

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES  
OF THE  
SEVENTY-FIFTH LEGISLATURE

OF THE  
STATE OF MAINE.

1911

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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

As Passed by the Seventy-fifth  
Legislature

*1911*

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**CHAP. 219**

—damages,  
how deter-  
mined and  
assessed.

The said town of North Haven, or said trustee, company or corporation, shall pay all damages sustained by any person or corporation in property by the taking of any water, water sources, water right, or easement, or by anything done by said town or by said trustee, company or corporation first named in this section under the authority of this act, which shall be determined and assessed in the same manner as provided in section four, for land taken under the provisions of this act.

Town may  
issue bonds  
for purpose  
of raising  
money.

—how signed.

Section 9. For the purpose of raising money to carry out the provisions of this act, the town of North Haven may issue its bonds with interest coupons, in behalf of said town, signed by the municipal officers of said town, and the treasurer of said town, when authorized by a vote of said town, to an amount which, taken in connection with the other indebtedness of the town, will not exceed the amount limited by the state of Maine. And such bonds shall be signed by the municipal officers of the town and the treasurer of said town, but the coupons need be signed by the treasurer only, and shall be designated "The North Haven Water Loan," and the doings of said town of North Haven at their annual meeting held March six, nineteen hundred and eleven, relative to the construction of said water works and the issue of bonds for the purpose of paying for the construction of said water system are hereby confirmed and made valid.

—loan, how  
designated.

Section 10. The rates for the supply of water under this act shall be fixed so that all expenses of repairs, and management shall be paid annually, together with interest and such amounts as the town may determine to be paid annually on the principal expenditures.

Rates shall  
be fixed  
to cover  
expenses and  
interest.

Approved March 28, 1911.

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## Chapter 219.

An Act to amend the Charter of the City of Waterville.

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

Corporate  
name, and  
rights,  
powers and  
privileges.

Section 1. The inhabitants of the town of Waterville, in the county of Kennebec, shall continue to be a body politic and corporate by the name of the city of Waterville, 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, ordinances, laws and regulations, not inconsistent with

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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, (or complaint may be made before said court and a warrant issued thereon when authorized by the city solicitor, and said court is empowered to enforce payment of said fines and costs of prosecution by imprisonment in the county jail not exceeding thirty days).

Section 2. The annual city election of the city of Waterville shall be held on the first Monday of December of each year. Every special city election shall be held on a Monday.

Annual elections.

Section 3. The municipal year shall begin at ten o'clock in the forenoon on the first Monday of January, and shall continue until ten o'clock in the forenoon on the first Monday of the January next following.

Municipal year.

## TERM OF OFFICE OF MAYOR AND COUNCIL.

Section 4. At the annual city election in said city, next following the acceptance of this charter, a mayor shall be elected for a term of three years next following such election, and two councilmen, one for a term of two years, and one for a term of one year, next following such election. At the expiration of the above mentioned terms, the successors of the mayor and the successors of the councilmen shall thereafter be elected for terms of three years. The number of councilmen shall be two, and except, as aforesaid, or as otherwise provided in this act, no other officers shall be elected at any city election. The above mentioned officers shall be elected by and from the qualified voters of the city.

Term of office of mayor and council.

—number of councilmen.

## NAMES ON BALLOTS.

Section 5. Except as otherwise provided in section seventeen, there shall not be printed on the official ballots to be used at any annual or special city election of said city, the name of any person as a candidate for mayor or councilman unless such person be nominated as such candidate at a preliminary election for nominations to be held as provided in this act. There shall not be printed on the official ballots to be used at a preliminary election for nominations the name of any person as a candidate for nomination at such preliminary election for nominations unless such person shall have filed, within the time limit provided for by section eight, of this act, the statement of candidate and the petition accompanying the statement described in section eight.

Names on ballots.

**CHAP. 219****PRELIMINARY AND SPECIAL ELECTIONS.**

Preliminary  
and special  
elections.

—when polls  
shall be  
opened and  
closed.

Section 6. On the Monday preceding every annual election in which any officer mentioned in section four is to be elected there shall be held a preliminary election for nominations for the purpose of nominating candidates for such offices as, under the provisions of this act, are to be filled at such annual election. At every preliminary election for nominations and every regular city election, the polls shall be opened at six o'clock in the forenoon and kept open until four o'clock in the afternoon and, except as otherwise provided in this act, every such preliminary election for nominations shall be called by the same officers and held in the same manner as an annual city election, the polling places shall be designated, provided and furnished, official ballots, special ballots, ballot boxes, voting lists, specimen ballots, blank forms, apparatus and supplies shall be provided for every such preliminary election for nominations in the same number, kind and manner and by the same officials as at an annual city election, and the same election officers shall officiate as at an annual city election. Said election officers shall for the first election, after the adoption of this act, be appointed by the municipal officers, and thereafter annually by the municipal council.

**CALLING AND CONDUCT OF ELECTIONS.**

Calling and  
conduct of  
elections.

—voting  
precincts.

—voting  
places.

Section 7. The provisions of law relating to election officers, voting places for elections, election apparatus and blanks, calling and conduct of elections, manner of voting at elections, counting and recounting of votes at elections, corrupt practices, and penalties, shall apply to such preliminary elections for nominations, except as otherwise provided in this act. The present wards one and two shall constitute the first voting precinct; three, four and five shall constitute the second voting precinct; six and seven shall constitute the third voting precinct. At least sixty days before the first election to be held after this act becomes law the municipal officers shall designate a voting place for each precinct which shall continue until changed by the municipal council.

