

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SEVENTY-SIXTH LEGISLATURE

OF THE

STATE OF MAINE

1913

Including Acts and Resolves of the Special Session held
in 1912.

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE

As Passed by the Seventy-Sixth
Legislature

1913

Chapter 244.

CHAP. 244

An Act to provide a Charter for the City of Gardiner.

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

Section 1. The inhabitants of the city of Gardiner shall continue to be a body politic and corporate, by the name and style of the city of Gardiner, and as such they and their successors by that name shall have, exercise and enjoy all the rights, immunities, powers, privileges and franchises that are now possessed and enjoyed by the said city, and that are not inconsistent with this act, or are herein granted and conferred, or that may hereafter be granted or conferred; and shall be subject to all the duties and obligations now pertaining to or incumbent on the said city as a corporation that are not inconsistent with this act, and may ordain and establish, in the manner prescribed by law for other cities in the state, such acts, laws, regulations and ordinances, not inconsistent with the constitution and laws of this state, as shall be needful for the government, interest, welfare and good order of the said body politic; and under the same name shall be known in law, and be capable of contracting and being contracted with, suing and being sued, impleading and being impleaded, answering and being answered unto, in all courts and places and in all matters whatever; may take, hold and purchase, lease, grant and convey such real and personal or mixed property or estate as the purposes of the corporation may require, within or without the limits thereof, and may make, have and use a corporate seal, and change and renew the same at pleasure.

Corporate name.

Rights, franchises, etc.

—duties and obligations.

—may contract, sue and be sued.

—may hold property.

—may have a seal.

Section 2. The act entitled “An Act to incorporate the City of Gardiner,” approved August eleventh in the year of our Lord one thousand eight hundred and forty-nine, and all acts additional to or amendatory of the said act, excepting such portions of the said acts as may herein specifically be excepted from repeal, are hereby repealed.

Section 3. The following sections of the act entitled “An Act to incorporate the city of Gardiner,” approved August eleventh in the year of our Lord, one thousand eight hundred and forty-nine, together with the following acts additional to or amendatory of the aforesaid act, shall be and are hereby specifically excepted from repeal as aforesaid, and shall be and are hereby made and constituted integral parts of this act:

Repeal of former acts of incorporation.

“AN ACT TO INCORPORATE THE CITY OF GARDINER,

Approved August eleventh in the year of our Lord one thousand eight hundred and forty-nine.

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Certain former acts exempted from repeal.

—may estimate damages.

—Appeal relating to damages to provide for.

—county com'rs may lay out county roads.

—bridges.

City council may authorize streets to be obstructed for repairs.

May establish harbor regulations.

—penalties.

Harbor masters appointment and duties of.

When this act shall be in force.

Section 7. The city council shall have exclusive authority and power to lay out any new street or public way, or widen or otherwise alter or discontinue any street or public way, in said city, and to estimate the damages any individual may sustain thereby, and shall in all other respects be governed by and subject to the same rules and restrictions as are by law provided in this state, for regulating the laying out of public highways and repairing streets. And any person aggrieved by the decision or judgment of said city council may, so far as relates to damages, have them assessed by a committee or jury, as now by law provided; and the county commissioners for Kennebec county shall have power to lay out within said city any part of any new county road, that shall be by them laid out in any adjoining town or towns, and shall pass thence into or through said city, according to the provisions of law; and any highway, townway or bridge, which has been or may hereafter be located within said town or city, between high and low water mark, shall nevertheless be deemed to be legally located and established.

Section 9. The city council shall have power, on such terms and conditions as they may think proper, to authorize and empower any person or corporation to place in any street for such time as may be necessary, any materials for making or repairing any street, sidewalk, bridge, water course or drain, or for erecting, repairing or finishing any building or fences: Provided, that not more than one-third the width of the street shall be so occupied.

Chapter three hundred and ninety-two.

Private and Special Laws of eighteen hundred and fifty.

Section 1. The city council of the city of Gardiner may make and establish such necessary ordinances as they may deem expedient, for the location and regulation of vessels in the harbor within said city, and may annex penalties for the observance of the same, not exceeding twenty dollars for one offense; provided, said ordinances shall not be repugnant to the constitution and laws of the state.

Section 2. The city council may annually appoint one or more harbor masters, whose duty it shall be to enforce the observance of such ordinances as may be established under the provisions of this act, and to exercise such powers as may be conferred upon them by said ordinances, at the expense of the city.

Section 3. This act shall be in force from and after its approval by the governor.

Chapter five hundred and ninety-two.

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Private and Special Laws of eighteen hundred and fifty-two.

