

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES  
OF THE  
SEVENTY-THIRD LEGISLATURE  
OF THE  
STATE OF MAINE  
1907.

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

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AUGUSTA  
KENNEBEC JOURNAL PRINT  
1907

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1907.

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**CHAP. 257**

May issue  
bonds.

Section 7. Said corporation may issue its bonds upon such rates and time as it may deem expedient and in such an amount as may be required for the objects and purposes authorized by this act, and may secure the same by mortgage upon the franchise and property of said corporation.

Principal  
office shall  
be in  
Portland.

Section 8. The principal office of said corporation shall be located in the city of Portland in the county of Cumberland, and said corporation may establish such other offices and places of business as it shall deem necessary or convenient in the transaction of its business.

First  
meeting,  
how called.

Section 9. The first meeting of said corporation may be called by written notice thereof, signed by any two corporators herein named, served upon each corporator by a copy of the same in hand or mailed to him at his last known address, postage paid, at least seven days prior to the day named therein for such meeting.

Section 10. This act shall take effect when approved.

Approved March 14, 1907.

### Chapter 257.

An Act to revise the charter of the City of Westbrook.

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

Chapter 486,  
private and  
special laws,  
amended.

Section 1. For the purpose of bringing together in a more connected and convenient form, chapter four hundred and eighty-six of the private and special laws of eighteen hundred and eighty-nine, entitled "An Act to incorporate the city of Westbrook," and acts additional thereto and amendatory thereof, and revising and further amending the same, said original act, after the enacting clause, is hereby so revised and further amended as to read as follows:

Corporate  
name.

—rights,  
powers, and  
privileges.

'Section 1. The inhabitants of the town of Westbrook, 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 the city of Westbrook, 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 one offense, which may be recovered to the use of said city, by action of debt, or on complaint before the municipal court of said city.

'Section 2. The government of said city, with the administration of all its fiscal, prudential and municipal affairs shall be vested in one principal magistrate, to be called the mayor, and in one council of thirteen, to be called the city council, the members whereof shall be called aldermen. The general management and control of the public schools and of the school property, including the school buildings and grounds, shall be vested in a school committee to consist of seven members. The members of said school committee shall continue to be elected in the manner and for the terms provided in section two of chapter three hundred forty-six of the private and special laws of eighteen hundred and ninety-seven, which is hereby kept in force for that purpose, except that each member so elected, shall hold office for the term of three years from the first Monday of January succeeding the time when elected, and until a successor is elected and qualified. All vacancies occurring in the school committee by death, resignation or removal from the city, shall be filled for the unexpired term by the remaining members; and in case such vacancy is caused by the death, resignation or removal from the city, of a member elected by a ward, such vacancy shall be filled from the ward where it occurs. Said school committee may effect such insurance upon the school buildings and property as they may deem expedient, and shall have charge of all repairs on the same.

Municipal affairs, vested in mayor and board of aldermen.

—control of schools, vested in school committee.

—manner of election and tenure.

—vacancies, how filled.

—may insure schools buildings.

'Section 3. 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 five wards, to contain as near as may be consistently with well-defined limits, an equal number of legal voters; and it shall be the duty of the city council once in ten years, and not oftener than once in five years, to review, and, if it be needful, to alter such wards in such manner as to preserve, as nearly as may be, an equal number of legal voters in each ward.

Wards.

'Section 4. The mayor, the city clerk, and three aldermen shall be elected from the citizens at large, by the legal voters of the city voting in their respective wards. Two aldermen, 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 by a plurality of the

Mayor, clerk, aldermen, and other officers, how elected.

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votes given, and shall hold their offices one year from the first Monday in January, and until others shall be elected and qualified in their places. All city and ward officers shall be held to discharge the duties of their respective offices, notwithstanding their removal after their election, into any other wards in the city; but they shall not be so held after they have taken up their permanent residence out of the city.

Municipal elections, when held and how called.

