

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SEVENTY-FOURTH LEGISLATURE

OF THE

STATE OF MAINE

1909

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE

As Passed by the Seventy-fourth
Legislature

1909

CHAP. 375**Chapter 375.**

An Act to create a Charter for the City of Rockland.

Be it enacted by the People of the State of Maine, as follows:

Corporate name.

—rights, powers, duties, etc.

—may ordain and publish acts.

—may impose fines.

Mayor.

—executive board.

—city council.

—shall be elected for one year.

—vacancies, how filled.

—subordinate officers, how chosen.

Duties of mayor.

Section 1. The inhabitants of the city of Rockland, in the county of Knox, shall continue to be a body politic and corporate, by the name of the city of Rockland, 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 on said city as a municipal corporation, 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 may impose fines and penalties for the breach thereof, not exceeding one hundred dollars for any one offense, which may be recovered by said city in an action of debt, or on complaint before the police court of said city.

Section 2. The administration of all the fiscal, prudential and municipal affairs of the city, with the government thereof, shall be vested in one principal magistrate to be styled the mayor, and an executive board, consisting of seven members; all of whom shall be qualified electors of said city, and not a director or officer in any corporation having a contract or franchise in or with said city during his term of office. Said mayor and executive board shall be designated the city council, and shall be nominated and elected as is hereinafter provided, and when elected they shall be sworn or caused to affirm to the faithful performance of the duties of their respective offices. All of these officers shall be elected for the term of one year, or until others are elected and qualified in their stead, and in case of a vacancy said vacancy shall be filled in the manner of the original election. The mayor and the executive board aforesaid shall elect or appoint, and shall exercise supervision and control over all subordinate officers and agents of the city, and over all the several departments thereof, except as hereinafter provided. All the officers, except said board, shall be chosen by the qualified electors on a general ticket at the annual election, but said board shall be composed of one member from each ward, and chosen by the qualified electors thereof.

Section 3. The mayor shall be the chief executive, and the presiding officer at all meetings of said city council, and shall have a casting vote therein. He shall have and exercise general supervision over the conduct of all subordinate officers and agents of the city, and with the consent of a majority of five of

said board, remove for cause shown, such officers, agent or employee of said city. He shall from time to time communicate to said board such information, and recommend such measures as he deems the interests of the city may require. The mayor shall receive for his services an annual salary of seven hundred dollars, and each member of said executive board shall receive an annual salary of two hundred dollars, payable quarterly, which shall be in full for all services, and said mayor and executive board shall not be eligible to any office of profit or emolument, the salary of which is payable by the city, county or state.

—salary of mayor.

—salary of executive board.

Section 4. The executive powers of said city generally and the administration of police and health departments, with all the powers of selectmen except as modified by this act, shall be vested in the mayor and executive board. All other powers now or hereafter vested in the inhabitants of said city, and all other powers granted by this act, as well as powers relating to the fire department shall be vested in the mayor and executive board, and said mayor and executive board are hereby constituted municipal officers.

Executive powers vested in mayor and executive board.
—other powers.

A quorum for the transaction of business shall consist of a majority in number, of mayor and executive board. Every resolution or ordinance passed by the board aforesaid, must be reduced to writing and signed by the mayor, and be recorded before the same shall be in force. Said mayor and executive board shall have and possess, and exercise all the executive, legislative, and judicial powers and duties now had, possessed and exercised by the mayor and city council. All meetings of said mayor and board held for the transaction of business, shall be open and public.

—quorum for transaction of business.

—meeting shall be public.

Section 5. For election purposes, whether state, national or municipal, the city shall be provided with seven voting precincts, as convenient as possible for the legal voters. All meetings for election of national, state or municipal officers, and for action of said voters upon other matters referred to them, as herein provided, shall be called by the mayor and board aforesaid, in the manner provided by the laws of the state for calling town meetings.

City shall have seven voting precincts.

—meeting for elections, how called.

Immediately after the adoption of this charter, the mayor and city council shall provide and designate such convenient places for voting, and shall choose and designate all necessary officers for said election, or other legal meetings as the provisions of law require, except that a warden, ward clerk and constable shall be elected for each ward by the voters thereof and provided that the choice of ballot clerk and election clerk shall remain as now under the general law.

—mayor and city council shall provide voting places, and choose all necessary officers.

—exception.