**QUALIFICATION OF CANDIDATES.**

Qualifica-  
tions of  
candidates.

Section 8. Any person who is qualified to vote for a candidate for mayor or councilman, and who is a candidate for nomination for such office may have his name, as such candidate, printed on the official ballots to be used at a preliminary election for nominations provided he shall, at least seven days prior to such preliminary election for nominations, file with the city clerk a statement in writing of his candidacy in the following form:

STATEMENT OF CANDIDATE.

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I, (—————), on oath declare that I reside at (num-  
ber, if any) on (name of street,) in the city of Waterville; that I  
am a voter therein qualified to vote for a candidate for the here-  
inafter mentioned office; that I am a candidate for nomination  
for the office of (mayor or councilman) for (state the term,) to  
be voted for at the preliminary election for nominations to be  
held on Monday, the ————— day of ————— 19—,  
and I request that my name be printed as such candidate on the  
official ballots to be used at said preliminary election for nomi-  
nations. And that I am not a candidate as the nominee or rep-  
resentative of, or because of any promised support from any  
political party or any committee or convention representing, or  
acting for any political party or organization.

—statement  
of candidate.

(Signed) \_\_\_\_\_

STATE OF MAINE.

Kennebec, ss.

Subscribed and sworn to on this ——— day of —————,  
19—, before me,

(Signed:) \_\_\_\_\_

Justice of the peace, (or notary public.)

And at the same time shall file therewith a petition of at least  
twenty-five voters of the city qualified to vote for a candidate for  
such office. Such petition shall be in the following form:

PETITION ACCOMPANYING STATEMENT OF CANDI-  
DATE.

Whereas (name of candidate) is a candidate for nomination  
for the office of (mayor or councilman) for (state the term) we,  
the undersigned voters of the city of Waterville duly qualified to  
vote for a candidate for such office, do hereby request that the  
name of said (name of candidate,) as a candidate for nomination  
for said office, be printed on the official ballots to be used at the  
preliminary election for nominations to be held on the ———  
Monday of —————, 19—. We declare further that we  
have not signed more petitions or certificates than there are offi-  
ces to be filled at said preliminary election for nominations: We  
believe said ————— is of good moral character and  
that he is well qualified to perform the duties of the office and  
that we join in this petition in the belief that he has not become  
a candidate as the nominee or representative of, or because of  
any promised support from any political party or any committee

Petition  
accompanying  
statement of  
candidate.

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or convention representing or acting for any political party or organization.

Names of voters. Street number (if any). Street.

No acceptance by a candidate for nomination named in such petition shall be necessary for its validity or for its filing, and the petition need not be sworn to.

## PREPARATION OF BALLOTS.

Preparation of ballots.

Section 9. On the first day, not being Sunday or a legal holiday, following the expiration of the time for filing the above described statements and petitions, the city clerk shall cause to be published in one or more newspapers published in the city the names and residences of the candidates for nomination who have duly filed the above mentioned statements and petitions, and the officers and terms for which they are candidates for nomination, as they are to appear on the official ballots to be used at the preliminary election for nominations. The city clerk shall thereupon prepare the ballots to be used at such preliminary election for nominations and shall cause them to be printed, and the ballots so prepared shall be the official ballots and the only ballots used at such preliminary election for nominations. They shall be headed as follows:

## OFFICIAL PRELIMINARY BALLOT.

Official preliminary ballot.

Candidates for nomination for Mayor and Councilmen. At a preliminary election for nominations held on the day of \_\_\_\_\_ in the year nineteen hundred and \_\_\_\_\_

(The heading shall be varied in accordance with the offices for which the nominations are to be made.)

## HOW BALLOTS SHALL BE PRINTED.

How ballots shall be printed.

Section 10. The name of each person who has filed a statement and accompanying petition as aforesaid, and his residence and the title and term of the office for which he is a candidate for nomination shall be printed on the ballots in the order determined by lot by the city clerk, in the presence of a majority of the municipal officers and the names of no other candidates shall be printed thereon. Blank spaces shall be left at the end of each list of candidates for nomination for the different offices, equal to the number to be nominated therefor, in which the voter may insert the name of any person not printed on the ballot for whom he desires to vote for nomination for such office. There shall also be printed on said ballot four lines forming a square, of half an inch immediately to the left of the name of each candidate and



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of the spaces left for the insertion of additional names, to receive the cross of the voters. There shall also be printed on said ballots the following directions to voters:

“To vote for any person make a cross with a black lead pencil, in the square at the left of the name of the person you wish to vote for,” printed in bold face type directly below the heading, the word “for” immediately before the title of each office for which there are candidates to be nominated, and the words “Vote for one,” “Vote for two,” and the like as conditions may require, directly following each title.

—directions to voters.

NO PARTY NAME ON BALLOT.

Section 11. No ballot used at any annual or special city election or at any preliminary election for nominations shall have printed thereon any party or political designation or mark, and there shall not be appended to the name of any candidate any such party or political designation or mark or anything showing how he was nominated, or indicating his views or opinions.

No party name on ballot.

QUALIFICATION OF VOTERS.