Section 1. The city council for the city of Gardiner are hereby authorized and empowered to pass any ordinance or ordinances regulating or forbidding the erection of any wooden buildings on any street or streets in said city, when they may deem it necessary or conducive to the public safety.

May establish so called fire limits.

Section 2. This act shall be in force from and after its approval by the governor."

When this act shall be in force.

Section 4. (1) The administration of city affairs shall be and hereby is divided and classified under three department heads as follows:

Department heads.

Department of accounts and finances, of which the mayor shall be the executive head.

—accounts and finances.

Department of public safety and charities, of which one alderman shall be the executive head.

—public safety and charities.

Department of streets and highways, of which the other alderman shall be the executive head.

—streets and highways.

(2) The following sub-departments shall be and hereby are created and assigned to the general departments:

—sub-departments.

To the department of accounts and finances: Valuation, assessment (except as provided in section twenty-eight), collection, purchasing, accounting, auditing, treasury, sinking fund, claims, schools, public library, city clerk, printing, and such other matters as may from time to time be assigned to it by the city council.

Valuation, assessment, collection, etc.

To the department of public safety and charities: Fire, police, poor, city alms house, soldiers relief and state aid, licenses, elections, legal affairs, parks, public buildings including school buildings, liquor agency, health, inspection of buildings, inspection of milk, inspection of animals, weights and measures, and such other matters as may from time to time be assigned to it by the city council.

—fire, police, poor, licenses, elections, etc.

To the department of streets and highways: Streets, sidewalks, culverts, bridges, street lighting, electrical affairs, street watering and cleaning, sewers, engineering, harbor and such other matters as may from time to time be assigned to it by the city council.

—Streets, lighting, etc.

Section 5. The annual election of the city of Gardiner shall be held on the Tuesday next following the last Monday in November. Every special election relating to municipal affairs shall be held on a Tuesday.

Election, date of holding.

Section 6. The municipal year shall begin at ten o'clock in the forenoon on the first Monday of January, and shall con-

Beginning and end of municipal year.

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Officers to be elected at first city election.

Section 7. (1) At the first city election held after the acceptance and under the provisions of this act, there shall be elected, the mayor for the term of the three municipal years next following his election; one alderman for the department of public safety and charities for the term of the two municipal years next following his election; and one alderman for the department of streets and highways for the term of the one municipal year next following his election.

Officers to be elected at second city election.

(2) At the second annual city election held after the acceptance and under the provisions of this act there shall be elected one alderman for the term of the three municipal years next following his election.

Officers to be elected at third city election.

(3) At the third annual city election held after the acceptance and under the provisions of this act, there shall be elected at the annual city election one alderman for the term of the three municipal years next following his election, and annually thereafter at the annual city election, the mayor or one alderman, to succeed the mayor or the alderman who is serving the last year of his term, for the term of the three municipal years next following his election.

Number of aldermen.

(4) The number of aldermen of the said city shall be two, who shall act with the mayor and with the mayor shall be called and known as the city council.

exceptions.

(5) Except as aforesaid, and except as to filling vacancies under the provisions of sections twenty-three and twenty-four of this act, no city officers shall be elected at any city election.

—officers must be qualified voters.

(6) The above mentioned officers shall be elected by and from the qualified voters of the city and may be residents of any part thereof.

City council tenure of.

(7) Members of the city council elected under the provisions of this section or of sections twenty-three or twenty-four of this act shall serve for the terms for which they were severally elected or until their successors are duly elected and qualified.

Candidates for mayor or alderman shall be named at preliminary election.

Section 8. (1) Except as otherwise provided in section twenty-four of this act there shall not be printed on the official ballots to be used at any annual or special city election of the said city the name of any person as a candidate for the office of mayor or alderman unless such person be nominated as a candidate at a preliminary election for nominations to be held as provided in this act.

(2) There shall not be printed on the official ballots to be used at a preliminary election for nominations the name of any

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person as a candidate for nomination unless such person shall have filed, within the time limit fixed by section eleven of this act, the statement of his candidacy, and the petition for nomination required by the provisions of that section.

—Statement of candidacy for nomination must be made.

Section 9. On the second Tuesday preceding every annual or special city election at which any officer mentioned in section seven 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 or special city election.

Preliminary election to provide for holding of.

No special election of mayor or an alderman shall be held until after the expiration of forty days from the calling of the preliminary election for nominations. At every preliminary election for nominations the polls shall be opened at eight 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 officers shall officiate as at an annual city election.

—Special election, provision for holding.

—opening and closing of polls.

—preliminary election, how called.

Section 10. The provisions of law relating to election officers, voting places for elections, election apparatus and blanks, calling and conduct of elections, qualifications of voters, 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.

