

# 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 373.**

An Act to revise, consolidate and amend the Charter and Laws of the City of Augusta.

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

Charter and laws of city of Augusta revised.

Section 1. The charter and laws of the city of Augusta, as previously enacted by the legislature of this state, are hereby revised, consolidated and amended so as to read as follows:

Corporate name.

'Section 1. The inhabitants of the town of Augusta, in the county of Kennebec, shall continue to be a body politic and corporate, by the name of the city of Augusta, and as such shall have, exercise and enjoy all the rights, immunities, powers, privileges and franchises, and 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 acts, laws 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 one offense, which may be recovered to the use of said city, by action of debt, or on complaint before the municipal court in said city.'

--rights, powers, duties, etc.

--may ordain and publish acts.

--may impose fines.

Mayor.

'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 eight to be denominated the board of aldermen; and one council of sixteen, to be denominated the common council, all of whom shall be inhabitants of said city; which boards shall constitute and be called the city council; 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 Augusta is not authorized to vote, assess and 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 Augusta 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 purposes, shall be void.'

--board of aldermen.

--common council.

--city council.

--restrictions of city council.

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Duties of  
mayor.

'Section 3. The mayor of said city shall be the chief executive magistrate thereof. It shall be his duty to be vigilant and active in causing the laws and regulations of the city to be executed and enforced, to exercise a general supervision over the conduct of all subordinate officers, and to cause their violations or neglect of duty to be punished. He may call special meetings of the board of aldermen and common council, or either of them, when in his opinion the 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 or boards to be convened. He shall from time to time communicate to both of them such information, and recommend such measures as the business and interests of the city may in his opinion require. He shall preside in the board of aldermen and in the joint meetings of the two boards, but shall have only a casting vote. The salary and compensation of the mayor shall be five hundred dollars per year, which shall not be increased or diminished during his continuance of office, unless by vote of the qualified electors in ward meetings called for that 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 services rendered in such office; but the aldermen and common council shall not be entitled to receive any salary or compensation for any services by them performed as such.'

—may call meetings of aldermen and common council.

—shall communicate information and make recommendations to both boards.

—shall preside in board of aldermen and in joint meetings.

—salary of mayor.

—proviso.

'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 Augusta, shall be vested in the mayor and aldermen as fully as if the same had been herein particularly enumerated; all other powers not vested in the inhabitants of said town, and all powers granted by this act, shall be vested in the mayor and aldermen and common council of said city, to be exercised by concurrent vote, each board to have a negative upon the other, but all elections of officers by the city council, shall be by joint ballot of the two boards in convention. Except as otherwise provided by law, the city council shall annually, on the third Monday of March, or as soon thereafter as conveniently may be, elect and appoint all the subordinate officers and agents for the city, for the ensuing year, 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 by concurrent vote remove all

Executive powers vested in mayor and aldermen.

—elections of officers shall be by joint ballot of the two boards.

—election of subordinate officers, date of fixed.

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—election and duties of fire department.

—mayor and aldermen shall appoint certain other officers.

—superintendent of burying grounds, inspectors of bridges, trustees of Lithgow library, deputy marshal and other police officers.

—certain officers shall not be members of city government.

—treasurer and collector may be one and the same person.

—tenure of officers.

—city council shall secure prompt accountability for moneys.

—shall have care of city property.

—shall annually publish accounts of receipts and expenditures.

—appropriations.

officers whom they have power to appoint, when in their opinion sufficient cause for removal exists. The city council may by ordinance provide for the election of, and prescribe the duties of members of the fire department; provided, that the several fire companies may adopt such rules and regulations not inconsistent with such ordinances as they may deem expedient, subject to the approval of the chief engineer, mayor and aldermen.

The mayor and board of aldermen, in addition to the appointment of any officers to be by them appointed under any law of this state, shall on the third Monday of March, annually, or as soon thereafter as conveniently may be, appoint officers to the following positions, to the number and with the tenure now or hereafter established by ordinance of the city council, namely, superintendent of burying grounds, inspector or inspectors of any or all city bridges, trustees of the Lithgow library and reading room, and, upon the nomination of the city marshal, a deputy city marshal and other police officers. Except as otherwise provided by law, all officers shall be chosen and vacancies supplied for the current year, of whom the assessors, city marshal, chief engineer of fire department, collector, overseer of the poor, street engineer, street commissioners, superintending school committee and treasurer, shall not be members of the city council, and except as herein otherwise directed. The treasurer and collector of taxes may be one and the same person. Except as otherwise provided by law, all the said subordinate officers and agents shall hold their offices during the ensuing year, and until others shall be elected and qualified in their stead, unless sooner removed. All moneys received and collected for or on account of the city, by any officer or agent thereof, shall forthwith be paid into the city treasury. The city council shall take care that moneys shall not be paid from the treasury unless granted or appropriated; shall secure a prompt and just accountability by requiring bonds with sufficient penalty and sureties from all persons trusted with the receipt, custody or disbursement of money; shall have the care and superintendence of city buildings, and the custody and management of all city property, with power to let or sell, what may be legally let or sold; and to take and hold in the name of the city real and personal estate necessary or proper for municipal purposes, not exceeding in aggregate at any one time one hundred and fifty thousand dollars. And the city council 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; and no money shall be paid from the treasury unless the same be appropriated by the city