'Section 5. The municipal elections after the first, shall take place annually, on the second Monday in December. 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 or clerk is present, any legal voter in the ward shall preside till a clerk, pro tempore, shall be chosen and qualified. The legal voters in each ward may choose two persons to assist the warden in receiving, sorting and counting votes. If from any cause there shall be a vacancy in the office of warden or ward clerk in any of the wards of the city, the same shall be filled by appointment by the mayor for the unexpired term.

--wardens, and powers of.

--vacancies, how filled, how filled.

Persons receiving highest number of votes shall be deemed elected.

--new elections shall be called when there is no choice, etc.

'Section 6. Whenever two or more persons are to be elected to the same office, the several persons up to the number to be chosen, receiving the highest number of votes, shall be deemed and declared to be elected. If it shall appear that there is no choice of mayor, or any of the other officers to be elected from the citizens at large, or from any of the several wards, or if the person elected mayor, or any person or persons elected to any other of the offices aforesaid, shall refuse to accept the office, or shall die before qualifying, or if a vacancy in the office of mayor shall occur subsequently, and more than three months previous to the expiration of the municipal year, warrants shall forthwith be issued for a new election, and the same proceedings shall be had in all respects as hereinbefore provided, and shall be repeated until such election is completed. A vacancy occurring in the office of city clerk by death, resignation or removal from the city, shall be filled for the unexpired term by election by the city council. A vacancy occurring in the city council by death, resignation or removal from the city, of any member thereof, shall be filled for the unexpired term by a plurality vote of the remaining members, voting by roll-call; and if such vacancy

--vacancy in office of city clerk, how filled.

--in city council, how filled.

be occasioned by the death, resignation or removal from the city, of a member elected by a ward, the same shall be filled from the ward where it occurs.

'Section 7. All meetings for the election of national, state and county officers, shall be notified and warned, and conducted in the manner provided by the constitution and laws of the state.

Meetings,  
for national  
and other  
elections,  
now called.

'Section 8. General meetings of the citizens qualified to vote 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 for any grievances according to the right secured to the people by the constitution of this state; and such meeting shall be duly warned by the mayor upon the request of fifty qualified voters.

General  
meetings  
may be  
held.

'Section 9. The mayor elect, and the aldermen elect, shall annually, on the first Monday of January, at seven o'clock and thirty minutes in the afternoon, meet and be sworn to the faithful discharge of their duties. The oath shall be administered at their first meeting after the acceptance of this act, by the town clerk or any justice of the peace, and in subsequent years, by the city clerk or any justice of the peace, and shall be duly certified on the journal of the city council. The city clerk shall be sworn by the city clerk of the previous year or any justice of the peace. In case of the absence of the mayor elect on the first Monday in January, or if a mayor shall not then have been elected, the oath of office may at any time thereafter be administered to him in the presence of the city council; and at any time thereafter in like manner the oath of office may be administered to any member of the city council who has been previously absent, or has been subsequently elected; and every such oath shall be duly certified as aforesaid.

Mayor,  
aldermen,  
and other  
officers; shall  
be sworn,  
how, and by  
whom.

'Section 10. After the oath has been administered to the aldermen present, they shall be called to order, at their first organization, by the town clerk, and in subsequent years by the city clerk, or in case of the absence of the clerk, by the oldest member present. The person so calling the city council to order shall proceed to call the roll of members and each member shall declare his choice for president of the city council, who shall be a member thereof. If no quorum is present an adjournment shall be taken to a later hour, or to the next day, and thereafter the same proceedings shall be had from day to day, until a quorum shall be present. If any person receives a majority of the votes of all the members of the city council present, such person shall be declared chosen president thereof. If, on the first day on which a quorum is present no person receives such majority, the roll-call shall be repeated until some person receives

Organization  
of board of  
aldermen.

—election of  
president of  
city council.

