

# 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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**Chapter 317.**

An Act to incorporate the City of Brunswick.

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

Section 1. The inhabitants of the town of Brunswick, in the county of Cumberland, shall, in case of the acceptance of this act by the voters of said town, as hereinafter provided, continue to be a body politic and corporate under the name of Brunswick, 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 now appertaining to, or incumbent upon said town as a municipal corporation, or appertaining to or incumbent upon, the inhabitants or selectmen thereof; and may ordain and publish such by-laws, ordinances and regulations, not inconsistent with the constitution and laws of this state, as shall be needful to the good order of said body politic; and impose fines and penalties for the breach thereof, not exceeding twenty dollars for any offense, which may be recovered to the use of the city by action of debt, or on complaint before the municipal court of said city.

Corporate name.

--rights, powers, etc.

Section 2. The administration of all fiscal, prudential and municipal affairs of said city with the government thereof shall be vested in an officer to be called the mayor, and one council of not less than five nor more than seven members, as hereinafter provided, to be denominated a board of aldermen; all of whom shall be inhabitants of said city and legal voters therein. Said mayor and aldermen shall constitute the city council, and shall be sworn, or affirmed for the faithful discharge of their duties.

Mayor and aldermen, powers of.

--city council.

Section 3. The mayor of said city shall be the chief executive magistrate thereof. It shall be his duty to cause 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 city council, when, in his opinion, the interests of the city require it, by causing a notification to be given in hand, or sent by mail or telephone to each member thereof. He shall from time to time, communicate to the city council, such information, and recommend such measures as the business and interests of the city may, in his opinion, require. He shall preside at the meetings of the city council, but shall have only a casting vote. The salary and compensation of the mayor shall be two hundred

Duties of the mayor.

CHAP. 317

dollars per year for the first five years, under this charter. It may then be diminished or increased by the council.

Ward limits of the city and number of wards.

Section 4. For the purpose of holding elections, the territory of said city shall, as soon as may be after the first election under this act, be divided by ordinance by the city council into not less than five nor more than seven wards, to contain as nearly as practicable, consistently within well defined limits, an equal number of legal voters; and the city council may, not oftener than once in five years, review and alter such wards in such manner as to preserve, as nearly as practicable, an equal number of legal voters in each ward.

Election of city officers.

Section 5. The mayor shall be elected from the citizens at large, by the legal voters of the city voting in their respective wards. One alderman, a warden, a ward clerk and one constable shall be elected by each ward, being residents in the ward where elected. All of said officers shall be elected by ballot as hereinafter provided.

When and how meetings for municipal purposes shall be called, notified and held.

Section 6. The municipal elections, after the first, shall take place annually, on the first Monday in March. All meetings of the citizens for municipal purposes shall be notified and called in their respective wards, by the mayor and aldermen, in the manner provided by the laws of this state for notifying and calling town meetings by the selectmen of the several towns. The wardens shall preside at all ward meetings, with the powers of moderators at town meetings; and if at any ward meeting the warden shall not be present, the clerk shall preside till a warden pro tempore shall be chosen. If neither the warden nor clerk is present, any legal voter in the ward shall preside until a clerk, pro tempore, shall be chosen and qualified.

Duties of city council.

Section 7. The city council shall secure a prompt and just accountability by requiring bonds with sufficient penalty and surety or sureties, from all persons trusted with the receipt, custody or disbursement of money; the city council shall also have the care and superintendence of the city buildings, and the custody and management of all city property and trust funds for the benefit of schools, public library, parks, cemeteries and for any other beneficial purpose, whether acquired by purchase or legacy; with power to let or sell what may be legally let or sold, and to purchase and take, in the name of the city, real and personal property for municipal purposes to an amount not exceeding one hundred thousand dollars in addition to that now held by the town, and shall as often as once a year, cause to be published for the information of the inhabitants, a particular account of the receipts and expenditures and a schedule of the city property and the city debt. The city shall have the power

--shall have care of property of city.

--may take property for municipal purposes.