Provisions of law for preliminary elections.

Section 11. Any person who is qualified to vote for a candidate for mayor or alderman, and who is a candidate 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 that he shall, at least ten days before such preliminary election for nominations, file with the city clerk a statement in writing of his candidacy in the following form:

Statement of candidacy must be filed.

STATEMENT OF CANDIDATE.

I (————) on oath declare that I live (at number ———, if any) on (name of street) in the city of Gardiner; that I am a voter therein qualified to vote for a candidate for (mayor or alderman) for (state the term) to be voted for at

—form of statement of candidate.

CHAP. 244 the preliminary election for nominations to be held on Tuesday the _____ day of _____, 19—; and that I am not a candidate as the nominee or representative 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.

STATE OF MAINE.

Kennebec, ss.

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

Signed, _____

Justice of the Peace,
(or Notary Public.)

—petition
for nomination.

and at the same time shall file therewith a petition for nomination which shall consist of not less than twenty-five individual certificates in the following form:

PETITION FOR NOMINATION.

Individual Certificate.

—form of.

I, (_____) on oath declare that I live (at number _____, if any) on (name of street) in the city of Gardiner; that I am a voter therein qualified to vote for a candidate for (mayor or alderman) for (state the term) to be voted for at the preliminary election for nominations to be held on Tuesday, the _____ day of _____, 19—, and do hereby join in a petition that the name of (name of candidate) as a candidate for nomination to the office of (mayor, or alderman of public safety and charities, or alderman of streets and highways) be printed on the official ballots to be used at the said preliminary election for nominations.

I declare further that I have not signed any other certificate for the nomination of any other candidate for the above mentioned office at the said preliminary election for nominations; I believe that the said (name of candidate) is of good moral character and that he is well qualified to perform the duties of the office, and I certify also that I 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 or convention representing or acting for any political party or organization.

STATE OF MAINE.

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Kennebec, ss.

Subscribed and sworn to on this _____ day of _____ 19—, before me, (Signed) _____,

Justice of the Peace, (or Notary Public).

Section 12. It shall be the duty of the city clerk to furnish upon application a reasonable number of forms of such statements of candidates and of individual certificates of petition for nomination. All certificates must be of a uniform size as determined by the city clerk and each must be a separate paper.

City clerk shall furnish forms.

Section 13. 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 daily newspaper published in the city, if there be any, otherwise in the nearest daily newspaper published in Kennebec county, the names and residences of the candidates for nomination who have duly filed the above mentioned statements and petitions, and the offices 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 on the face of the ballot as follows:

City clerk shall publish list of candidates.

—shall prepare ballots.

OFFICIAL, NOMINATING BALLOT.

Candidates for nomination for (mayor, alderman of public safety and charities, alderman of streets and highways—using titles of any one, two, or all three as occasion requires) of the city of Gardiner at a preliminary election for nominations held on the _____ day of _____ in the year 19—, and on the back shall have the following heading:

—head of nominating ballot, etc.

CITY OF GARDINER. OFFICIAL NOMINATING BALLOT. Preliminary Election.

(Month) _____ (day) _____ (year) _____ Attest: _____ City Clerk.

Section 14. The name of each person who has filed a statement and an accompanying petition, as aforesaid, and his residence and the title and term of the office for which he is a candi-

How ballot shall be made up.

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—names shall be printed in alphabetical order.
 —blank spaces shall be left.

—names of departments shall be printed.
 —spaces for crosses, how prepared.
 —directions for voters shall be on ballot.

Party designations shall not be used on ballots.

—exceptions.
 —ballots for annual and special elections, how printed.

date for nomination shall be printed on the face of the said ballots, and the names of no other candidates, except as otherwise provided in section twenty-four of this act, shall be printed thereon. The names of candidates shall be printed in lists arranged in alphabetical order in a single column with the titles of the respective offices. 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 to such office. There shall be printed on the said ballots the names of the several departments of which the officers to be nominated shall, if elected, be the heads immediately below the titles of the respective offices. There shall also be printed on the said ballots four lines forming a square of half an inch immediately to the left of the name of each candidate and of the spaces left for the insertion of additional names, to receive the cross of the voter. There shall also be printed on the said ballots the following directions to voters: "To vote for any person make a cross with a black lead pencil (X) in the square at the left of the name of the person you wish to vote for"; printed in bold faced 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," as the conditions may require, on the same line with, and directly following each title.

Section 15. (1) 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, nor shall any mark, character or device whatsoever be printed on the said ballots, except as provided in sections thirteen and fourteen of this act.