Section 12. Voters qualified to vote at a city election shall be qualified to vote at the said preliminary election for nominations.

Qualification of voters.

COUNTING BALLOTS.

Section 13. The election officers shall immediately, in open meeting upon the closing of the polls at preliminary elections for nominations, count the ballots and ascertain the number of votes cast in the voting places where they officiate, for each person for nomination for each office, and shall make return thereof to the city clerk forthwith upon blanks to be furnished as in city elections.

Counting ballots.

CITY CLERK SHALL CANVASS RETURNS.

Section 14. On the first day, not being Sunday or a legal holiday, following such preliminary election for nominations, the city clerk shall, in the presence of a majority of the municipal officers, canvass said returns, so received from the election officers, and shall forthwith determine the result of such canvass and publish the same in one or more newspapers published in said city.

City clerk shall canvass returns.

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## CANDIDATES NOMINATED.

Candidates  
nominated.

Section 15. The two persons receiving at the preliminary election for nomination the highest number of votes for the office of mayor or of councilman for either term, shall be the candidates and the only candidates for the respective offices, whose names shall be printed on the ballots to be used at the annual election to follow; except, if by reason of a tie vote for either office more names than two would be entitled to be printed on said ballot then all names affected by such tie shall be printed on said annual election ballot.

The official ballot used at the annual election or at a special election shall be of the same form and style as the ballot used at the preliminary election and the voter shall mark the ballot in the same manner.

## ACCEPTANCE OF NOMINATION.

Acceptance  
of nomi-  
nation.

Section 16. No acceptance of a nomination made at a preliminary election for nominations shall be necessary for the validity of such nomination.

## OFFICIALS ELECTED.

Officials  
elected.

Section 17. At city elections, other than the above described preliminary elections for nominations, the person receiving the highest number of votes for an office shall be deemed and declared elected to such office; but persons receiving the same number of votes shall not be deemed to be elected if thereby a greater number would be elected than are by law to be chosen. If there is a vacancy in the office of mayor or councilmen by failure to elect, as above provided, the remaining members of the municipal council shall call another election to take place on the Monday following the regular election at which the vacancy shall be filled by election from the candidates affected by the tie in the same manner as provided for the regular election. In case of vacancy from any other cause, it shall be filled by election by the remaining members of the municipal council the person so elected to serve until the next regular election, when the vacancy shall be filled as in the original election. On ballots to be used at annual or special city elections blank spaces shall be left at the end of each list of candidates for the different offices, equal to the number to be elected thereto, in which the voter may insert the name of any person not printed on the ballot for whom he desires to vote for such office.

—vacancies,  
how filled.

STATE ELECTION LAWS.

Section 18. Except as otherwise provided in this act, the laws of the state governing annual city elections, special elections of city officers and special elections in cities shall so far as they may be applicable, govern such elections in said city. No informalities in conducting municipal elections shall invalidate the same if they have been conducted fairly and in substantial conformity with the requirements of this charter.

State election laws.

BRIBERY.

Section 19. It shall be unlawful for any candidate for office or for any officer of the city directly or indirectly to give or promise any person or persons any office or position, employment or benefit or anything of value for the purpose of influencing or obtaining their support, aid or vote. Any violation of this provision shall be a misdemeanor and a ground for removal from office.

Bribery.

PRESENT GOVERNMENT ABOLISHED. MUNICIPAL COUNCIL INSTITUTED.

Section 20. At ten o'clock in the forenoon on the first Monday of January in the year following the acceptance of this act, the city council, board of mayor and aldermen, board of aldermen and common council and board of education of said city shall be abolished; the terms of office which the present mayor, aldermen, common councilmen, members of the board of education are now serving shall terminate, and, except as otherwise provided in this act, all the present powers and duties of all or any, the mayor; mayor and aldermen, aldermen, board of aldermen, city council, common council, common councilmen, the municipal officers, the board of education, and the overseers of the poor of said city, under any general or special acts, shall devolve upon and shall thereafter be exercised and performed by a board, styled the municipal council, which shall consist of the mayor and two councilmen elected under the provisions of this act. The municipal council shall be the judge of the election of its own members.

Present government abolished. Municipal council instituted.

ORGANIZATION OF COUNCIL.

Section 21. The mayor and the councilmen elected as aforesaid shall meet at ten o'clock in the forenoon on the first Monday in January of each year, and those of them whose term of office then begins shall severally take oath before the city clerk or a

Organization of council.

CHAP. 219

justice of the peace to perform faithfully the duties of their respective offices. The municipal council shall thereupon be organized by the choice of a president, who shall be called the president of the municipal council and shall hold his office during its pleasure. The president of the municipal council shall be some member thereof other than the mayor. The organization of the municipal council shall take place as aforesaid notwithstanding the absence, death, refusal to serve, or non-election of the mayor or of one of the two councilmen provided that at least two of the persons entitled to be members of the municipal council are present and take the oath as aforesaid. Any person entitled to take the aforesaid oath who was not present at the time above fixed therefor may take the same at any time thereafter. The municipal council shall, after organization, proceed to the election of subordinate city officers.

## MEETINGS.

## Meetings.

Section 22. The municipal council shall fix suitable times for its regular meetings. The mayor, the president of the municipal council, or any two members thereof, may at any time call a special meeting by causing a written notice, stating the time of holding such meeting and signed by the person or persons calling the same, to be delivered in hand to each member, or left at his usual dwelling place at least six hours before the time of such meetings. Meetings of the municipal council may also be held at any time when all the members are present and consent thereto.