--shall annually publish account of receipts and expenditures.

to establish by ordinance such officers as may be necessary for municipal government not provided for by this act, and to elect such subordinate officers as may be elected by towns under general laws of the state for whose election or appointment other provision is not made; to define their duties and fix their compensation; to act upon all matters in which authority is now given to said town of Brunswick, and to determine what streets, if any, shall be lighted and upon what terms. The city council shall appropriate annually the amount necessary to meet the expenditures of the city for the current municipal year. The city council shall have exclusive authority to lay out, widen or otherwise alter or discontinue any and all streets or public ways in said city, and as far as extreme low water mark, and to estimate all damages sustained by owners of land taken for such purpose. A committee of the council shall be appointed whose duty shall be to lay out, alter, widen or discontinue any street or way, first giving notice of the time and place of their proceedings to all parties interested, by an advertisement in any newspaper published in Brunswick, or if there is no such newspaper, in any newspaper published in the county of Cumberland, for three weeks at least, next previous to the time appointed. The committee shall first hear all parties interested, and then determine and adjudge whether the public convenience requires such street or way to be laid out, altered or discontinued, and shall make a written return of their proceedings, signed by a majority of them, containing the bounds and descriptions of the street or way, if laid out or altered, and the names of the owners of the land taken, when known, and the damages allowed therefor; the return shall be filed in the city clerk's office at least seven days previous to its acceptance by the city council. The street or way shall not be altered or established until the report is accepted by the city council. And the report so filed shall not be altered or amended before it comes up before the city council for action. A street or way shall not be discontinued by the city council, except upon the report of said committee. 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 party aggrieved by their decision may appeal therefrom as provided by law in the case of town ways. If a street or way is discontinued before the damages are paid or recovered for the land taken, the land owners shall not be entitled to recover such damages, but the committee in their report discontinuing the same shall estimate and include all the damages

--city council shall make appropriations.

--shall have authority over streets.

--proceedings for laying out, widening or discontinuing streets.

--damages, how estimated.

--appeal from decision on damages.

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sustained by the land owner, including those caused by the original location of the street; and in such cases, if any appeal has been regularly taken, the appellant shall recover his costs. The city shall not be compelled to construct or open any street or way thus hereafter established, until in the opinion of the city council, the public good requires it to be done; nor shall the city interfere with possession of the land so taken by removing therefrom materials or otherwise, until they decide to open said street. The city council may regulate the height and width of the sidewalks in any public square, places, streets, lanes or alleys in said city; and may authorize hydrants, drinking fountains, posts and trees to be placed along the edge of the sidewalks, and may locate and construct culverts and reservoirs within the limits of any street or way in said city whenever they deem it needful. Every law, act, ordinance, resolve or order of the city council excepting rules and orders of a parliamentary character, shall be presented to the mayor. If not approved by him he shall return it with his objections in writing at the next stated session of the city council, which shall enter the objections at large on its journal and proceed to reconsider the same. If, upon reconsideration, it shall be passed by vote of two-thirds of all the members of the board, it shall have the same force as if approved by the mayor. In case of vacancy in the mayor's office, this section shall not apply to any act of the council. In case the mayor fails to either sign or return the bill at the next session, then it becomes a law as though he had signed it.

--city council  
may regulate  
sidewalks,  
etc.

--laws, acts,  
ordinances,  
etc., to be  
approved by  
mayor.

--how orders,  
etc., may be  
passed  
without  
approval  
by mayor.

City clerk  
shall be  
sworn.

--duties of  
city clerk.

Section 8. The city clerk shall, before entering upon the duties of his office, be sworn to the faithful discharge thereof. He shall have care of all journals, records, papers and documents, of the city; and shall deliver all journals, records, papers and documents, and other things entrusted to him as city clerk, to his successor in office. He shall be clerk of the city council, and do such acts in said capacity as the city council may lawfully and reasonably require of him. He shall perform all the duties, and exercise all the powers by law incumbent upon or vested in the town clerk of the town of Brunswick. He shall attend all meetings of the city council, and keep a journal of its acts, votes and proceeding. He shall engross all of the ordinances passed by the city council in a book provided for the purpose, and shall add proper indexes, which book shall be deemed a public record of such ordinances; he shall issue to every person who is appointed to any office by the mayor, or elected to any office by the city council, a certificate of such appointment or election. He shall give notice of time and place of regular ward meetings. In case of the temporary absence

of the city clerk, the city council may elect a clerk, pro tempore, with all the powers, duties and obligations of the city clerk, who shall be duly qualified.

Section 9. The assessors, overseer of the poor, members of the superintending school committee and health officers shall be elected by the city council on the second Monday in March, or as soon thereafter as may be. At the first election thereof under this act, three persons shall be elected assessors, one of whom shall be elected for one year, one for two years and one for three years, and at each subsequent election one assessor shall be elected for three years, each of whom shall continue in office until some other person shall have been elected and qualified in his place. Three members of the superintending school committee shall be elected in the same manner as are the assessors and shall hold office the same time, and all subsequent elections of these officers shall be in the same manner as all subsequent elections of the assessors. The city council may elect an assistant assessor in each ward, whose duty it shall be to furnish the assessors with all necessary information relative to persons and property taxable in his ward. He shall be sworn or affirmed, to the faithful performance of his duty. All taxes shall be assessed, apportioned and collected in the manner prescribed by the laws of this state relative to town taxes, except as herein modified, and the city council may establish further or additional provisions for the collection thereof, and of interest thereon. The city council shall also elect an overseer of the poor and a city solicitor and determine their salaries.