(2) Ballots for all annual and special city elections shall be printed in exact conformity with the rules for printing of ballots for preliminary elections for nominations laid down in sections thirteen and fourteen of this act, with the exceptions that the words "nominating" and "preliminary" shall be omitted from the headings of face and back, and that the additions specified in sections twenty-four, twenty-five and twenty-six of this act shall be made when required.

Section 16. (1) The provisions of law in relation to nominations by caucus shall not be applicable to any municipal nomination or election.

Caucus nominations not applicable. —registration of voters.

(2) Before every preliminary election for nominations the city council shall cause to be made a registration of voters to vote at such preliminary election for nominations, and at the city election for which the said preliminary election for nominations is held. Such registration shall be made in accordance with the provisions of the state law governing registration and it shall include all those who, between the time when the registration books for such registration shall be closed and the date of the city election for which such preliminary election for nominations is held, will become eligible for registration.

Section 17. The election officers shall immediately, 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 to each office, and shall make return thereof to the city clerk forthwith upon blanks to be furnished as in city elections.

Counting and return of ballots at preliminary elections.

Section 18. On the first day, not being a legal holiday, following such preliminary election for nominations, the city clerk shall canvass the said returns so received from the election officers and shall forthwith determine the result of such canvass and publish the same in one daily newspaper published in the city, if there be any, otherwise in the nearest daily newspaper published in Kennebec county.

Canvass of returns.

—result of canvass to be published.

Section 19. The two persons receiving at a preliminary election for nominations the greatest number of votes for nomination to an office shall be the only candidates for that office whose names shall be printed on the official ballots to be used at the annual or special city election, for the making of nominations for which such preliminary election for nominations was held.

Not more than two candidates for same office.

Section 20. On the tenth and two succeeding days, not being Sundays or legal holidays, preceding the day fixed for an annual or special city election the city clerk shall cause to be published in one daily newspaper published in the city, if there be any, otherwise in the nearest daily newspaper published in Kennebec county, a call for such election and shall append thereto the names and residences of the candidates nominated at the preliminary election for nominations held for such election and the offices and terms for which they are candidates, as they are to appear on the official ballots to be used at such election. He shall also, at the same time, cause the chief of police

Call for annual or special city election how made.

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or a police officer to post a copy of said call for election and list of candidates, printed in like form, at all the polling places in the city, and make return of his doings.

Laws governing annual or special city elections.

Section 21. The person receiving the greatest number of votes for any office at an annual or special city election shall be elected to the said office and shall be so declared, but except as here provided and 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, as far as they are applicable, govern such elections in the city of Gardiner.

Acting mayor, how chosen.

Section 22. Upon the death, resignation or absence of the mayor, or upon his inability to perform the duties of his office, one of the two aldermen shall be chosen, by lot drawn by the city clerk in the presence of both aldermen, to perform them, and if he also be absent or unable from any cause to perform said duties, they shall be performed by the other alderman, until the mayor or alderman first chosen is able to attend to the said duties, or until the vacancy is filled as hereinafter provided. 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.

Vacancies how filled.

Section 23. If there be a vacancy, by failure to elect or otherwise, in the city council, whether as to the mayor or one or more aldermen, the council shall, within seven days, by its remaining members appoint a special city election to fill the vacancy or vacancies for the unexpired term or terms respectively, except that if such vacancy or vacancies occur less than four months before the annual city election, the city council shall, by its remaining members, fill such vacancy or vacancies for the remainder of the said four months. A person elected to fill any such vacancy shall, before entering upon the duties of his office, take oath before the judge of the municipal court of the city of Gardiner, or a justice of the peace faithfully to perform the same.

—oath to be taken.

Removal of members of city council.

—petition required.

Section 24. Any member of the city council may be removed at any time by the voters qualified to vote at city elections by the following method of procedure: 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 or alderman at the last preceding annual city election at which a mayor or alderman was elected, but not less than two hundred and fifty such voters, and demanding an election of a successor of the person whom they seek to remove, shall be filed in the office of the city clerk. Such petition shall con-

—petition to be filed.

tain a general statement of the grounds on which the removal is sought. It need not be on one paper, but may consist of several distinct papers each containing such demand 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 every such 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.

—form of petition.

—oath to be made by one petitioner.

Within ten days after the date of filing such petition the city clerk shall examine the petition to ascertain whether or not it is signed by the requisite number of qualified voters as above prescribed, and shall attach to the said petition his certificate showing the result of his examination, and shall publish his said certificate in the next following issue of one daily newspaper published in the city, if there be any, otherwise in the nearest daily newspaper published in Kennebec county. If from the city clerk's certificate so published the petition appears to be signed by an insufficient number of voters, it may be supplemented within ten days after the date of such certificate by other papers signed and sworn to as aforesaid, and all such other papers containing a like demand and statement, and signed and sworn to as aforesaid, which shall be filed in the office of the clerk within the said ten days, shall be deemed supplemental to the original petition.