council, and upon a warrant signed by the mayor, which warrant shall state the appropriation under which the same is drawn. Provided, however, that the city council may, by ordinance, create a fund consisting of the unexpended balance of all appropriations remaining at the end of each municipal year, and may by such ordinance, define the purposes of such fund, and warrants drawn thereon by the mayor for such purpose shall be valid. The subordinate officers and agents of the city, elected or appointed as provided for in this section, shall enter upon the discharge of their official duties on the first day of April, or as soon thereafter as may be, except in cases of elections to fill vacancies. Officers elected to fill vacancies shall enter immediately upon their official duties. The city council may, except as in this charter otherwise provided, by ordinance provide a specific salary for any or all city officers and may further provide that any officer whose salary is so specified shall account for and pay over to the city for its use all statutory fees received by him by virtue of his official position.'

—city council may specify salaries.

'Section 5. Every law, act, ordinance or bill appropriating money having passed both branches of 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, to that branch of the city council in which it shall have originated, which branch shall enter the objections at large on its journals, and proceed to reconsider said law, act, ordinance or bill. If upon such reconsideration, two-thirds of the whole number of that branch shall agree to pass it, it shall be sent, together with the objections, to the other branch, by which it shall be reconsidered, and if approved by two-thirds of the whole number of that branch, it shall have the same effect as if signed by the mayor. In calculating said requisite two-thirds, a fraction exceeding one-half shall be considered a unit.'

Appropriations of money to be approved by mayor.

—may be made by two-thirds vote of both branches.

'Section 6. The city council shall, on the third Monday of March, in the year one thousand eight hundred and eighty-five, or as soon thereafter as conveniently may be, elect three assessors, one of whom shall be elected for three years, one for two years and one for one year; and thereafter, except to fill vacancies, one assessor shall be elected each year for the term of three years. Such assessors shall exercise and be subject to the same powers, duties and liabilities that the assessors of the several towns in this state may exercise and be subject to under existing laws; provided, however, that the city council may appoint one person 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, and who shall be sworn to the faithful

Assessors, election of.

—powers, duties and liabilities of assessors.

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—manner  
of assessment  
and collection  
of taxes.

--deputy  
collectors.

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. Provided, however, that it shall be lawful for the city council to establish further and additional provisions for the collection thereof. The collector of taxes may appoint, by and with the consent of the mayor and board of aldermen, one or more deputy collectors of taxes for said city, who shall hold office during the term for which the collector of taxes was elected. Such deputy collectors shall, under the direction of said collector, render assistance to said collector, and for that purpose shall have the same power that said collector has, and shall receive the same fees that a sheriff or constable would be entitled to for like services, to be added to such tax and collected of the delinquent. The verbal instructions of said collector to such deputy collector shall be sufficient to authorize all lawful acts of such deputy collector performed in the discharge of the duties of his office, and such instructions need not be set forth in his return. The return of the doings of such deputy collector shall be in the same form as that required of said collector, but shall be certified by said deputy collector. Such deputy collectors shall from time to time as required, account for and pay over to said collector the amount of all taxes and interest thereon collected by them.'

Overseer  
of poor,  
appointment  
of.

--duties of  
overseer  
of poor.

—overseer  
may be  
removed.

--fuel,  
provisions,  
supplies, for  
almshouse,  
by whom  
obtained.

'Section 7. The mayor of said city shall, within thirty days after this section takes effect, appoint one overseer of the poor who shall hold his office until the third Monday in March, in the year nineteen hundred; and thereafterwards, except to fill vacancies, the mayor shall, triennially, appoint on the third Monday in March, or as soon thereafter as conveniently may be, such officer for a term of three years. Such officer, so appointed, shall perform such duties as may be prescribed by the city council, and shall in general do and perform all the duties and exercise all the powers incumbent upon or vested in overseers of the poor by law. When such overseer shall be so first appointed hereunder, the term of office of all overseers of the poor in said city then in office shall thereupon cease. Such overseer may be removed by the mayor and aldermen after notice and hearing by majority vote. He shall not be directly or indirectly interested in any contract for or furnishing of any pauper supplies and for a violation of this provision shall be removed from office and, if so removed, he shall thereafterwards be ineligible for the same office. The fuel, provisions, supplies and such other articles as the nature of the case will admit, purchased for use at the city almshouse and the farm connected therewith, shall be obtained by said overseer upon annual con-



tracts made in writing, and filed with the city clerk, after notice for proposals therefor published in at least two newspapers in said city representing different political parties, such contracts to be awarded to the lowest responsible bidders therefor, reserving, however, the right to reject any or all bids and to advertise anew.'