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the vote of such majority, or an adjournment is taken to the succeeding day, and on such succeeding day when a quorum is present, a plurality of those voting shall be sufficient for an election. The president may be removed from office by the affirmative vote of ten members of the city council taken by roll-call. The city clerk shall be, ex-officio, clerk of the city council and shall keep a journal containing a record of the proceedings of the city council and a record at large of all votes taken by roll-call, and shall sign and attest all ordinances and resolutions of the city council. In case of a vacancy in the office of president of the city council by death, resignation or otherwise, the same shall be filled for the unexpired term by a plurality vote of the members voting by roll-call.

—city clerk shall be clerk of council.

—duties.

—vacancy, how filled.

Mayor may call special meetings.

‘Section 11. The mayor may at any time call a special meeting of the city council, by causing written notification thereof, together with a statement of the subjects to be considered thereat, to be left at the usual place of residence of each member of the city council, at least twenty-four hours before the time appointed for such meeting.

Council shall make rules, and be judge of election of its members.

—president, pro tem., how and when chosen.

—quorum.

—powers and liabilities of council.

—may determine time and manner of calling meetings.

Auditor, election of.

‘Section 12. The city council shall determine the rules of its own proceedings, and be judge of the election returns and qualifications of its own members. In case of the absence of the president, the city council shall choose a president, pro tempore, and a plurality of the votes cast shall be sufficient for a choice. The vote of the city council upon any question shall be taken by roll-call, when the same is requested by at least three members. A majority of all the members of the city council shall constitute a quorum, but a smaller number may adjourn from time to time. The city council shall, so far as not inconsistent with this act, have and exercise all the legislative powers of towns, and have all the powers and be subject to all the liabilities of city councils, and either branch thereof under the general laws of this state. The city council shall by ordinance determine the time of holding its stated or regular meetings, and may also, in like manner, determine the manner of calling special meetings of its members in addition to those which may be called by the mayor.

‘Section 13. The city council shall as soon as may be after its organization in each year, choose an auditor of accounts, who shall hold office for the term of one year, and until his successor is chosen and qualified. A majority of the votes of all the members of the city council, taken by roll-call, shall be necessary for the choice of such auditor; and he may be removed by an affirmative vote of a majority of all the city council taken by roll-call.



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'Section 14. The city council shall, with the approval of the mayor, have exclusive authority to lay out, widen or otherwise alter, or discontinue any and all streets, or public ways in said city with or without petition therefor, and to estimate all damages sustained by the owners of land taken for that purpose. A standing committee of five members of the city council shall be appointed by its president, whose duty it shall be to lay out, alter, widen, or discontinue any street or way in said city, first giving notice of the time and place of their proceedings to all parties interested, as now required by law in case of town ways. 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 description 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; and no street or way shall be altered, established or discontinued until the report is accepted by the city council. 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 person aggrieved by the decision or judgment of the city council in establishing, altering or discontinuing any street or ways in said city, may, so far as relates to damages, appeal therefrom as in the case of town ways. No standpipe for the purpose of supplying street sprinkling carts, shall be placed in any public square or street, without the express consent thereto of the owner or owners, of the adjacent land, first obtained. The city council may lay out and construct sidewalks, and regulate the height and width thereof, in any public square, place, street, lane or alley in said city, whenever they deem it needful; and may determine in what manner and of what material any such sidewalk shall be constructed; and shall assess twenty per centum of the total cost thereof upon the abutting lot and other lots benefited thereby. As soon as any sidewalk is constructed, the city council shall give notice in some newspaper published in said city, or in the city of Portland, seven days, at least, before the time appointed therefor, of a public hearing in respect to the amount of such assessment and the lots upon which the same shall be laid. All assessments so made shall constitute a lien upon the real estate assessed, to continue in force until paid,

Council and mayor shall have exclusive authority over streets.

—a standing committee on streets shall be appointed.  
—duties.

—damages, how estimated.

—persons aggrieved may appeal.