Assessors, overseers of the poor, superintending school committee and health officer, election of.

Section 10. The city council shall, annually, as soon after its organization as may be convenient, elect by ballot a city clerk, a city treasurer, an auditor and a collector of taxes, who shall hold their offices for the current municipal year following their election and until their respective successors shall be elected and qualified; provided, however, that either of the officers may be removed at any time by the city council for sufficient cause. Vacancies in the above named offices may be filled by ballot of the city council at any time. The compensation of the officers named in this section shall be fixed by vote of the city council, and the official fees by them received shall be paid into the city treasury if so ordered by the council. If it is deemed expedient by the city council, the offices of city clerk and city treasurer may be held by the same person. The method of keeping, vouching and settling the accounts of city officials shall be subject to such rules not inconsistent with this act and the laws of the state, as the city council may establish.

City clerk, treasurer, auditor and collector of taxes, election of.

--vacancies in above offices, how filled.

--compensation.



**CHAP. 317****Street commissioner.****--shall give bonds.**

Section 11. I. The mayor shall annually appoint a street commissioner, which appointment shall be subject to confirmation by the city council. The street commissioner shall give bonds to the city in the sum of one thousand dollars with such sureties as may be approved by the city council, for the faithful performance of his duty and shall receive such compensation as the city council shall establish and he may be removed from office by the mayor for cause shown with the consent of the city council.

**Duties of street commissioner.**

II. It shall be the duty of the street commissioner to superintend the general state of the streets, roads, bridges, sidewalks and lanes in the city; to attend to the repairs of the same, and to remove sidewalks when they are dangerous to travelers; and it shall be the duty of the commissioner to cause permanent bounds, monuments, or land marks, to be erected at the termini and angles of all highways and streets now located, or that may hereafter be located by the council, or altering or widening as provided by statute, and shall cause plans thereof to be made and filed with the city clerk, when required, after the passage of an order by the council. He shall make all contracts for labor and material, subject to the approval of the council, and give notice to the mayor, or to any police officer or constable, of any obstruction or encroachment thereon; to superintend the building and repair of any city sewer, drain or reservoir, and to make contracts for labor and material for the same, subject to approval of the council.

**Shall be under direction of city council.**

III. He shall perform such duties in said office as the city council may require, and shall at all times obey the directions of the council or its committees, in the performance of his official duties.

**Shall certify accounts in his department.**

IV. The street commissioner shall certify all accounts contracted in the discharge of his official duties, to the city council for their examination and allowance, at each regular meeting of the council.

**Regulations for digging up streets.**

V. No person or corporation authorized by the city council to dig up any public street or sidewalk in said city shall begin such digging before furnishing to the street commissioner, security satisfactory to him to restore such street or sidewalk to its former condition.

**Police department.**

Section 12. The city council may by the affirmative vote of two-thirds of all its members, establish, by ordinance, a police department, to consist of a chief of police and such other officers and men as it may prescribe, and may make regulations for the government of the department. Until a department of police shall be established in accordance with the provisions of this act,

the mayor shall have the appointment, control and direction of the police force of the city.

Section 13. The city council may establish a fire department for said city, to consist of such officers and men as it may prescribe, which officers shall be appointed by the mayor subject to confirmation by the city council, and it may make regulations for the government of the department.

Fire department.

Section 14. The city council shall establish, by ordinance, the regular salaries or remuneration of the offices established by this act, in case the same is not fixed herein, and of such other offices as may be hereafter established, and after the first municipal year no ordinance of the council changing any such salary or remuneration, shall take effect until the municipal year succeeding that in which the ordinance is passed.

Salaries of officers created under this act.