'Section 8. The city council shall have exclusive authority and power to lay out and establish any new street, public way or town way that the selectmen and town of Augusta could lay out and establish, and to widen or otherwise alter or discontinue any street or public way in said city, and to estimate the damages any individual may sustain by such laying out, widening, alteration or discontinuance, and shall in all other respects be governed by and subject to, the same rules and restrictions as are provided in the laws of this state, regulating the laying out and repairing streets and public highways; and any person aggrieved by the decision or judgment of said city council, may, so far as relates to damages, have them assessed by a committee or jury as now by law provided; and the county commissioners for the county of Kennebec shall have power to lay out within said city any part of any new county road that shall by them be laid out in any adjoining town or towns, and shall pass thence into or through said city, according to the provisions of law.'

City council shall have authority over streets.

--damages for taking land for streets, how assessed.

'Section 9. It shall be lawful for the city council, by a committee by them appointed, or by instructions to the commissioner of streets, to appropriate, set off and reserve as sidewalks, such part or portion of the several streets in said city, now or hereafter to be established, as to said council may appear necessary for the safety, convenience and accommodation of foot passengers. It shall be lawful for the city council to permit or direct posts of stone or wood, or trees to be placed along the edge of said sidewalk next to the traveled part of the street, in such number and manner as they may deem necessary to protect said sidewalks, and the persons traveling thereon from damage or inconvenience from teams or carriages. So much of the several streets in said city as shall be appropriated and reserved as sidewalks, agreeable to the provisions of this act, shall be taken and deemed to be reserved exclusively for the accommodation, convenience and use of persons traveling on foot; and said city shall not be liable to damages for any injury done or occasioned in consequence of any cart, carriage, wagon, truck or other vehicle, or any team or animal striking against any of said sidewalks, or the posts or trees set or placed to defend the same. The several sidewalks on the streets in said city as at present established and used, shall be taken and

City council shall have control of sidewalks.

--may permit posts or trees to be placed along edge of sidewalks.

--sidewalks to be exclusively for persons on foot.

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deemed to be the proper and lawful reservation for that purpose, until altered or otherwise established by the proper authority.'

City council may regulate use of streets for building, repairing, etc.

'Section 10. The city council shall have power, on such terms and conditions as they may think proper, to 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, cross walk, bridge, water course or drain, or for erecting, repairing or finishing any building or fences; provided, that not more than one-third 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 or person or corporation so placing the same shall not be liable for any damages occasioned by such materials.'

Sprinkling of streets.

'Section 11. The mayor and aldermen shall have power to cause any or all of the streets of said city to be sprinkled or watered, and may assess the expense thereof as provided in the next section.'

Assessment of expense for sprinkling streets.

'Section 12. The city council of said city shall by ordinance prescribe the mode in which the expense of sprinkling or watering the streets of said city shall be assessed, and also the mode in which the said expense shall be collected, or secured by lien, upon the lots or parcels of land specially benefited, and the manner in which such liens shall be enforced. Provided, that the assessment shall be upon the lots or parcels of land specially benefited, and against the owner thereof, or person in possession, or against whom the taxes thereon shall be assessed, whether said person to whom the assessment is so made shall be the owner, tenant, lessee, or agent.'

--proviso.

Municipal court.

--jurisdiction of court.

'Section 13. There shall be and hereby is established a court, to be denominated the 'Municipal Court' of the city of Augusta, to consist of one judge, who shall have concurrent jurisdiction with justices of the peace in all matters, civil and criminal, within the county of Kennebec, and original and exclusive jurisdiction in all civil actions now triable before a justice of the peace in which both parties interested, or in which the party plaintiff and the person or persons summoned as trustees, shall be inhabitants of, or residents in said city, excepting all actions in which said judge may be interested; and he shall have concurrent jurisdiction with justices of the peace and quorum, in all cases of forcible entry and detainer arising in said county, and original and exclusive jurisdiction in all such cases arising in said city, and said judge shall have jurisdiction of all cases of simple larceny, wherein the property, alleged to have been stolen, shall