—may lay out and construct sidewalks.

—assessment for sidewalks.

—assessments shall constitute a lien.

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and shall be certified by the city council to the collector of taxes of said city, and, if not paid on or before the first day of June of the year next after the same is laid, shall be collected by said collector by any of the methods provided by law for the collection of taxes upon the real estate of resident owners. Any person aggrieved by the amount of any such assessment, may appeal to either of the two terms of the supreme judicial court to be holden in the county of Cumberland next after the certification of such assessment by the city council to said collector, and the same proceedings shall be had in said court as are provided in case of the raising or lowering of the grade of streets.

—persons aggrieved may appeal.

May lay out sewers.

‘Section 15. The city council may lay out, maintain and repair all main drains or common sewers in said city, and no person who has not previously paid a sewer assessment on the same property, shall connect his private drain with any main drain or common sewer before paying to the city an entrance fee of twenty dollars and obtaining a written permit from the mayor to make such connection; and it shall be the duty of the treasurer to keep a record of all such permits in a book kept for such purpose. Said connection shall be made under the direction and approval of the road commissioner and at the expense of the person making the connection; and it is hereby made the duty of the road commissioner to direct and superintend how all such connections shall be made, and determine the kind of pipe and materials to be used, and when made to report the same to the city treasurer; and hereafter no assessment or charge except such entrance fee shall be made upon the abutting lots, or other lots benefited thereby, on account of said main drains or common sewers.

—entrance fee.

—permit to make connection.

—shall be under approval of road commissioners.

Passage of ordinance involving expenditure of money, laying a tax, etc., shall be by majority vote.

‘Section 16. In case any ordinance, order, resolution or vote involves the appropriation or expenditure of money, to an amount which may exceed one 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 said 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 by roll-call.

Ordinances, to be presented to mayor for approval.

‘Section 17. Every ordinance, order, resolution or vote of the city council, except such as relates to its own internal affairs, to its own officer or employees, to the election or duties of the auditor of accounts, to the removal of the mayor, or to the

declaration of a vacancy in the office of mayor, shall be presented to the mayor for approval. If not approved by him, he shall return it, with his objections, at the next session of the city council, and the city council shall cause such objections to be entered at large upon its journal, and shall proceed to reconsider the same. If upon such reconsideration it shall be passed by a two-thirds vote of all the members of the city council, it shall have the same effect as if signed by the mayor. In case of a vacancy in the office of mayor when such ordinance, order, resolution or vote is finally passed, it shall go into effect without approval, but must be passed by roll-call of a majority of all the members of the city council. Whenever any ordinance, order, resolution or vote of the city council involves an appropriation or expenditure of money, the mayor may approve it as a whole, or he may approve or disapprove specific items thereof, and the portions approved shall then be in force in like manner as if no part thereof had been disapproved, and the items disapproved shall thereupon take the course herein provided for orders or ordinances disapproved as a whole. The city council shall have power, within said city, to make and establish ordinances and by-laws for the management of its fiscal, prudential and municipal affairs, as herein and by general law provided, without the sanction of any court or justice thereof; provided, however, that all by-laws and regulations now in force in the town of Westbrook, shall, until they expire by limitation, or be revised or repealed by the city council, remain in force.

—veto power  
of mayor.

—in case  
of vacancy,  
ordinance  
may take  
effect  
without  
approval.

—council  
may estab-  
lish by-laws.

'Section 18. The city council shall not authorize the erection of a schoolhouse, or of any addition thereto, nor pass any appropriation for such purpose until plans for the same have been approved by vote of the school committee, and such approval has been certified in writing to the city council by the chairman of said committee.

Erection of  
school  
houses,  
shall first  
receive  
approval of  
school  
committee.

'Section 19. The city council may establish a fire department for said city, to consist of a chief engineer, and such other officers and men as it may prescribe; and it may make regulations for the government of such department.