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Officers to be elected and named on one ballot.

Powers shall be divided into departments with chairman at head of each.

Council shall determine powers and duties of departments.

Statement of expenditures for past year shall be published before annual elections.

—voters may by petition, state what matters they may desire to have acted upon at elections.

—which shall be incorporated in a warrant.

Precinct officers shall make return of votes cast.

Section 6. At such election the following officers shall be elected, all named on one ballot, except the executive board which shall be elected in the manner provided in section two:

Mayor, executive board of seven, treasurer, two members of the school committee, overseer of the poor, three years; city marshal, assessor, three years; street commissioner, auditor, tax collector, one member board of health, three years; city solicitor.

Section 7. The executive and administrative powers, authority, and duties shall be divided into such departments as said council may, by ordinance, from time to time determine at the head of each of which there shall be a chairman to be appointed by the mayor subject to approval by said board.

The council aforesaid shall determine the powers and duties to be performed by, and assign them to the appropriate department, and prescribe the powers and duties of officers and employees, and make such rules and regulations as may be necessary or proper for the efficient and economical conduct of the business of the city.

Section 8. Said council shall, fifteen days before the annual municipal election, make and publish a full and true statement of expenditures in detail, during the past municipal year, and shall, at said time specify in detail, such matters of public interest as they may deem essential to be acted upon by the legal voters of the city; and any number of legal voters, not less than twenty-five, may, by petition to said council, state in detail what subjects or matters they may desire to be acted upon at the next municipal election. All of which shall be incorporated in a warrant and numbered and arranged so as to be answered by a mere "yes" or "no." Said articles shall be published in each of the city newspapers. Said city council shall then call a public meeting at some suitable public hall or place not less than seven days after said publishment and a reasonable time before said election, for the purpose of consideration of said articles. At said election said articles in said warrant shall be presented on a separate ballot, and may be answered by each voter and deposited in a separate box by said voters at the time he votes for officers of said city.

Section 9. The precinct officers, after counting and declaring the vote and making a return of officers elected, shall count and return the number of votes cast upon each and all of the questions propounded in said warrant, and seal up and return the same to the city council and after canvass of same it shall be declared and recorded. Such majority declaration upon the subject and matters so presented, shall be the guide, and so far

as possible, be followed by said city council during the municipal year.

Section 10. The city council shall, by ordinance, appoint a suitable time for its regular meetings which shall be at least once in each month.

City council shall appoint time for regular meetings.

A president of the city council shall, immediately upon its organization, be chosen, who in the absence of the mayor shall preside at all meetings of the council, and, in case of any vacancy in the office of mayor, he shall exercise all the powers and perform all duties pertaining to that office and, when the mayor is absent from the city or is prevented by sickness or other cause from attending to the duties of his office, he shall possess all powers and rights of the mayor during such absence or disability. In the absence of both of said officers, a president pro tem shall be chosen who shall exercise all powers of the president. The mayor shall have no power of veto. All votes of the city council shall be by yea and nay if any one member so requests it and said vote shall be entered upon the records.

—president of city council shall be chosen, who shall preside in the absence of the mayor.

—president pro tem.

—mayor shall have no veto power.

Section 11. The mayor shall be ex-officio a member of the superintending school committee and shall preside at their meetings. He may vote upon any and all questions and may appoint the standing committees of said body.

Mayor ex-officio a member of school committee.

Section 12. In addition to the other duties of the auditor that may be required by ordinance, he shall be required to make a summary roll of accounts at the beginning of each month in which shall be stated the amount of expenditures for the preceding month; a statement of resources and liabilities at the beginning of each month together with the appropriations and all credits belonging to the same and the expenditures up to the time said report is made and such other and further statement as will show the condition of the fund at the end of each month, and cause the same to be printed for monthly distribution.

Duties of auditor.

Section 13. Every ordinance or resolution of the city council granting any franchise or right, or renewal or extension thereof, to occupy or use the streets, highways, bridges, or public places, in the city, for any purpose, shall state the terms, considerations, and conditions, under which it shall be employed; and such ordinance or resolution shall remain on file with the city clerk for public inspection at least ten days before the final passage or adoption thereof; and shall be published for ten days in at least two newspapers published in Rockland and every such ordinance or resolution after having been passed by the city council, shall be submitted for the approval to the inhabitants of the city, voting thereon at a general

Every ordinance, etc., granting franchises or right to use streets, etc., shall state terms, considerations and conditions.