not exceed in value the sum of twenty dollars; and shall have power to try the same and award such sentence upon conviction, as by law provided for such offense. Said judge shall also have jurisdiction of all cases of cheating by false pretences, arising in said county, wherein the property, money, or other thing alleged to have been fraudulently obtained or sold is not alleged to exceed in value the sum of twenty dollars, and shall have power to try the same and award sentence upon conviction, by fine not exceeding twenty dollars, or by imprisonment in the county jail, or to hard labor in the house of correction, for a term not exceeding ninety days. Provided, however, that the several justices of the peace in said city shall continue to have and exercise all the power and authority in them vested by the laws of the United States. And the said judge shall also have exclusive jurisdiction of all offenses against the by-laws and regulations which may be established by the city council of said city; and may on conviction thereof, award such sentence as to law and justice may appertain, and in declarations for violations of by-laws or ordinances, the by-laws and ordinances need not be set forth; and any person aggrieved by any judgment awarded by said judge, may appeal therefrom to the superior court for the county of Kennebec, under the restrictions and conditions that the law requires in appeals from judgments awarded by any justice of the peace. Said court shall also have original jurisdiction, concurrent with the superior court, of all civil actions at law, except complaints for flowage, real actions and trespass, quare clausum, in which the debt and damages demanded, exclusive of cost, does not exceed fifty dollars, in which any party defendant or a person summoned in good faith and on probable grounds as trustee, resides in the county of Kennebec or having his residence beyond the limits of this state is served with process within said county. If any defendant, his agent or attorney in any action in said court, in which the debt or damages claimed in the writ exceeds twenty dollars, shall appear at the first term and on or before the first day of the second term, file in said court an affidavit that he has a good defense to said action and intends in good faith to make such defense and claims a jury trial, the said action shall be removed into and entered at the next term of the superior court for said county. And the judge of said municipal court on payment to him of the entry fee in said superior court by the plaintiff, shall forthwith cause the original writ and all other papers in the case to be filed in the clerk's office of said superior court. Any party may appeal from any judgment or sentence of said municipal court to the superior court in the same manner as

—appeals  
from judgment of  
municipal  
court.

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—costs and fees to be allowed, amount of.

from a judgment of a trial justice. The costs and fees allowed to parties and attorneys in civil actions before said court, in which the debt or damages recovered do not exceed twenty dollars shall be the same as are allowed before trial justices, except that the plaintiff, if he prevails, shall be allowed two dollars for his writ, and the defendant, if he prevails, shall be allowed one dollar for his pleadings. In all actions in which the amount recovered exceeds twenty dollars, the costs and fees of parties and attorneys shall be the same as in the superior court. Copies of the records of said court duly certified, shall be evidence in other courts.'

Recorder may be appointed by judge.

'Section 14. The judge may appoint and employ a recorder, who shall be a justice of the peace for said county, duly qualified, at his own expense and during his pleasure, who shall be duly sworn; and in case of the absence or sickness of the judge, shall have all the powers of the judge except the trial of issues in civil actions; and the judge, when no such recorder is appointed by him, shall perform all the duties which are now by law to be performed by the recorder.'

Compensation of judge shall not be changed.

'Section 15. The compensation of the judge shall not be increased or diminished during his continuance in office, except by a major vote of the inhabitants of said city, voting in their respective wards. Neither the judge nor, except in civil matters, the recorder shall act as counsel or attorney in any case within the jurisdiction of said court, nor in any suit, matter or thing which may depend on, or have relation to any case, matter or thing depending or recognizable in said court.'

—except by vote of inhabitants.

Terms of court, when held.

'Section 16. The said court shall be held on the first and third Monday of each month, at nine of the clock in the forenoon, for the transaction of civil business, and all civil processes shall be made returnable at that time. All warrants alleging any offense to have been committed within said city shall be made returnable before said court. No justice of the peace residing in said city, the recorder excepted, shall take cognizance of, or exercise jurisdiction over any crime or offense, or in any civil actions, except under the authority of the United States, wherein the judge is not a party or interested, except in the absence or disability of said judge and recorder, under a penalty of twenty dollars, to be recovered on indictment.'

City may raise money for expenses of court.

'Section 17. The city of Augusta shall have power to raise money for defraying the expenses of said municipal court, and for providing a suitable room in which to hold the same.'

Sections 1 to 8 inclusive and sections 12 and 13,

'Section 18. Sections one to eight inclusive, and sections twelve and thirteen of chapter three hundred and forty of the public laws of eighteen hundred and eighty-five, entitled, "An

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Act relative to criminal costs and expenditures in the County of Kennebec," are hereby incorporated as sections nineteen to twenty-eight inclusive, of this charter, and, with the necessary changes in numerical and statutory references, are as follows.'