## QUORUM MEETINGS CONDUCTED.

Quorum.  
Meetings  
conducted.—city clerk,  
duties of.—clerk  
pro tempore.

Section 23. A majority of the members of the municipal council shall constitute a quorum. Its meetings shall be public and the mayor, if present, shall preside and shall have the right to vote. In the absence of the mayor, the president of the municipal council shall preside. The city clerk shall be, ex-officio, clerk of the municipal council, shall keep the records of its proceedings, shall perform such duties as shall be prescribed by the municipal council, and shall also perform all the duties and exercise all the powers now incumbent on him by law. In case of the temporary absence of the city clerk the municipal council may appoint a clerk pro tempore. All votes of the members of the municipal council shall be by yeas and nays, and shall be entered upon the records. The affirmative votes of at least two members shall be necessary for the passage of any order, ordinance, resolution or vote.

DEATH OR INABILITY OF MAYOR.

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Section 24. Upon the death, resignation or absence of the mayor, or upon his inability to perform the duties of his office, the president of the municipal council shall perform them. The person upon whom such duties devolve shall be called "Acting Mayor" and except as otherwise provided in this act, shall possess the powers of mayor but only in matters not admitting of delay.

Death or inability of mayor.

MAYOR CHAIRMAN OVERSEERS OF POOR.

Section 25. The mayor shall be, ex-officio, chairman and a member of the board of overseers of the poor and of the board of education.

Mayor chairman overseers of poor.

MAYOR HAS NO VETO.

Section 26. The mayor shall have no power of veto, and no order, ordinance, resolution or vote which the municipal council shall make or pass shall require his approval in order to be effective.

Mayor has no veto.

DEPARTMENTS AND SUB-DEPARTMENTS.

Section 27. The administration of city affairs shall be divided and classified under three departments in general, with sub-departments, as follows:

Department and sub-departments.

First. The Department of Public Welfare,—including public safety, police, fire, and health, public charities and care of poor, inspection of water, milk and foods; care of public property, and buildings (except school-buildings, property and grounds), city hall, ordinances and elections, inspection of weights and measures, pensions and licenses.

—department of public welfare.

Second. The Department of Education and Finance,—including all public finances and accounts, annual budget, assessors, treasury, sinking fund, city clerk, auditor, care of school-buildings, property and grounds, supervision of educational interests, officers and teachers, public printing, and the like.

—education and finance.

Third. The Department of Streets and Public Improvements,—including care of streets and alleys, sidewalks, bridges, sewers, street lighting, electrical affairs, sprinkling and cleaning streets, supervision of public utilities, parks and engineering.

—streets and public improvements.

DUTIES OF THE MAYOR.

Section 28. The mayor shall at all times cause the laws of the state and the ordinances of the city to be executed and en-

Duties of mayor.

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forced by the proper officers. He shall exercise general supervision and control of the affairs of the city and shall take proper action to cause every violation or neglect of duty to be punished. He may at any time summon the heads of departments and subordinate officers before him for information and consultation,—with due regard to the authority and responsibilities of the heads of said departments,—and advise upon the affairs of the city. He shall see that the duties assigned to the heads of all departments and sub-departments are properly performed.

The mayor shall be, ex-officio, the commissioner of the police and fire departments, exercising general supervision over all matters relating to said departments and enforcing all regulations affecting them as prescribed by the laws of the state and the ordinances of the city. He shall also have general supervision over the health department of the city,—including inspection of water, milk and foods, protection against all contagious and infectious diseases, etc.,—and shall enforce all orders, rules and regulations necessary, (in compliance with the laws of the state and ordinances of the city,) to the end that the necessities and conditions of life in the city affecting public welfare and safety, including the streets, alleys, public buildings, and general housing conditions, shall be kept in a sanitary condition and the health and safety of the inhabitants of said city shall be protected. He shall have charge of the public parks and playgrounds and the care of all public property (except school-buildings, property and grounds); public charities and the care of the poor, being, ex-officio, chairman and a member of the board of overseers of the poor, and of the board of education, (Section 25); city hall, ordinances and elections; inspection of weights and measures; pensions and licenses; and all public affairs not otherwise assigned to specific departments.

#### DUTIES OF THE COMMISSIONER OF EDUCATION AND FINANCE.

Duties of  
commissioner  
of education  
and finance.

Section 29. The municipal council shall, by a majority vote, designate one councilman, who shall be known as the "commissioner of education and finance." He shall have under his special charge the preparation of an annual budget, the collection of all revenues belonging to the city, from whatever source the same may be derived, and the management of the finances of the city, including the assessors, treasury, sinking fund, city clerk, auditor, printing and all public accounts. He shall have under his charge the public schools of the city, being responsible for the supervision of all educational interests, including the care

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of school-buildings, property and grounds. He shall have authority to employ a superintendent of schools and all necessary teachers, janitors, etc.,—provided, however, that his acts and appointments to the various positions in the schools must be confirmed by a majority of the municipal council.

#### DUTIES OF THE COMMISSIONER OF STREETS AND PUBLIC IMPROVEMENTS.

Section 30. In the same manner (see section twenty-nine) the municipal council shall designate one councilman as the "Commissioner of Streets, Public Improvements," who shall have the supervision over the streets, alleys, sidewalks, bridges, sewers, sprinkling and cleaning of streets, street lighting, electrical affairs, supervision of public parks, driveways and engineering, with supervision of all public utilities.