—City clerk shall ascertain if petition has requisite number of signatures.

—shall publish his certificate.

—petition may be supplemented.

The city clerk shall, within ten days after such supplementation, make a like examination of the amended petition, and attach thereto a new certificate, and publish the same as aforesaid, and if it appears from such new certificate so published that the petition still lacks the requisite number of signatures, it shall be returned to the person or persons who filed it, without prejudice however to the filing of a new petition to the same effect.

—new certificate may be made.

If a petition, as originally filed or as supplemented, shall be certified by the city clerk and published as sufficient, he shall present it to the city council without delay, and the city council shall grant the election demanded, and shall fix a date therefor which shall be not less than forty nor more than fifty days after the presentation of the petition by the city clerk to the city council. The city council shall make or cause to be made all ar-

—certified petition shall be presented to city council.

—City council shall call an election.

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—successor to removed officer.
—person whose removal is sought may have place on ballot.

rangements for holding the election demanded, and it shall be called, held and conducted, returns thereof shall be made, and the results thereof shall be 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 whose removal is thus sought may be a candidate at such election, and unless he request otherwise in writing, the city clerk shall place his name on the official ballot without nomination. The candidate receiving the greatest number of votes shall be declared elected. If some person other than the incumbent receive the greatest number of votes, the incumbent shall thereupon be adjudged to be removed from the office. In case a person, other than the incumbent, receiving the greatest 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 receive the greatest number of votes, he shall continue in office until the end of the term he was serving at the time of such election, unless sooner removed by new and like proceedings. The name of no candidate other than that of the person whose removal is sought shall 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 measures.

—how undertaken.

—duty of city council.

Section 25. If a petition, signed by a number of the voters of the said city qualified to vote at city elections equal to at least twenty-five per cent. of the aggregate number of votes cast for candidates for mayor or alderman at the last preceding annual city election at which a mayor or alderman was elected, but not less than two hundred and fifty such voters, and requesting the city council to pass an ordinance therein set forth or referred to, shall be filed in the office of the city clerk, the city council shall, provided that the said ordinance be one which the city council shall, after this act takes effect, have a legal right to pass, (a) pass the said ordinance without alteration, within twenty days after the city clerk has attached his certificate of sufficiency to such petition, or (b) forthwith, after the expiration of the twenty days aforesaid appoint a special election, unless an election is fixed for a date within ninety days after the city clerk has attached the aforesaid certificate of sufficiency, and at such special or regular election submit such ordinance without alteration to the voters of the city qualified as aforesaid.

—other initiative proceedings. how undertaken.

If, however, a petition otherwise like the above described petition, but signed by a number of such qualified voters equal

to at least ten per cent., but less than twenty-five per cent. of the aggregate number of votes cast as aforesaid for candidates for mayor or aldermen, and not less than one hundred such voters, shall be filed as aforesaid, the city council shall (c) pass the ordinance therein set forth or referred to, without alteration, within twenty days after the city clerk has attached the aforesaid certificate of sufficiency, or (d) shall submit the said ordinance to the qualified voters of the city at the next annual city election.

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—duty of city council.

The votes upon such ordinance, submitted as aforesaid, 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 there be any. 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, subject to any provisions of statute law relative to approval, publication or notice, and no such ordinance passed as aforesaid by the city council, upon petition as aforesaid, or which shall be adopted as aforesaid at any such regular or special election, shall be repealed or amended except by the qualified voters of the city voting at any election not specially called for the purpose.

—form of ballot

—majority vote required.

—how initiative measure may be repealed.

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, but there shall not be more than one special election in any period of six months for that purpose.

More than one ordinance may be voted on at same election.

The city 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.

—proposition for repeal, when to be voted on.

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 if there be any.

—form of ballot.

The city council may also submit any ordinance proposed by them to the qualified voters at any annual or special city election; to be voted on by ballot at such election; and the manner in which such an ordinance shall be submitted to the voters, and the form in which the question shall be printed on the official ballots shall be as prescribed for ordinances submitted by

City council may submit any proposed ordinance.

CHAP. 244 petition, and amendments or repeals submitted by the city council as aforesaid.

—proposed ordinances shall be published by city clerk.

Whenever any such ordinance or proposition is required by this act to be submitted at any election as aforesaid, the city clerk shall cause it to be published twice in one daily newspaper published in the said city, if there be any, and in the nearest daily newspaper published in Kennebec county; 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, provisions concerning.