'Section 19. All judges of municipal and police courts in the county of Kennebec shall be paid salaries, to be fixed by the city council or municipal officers, of their respective cities and towns, and paid quarterly from the treasuries thereof. All fees paid to and received by them in criminal cases shall be paid quarterly into the county treasury; and no salary shall be paid to any such judge until he shall file with the city or town treasurer, a written statement of the fines and criminal fees by him paid to the county treasurer during and for the preceding quarter.'

'Section 20. The fees of such judges for services in criminal cases shall be allowed and taxed as in behalf of trial justices and shall, together with the fees paid in by any such judge, be annually paid to the city or town from which such judge receives his salary; provided, however, that if the amount of such fees so allowed and the fees paid in by any such judge during the year shall exceed the amount of his annual salary, such excess shall revert to the county and be covered into the county treasury. The word fees as used in this and the preceding section includes all fees fixed by law in criminal cases including fees for copies. Such judges, however, may retain for their own use all fees received by them in civil cases. All blanks for criminal cases used by such judges shall be furnished by the county. When the salary of any judge has been fixed and established as provided in section nineteen, it shall not afterwards be diminished during the continuance in office of any such judge to a sum lower than the amount of the fees received by the city or town during the preceding year from the county, under this section. The provisions of section one of chapter one hundred thirty-three of the revised statutes, shall not apply to the county of Kennebec while this charter is in force.'

'Section 21. City marshals, deputy marshals and chiefs of police, in the county of Kennebec, shall be paid salaries, or a per diem compensation, to be fixed by the city council of cities and municipal officers of towns, and payable from the treasuries thereof. Such officers shall not be paid any fee for any official service in any criminal case in said county, except as provided in sections twenty-four and twenty-seven of this charter. The fees of such officers for services in criminal cases shall be taxed and allowed as in behalf of the sheriffs, and fifty per cent thereof, first deducting fees referred to in sections twenty-four and twenty-seven of this charter, shall be annually paid by the

chapter 340,  
public laws  
1885,  
incorporated  
as sections 19  
to 28,  
inclusive of  
this charter.

Salaries of  
judges of all  
municipal  
and police  
judges in  
Kennebec  
county, how  
fixed.

—fees, how  
disposed of.

Fees in  
criminal  
cases, how  
allowed and  
taxed.

—proviso.

—fees in civil  
cases, how  
disposed of.

Salaries of  
city marshals,  
deputy  
marshals and  
chiefs of  
police.

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county treasurer to the city or town from which any such officer receives his salary or compensation, and the balance shall revert to the county and be covered into the county treasury. When said fifty per cent exceeds the annual salary or compensation of any such officer, such excess shall not be paid to the city or town, but shall be covered into the county treasury. Such officers may retain for their own use all fees received by them in civil cases. No such officer shall receive from any respondent in any criminal case any fine or costs, but in all such cases, such fine and costs shall be paid to the judge issuing the precept against such respondent.'

Duties of city marshal and deputies.

'Section 22. City marshals and their deputies, in the county of Kennebec, shall faithfully and diligently inquire into all violations of law, within their respective cities, and institute proceedings against violations or supposed violations of law, and particularly the laws against the illegal sale of intoxicating liquors, and the keeping of drinking houses and tippling shops, either by promptly entering a complaint before a magistrate and executing the warrants issued thereon, or by furnishing the county attorney promptly and without delay with the names of alleged offenders and of the witnesses; and the county attorney shall cause such witnesses to be promptly summoned before the grand jury. Whenever the aldermen of any city are, after investigation and hearing, satisfied that the city marshal, or his deputies, have wilfully refused or neglected to faithfully discharge the duties imposed by this section, they shall remove him, or them, from office. Nothing herein contained shall relieve any other officers named in chapter twenty-nine of the revised statutes, from any of the duties imposed upon them by said chapter.'

—city marshal or deputies may be removed.

'Section 23. No police officer, or constable, in said county, who is paid a per diem compensation shall draw or receive any fees whatever from said county for services in any criminal case, except as provided in sections twenty-four and twenty-seven of this charter; but all such fees shall, if allowed, be covered into the county treasury to the use of the county.'

Police officers, or constables shall not draw fees in criminal cases.

'Section 24. Fees taxed and allowed to the officers named in sections twenty-one, twenty-two and twenty-three of this charter for attendance as witnesses in any criminal case before the superior court, or before any court held in some town other than that in which such officers reside, shall be paid to them from the county treasury. The expenses of any such officer necessarily and reasonably incurred and actually disbursed in the service of any criminal precept, shall be allowed and paid

Witness fees of police officers, in criminal cases.

to him upon his filing an itemized account thereof, under oath, accompanied by proper vouchers thereof.'