May estab-  
lish fire  
department.

'Section 20. All the powers of establishing watch and ward, now vested by the laws of the state in the justices of the peace, and municipal officers or inhabitants of the town are, so far as relates to said city, vested in the city council, and they are authorized to unite the watch and police departments into one department, and establish suitable regulations for the government of the same. The officers of the police shall be one chief, to be styled the city marshal, so many deputy marshals as the

May estab-  
lish police  
department.

—officers of  
police.

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city council shall by ordinance prescribe, and so many watchmen and police as the city council may from time to time adjudge necessary; such watchmen and police, except policemen who may be appointed for special occasions, to hold office for the term of three years from the first Monday of January of the year when appointed, except that all appointments made to fill vacancies occasioned by removal, or otherwise, shall be for the unexpired term.

—tenure.

Mayor may  
be removed  
for official  
misconduct.

'Section 21. At any meeting of the city council it shall be in order for any member thereof to give written notice, seconded in writing by a majority at least of all the members of the city council, of his intention to move, at the next meeting thereof, occurring within not less than ten days, a resolution that the mayor be removed for official misconduct or neglect of duty.

—proceed-  
ings.

Such notice shall specify as particularly as possible, the acts of misconduct, or the instances of neglect of duty complained of, shall be entered at large by the clerk in the minutes of the city council, and the clerk shall within two days serve a copy thereof, upon the mayor, and mail a copy to each of the members of the city council at his residence. At such next meeting of the city council the mayor shall have the right to speak in his own defense, and to be heard by counsel. The vote on the resolution shall be by roll-call. If the resolution fails to receive the affirmative vote of three-fourths of all the members of the city council, it shall have no effect, and shall not be reintroduced during that meeting of the city council. If it receive the affirmative vote of three-fourths of all the members of the city council, it shall, upon the service of a copy thereof upon the mayor, personally or by leaving the same at his last and usual place of residence, take effect, and the office of mayor shall thereupon become vacant. The city council shall thereupon cause a warrant for a new election for mayor to be issued, and such further proceedings shall be had as are provided in section six hereof, for the case of a failure to elect a mayor.

Members of  
council,  
shall not  
receive  
compensa-

'Section 22. The members of the city council shall receive no compensation for their services; nor shall any member during the time for which he is elected, hold any other office in or under the city government, have the expenditure of any money appropriated by the city council, or act as counsel in any matter before the city council or any committee thereof; and no person shall be eligible for appointment to any municipal office established by the city council during any municipal year within which he was a member thereof, until the expiration of the succeeding municipal year.

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'Section 23. The executive powers of the city shall be vested wholly in the mayor, and may be exercised by him either personally or through the several officers and boards of the city in their departments, under his general supervision and control. In case of a vacancy in any office to which appointment is made by the mayor, he may personally perform the duties thereof, but he shall not be entitled to receive any salary or pay attached thereto. The mayor shall hold office for the term of one year from the first Monday in January following his election, unless sooner removed, and until his successor is elected and qualified.

tion.  
Executive powers, shall be vested in mayor.

—he may discharge the duties of any office, in case of vacancy.

—tenure of mayor.

'Section 24. The mayor shall have the sole power of appointment to all the municipal offices established by or under this act, unless herein otherwise provided; and he may remove from office, by written order, any officer so appointed hereunder, for any cause which he shall in his official discretion deem sufficient, which cause he shall assign in his order of removal. Such office shall become and be vacant upon the filing with the city clerk of such order of removal, and the service of a copy thereof upon the officer so removed, either personally or by leaving the same at his last or usual place of residence. The city clerk shall keep such order of removal on file, where it shall be open to public inspection.

Mayor shall have sole power to appoint all municipal officers.

—may, for cause, remove any officer.

—when removal takes effect.