Section 15. In case any ordinance, order, resolution or vote involves the appropriation or expenditure of money to an amount which may exceed three hundred dollars, the laying of an assessment, or the granting to a person or corporation of any right in, over or under any street or other public ground of this city, the affirmative votes of a majority of all the members of the city council shall be necessary for its passage. Every such ordinance, order, resolution or vote shall be read twice, with an interval of at least three days between the two readings, before being finally passed, and the vote upon its final passage shall be taken by roll call. No sum appropriated for a specific purpose shall be expended for any other purpose, and no expenditure shall be made nor liability incurred by or in behalf of the city, until an appropriation has been duly voted by the city council sufficient to meet such expenditure or liability, together with all unpaid liabilities which are payable out of such appropriation; provided, however, that after the expiration of the financial year until the passage of the regular annual appropriation, liabilities, payable out of a regular appropriation to be contained therein may be incurred to an amount not exceeding one-quarter of the total of such appropriation for the preceding year. No money shall be paid out of the city treasury, except on orders signed by the mayor, designating the fund or appropriation from which said orders are to be paid.

Appropriations which exceed \$300 require affirmative vote of majority of all the members of city council.

--vote shall be read twice.

Section 16. For the purpose of organizing the system of government hereby established, and putting the same in operation in the first instance, the selectmen of the town shall, within thirty days after the acceptance of this charter, issue their warrant for calling a meeting of the legal voters at such place and hour of the day as they shall choose, for the purpose of choosing a mayor, and five aldermen to be taken from the city at large;

Selectmen within 30 days of acceptance of the charter shall issue warrant for election of mayor and five aldermen.

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--ward  
meetings.

--annual  
elections,  
when held.

--tenure of  
city officers.

--vacancy in  
office of  
mayor, how  
filled.

--meetings  
of board of  
aldermen.

said officers shall be elected by a plurality vote. The town clerk shall notify the several officers elect, of their election, in writing, within twenty-four hours. Their powers and duties shall be as herein provided. After the city has been divided into wards, ward meetings of the legal voters thereof shall be called, which meetings shall be presided over by some person appointed by the city council, and the records of said first meetings in the several wards shall be made by some person designated by the city council, and at said first meetings lists of voters, corrected by the aldermen, shall be delivered to the persons designated to act as recording officers in the several wards to be used as provided by law, in town meetings. Said recording officers shall perform the duties of ward clerks, as before herein provided, relative to making a record of the election and returning a copy of the records of the city council. On the first Monday in March, annually thereafter the qualified voters of each ward shall vote on one ballot for city and ward officers, as hereafter provided for, all of which officers except the mayor shall be residents of the ward or district where elected. And all officers shall be elected by ballot, by a plurality of the votes given, and shall hold their offices one year from the second Monday in March, and until others shall be elected and qualified in their places; all city and ward officers shall be held to discharge the duties of the offices to which they have been respectively elected, notwithstanding the removal after their election, out of their respective wards, into any other ward in the city; the ward clerk within twenty-four hours after such election shall deliver to the ward officers elected, certificates of their election, and shall forthwith deliver to the clerk a certified copy of the record of such election, a plain and intelligible abstract of which shall be entered by the city clerk upon the city records. If the person elected shall refuse to accept the office, the said board shall issue their warrants for another election; and in case of a vacancy in the office of mayor by death, resignation or otherwise, it shall be filled for the remainder of the term by a new election, to be called as herein provided, and held within twenty days after the vacancy occurs. The oath or affirmation prescribed by this act shall be administered to the mayor by the city clerk, or any justice of the peace. The aldermen elect shall meet on the second Monday of March at seven o'clock in the evening, when the oath or affirmation, required by the second section of this act shall be administered to the members present by the mayor, or any justice of the peace. The city council shall by ordinance, determine the times of holding stated or regular meetings of the board, and shall also in like manner determine the manner of

calling special meetings and the persons by whom the same shall be called, but until otherwise provided by ordinance, special meetings shall be called by the mayor by causing a notification to be given in hand or sent by mail or telephone to each member.

Section 17. After the organization of the city government and the qualification of a mayor, and when a quorum of the city council 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 caused by death, resignation or otherwise, he shall exercise all the powers and perform all the duties of the office so long as such 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 power of a permanent chairman.

Chairman of city council, choosing of.

Section 18. Every officer of the city, except the mayor, shall, at the request of the city council, appear before the board and give such information as may be required, and answer any questions that may be asked by the council in relation to any matter, act or thing connected with his office or the discharge of the duties thereof.

Information shall be given, when required of any officer except mayor.

Section 19. The aldermen shall not be entitled to receive any salary or other compensation during the year for which they are elected, nor be eligible to any office of profit or emolument the salary of which is payable by the city, during said term; and all departments, boards, officers and committees, acting under the authority of the city and intrusted with the expenditure 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 city may direct.

Aldermen shall receive no salary.

