

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES
OF THE
SEVENTY-SECOND LEGISLATURE
OF THE
STATE OF MAINE
1905.

Published by the Secretary of State, agreeably to Resolves of
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AUGUSTA
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1905

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1905.

CHAP. 377**Chapter 377.**

An Act to prohibit the throwing of sawdust and other mill waste into Fish River in Aroostook county.

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

Throwing of
mill waste
into Fish
river
prohibited,
within
certain limits.

Section 1. No person shall put, or allow the same to be done by any person within his employ, into Fish river, or any of the waters tributary to the same, in the county of Aroostook, down as far as the foot of Eagle lake, except Sly brook, so called, and Wallagrass river for a distance of three miles from its mouth up, any mill waste, slabs, edgings, sawdust, or any other mill waste of a fibrous nature created in the manufacture of any sawn or planed lumber, or place or deposit the same on the banks of the waters above mentioned in such negligent or careless manner that the same shall fall or be washed into any of said waters, or with the intent that the same shall fall or be washed into any of said waters.

Penalty for
violation of
this act.

Section 2. Whoever shall violate any of the provisions of this act shall be subject to a penalty of not less than fifty dollars nor more than one hundred dollars and costs of prosecution for each offense.

--trial
justices,
municipal
and police
courts shall
have
jurisdiction
under this act.

Trial justices, municipal and police courts shall have original and concurrent jurisdiction for offenses arising under this act, and all fines recovered shall be paid to the treasurer of the state for the benefit of the fund for the protection and propagation of fish.

Approved March 24, 1905.

Chapter 378.

An Act to abolish the Common Council of the city of Augusta, and otherwise to amend the Charter of said city.

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

Common
Council
abolished.

Section 1. The co-ordinate branch of the city government of the city of Augusta, denominated in its charter, The Common Council, is hereby abolished.

--powers,
rights and
privileges
imposed on
common
council shall
be exercised
by board
of aldermen.

All powers, rights, and privileges granted, and all duties and obligations imposed upon said common council by said charter or by amendments thereof, or by any other law, shall hereafter be exercised and performed by the board of aldermen of said city.

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When, in the exercise of any of the powers or in performance of any of the duties conferred by section one of this act, said board of aldermen or a quorum thereof present and voting are evenly divided, the mayor of said city, if present and presiding over said board, shall have the deciding vote. All the powers granted to said board of aldermen by this act are subject to the veto power of said mayor, to be exercised in the manner and with the effect provided in said charter, and subsequent amendments thereof. The mayor and board of aldermen shall constitute the city council of said city.

--mayor shall have casting vote.

--veto power of mayor.

Section 2. On and after the third Monday of March, in the year of our Lord, nineteen hundred and six, said board of aldermen shall consist of eleven members, of which eight shall have the qualifications and be chosen as now provided by law; but the other three members of said board shall be residents of said city qualified to vote in its municipal affairs, and shall be chosen at large on the second Monday of March, in the year of our Lord, nineteen hundred and six, and annually thereafter at the municipal election by the qualified electors of said city in the manner now provided by law for the election of mayor of said city. On the official ballot such of the candidates for aldermen as have been lawfully nominated to be chosen at large shall be designated as candidates "for aldermen at large." The three aldermen at large shall hold office for the same term as is by law provided for the other members of said board.

Board of aldermen shall consist of eleven members after third Monday of March, 1906.

--aldermen at large.

Section 3. On the second Monday of March, in the year of our Lord nineteen hundred and six, and annually thereafter at the municipal election in said city, the electors of said city qualified to vote in municipal elections shall elect, in the manner provided for the election of mayor, one assessor who shall hold office for three years from the Monday next following his election, or until his successor is chosen and qualified. After this section takes effect said city council may elect an assessor only when necessary to fill a vacancy until the Monday following the next municipal election, at which municipal election the qualified electors of said city shall elect an assessor to fill such vacancy for the unexpired term.

Election of assessors.