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 considered parts of the same petition. Such petitions shall be signed, sworn to as to signatures, examined, re-examined, presented to the city council, shall have the city clerk's certificate of sufficiency or insufficiency attached thereto, and may be supplemented in the same manner as petitions filed under section twenty-four.

—Shall be sworn to, etc.

Suspension of any ordinance to provide for.

Section 26. If during the fourteen days next following the day on which the monthly summary of proceedings is filed with the city clerk as provided in section thirty-five, a petition, signed by a number of the voters of the said city, qualified to vote at city elections, equal to at least twenty-five per cent. of the aggregate number of votes cast for candidates for mayor or aldermen at the last preceding annual city election at which a mayor or alderman was elected, but not less than two hundred and fifty such voters, and protesting against the passage of any ordinance, shall be filed in the office of the city clerk, such ordinance shall be suspended from going into operation, and it shall be the duty of the city council to reconsider the same, and if the said council do not so reconsider and rescind its vote, they shall submit it, as is provided in subdivision (b) of section twenty-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 ordinance submitted, shall vote in favor thereof. The votes upon such ordinance shall be taken by ballot in answer to the question: "Shall the ordinance (stating the nature of the same) take effect?" which shall be printed on the ballots after the list of candidates if there be any.

—form of ballot.

—petitions, of what they shall consist.

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 referred to, and all such papers filed in any one day in the of-

file of the city clerk shall be considered parts of the same petition. Such petitions shall be signed, sworn to as to signatures, examined, re-examined, presented to the city council, shall have the city clerk's certificate of sufficiency or insufficiency attached thereto, and may be supplemented in the same manner as petitions filed under section twenty-four.

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—filing of.
—shall be sworn to

Section 27. The city of Gardiner shall be governed by a city council, consisting of the mayor and two aldermen chosen as provided in this act, each of whom shall have the right to vote on all questions coming before the council. Two members of the council shall constitute a quorum, and the affirmative vote of two members shall be necessary to adopt any motion, resolution or ordinance, or pass any measure. Upon every vote the yeas and nays shall be called and recorded, and every motion, resolution or ordinance shall be reduced to writing and read before the vote is taken thereon. The city clerk shall be the clerk of the council, and shall keep a journal of its proceedings which shall be a public record. The mayor or acting mayor shall preside at all meetings of the council, and shall have the right to vote on all questions coming before it; he shall have no power to veto any measure, but every resolution or ordinance passed by the council shall be signed by him, and must be attested by the city clerk, and be recorded, before it shall take effect.

City, how governed.

—quorum

—yea and nay votes.

—City clerk, duties of.

—mayor, duties of.

Section 28. The city council shall have and possess and its members shall severally exercise all executive, legislative and judicial powers and duties, and be subject to any and all liabilities now had, possessed and exercised by or imposed upon the mayor, aldermen, common council, assessors, overseers of the poor and street commissioner, as had, possessed and exercised by them, acting severally or collectively in councils, boards, commissions or committees, except as the same may be inconsistent with any of the provisions of this act.

City council, powers and duties of.

The mayor and the two aldermen shall be and are hereby constituted assessors and overseers of the poor, and as such shall be subject to all the provisions of state law governing such assessors and overseers and shall perform all the duties required by such law of the said officers.

—assessors and overseers of the poor.

The mayor shall be first assessor and the alderman of public safety and charities shall be chairman of the board of overseers of the poor.

—mayor shall be first assessor.

Section 29. All present existing offices, councils, boards, commissions and committees which are inconsistent with the provisions of this act shall be abolished, and the tenure of of-

Inconsistent existing offices abolished.

CHAP. 244 fice of office-holders whose offices are so inconsistent, shall terminate, at ten o'clock in the forenoon of the first Monday in January of the year next following the acceptance of this act.

First meet-
ing of city
council
when to be
held.

Section 30. The city council elected as provided in this act shall meet at ten o'clock in the forenoon of the first Monday in January of each year, beginning with the year next following the acceptance of this act, and those of them whose terms of office then begin shall severally take oath before the judge of the municipal court of the city of Gardiner, or a justice of the peace, to perform faithfully the duties of their respective offices.

Officers to
be elected
by city
council.