Duties of commissioner of streets and public improvements.

He shall have charge of the construction and maintenance of roads, driveways, parks and the like, including the construction and maintenance of all public improvements whatsoever undertaken by the city, such as sidewalks, bridges and sewers; and he shall have charge of the engineering department of the city, including the supervision of all public works.

It shall further, be his duty to demand faithful compliance from all persons, corporations or companies with any grant, franchise or privilege voted to such persons, corporation or company by the municipal council.

He shall, also, have special charge over any water works, light, plant, power, heating or gas plants, street railway, telephone or telegraph lines or other public utility owned by the city.

#### DUTIES OF MUNICIPAL COUNCIL.

Section 31. The municipal council shall assume and perform all duties designed by law to municipal officers, mayor and aldermen, mayors, city council and overseers of the poor, and board of education. The election and appointment of ward or precinct officers, heretofore chosen or elected by the voters of the several wards is hereby vested in the municipal council. Such powers of nominations, appointments, confirmation and election for and to office or position of approval and consent to nominations and appointments of removal or suspension from office as are now vested in all or any, the mayor, the mayor and aldermen, city council, board of aldermen and common council and board of education shall be exercised by the municipal council. The municipal council, so constituted, shall have control and supervision over all departments of the city, and to that end

Duties of municipal council.

**CHAP. 219**

shall have power to make and enforce such rules and regulations as they may deem fit and proper for and concerning the organization, management and operation of all departments of said city and whatever agencies may be created for the administration of its affairs. In case at any time the duties of any of the councilmen shall be found to be excessive, the municipal council, by a majority vote of all the members thereof, may relieve said councilman by assigning to some other member of said council, for a time to be by them determined, a portion of the work assigned by this act to said councilman; and said municipal council may from time to time assign such further duties to each of said councilman as shall be for the best interest of the city.

**POWER OF MUNICIPAL COUNCIL TO ISSUE BONDS  
TO APPROVE AND PAY BILLS.**

**Power of municipal council to issue bonds, to approve and pay bills.**

Section 32. The municipal council shall have power to do, except as otherwise provided in this act, without the approval of the mayor, all things which all or any of the city council, board of aldermen and common council can now do with such approval. Any notes, bonds or scrip which said city is authorized to issue shall be signed by its treasurer and countersigned by a majority of its municipal council. No money shall be paid out of the city treasury except on orders drawn and signed by the mayor, designating the fund or appropriation from which said orders are to be paid, nor unless the same shall be first granted or appropriated therefor by the municipal council, and the municipal council shall secure a prompt and just accountability by requiring bonds with sufficient penalty and surety or sureties from all persons trusted with the receipt, custody or disbursement of money; they shall have the care and superintendence of the 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 purchase and take, in the name of the city, real and personal property for municipal purposes to an amount not exceeding one hundred thousand dollars in addition to that now held by the city.

**ASSESSOR AND TAXES.**

**Assessor and taxes.**

Section 33. One assessor shall be elected by the municipal council, each year at the annual meeting for organization to serve for three years. All taxes shall be assessed, apportioned and collected in the manner prescribed by the laws of the state rela-



tive to town taxes, except as herein modified, and the municipal council may establish further and additional provisions for the collection thereof and of interest thereon.

## WHEN ORDINANCES SHALL TAKE EFFECT.

### NOTICE BY PUBLICATION.

Section 34. When the municipal council shall make or pass an ordinance or an amendment or repeal of an ordinance and publish same in one or more newspapers published in said city, such ordinance amendment or repeal, so passed, shall, except as otherwise provided in this act, take effect at the expiration of ten days from its publication; provided, however, that, if there is a time therein specified when it shall take effect and such time is more than ten days after its publication, such ordinance, amendment or repeal shall, except as otherwise provided in this act, take effect at the time so specified therein.

When ordinances shall take effect.—notice by publication.

### POLICE POWERS.

Section 35. The executive powers of said city generally, and the administration of police and health departments, with all the powers of selectmen and overseers of the poor, except as modified by this act, shall be vested in the municipal council. 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 towns, are vested in the municipal council, so far as relates to said city, 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 police shall be one chief, to be styled the city marshal, so many deputy marshals as the municipal council may by ordinance prescribe, and so many watchmen and police as the municipal council may from time to time, appoint. All other powers now or hereafter vested in the inhabitants of said city, and all powers granted by this act, as well as all powers relating to the fire department, shall be vested in the municipal council of said city. (But all members and officers of the fire department shall be continued in the service of said department without re-election or re-appointment unless removed for insufficiency or other cause or retired on arrival at an age limit, all of which may be determined by the municipal council.)

Police powers.

### MATERIALS IN STREETS.

Section 36. The municipal council may, on such terms and conditions as they may think proper, authorize and empower

Materials in streets.

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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-walks, bridge, water-course, or drain, or for erecting, repairing or finishing any building or fences, or for laying or repairing gas or water pipes, mains, or pipes used for electrical or telephone purposes, provided, that not more than one-half 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 shall not be liable to any person for any damages occasioned by such materials.

## LAYING OUT OF STREETS.

Laying out  
of streets.