'Section 25. No sheriff, deputy sheriff, marshal, deputy marshal, police officer or constable, in said county, shall be entitled to fees for attendance as a witness in any criminal case while he is paid for attendance as an officer of the same court, or on the same examination or trial. No allowance shall be made to any such officer for aid in the service of any mittimus unless the same is first authorized in writing by the court issuing the same.'

Fees of sheriff, deputies, marshal, etc., entitled to no fees when attending court as an officer.

'Section 26. In the service of any precept, in criminal cases in said county, the officer shall be allowed the actual reasonable and necessary expenses incurred thereon; and if he necessarily uses a horse and carriage he shall be allowed a reasonable sum therefor, when it appears the amount allowed for travel does not compensate him for such use of a horse and carriage. If the journey so made can be performed by railroad, no allowance shall be made for a horse and carriage.'

Expenses in serving precepts in criminal cases.

'Section 27. Whenever in said county, intoxicating liquors are seized, with or without a warrant, under any of the provisions of chapter twenty-nine of the revised statutes, the fees of the judge, marshal, deputy marshal, police officer, or constable, on the warrant or libel issued thereon, shall be taxed and allowed in the manner now provided by law, and shall be paid to them from the county treasury; and such fees, so paid, shall not be included in the fees required by this charter to be paid to the city or town, but shall be in addition to the salaries, or compensation, paid to such judge or officer. When, however, such liquors are seized in transit, and on final hearing, are ordered returned to the claimant, the fees of the marshal, deputy marshal, police officer and constable, on the warrant and libel issued thereon, shall be subject to the provisions of section twenty-one of this charter and disposed of as therein provided. Whenever on such warrant or libel, where intoxicating liquors have been seized, the county commissioners do not allow the costs as taxed by the magistrate, the person aggrieved may appeal to the judge of the superior court for said county, whose decision shall be final.'

Seizure of intoxicating liquors, fees how taxed.

—Liquors seized in transit.

'Section 28. All existing acts, public and private, inconsistent with the nine preceding sections, are hereby modified so as to conform to their provisions.'

Inconsistent acts modified.

'Section 29. No person shall participate in any caucus of any political party unless qualified therefor by enrollment as herein-after provided. Any person violating this section, or making any wilfully false statement of fact in his declaration of enroll-

Punishment for participating in caucuses if not qualified.

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ment, shall be punished by fine not exceeding five hundred dollars or by imprisonment not exceeding six months. Any person who is a legally qualified voter, may enroll himself as a member of any political party by filing with the city clerk a declaration in writing, signed by him, of his election to enroll himself as a member of the party designated by him, which declaration shall be substantially as follows: I, \_\_\_\_\_ being a legally qualified voter of the \_\_\_\_\_ of \_\_\_\_\_ hereby elect to enroll myself as a member of the \_\_\_\_\_ party. The following statement of name, residence, place of last enrollment if any, and party of last enrollment, if any, is true.

-enrollment of voters.

-declaration for enrollment, form of.

Name.	Street.	Number.	Place of last enrollment.	Party of last enrollment.
Date	, Signature			

A new enrollment may be made at any time. No person shall vote in any caucus in said city unless he has been enrolled as herein provided as a member of the party holding such a caucus for a period of at least six months preceding such caucus. The city clerk, where the enrollment is made as above provided shall receive and file the same, indorsing thereon the date of filing, and shall record the name, residence, place of last enrollment, party of last enrollment, and date of filing, in a separate book, entering the names alphabetically. Suitable blanks for filing such enrollment shall be provided by the city clerk, and in addition thereto he shall provide books with proper headings embodying the enrollment statements above provided, which the person desiring to enroll may sign and fill out, thereby enrolling himself with the same effect as by filing such enrollment paper. Such books shall be public records, and shall at all times be open to public inspection, and kept in the office of the city clerk.

-enrollment blanks.

Ward divisions of city.