Section 4. On the second Monday of March, in the year of our Lord, nineteen hundred and six, the electors of said city qualified to vote in municipal elections shall elect, in the manner provided for the election of mayor, three highway commissioners, to hold office for one, two and three years respectively from the third Monday of March, nineteen hundred and six. After their election, said highway commissioners shall meet and determine by lot which of them shall serve for one, which for

Election of highway commissioners.

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two and which for three years, and shall make a record thereof. Annually thereafter said electors at the municipal election shall elect, in manner aforesaid, one highway commissioner to hold office for three years from the Monday next following such election, or until his successor is elected and qualified. In case of a vacancy occurring in the office of highway commissioner, the municipal officers of said city shall by ballot elect a highway commissioner to fill such vacancy until the next municipal election, when the electors of said city shall elect a highway commissioner to hold said office during such unexpired term.

--board of
highway com-
missioners.

Said highway commissioners, having been sworn according to law, shall constitute a board, and annually on the third Monday of March, or as soon thereafter as convenient shall meet and organize by appointing one of their number chairman and another clerk for the ensuing year. They may adopt rules, not inconsistent with law, for the orderly conduct of their business. Their clerk shall be sworn as such, and shall keep a true record of the doings of the board, which record shall be open to public inspection.

--may adopt
rules.

--duties of
board of
highway com-
missioners.

Said board of highway commissioners within said city shall have all the powers and perform all the duties by law pertaining to road commissioners of towns, and such other powers and duties relative to the care, control, improvement, repair, construction and protection of the public streets, roads, ways, bridges and sewers in said city as said municipal officers or the city council of said city may lawfully confer on said board. Said board of highway commissioners shall also have the care of the sewers in said city, and shall contract for and have charge of all repairs, construction, improvement and extension of all sewers, streets and public ways authorized by said city council. Said board of highway commissioners shall not make any contract or incur any liability on behalf of said city involving an indebtedness or expenditure of money in excess of the amount appropriated for such purpose by said city council.

--shall make
reports to
mayor
or aldermen.

Said board of highway commissioners shall report in such form and at such times as the mayor or board of aldermen may require.

--board shall
certify to all
bills monthly.

Section seventy-one of chapter twenty-three of the revised statutes shall not apply to said board of highway commissioners.

Said board of highway commissioners shall certify to the board of aldermen each month prior to the regular meeting of the aldermen all such bills as are due for material furnished or work done by authority of said board of highway commissioners.

--shall hold
no other
city office.

Said highway commissioners shall hold no other office under the charter or ordinances of said city, and shall not be directly

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or indirectly interested in any contract for labor or material to be furnished said city or to any department thereof.

Said highway commissioners shall receive in full for their services such stated salary as shall be fixed in advance by the city council for the then current municipal year, and shall receive no other compensation from said city except the amount actually expended by them for necessary traveling expenses.

--salary of highway commissioners.

Section 5. The first four sections 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 an election to be especially called for the purpose and held on Monday the nineteenth day of June, in the year of our Lord, nineteen hundred and five. Said election to be called, advertised, held and conducted as provided by law relating to municipal elections in said city. The question of the adoption of the aforesaid four sections shall be submitted to said electors in the following form:

When the preceding sections shall take effect.

'Section 1. Shall the common council be abolished?'

Form of vote.

'Section 2. Shall the membership of the board of aldermen be increased by three aldermen to be elected at large?'

Form of vote.

'Section 3. Shall the assessors be elected by the people?'

Form of vote.

'Section 4. Shall three highway commissioners to hold office one, two and three years, and their successors to hold office for three years, be elected by the people, in place of the two street commissioners?'

Form of vote.

The city clerk of said city shall prepare the ballots to be used at said election in such form that each elector may plainly indicate by a cross placed under the word 'yes' or 'no' his opinion on each of said questions separately. Such of said sections so submitted as shall have more affirmative than negative votes at said election shall be deemed to have been accepted. Section one, if accepted, shall take effect on the third Monday of March, in the year of our Lord, nineteen hundred and six. Sections two, three and four, if accepted, shall take effect as provided in the respective sections. The result of said election shall be declared by the municipal officers of said city, and duly certified by the city clerk to the secretary of state. A printed copy of the first four sections of this act shall be posted at the time and places specified by law for posting notices of said election, and in at least two conspicuous places in each voting place during said election.