'Section 25. The salary and compensation of the mayor shall be four hundred dollars per year, which shall not be increased or diminished for the period of the first five municipal years; and thereafter shall be four hundred dollars per year and such additional sum as the city council may establish by ordinance, passed by vote of two-thirds of its members, such ordinance not to take effect, however, until the year succeeding that in which it is passed. And during his term of office the mayor shall receive no salary, compensation or perquisite for discharging the duties of any other office established by or under the provisions of this act.

Salary of mayor.

'Section 26. Until a police department 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.

Mayor shall appoint police force, until a department is established.

'Section 27. Whenever there shall be a vacancy in the office of mayor, and whenever by reason of sickness, or absence from the city, or other cause, the mayor shall be disabled from performing the duties of his office, the president of the city council shall act as mayor and possess all the rights and powers of mayor during such vacancy or disability, except that when so acting as mayor, he shall not have the power of appointment or

In case of vacancy or disability, duties of mayor shall be discharged by president of council.

—exceptions.

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removal unless thereto in any instance authorized by vote of the city council.

Powers of school committee.

'Section 28. The school committee elected as hereinbefore provided, shall, in addition to the powers conferred upon them by this act, be held to perform all the duties and be invested with all the rights and powers of school committees under the general laws of the state. On the first Monday of January, annually, or as soon as may be thereafter, they shall meet, and the newly elected members having been first duly sworn by the city clerk or a justice of the peace, shall elect one of their number chairman, and appoint some suitable person, not a member of the board, superintendent of schools, and may adopt such rules and regulations for the management of the schools as are not inconsistent with the laws of the state. The superintendent need not be an inhabitant of the city at the time of his appointment. He shall be secretary and executive agent of the board which shall fix his salary, to be paid from the city treasury as salaries of teachers are paid. The members of the school committee shall receive no compensation for their services as such.

—shall appoint superintendent.

—qualifications and powers of.

Assessors, election, powers and duties.

'Section 29. There shall be a board of five assessors, one from each ward, to be elected on the second Monday in January, annually, or as soon as may be thereafter, by the city council by a majority of all its members by roll-call. The compensation of the assessors shall be fixed by the city council and shall not be increased or diminished during the municipal year for which they are elected. The assessors shall hold office till the second Monday in January following their election and until their successors are chosen and qualified. All taxes shall be assessed, apportioned and collected in the manner prescribed by the laws of this state relative to town taxes; but the city council may establish further or additional provisions for the collection thereof. All vacancies occurring in said board by death, resignation, or removal from the city shall be filled for the unexpired term by the city council, from the ward where such vacancy occurs.

—compensation.

—tenure.

Administrative officers.

'Section 30. There shall be the following administrative officers appointed, who shall perform the duties by law and herein prescribed for them respectively, and such other duties not inconsistent with the nature of their respective offices as the city council may prescribe:

—treasurer.

I. A city treasurer.

—collector.

II. A collector of taxes; and the offices of collector of taxes and of city treasurer may be held by the same person.

—road commissioner.