Section 37. The municipal council shall have exclusive authority to lay out, widen and otherwise alter or discontinue any and all streets or public ways in the city of Waterville without petition therefor, and to estimate all damages sustained by the owners of land taken for that purpose. They shall first give notice of the time and place of their proceedings to all parties interested, as now required by law in case of town ways, and shall hear all parties interested and determine and adjudge whether the public convenience requires such street or way to be laid out, altered or discontinued, and shall make a written report 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, which report shall be filed in the city clerk's office at least seven days before it is finally confirmed by the municipal officers, and the report shall not be altered or amended before its confirmation. The municipal officers shall estimate and report the damages sustained by the owners of lands adjoining that portion of the street or way which is so discontinued, and their report shall be filed with the city clerk seven days at least before its confirmation. Any person aggrieved by the decision or judgment of the municipal officers in establishing, altering or discontinuing streets or ways, may, so far as relates to damages, appeal therefrom as in case of town ways. If a street or way is discontinued before damages are paid or recovered for the land taken, the land owner shall not be entitled to recover such damages, but the municipal officers in their report discontinuing the same shall estimate and include all the damages sustained by the land owner, including those caused by the original laying out of the street, and in such cases if the appeal has been regularly taken the appellant

shall recover his costs. The city shall not be compelled to construct or open any street or way thus hereafter established until in the opinion of the municipal council the public good requires it to be done, nor shall the city interfere with the possession of the land so taken by removing therefrom material or otherwise until they decide to open and construct said street. The municipal council may regulate the height and width of sidewalks in any public square, places, streets, lanes or alleys in said city and may authorize posts and trees to be placed along the same. Nor shall the city be answerable in damages occasioned by poles and wires erected in its streets.

#### IMPORTANT VOTES ON FILE ONE WEEK.

Section 38. The municipal council shall not make or pass any order, resolution or vote appropriating money in excess of two hundred dollars, or making or authorizing the making of any contract involving a liability on the part of the city in excess of two hundred dollars, unless the same is proposed in writing and remains on file in the office of the city clerk at least one week before its passage, except an order, resolution or vote for the immediate preservation of the public peace, health or safety which contains a statement of its urgency.

Important  
votes on file  
one week.

#### FINANCIAL REPORTS.

Section 39. The municipal council shall each month print a detailed itemized statement of all receipts and expenses of the city during the preceding month, and shall furnish copies thereof to the public library, to the daily newspapers published in said city, and to persons who shall apply therefor at the office of the city clerk. At the end of each municipal year it shall cause a full and complete examination of all books and accounts of the city to be made by competent accountants, and shall publish the result of such examination in the manner above provided for publication of statements of monthly receipts and expenses.

Financial  
reports.

#### SALARIES.

Section 40. The salary of the mayor shall be twelve hundred dollars per annum, and the salary of each councilman one thousand dollars per annum. Such salaries shall be payable in equal monthly installments.

Salaries.

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## CONTRACTS AND FRANCHISES.

Contracts and franchises.

Section 41. No member of the municipal council shall, during the term for which he was chosen, be eligible, either by appointment or by election of the municipal council, to any other office the salary of which is payable by the city, or shall, during such term, hold any such other office. No member of the municipal council shall be directly or indirectly interested in any contract made by the city or in any franchise granted by the city.

## NON-POLITICAL APPOINTMENTS.

Non-political appointments.

Section 42. All officers and employees of the city shall be elected or appointed with reference to their qualifications and fitness and for the good of the public service without reference to their political faith or party affiliations.

## CIVIL SERVICE.

Civil service.

Section 43. The municipal council shall have the power from time to time to create, fill and discontinue offices and employments, other than those already existing; and may remove any such officer or employee, and may by resolution or otherwise prescribe, limit or change the compensation of such officer or employee.

All persons elected or appointed by the municipal council for the city's service and all persons employed by the municipal council or its officers in the city's service shall be selected under such civil service rules as shall be adopted by the municipal council.

The head of any department or any superintendent or foreman in charge of municipal work, may suspend any subordinate under his control for inefficiency, neglect of duty or disobedience of orders; but such employee shall have the right of appeal to an authority, next above such suspending authority, and shall be discharged only by that higher authority, and the decision of the municipal council, if appealed to, shall in all cases be final.

## RECALL.

Recall.

Section 44. The holder of any elective office may be removed at any annual election by the voters qualified to a vote at city elections, and the procedure to effect his removal shall be as follows:—A petition signed by a number of such voters equal to at least twenty-five per cent. of the aggregate number of votes cast for candidates for mayor at the last preceding annual city election at which a mayor was elected, and demanding an election of a successor of the person sought to be removed, shall be

filed in the office of the city clerk at least thirty-five days before an annual election. Such petition shall contain a general statement of the grounds for which the removal is sought. It need not be on one paper, but may consist of several distinct papers each containing such demand, and substantially upon the same grounds; and all papers containing such demand and statement, which in any one day shall be filed in the office of the city clerk shall be deemed parts of the same petition. Each signer shall add to his signature his place of residence, giving the street and street number, if any. One signer of each paper shall make oath upon his information and belief before a notary public or a justice of the peace that the statements therein made are true, and that each signature to such paper is the genuine signature of the person whose name it purports to be. The city clerk, with the assistance of the board of registration, shall examine the petition to ascertain whether or not it is signed by the requisite number of qualified voters as above described, and shall attach to said petition his certificate showing the result of his examination.