—such ordinance shall be filed with city clerk.

—and published in two newspapers.

—shall be submitted

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for approval to voters of the city.

—expense of election, how paid.

—new franchise or special privilege not to be granted for term exceeding 20 years.

—members of city council shall not enter into contracts with city.
School committee how constituted and elected.

Shall employ superintendent of schools.

—fix compensation and term of services.

Powers and duties of school committee.

or special election, provided a petition signed by one hundred voters shall be filed with the city clerk before the expiration of ten days after the passage of the same by the city council, in which case the action of the said council shall be suspended until the result of said election be declared, and if a majority of the inhabitants voting thereon approve said ordinance or resolution, it shall become a law, but otherwise it shall become null and void. The expense of such election, if special, shall be borne by the persons petitioning for said franchise, right, extension or renewal thereof.

No new franchise or special privilege in the streets, highways, bridges or public places in the city shall be granted for a term exceeding twenty years.

No member of the city council shall enter into or be interested in any contract with the said city or any department thereof, or shall vote upon any proposition or contract between the city and any corporation in which he is a stockholder.

Section 14. The school committee shall consist of six persons to be elected as provided in section six of which committee the mayor shall be chairman ex-officio. The two chosen under the provisions of said section shall hold office for three years in case of the adoption of this charter. The members of the school board elected under the provisions of the former charter of the city shall continue to hold office for the term for which they were thereunder elected, and same as to all officers to be chosen under provisions of section six of this act who have been chosen for a term of years under the current charter of said city.

Section 15. Said school committee shall employ a superintendent of schools, who shall be the executive officer of the committee and its secretary, and perform all the duties of school agent. They shall fix his compensation and term of service, and may remove him at any time when a majority of the committee may vote to do so. In case of election of one of their own number as superintendent, he shall thereby cease to be a member of the committee, and the vacancy shall be filled as before provided.

Section 16. The said committee shall have all the power and perform all the duties in regard to the care and management, financial and otherwise, of the public schools of said city, which are now conferred upon superintending school committees by the laws of the state. They shall approve all bills incurred for the benefit of the schools and schools buildings, and make monthly reports of all expenditures to the city council.

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Section 17. Nothing herein contained, in case of the adoption of this charter and the provisions hereof, shall be construed as repealing any part of chapter one hundred, private and special laws of eighteen hundred and ninety-one, as amended by chapter five hundred and six, private and special laws of eighteen hundred and ninety-five, relating to drains and common sewers in the city of Rockland.

Acts relating to drains and sewers in city of Rockland not affected.

And nothing herein contained, in case of the adoption of this charter and provisions hereof, shall be construed as repealing any part of chapter two hundred and sixty-three, private and special laws of nineteen hundred and one, relating to Lindsey Brook.

—act relating to Lindsey brook, not affected.

And nothing herein contained, in case of the adoption of this charter and the provisions hereof, shall be construed as repealing any part of chapter ninety-seven, private and special laws of nineteen hundred and three, relating to the free public library in the city of Rockland, nor to any act relative to the police court of the city of Rockland.

—acts relating to free public library or police court of city of Rockland, not affected.

Nor shall anything herein contained be construed as repealing chapter four hundred and sixty-two, private and special laws of eighteen hundred and eighty-nine, relative to the right of assessment or the manner thereof for permanent improvements in or on the streets of said city of Rockland.

—nor repealing ch. 462, special laws, 1889.

Section 18. This charter shall be submitted to the inhabitants of the city of Rockland at a special election legally called by the mayor fourteen days prior to the first Monday in October, nineteen hundred and nine, and, if accepted by a majority of those voting in relation thereto, shall take effect at the beginning of the municipal year, nineteen hundred and ten. Election thereunder shall be held the first Monday in March and the officers then elected shall take their oath of office on the second Monday in March.

Charter shall be submitted to inhabitants of city of Rockland.

Approved April 1, 1909.

Chapter 376.

An Act to incorporate the Suburban Water District of Farmington, Maine.

Be it enacted by the People of the State of Maine, as follows:

Section 1. The following described territory, and the people within the same, namely, so much of the town of Farmington, in the county of Franklin, as is bounded on the north by the south line of the Farmington Village Corporation; on the east

Corporate limits.