--manner of voting.

--result of election, how declared.

--copy of first four sections shall be posted.

Section 6. Should the first question referred to in section five of this act be decided in the affirmative, the revision and consolidation contained in the act of nineteen hundred and five,

If vote is to abolish council, the following amendments

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shall be
adopted.

entitled "An Act to revise, consolidate and amend the charter and laws of the city of Augusta," which revision is hereinafter called the "revised charter," is hereby declared to be thereupon amended as provided in the following clauses of this section, lettered A to K inclusive:

City council,
compensation of.

A. Amend section two by substituting for the first sentence thereof the following: "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 city council to be denominated the board of aldermen, all of whom shall be inhabitants of said city; which magistrate and board shall constitute and be called the city council; all of whom shall be sworn to the faithful performance of the duties of their respective offices; provided, the city council shall not vote, assess or appropriate any money for any object or purpose for which the town of Augusta is not authorized to vote, assess and appropriate money, except for such purposes as are authorized by this act."

Mayor may
call special
meetings of
city council.

B. Amend section three by striking out the third, fourth and fifth sentences thereof, and inserting instead thereof the following: "He may call special meetings of the city council, when in his opinion the interests of the city require it, by a notice in one or more of the papers printed in this city, or by causing a summons or notification to be given in hand or left at the usual dwelling place of 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 in the city council but shall have therein only a casting vote."

--notice of
meetings,
how given.

Said section is further amended by striking from the last sentence thereof the words "and common council."

Mayor and
aldermen
shall have
executive
powers.

C. Amend section four by substituting for the first sentence thereof the following: "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 city council."

Said section is further amended by striking out in the second sentence thereof the words "by concurrent vote."

Said section is further amended by striking therefrom all that part thereof commencing with the words "the city council may by ordinance," and ending with the words "and other police officers."

D. Amend section five so that the same shall read as follows: 'Every law, act, ordinance or bill appropriating money having passed the city council, shall be presented to the mayor, and if he approve the same he shall sign it; if not, he shall return it in seven days, with his objections, to the city council, which shall enter the objections at large on its journal, and proceed to reconsider said law, act, ordinance or bill, if upon such reconsideration, two-thirds of the whole number of the board of aldermen shall agree to pass it, 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.'

Approval of
acts,
ordinances,
etc., by
mayor.

--veto by
mayor.

E. Amend section six by striking from the fifth sentence thereof the words "mayor and board of aldermen," and inserting instead thereof the words 'city council.'

Section 6,
amended.

F. Amend section seven by striking from the fourth sentence thereof the words "mayor and board of aldermen," and inserting instead thereof the words 'city council.'

Section 7,
amended.

G. Amend section eleven, if the same shall be adopted as provided in section two of the act of nineteen hundred and five entitled "An Act to revise, consolidate and amend the charter and laws of the city of Augusta," by striking from the first line thereof the words "mayor and aldermen," and inserting instead thereof the words 'city council.'

Section 11,
amended.

H. Amend section thirty-one so that the same shall read as follows: 'The mayor shall be elected from the citizens at large, by the qualified electors of the city, voting in their respective wards; one alderman shall be elected by each ward, being a resident in the ward 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 of March, and until others shall be elected in their places.'

Section 31,
amended.

--election of
mayor.

I. Amend section thirty-two by inserting before the sentence "The city marshal may be removed by the city council," the sentence: 'The city marshal, with the advice and consent of the city council, shall appoint a deputy city marshal and other police officers.'

Section 32,
amended.

--city
marshal may
be removed.

J. Amend section thirty-three by substituting in the first sentence thereof for the words "one alderman and two common councilmen," the words 'and one alderman.'

Section 33,
amended.