Section 31. The city council shall, at the said first meeting and at every annual meeting thereafter, elect by majority vote the following officers: a city clerk, a treasurer, an auditor, a purchasing agent, a collector of taxes, a superintendent of streets and highways, a chief of police and chief of fire department, a city solicitor, a city physician, a civil engineer, one member of the school committee to serve for three years, and one trustee of the Gardiner Water District to serve for three years, and such other officers as may be necessary or are required by law. At the said first meeting the city council shall also elect, by majority vote, three directors of the public library to serve for three, two and one years, respectively, and annually thereafter shall so elect one director of the public library to serve for three years. Such other officers and assistants as shall be provided for by ordinance, or may be necessary to the proper and efficient conduct of the affairs of the city, or are required by statute, shall be appointed by the heads of the several departments subject to approval by the city council.

—vacan-
cies caused
by removal,
how filled.

Any person elected or appointed to any office by the city council may at any time be removed from such office by vote of a majority of the said council.

Vacancies in any of the offices mentioned in this section, from whatever cause they may arise, may be filled in the manner provided for the original election or appointment, and if filled by election of the city council such election may be made at a regular or at a special meeting thereof.

Mayor shall
report to
city
council.

Section 32. The mayor shall have general oversight of all departments of the city government and report to the city council for its action all matters requiring attention in either. All notes or bonds which the city is authorized to issue shall be signed by the city treasurer and countersigned by the mayor and one alderman. All contracts and instruments other than notes and bonds, requiring the assent of the city shall be signed by

—notes,
bonds, etc.,
by whom to
be signed.

the alderman who is the head of the department concerned and countersigned by the mayor, except that when such contracts or instruments concern the department of accounts and finances they shall be signed by the mayor and countersigned by one alderman.

Section 33. After the first meeting, or the annual meeting, of the city council above provided for, regular meetings of the city council shall be held at least once each week of every year. The city council shall provide by ordinance for the time of holding regular meetings, and special meetings may be called from time to time by the mayor or the two aldermen.

Regular meetings of city council when to be held.

Section 34. No order, resolution or vote appropriating money in excess of three hundred dollars, or making, or authorizing the making of any contract involving a liability on the part of the city in excess of three hundred dollars, nor any order, resolution or vote ordering any street improvement or sewer, or granting any franchise, or giving any right to occupy or use the streets, highways, bridges, or public places in the city for any purpose for which municipal consent may be necessary, shall be passed by the city council unless it be proposed in writing and remain on file in the office of the city clerk and be published by him twice in one daily newspaper of the city, if there be any, and in the nearest daily newspaper published in Kennebec county, at least one week before its final 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.

Loans and contracts for over \$300. to be published.

—giving of rights, etc. to be proposed in writing.

Such orders, resolutions or votes as are required to be published under the provisions of this section shall be subject to the provisions of section twenty-six limiting the passage of ordinances, save only that petitions in protest must be filed within the fourteen days next following the final passage of any such order, resolution or vote as hereinbefore provided.

—orders and resolutions to be published.

Section 35. The city council shall each month print in pamphlet form an itemized statement of all receipts and expenditures of the city and a summary of its proceedings during the preceding month, shall file a copy thereof in the office of the city clerk, who shall note thereon the date of such filing, and shall furnish copies thereof to the public library, to the newspapers published in the city, if there be any, and to the nearest daily newspaper published in Kennebec county, and to persons who shall apply therefor at the office of the city clerk. At the end of the municipal year it shall cause a full and complete examination of all books and accounts of the city to be made

—city council shall print monthly report of receipts, expenditures, etc.

—shall furnish copies of such statement.

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by a certified public accountant, and shall publish the result of such examination in the manner above provided for the publication of statements of monthly receipts and expenditures.

Salary of mayor.

Section 36. The salary of the mayor shall be twelve hundred dollars per annum and the salary of each alderman shall be one thousand dollars per annum. The salaries shall not be changed except upon petition and procedure as provided in section twenty-five for the introduction and passage of ordinances, by vote of the qualified voters of the city, at an annual city election. The city council shall fix the salaries of all subordinate officers.

Members of city council shall hold no other salaried city office.

Section 37. No member of the city council shall during the term for which he was chosen be eligible, either by appointment or by election of the city council, to any other office, the salary of which is payable by the city, nor shall, during such term, hold any such other office.

—city council nor purchasing agent shall have interest in contracts.

Neither the purchasing agent nor any member of the city council shall be interested, directly or indirectly, in any contract or job for work or materials, or the profits thereof, to be furnished or performed for the city.

City council may make rules for conduct of business.

Section 38. The city council may make rules for the conduct of its business. The mayor may be a member of any of its committees.

Superintending school committee.

Section 39. The duties of the superintending school committee, as prescribed by the laws of the State, except as herein otherwise provided, shall be performed by a school committee of three members, which shall also and in like manner have charge of the high school.

Purchase of school buildings, by whom to be made.