III. A road commissioner.

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- IV. A city marshal, whenever a police department is established as herein provided. -marshal.
- V. A chief engineer of the fire department, whenever a fire department is established in said city. -chief engineer.
- VI. As many constables as the mayor shall at any time deem advisable. -constables.
- VII. Three overseers of the poor, who shall exercise the powers, and be subject to the duties prescribed for the overseers of the poor of cities and towns by the laws of the state; and who shall, each, serve three years from the first Monday in January of the year of his appointment, unless sooner removed, except when appointed to fill a vacancy, in which case the appointment shall be for the unexpired term; and they shall continue to be appointed, hereafter, in the manner provided in section four of chapter eighty-four of the private and special laws of nineteen hundred and three. The above named officers and boards shall be appointed on the first Monday of January, annually, or as soon as may be thereafter, and, except the overseers of the poor, shall hold their respective offices for the term of one year, from the first Monday of January, unless sooner removed. All officers whatsoever, elected or appointed by and under the provisions of this act, shall be sworn to a faithful discharge of the duties of their respective offices, by the town or city clerk, or a justice of the peace. The city council may by ordinance establish additional administrative offices and define the duties appertaining thereto, and such offices shall be subject to the provisions of this act. -overseers of the poor.  
-tenure.  
-shall be appointed annually.  
-shall be sworn.  
-may appoint additional officers.
- 'Section 31. The city council shall require the auditor of accounts, the treasurer, the collector of taxes, and such other officers as are intrusted with the receipt, care and disbursement of money to give bonds, with such security as it shall deem proper, for the faithful discharge of their respective duties. Bonds of officers.
- 'Section 32. 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, except the office of superintendent of schools. Any office established by or under this act, shall become vacant if the incumbent thereof ceases to be a resident of the city. Eligibility of persons elected to office.  
-when office becomes vacant.
- 'Section 33. The city council shall establish by ordinance the regular salaries or remuneration of the offices established by this act, in case the same are not herein fixed or otherwise provided for, and of such other offices as may be hereafter established, and, after the first municipal year, no ordinance Salaries, how established.

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of the city council changing any such salary or remuneration shall take effect until the municipal year succeeding that in which the ordinance is passed.

Appropriations and expenditures.

—proviso.

'Section 34. 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 the prior unpaid liabilities which are payable out of such appropriation; provided, however, that after the expiration of the financial year, and until the passage of the regular annual appropriations, liabilities payable out of a regular appropriation to be contained therein, may be incurred to an amount not exceeding one-third of the total of such appropriation for the preceding year.

Proceedings, for organization of city government.

'Section 35. For the purpose of organizing the system of government hereby established, and putting the same into operation, in the first instance, the selectmen of the town, for the time being, shall seasonably in the month of March next after the acceptance of this charter, issue their warrant calling a meeting of the legal voters of said town, at nine o'clock in the forenoon on such day and at such place as they shall choose, for the purpose of electing a mayor, thirteen aldermen, a city clerk, a school committee of ten, and five constables, to be taken from the city at large. Said officers shall be elected by a plurality vote. The selectmen, for the time being, shall preside at said meeting, and a check list prepared by them especially for said meeting, shall be used at the same; and said selectmen shall be in session during the three secular days next preceding said meeting, for the purpose of revising and correcting said check list, and no name shall be added thereto after six o'clock in the afternoon, on the last of said secular days. The town clerk shall notify the several officers-elect of their election within three days after said meeting. It shall be the duty of the city council, as soon as may be after their election, to cause a division of the city into five wards, in such manner as to include as nearly as may be, consistently with well-defined limits, an equal number of legal voters in each ward. At the first meetings of the wards, after such division has been made, the said meetings shall be called to order and presided over by some person resident in the ward where any such meeting is held, appointed by the city council, and records of such first meetings shall be made by some person, also resident in the ward, designated by the city council; and at such meetings lists



of voters, corrected by the city council, shall be delivered to the persons designated as recording officers in the several wards, to be used as provided by law in town meetings. Said recording officers shall act as ward clerks, relative to making a record of elections in their respective wards and returning copies of such records to the city council.

'Section 36. 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 date of approval; and at such meeting the legal voters of said town shall vote by 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 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 Westbrook, 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. If at any meeting so held, this act shall fail to be so accepted, it may at the expiration of ten months from any such previous meeting, be again submitted for acceptance, but not after the period of five years from the approval thereof.

Act shall be in force when accepted.

—proceedings upon question of acceptance.

'Section 37. So much of this act as authorizes the submitting of the question of its acceptance to the legal voters of said town, shall take effect upon its approval; but it shall not take further effect unless accepted by the legal voters of said town as hereinbefore provided.'

When act shall take effect.

Section 2. All acts and parts of acts inconsistent with this act, are hereby repealed.

Inconsistent acts repealed.

Section 3. This act shall take effect when approved.

Approved, March 14, 1907.