Also, by striking from the remainder of said section the words, "and common councilmen" or "common councilman" or "common councilmen" wherever they occur.

--further
amended.

Also, by striking out the last sentence of said section and inserting thereof the following: 'The aldermen elect shall meet on the third Monday of March at ten of the clock in the

--further
amended.

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forenoon, and take the oath required by this act, which shall be administered by the mayor or any justice of the peace.'

Section 34,
amended.

--city clerk.

--duties of
clerk.

--president
pro tempore.

--quorum.

K. Amend section thirty-four so that the same shall read as follows: 'The city clerk shall be the clerk of the city council, of the board of aldermen and of the municipal officers; he shall perform such duties as shall be by them prescribed; 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 meetings of the city council. Each board shall keep a record of its proceedings, and the board of aldermen shall 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 of the city council for the transaction of business shall consist of a majority of the board of aldermen whether the mayor be present or absent. All meetings of the city council shall be open and public, and the presiding officer shall have the power of moderators of town meetings, and when any two members shall request it, the vote shall be taken by yeas and nays, which shall be recorded by the clerk.'

Effect of
acceptance of
question 2.

Section 7. Should the second as well as the first question referred to in section five of this act be decided in the affirmative, section two of the revised charter, as amended by clause A of the preceding section, is hereby declared to be thereupon further amended by adding thereto the provisions of section two of this act.

Effect of
defeat of
question 1,
and accept-
ance of
question 2.

Section 8. Should the first question referred to in section five of this act be decided in the negative, and the second in the affirmative, all of the amendments referred to in the two preceding sections of this act are declared inoperative, but section two of said revised charter is hereby declared in such case to be thereupon amended as follows:

By striking out the word "eight" in the first sentence thereof, and inserting thereof the word 'eleven,' and by adding at the end thereof the provisions of section two of this act.

Effect of
affirmative
result on
question 3.

Section 9. Should the third question referred to in section five of this act be decided in the affirmative, section six of said revised charter is hereby declared to be thereupon amended by striking out the first sentence thereof, and inserting instead thereof the provisions of section three of this act.

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Section 10. Should the fourth question referred to in section five of this act be decided in the affirmative, said revised charter is hereby declared to be thereupon amended by striking from section four thereof the words "street commissioners." Section nine thereof is thereupon amended by striking therefrom the words "commissioner of streets," and inserting instead thereof the words 'highway commissioners.' Said revised charter is also amended thereupon by inserting as a separate section immediately preceding the present section thirty-four of said revised charter, the provisions of section four of this act.

Effect of
affirmative
result on
question 4.

Section 11. All existing acts, public and private, including said revised charter, 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 only as to such acts, parts of acts, revised charter and ordinances as are inconsistent with such of said first four sections as shall be accepted in the manner provided in this act, and when such accepted sections respectively take effect.

Modification
of existing
acts.

Section 12. Such of the provisions of this act as shall be accepted as herein provided, shall be incorporated in said revised charter only by way of amendment thereto as provided in sections six to ten inclusive of this act.

Accepted
provisions of
this act shall
be by
amendment.

Section 13. Except as qualified by sections five and eleven, this act shall take effect when approved.

Approved March 24, 1905.

Chapter 379.

An Act to incorporate the Fall Brook Dam and Improvement Company.

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

Section 1. Mark Savage, Albert Webster, Frank Hilton, Henry Merry, their associates and assigns, are hereby incorporated under the name of the Fall Brook Dam and Improvement Company, with all the powers and privileges of similar corporations.

Corporators.

—corporate
name.

Section 2. Said corporation is hereby authorized to build dams, side dams and piers, and to maintain the same, on Fall brook and its tributaries in the townships of Solon, Bingham and Brighton in the county of Somerset. To remove rocks and trees and to excavate ledges therefrom, and to widen, deepen and otherwise improve the same for the purpose of raising a head of water and of making said stream and its tributaries

Authorized to
maintain
dams, etc., on
Fall Brook
and
tributaries.

—to improve
channel of.