If the petition, as filed, shall be certified by the city clerk to be sufficient, he shall present the same to the municipal council, at least thirty days before an annual election and the municipal council shall call the election so demanded, which shall be held at said annual election. The municipal council shall make or cause to be made all arrangements for holding such election and the same shall be held and conducted, returns thereof made and the result thereof declared in all respects as in the case of other city elections. The successor of any officer so removed shall hold the office during the unexpired term of his predecessor. Any person sought to be removed may be a candidate at such election, and unless he requests otherwise in writing, the city clerk shall place his name on the official ballots without nomination. The candidate receiving the highest number of votes shall be declared elected. If some person other than the incumbent receives the highest number of votes, the incumbent shall thereupon be deemed to be removed from the office. In case a person, other than the incumbent, receiving the highest number of votes shall fail to make oath before the city clerk or a justice of the peace, within thirty days after his election, faithfully to perform the duties of the office, the office shall be deemed vacant. If the incumbent receives the highest number of votes, he shall continue in office until the end of the term which he was serving at the time of such election unless sooner removed therefrom by new and like proceedings. The name of no candidate other than that of the person sought to be removed, shall

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be printed on the official ballots to be used at such election, unless such candidate be nominated as hereinbefore provided, at a preliminary election for nominations.

## INITIATIVE.

## Initiative.

Section 45. If a petition, signed by a number of the voters of said city, qualified to vote at city elections, equal to at least ten per cent of the aggregate number of votes cast for candidates for mayor at the last preceding annual city election at which a mayor was elected, and requesting the municipal council to pass an ordinance therein set forth or referred to, shall be filed in the office of the city clerk, the municipal council shall, provided that said ordinance be one which the municipal council shall after this act takes effect, have a legal right to pass. The municipal council shall pass the ordinance therein set forth or referred to, without alteration, within twenty days after such attachment of certificate of sufficiency, or submit the same to the qualified voters of the city at the next annual city election.

The votes upon such ordinance at an annual city election shall be taken by ballot in answer to the question, "Shall the ordinance (stating the nature of the same) be passed?" which shall be printed on the ballots after the list of candidates. If a majority of the qualified voters voting on the proposed ordinance shall vote in favor thereof, it shall thereupon become a valid and binding ordinance of the city, and no such ordinance passed as aforesaid by the municipal council, upon petition as aforesaid, or which shall be adopted as aforesaid at any such annual city election shall be repealed or amended except by the qualified voters of the city at an annual city election.

Any number of ordinances requested by petition as aforesaid, may be voted upon at the same election, in accordance with the provisions of this section.

The municipal council may submit a proposition for the repeal of any such ordinance, or for amendments thereof, to be voted upon at any succeeding annual city election; and should such proposition so submitted receive a majority of the votes cast thereon at such election, the ordinance shall thereby be repealed or amended accordingly. The votes upon such repeal or amendment at an annual city election shall be taken by ballot in answer to the question, "Shall the ordinance (stating the nature of the same) be repealed, or amended (stating the nature of the amendment)," which shall be printed on the ballots after the list of candidates. Whenever any such ordinance or proposition is required by this act to be submitted at any election as aforesaid,

the city clerk shall cause the same to be published once in each of the daily newspapers published in said city; such publication to be not more than twenty nor less than five days before the submission of the ordinance or proposition to be voted on.

Petitions under the provisions of this section may consist of one or more distinct papers. In each of such papers the ordinance, the passage of which is requested, shall be set forth or referred to, and all such papers filed in any one day in the office of the city clerk shall be deemed to be parts of the same petition. Such petitions shall be signed, sworn to as to signatures, examined, presented to the municipal council, shall have the city clerk's certificate of sufficiency or insufficiency attached thereto.

Any ordinance, passed under the provisions of this section by the municipal council upon petition, or by the voters, may prescribe such penalty for its violation as the municipal council, after this act takes effect, shall have a right to affix to a like ordinance for a breach thereof.

When the voters make or pass an ordinance as provided in this act, such ordinance shall take effect and be in force at the time therein specified without presentation to or approval by the mayor.

#### REFERENDUM.

Section 46. If, during the ten days next following the passage of an act or ordinance by the municipal council, a petition, signed by a number of the voters of said city, qualified to vote at city elections equal to at least ten per cent. of the aggregate number of votes cast for candidates for mayor at the last preceding annual city election at which a mayor was elected, and protesting against the passage of such act or ordinance, shall be filed in the office of the city clerk, such act or ordinance shall be suspended from going into operation, and it shall be the duty of the municipal council to reconsider the same, and if it is not entirely repealed, the municipal council shall submit it, as is provided in section forty-five to the qualified voters of the city and the said ordinance shall not go into effect or become operative unless a majority of the voters, qualified as aforesaid, voting on the same shall vote in favor thereof. The votes upon such ordinance at an annual city election shall be taken by ballot in answer to the question, "Shall the act or ordinance (stating the nature of the same) take effect?" which shall be printed on the ballots after the list of candidates.

Referendum.

Petitions under the provisions of this section may consist of one or more distinct papers. In each of such papers the ordinance, the passage of which is protested, shall be set forth or

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referred to, and all such papers filed in any one day shall be deemed to be parts of the said petition. Such petitions shall be signed, sworn to as to signatures, examined, presented to the municipal council, shall have the city clerk's certificate of insufficiency attached thereto.