Section 20. Neither the mayor, members of the board of aldermen, or any officer of the city, shall be interested, directly or indirectly, in any contract or agreement to which the city is a party. This provision shall not apply to local tradesmen furnishing supplies of any kind in their line to the city.

City officers shall not be interested in contracts with city.

Section 21. All officers of the police department shall be appointed by nomination by the mayor and confirmed by the city council, and may be removed by them for good cause. All other subordinate officers shall be elected by the city council, and may be removed by them for cause. Except as otherwise specially provided in this act, all subordinate officers shall be elected annually on the second Monday of March, or as soon

Appointment of police officers.

CHAP. 317

thereafter as may be, and their term of office shall be for one year, and until others are qualified in their places.

Only citizens of the United States and residents of city eligible to office.

Section 22. No person shall be eligible for election or appointment to any office established by this act, unless at the time of election he shall have been a citizen of the United States, and a resident of the city for at least three months. Any office established by or under this act shall become vacant if the incumbent thereof ceases to be a resident of the city.

Superintending school committee.

Section 23. The members of the school committee first elected under the provisions of this charter, at their first meeting shall designate by lot, one of their number to hold office for three years, one for two years, and one for one year. Each member elected thereafter to fill the place of one whose term expires, shall hold office three years. A majority of the board shall constitute a quorum for the transaction of business. They shall have all the powers and perform all the duties in regard to the care and management of the public schools of said town which are now conferred upon superintending school committees by the laws of this state, including the employment of all teachers. They may annually, and whenever there is a vacancy, elect a superintendent of schools, who may be a member of the committee, for the current municipal year, who shall have the care and supervision of said public schools under their direction, and act as secretary of their board; they shall fix his salary at the time of his election, which shall not be increased nor diminished during the year for which he is elected, and may at any time dismiss him if they deem it proper or expedient. A suitable and convenient room shall be furnished by the city for the meetings of said committee, wherein shall be kept their records open to the inspection of the citizens. The said committee shall annually, before the spring election, furnish to the city council an estimate in detail of the several sums required during the ensuing year for the support of said public schools, and they shall not increase the expenditures beyond the amount appropriated therefor.

--powers and duties.

City council may have charge of sewers.

Section 24. The city council may lay out, maintain and repair all main drains or common sewers in said city, in manner and form prescribed by statute.

General meetings of citizens.

Section 25. General meetings of the citizens, qualified to vote in the 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 rights secured to the people by the constitution of this state; and such meetings shall be duly warned by the mayor and aldermen upon requisition of twenty qualified voters.

The city clerk shall act as clerk of such meetings and record the proceedings upon the city records.

Section 26. When the city of Brunswick shall be duly constituted, the title of the municipal court for said town shall be changed to the municipal court for the city of Brunswick; and said court shall remain otherwise unaffected by this act.

Title of  
municipal  
court.

Section 27. When the organization of the government shall be perfected as aforesaid, the title to all property of the town of Brunswick shall be transferred and vested in the city of Brunswick without any conveyance or ceremony.

Title to  
property.

Section 28. This act shall take effect and be in full force when the same shall have been accepted by the inhabitants of said town qualified to vote in town affairs, at a legal meeting called for that purpose, provided, it shall be accepted within five years from the passage of this act; but no more than one meeting for that purpose shall be called in any one year. And at such meeting the inhabitants of said town shall vote by a written ballot, those in favor of accepting this act having on the ballot the word 'yes,' and those opposed having on the ballot the word 'no'; and if a majority of all the ballots received are in favor of accepting the same, it shall then become a law and take effect. And it shall be the duty of the clerk of said town to file a copy of the record of the vote of said town accepting the same, with the clerk of the city of Brunswick, when elected, who shall transcribe such copy into the records of the city, and such record shall be conclusive evidence that this act has been accepted.

This act shall  
take effect  
when  
accepted by  
vote  
of town.

Approved March 21, 1905.

## Chapter 318.

An Act to incorporate the Peaks Island Railroad Company.

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

Section 1. Arthur H. Moulton, Edgar E. Rounds, George F. Kavanaugh, George C. Ricker, Wilbur C. Whelden, all of Portland, and H. Herbert Sturgis of Standish, in the county of Cumberland, their associates and successors, are hereby incorporated into a corporation, under the name of the Peaks Island Railroad Company, for the purpose of building, constructing, maintaining and operating by electrical, steam, animal, water or other power, a railroad for passenger and freight transportation, with such single or double tracks, side tracks, switches,

Corporators.

--corporate  
name.