty-eight of said charter is hereby amended by striking out after the word "members" in the third line, the words "of each board" so that said section as amended, shall read as follows:

Appropriations of money shall be made by majority vote of whole council.

'Section 28. No appropriation of moneys for any purpose shall be made without a majority vote of all the members of the city council.'

Referendum.

Section 14. These amendments shall be submitted to the inhabitants of the city of Rockland in whole or in substance, at their annual election on the first Monday in March, nineteen

hundred and five, and if accepted by a majority of those voting in relation thereto, shall take effect at the beginning of the municipal year, nineteen hundred and six and nineteen hundred and seven.

Approved February 28, 1905.

### Chapter 123.

An Act to extend the charter of the Merchants' Trust Company, and to change the name of some of the corporators.

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

Section 1. The rights, powers and privileges of the Merchants' Trust Company, located at Auburn, Androscoggin county, Maine, which were granted by chapter three hundred and twenty-four of the private and special laws of nineteen hundred and three, approved March twenty-six, nineteen hundred and three, are hereby extended for two years from the approval of this act, and George C. Wing, Henry P. Cox, Seth M. Carter, George P. Martin, David R. Hastings and Everett L. Smith, their associates and successors, shall have all the rights, powers and privileges that were granted by said original act, to be exercised in the same manner and for the same purposes as specified therein.

Merchants  
Trust  
Company,  
charter  
extended.

Section 2. This act shall take effect when approved.

Approved March 7, 1905.

### Chapter 124.

An Act to incorporate the town of Westfield in the county of Aroostook.

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

Section 1. Township number ten, range two, west from the east line of the state, in the county of Aroostook, and known as Westfield plantation, is hereby incorporated into a town by the name of Westfield, and the inhabitants of said town are hereby vested with all the powers, privileges, immunities and liabilities of other towns.

Town of  
Westfield  
incorporated.

Section 2. The present board of assessors of Westfield plantation are hereby authorized and required to call the first meeting of the town under this act, for the choice of town officers,

First meeting  
of town, by  
whom called.