Address.

Section 47. It shall not be necessary for the validity of any petition or statement provided for or required by the provisions of this act that any signer thereof add to his signature any residence other than the name of the street, and street number, if there be any, at which he resides at the time of signing.

**GENERAL MEETING.**

General meeting.

Section 48. General meeting 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 grievance according to the right secured to the people by the constitution of this state, and such meetings shall be duly warned by the municipal council, upon requisition of sixty qualified voters. The city clerk shall act as clerk of such meetings, and record the proceedings upon the city records.

**REPEAL.**

Repeal.

Section 49. All acts and parts of acts inconsistent with this act are hereby repealed; provided, however, that such repeal shall not affect any act done, or any right accruing or accrued or established, or any suit or proceeding had or begun in any civil case before the time when such repeal takes effect, and that no offences committed and no penalty or forfeitures incurred under the acts or parts of acts hereby repealed shall be affected by such repeal; and provided, also, that all persons who at the time said repeal takes effect shall hold any office under said acts shall continue to hold the same according to the tenure thereof, except as is otherwise provided herein, and provided, also, that all by-laws and ordinances of the city of Waterville in force at the time when said repeal takes effect, and not inconsistent with the provisions of this act, shall continue in force until the same are repealed or amended, and all officers elected under such by-laws and ordinances shall continue in office according to the tenure thereof, except as is otherwise provided herein.



## ACCEPTANCE OF CHARTER.

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Section 50. On or before September one, nineteen hundred and eleven the mayor shall call a special election to be held on the first Monday in October nineteen hundred and eleven, to vote upon the acceptance of this charter; provided, however, that if this act shall not be accepted by a majority of the voters present and voting at the election to be held as aforesaid, on the first Monday in October nineteen hundred and eleven, on or before September one, nineteen hundred and twelve, the mayor shall call a second special election to be held in the manner aforesaid on the first Monday in October nineteen hundred and twelve to vote upon the acceptance of this charter.

Acceptance  
of charter.

## CHARTER SHALL TAKE EFFECT.

Section 51. This act shall take effect, as hereinafter provided, upon its acceptance by a majority of the voters present and voting thereon at either of said special elections. The vote shall be taken by ballot in answer to the question, "Shall an act passed by the legislature in the year nineteen hundred and eleven entitled 'An Act to amend an act to incorporate the city of Waterville' be accepted?" which shall be printed on the official ballots.

Charter shall  
take effect.

Except in so far as the same may be inconsistent with the provisions of this section, all general laws governing, and applicable to, a special election of a city officer, shall govern and apply to the special election at which this act shall be submitted as aforesaid.

If this act shall so be accepted, it shall take effect upon its acceptance for the annual city election to be held on the first Monday of December, following its acceptance, for preliminary election for nominations, to be held, under the provisions of this act on the first Monday preceding the aforesaid annual city election, for the statements of candidates and petitions accompanying statements of candidates to be filed by persons whose names are to be printed on the official ballots to be used at such preliminary election for nominations and for all things which appertain and relate to said annual city election, preliminary election for nominations, statements of candidates and petitions accompanying statements of candidates; and, except as provided in section fifty-three it shall take effect for all other purposes at ten o'clock in the forenoon on the first Monday of January in the year nineteen hundred and twelve.

**CHAP. 220****AMENDMENTS.****Amend-  
ments.**

Section 52. If a petition signed by a number of the voters of said city, qualified to vote at a city election, equal to at least twenty-five per cent. of the aggregate number of votes cast for candidates for mayor at the last preceding annual city election at which a mayor was elected, and proposing one or more amendments to this charter, shall be filed with the city clerk not less than thirty days prior to the first Monday in December; the municipal council shall submit said amendment or amendments without alteration, at the next regular annual election, to the qualified voters of the city. The votes upon such amendment or amendments shall be taken by ballot in answer to the question: "Shall the amendment or amendments, (stating the amendment or amendments) be adopted?" which shall be printed on the ballots after the list of candidates. If a majority of the qualified voters voting on the proposed amendment shall vote in favor thereof, it shall thereupon become a part hereof.

Any number of amendments may be voted on at the same election, and amendments may be proposed by the municipal council, without petition, on its own initiative, and filed as above, whenever it deems such amendments wise or necessary.

**When certain  
part of act  
takes effect.**

Section 53. So much of this act as authorizes the submission of the question of its acceptance to the qualified voters of said city shall take effect upon its passage.

Approved March 28, 1911.

**Chapter 220.**

An Act to incorporate the "People's Loan Company."

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

Section 1. William A. Wheeler, Joseph E. F. Connolly, Frederic E. Boothby, William Henry, George F. Gould, William K. Sanderson and Arthur W. Merrill, their associates and successors, are hereby created a corporation by the name of the "People's Loan Company," to be located at Portland in the county of Cumberland, for the purpose of loaning money on as reasonable terms as possible, consistent with safety and a fair return to the stockholders, upon the notes of individuals, secured by mortgage of real estate or any interest therein, or by pledge, or by mortgage of personal property of any kind, including savings bank deposit books, and life insurance policies, or by assignment of salary or wages to be earned in the future; and all the powers and privileges, necessary for the execution of these pur-

**—corporate  
name.**