'Section 30. For the purpose of holding elections, said city shall be divided into eight wards, to contain as near as conveniently may be, an equal number of voters; and it shall be the duty of the city council once in ten years, and not oftener than five years, to review, and if it be needful to alter said wards, in such manner as to preserve, as nearly as may be, an equal number of inhabitants in each. Said wards are hereby established according to the following boundaries: Ward one embraces all the territory south of the following line; beginning at the Kennebec river on the north line of Court street extended; thence westerly on said line to the east line of Water street; thence on the east line of Water street and of Grove street to the north line of Western avenue; thence on the north line of Western avenue to the Manchester line. Ward two is on the north side of the division line described in ward one, and com-

--ward one

--ward two.



prises the balance of ward one as it existed prior to the passage of chapter five hundred and twenty of the private and special laws of eighteen hundred and ninety-seven, after deducting therefrom ward one as hereby established. Ward three embraces the same territory and has the same boundaries as the old ward two, ward four the same as the old ward three, ward five the same as the old ward four, ward six the same as the old ward five, ward seven the same as the old ward six, and ward eight the same as the old ward seven. The words "old ward" in this description mean the ward as it existed prior to the passage of said chapter five hundred and twenty, and the words "the same as" mean "embraces the same territory and has the same boundaries as." In each of said wards there shall annually, on the second Monday of March, be chosen by ballot a warden and clerk, who shall enter on the duties of their respective offices on the Monday next following their election, and hold their offices for one year therefrom, and until others shall have been chosen and qualified in their places. Said warden and clerk shall be sworn to the faithful performance of their respective duties by any justice of the peace of said city; and a certificate of such oaths having been administered shall be entered by the clerk on the records of the ward. The wardens shall preside at all ward meetings, with the power of moderators of town meetings, and if at any meeting the warden should not be present the clerk of such ward shall call the meeting to order and preside until a warden, *pro tempore*, shall be chosen. If neither of them should be present, any legal voter in the ward may preside until a clerk, *pro tempore*, shall be elected. In case no justice of the peace shall be present, the person presiding may administer the oath to the warden and clerk. The clerk shall record all the proceedings and certify the votes given, and deliver over to his successor in office all such records and journals, together with all other documents and papers held by him in said capacity. The inhabitants of each ward may choose two persons to assist the warden in receiving, sorting and counting the votes. The list of the names of the legal voters in each ward shall be prepared as provided by the laws of this state; and all regular ward meetings shall be notified and called by the mayor and aldermen, in the manner prescribed by the laws of this state for notifying and calling town meetings by the selectmen of the several towns, excepting that ward meetings for the election of mayor, after the second trial, may be called within the time provided in such cases in this act.

'Section 31. The mayor shall be elected from the citizens at large, by the qualified electors of the city, voting in their

--ward three.

--ward four.

--ward five.

--ward six.

--ward seven.

--ward eight.

--ward clerk  
and warden.

--warden and  
clerk shall  
be sworn.

--wardens  
shall preside  
at ward  
meetings.

--duties of  
clerk.

Election of  
mayor.

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—election of  
aldermen and  
councilmen.

respective wards; one alderman and two common councilmen shall be elected by each ward, being residents in the wards where elected; all said officers shall be elected by ballot, by a majority of the votes given, and shall hold their offices one year from the third Monday in March, and until others shall be elected in their places.'

Constables,  
election of.

'Section 32. At the annual election, holden for the choice of mayor and aldermen, the qualified electors in each ward shall by ballot elect a constable, who shall be denominated city constable, with all the powers, duties and liabilities appertaining to the office of constable. The city council shall annually on the third Monday in March, or as soon thereafter as conveniently may be, elect or appoint a city marshal, who shall hold office for one year from the first day of April, and until his successor shall be elected and qualified. The city marshal so elected shall be city constable, with all the powers, duties and liabilities appertaining to the office of constable. The city marshal may be removed by the city council. The municipal officers may also appoint one or more constables who shall be denominated city constables, with all the powers, duties and liabilities appertaining to the office of constable.'

—appoint-  
ment of city  
marshal.

Date of  
annual  
election.

'Section 33. On the second 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, one alderman and two common councilmen; all the votes given for the said several officers respectively, shall be sorted, counted, declared and registered in open ward meeting, by causing the names of persons voted for, and the number of votes given 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 alderman and common councilmen, 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 aldermen and common councilmen 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 alderman, common councilman, constable, warden or clerk, a choice shall not be effected by a majority vote, 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

—certificates  
of election.

—when and  
how meeting  
may be  
adjourned.

—when  
choice may be  
by majority  
vote.

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cause the person who shall have been elected mayor, by a majority of votes given in all wards, to be notified in writing of his election; but if it shall appear that no person shall have been elected, or if the person elected shall refuse to accept the office, the said board shall issue their warrants for another election and in case the citizens should fail on the 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, further elections shall in the same manner be ordered, 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 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 president, pro tempore, of the board of aldermen shall perform the duties of mayor. The oath prescribed by this act shall be administered to the mayor by the city clerk, or any justice of the peace in said city. The aldermen and common councilmen elect, shall, on the third Monday of March, at ten of the clock in the forenoon, meet in convention, when the oath required by this act shall be administered to the members of the two boards present, by the mayor or any justice of the peace, and thereupon the two boards shall separate, and the board of common council shall be organized by the election of a president and clerk.'

'Section 34. The city clerk shall be the clerk of the board of aldermen and municipal officers; he shall perform such duties as shall be prescribed by the board of aldermen, or common council; and shall perform all duties and exercise all the powers by law incumbent upon, or vested in, the town clerk of the town of Augusta; 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 choose a president pro tempore, who, in the absence of the mayor, shall preside at joint meetings of the two boards. Each 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, in each board, consist of a majority of the members thereof; all meetings of the aldermen and common council, and all meetings

—proceedings when no person has been elected as mayor.

—vacancy in office of mayor, how filled.

—oath of mayor.

—oath of aldermen and of common councilmen.

—election of president and of clerk.

City clerk.

—duties of.

—president pro tempore.

—each board shall keep record of proceedings.

—quorum.

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of the two boards in convention, shall be open and public, and the presiding officer of each of them shall have the power of moderators of town meetings. At either 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.'

City council  
may lay out  
sidewalks  
outside  
public ways.

'Section 35. The city council may lay out and establish sidewalks without the limits, and by the sides of any of the public highways, of such width as they shall judge the public convenience to require, which shall be used exclusively for sidewalks, and any damages arising from said laying out shall be appraised for the easement of a sidewalk, in manner provided by this charter for appraising damages on roads laid out in said city; and the laying out and establishing said sidewalks may be conditional in relation to any portion thereof which may be covered with buildings, that when said buildings are removed therefrom the same shall be used as a sidewalk and the damages appraised shall not be payable until said buildings are removed; provided, however, that said city may at any time remove said buildings, and the damages caused thereby shall be appraised in the manner provided for appraising damages caused by the laying out and widening roads in said city.'

General  
meetings  
of citizens  
for certain  
purposes.

'Section 36. 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 of this state; and such meetings may, and shall be duly warned by the mayor and aldermen upon the requisition of thirty qualified voters of said city.'

—meetings  
how warned.

Acceptance  
of certain  
sections to be  
by voters  
of city.

Section 2. Sections eleven and twelve of the revised charter embodied in section one of this act shall take effect only when accepted, as hereinafter provided, by the electors of said city qualified to vote in a municipal election. Said sections shall be submitted to be voted upon by the qualified electors of said city at the election to be especially called and held on Monday, the nineteenth day of June, in the year of our Lord, nineteen hundred and five, for the purpose of voting upon the questions specified in section five of the act of nineteen hundred and five entitled "An Act to abolish the common council of the city of Augusta, and otherwise to amend the charter of said city." In addition to the questions specified in said section five of said last mentioned act, the following question, to be numbered question five, shall be placed upon the same ballot as the four questions therein specified, and voted upon in like manner as provided in that act: "Shall the city have authority to provide for street

—date of  
election for  
above  
purposes.

—form of  
question to  
be voted on.

sprinkling, the property benefited to pay therefor?" The city clerk of said city of Augusta shall prepare the ballots to be used in the form therein provided, and shall likewise post printed copies of said sections eleven and twelve in the manner therein provided. If said sections so submitted shall have more affirmative than negative votes at said election, they shall be deemed to have been accepted. If accepted, said sections shall take effect on June twenty, nineteen hundred and five.

Section 3. All existing acts, public and private, except said act entitled "An Act to abolish the common council of the city of Augusta and otherwise to amend the charter of said city," and all ordinances of the city of Augusta inconsistent herewith, are hereby modified so as to conform to the provisions of this act; but this section shall take effect as to said sections eleven and twelve only in case said sections shall be accepted in manner aforesaid, and when said sections take effect.

Inconsistent  
acts modified.

Section 4. The sections of said revised charter, and all numerical references therein, shall be appropriately re-numbered, if and so far as rendered necessary by the result of said election.

Sections  
of revised  
charter  
shall be  
re-numbered.

Section 5. Except as specified in sections two and three, this act shall take effect when approved.

Approved March 23, 1905.

### Chapter 374.

An Act to reimburse the town of Chelsea.

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

Section 1. The town of Chelsea in the county of Kennebec and state of Maine shall be reimbursed by the state for relief necessarily furnished by it for support of soldiers, who, having been inmates of the National Home at Togus, have left said home for violation of its rules or for other causes and have taken up their abode and acquired a settlement in the town of Chelsea; and also for relief necessarily furnished for the support of the families of such soldiers to such an amount as the governor and council adjudge to have been necessarily expended therefor.

Town  
of Chelsea,  
to reimburse  
for relief  
furnished  
certain  
soldiers.

Section 2. This act shall take effect when approved.

Approved March 24, 1905.