The purchase of any site for a school building, the purchase of any building for school purposes, the plans for any alteration of any school building, the plans for any new school building, and the execution of any such plans for the alteration of old buildings or the building of new ones, subject to the provisions of chapter eighty-eight of the public laws of nineteen hundred and nine, shall be determined, made, adopted and carried out by, and under the supervision of, the school committee acting jointly with the members of the city council.

The mayor, by the purchasing agent, shall purchase all books, stationery, school apparatus and schoolroom supplies required by the school committee or the superintendent of schools acting for them, but all ordinary repairs of school buildings and supplies, or furniture for such buildings shall be made and purchased by the city council on recommendation by the school committee or the superintendent of schools acting for them.

The members of the superintending school committee whose terms of office have not expired when the first election by the city council is held under this act, shall serve out their unexpired term as members of the school committee aforesaid.

—tenure of present school committee.

Section 40. Before the first day of April in the year next following the acceptance of this act, the city council, with the advice and assistance of the civil engineer, shall divide the city into not less than seven nor more than ten voting precincts. The division shall not be made with any reference to the old ward lines or regard for the number of voters living in each precinct, but shall be made solely to serve the convenience of voters in voting at municipal, county, state and national elections. The city council shall specify, appoint or provide a polling place for each of the aforesaid voting precincts, and furnish each such polling place with such furniture and appurtenances as are required by the laws of the state for polling places. The voting precincts and polling places provided as aforesaid shall serve all the purposes of wards and ward rooms under the state laws governing elections, and all reference to wards, ward rooms and polling places in such state laws shall apply to the voting precincts and polling places aforesaid.

Voting precincts to establish.

—city council shall specify polling places.

The city council shall cause the division so made, and the polling places so provided, to be published at least twice in one daily newspaper published in the city, if there be any, otherwise in the nearest daily newspaper published in Kennebec county, on the completion of such division, and shall cause the said lists to be posted at the several polling places. The names of qualified voters, as published and posted, shall be grouped severally under the names of the streets, roads, avenues or lanes on which the said voters live, and arranged alphabetically in each group.

—list of polling places to be published.

After three years from the first division into voting precincts as above provided, and at the end of any three year period thereafter, the city council may revise the aforesaid division, changing the lines of the several voting precincts or providing more such precincts, up to the number of ten, if the convenience of the voters should warrant such change, but in no case making the number of such precincts less than seven.

—division of polling precincts may be revised.

Section 41. The repeal of the acts specified in section two of this act 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, nor shall it affect any offences committed or penalty or forfeiture incurred under the provisions of the acts or parts of acts hereby repealed. All persons who at the time said repeal

Repeal of specified acts shall not affect acts done, suits, etc.

CHAP. 244 takes effect shall hold any office under the said acts shall continue to hold them according to the tenure thereof, except as otherwise provided herein; moreover all by-laws and ordinances of the city of Gardiner that are in force at the time when the said repeal takes effect, and not inconsistent with the provisions of this act, shall continue in force until they are repealed or amended according to the provisions herein made for repealing or amending by-laws and ordinances, 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.

—Present by laws, etc. to continue till repealed.

Petitions for special elections.

—when to be filed.

—duty of city clerk.

—date when special election shall be held.

—When this act shall take effect.

—form of ballot.

—resubmission of this act, how effected.

Section 42. Petitions addressed to the board of aldermen and signed by qualified voters of the city, requesting that a special election be held at which this act shall be submitted to the qualified voters of the said city, may be filed in the office of the city clerk at any time on or before the second Tuesday of August in the year nineteen hundred and eleven. Each signer of any such petition shall add to his signature the name of the street on which he lives at the time of signing, and the street number of his house if there be any. Such petition need not be sworn to. Within the seven days next after the said second Tuesday of August, the city clerk shall examine the petitions so filed and ascertain the aggregate number of qualified voters of the city who have signed them, and he shall forthwith present the petition to the board of aldermen with his certificate setting forth the aggregate number of qualified voters of the city who have so signed. If it shall appear from the said certificate that such aggregate number is at least one hundred and fifty, the board of aldermen shall forthwith call a special election to be held on the second Tuesday of September in the year nineteen hundred and eleven, at which special election this act shall be submitted to the qualified voters of the city.

This act shall take effect, as hereinafter provided, upon its acceptance by a majority of the voters voting thereon at the said special election, or at either of the special elections hereinafter provided for. 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 provide a charter for the city of Gardiner' be accepted?" which shall be printed on the official ballot.

If, however, the said act be not so accepted at the aforesaid special election, it may be again submitted in the manner above prescribed, if a petition made and signed as aforesaid request-

ing such resubmission be filed in the office of the city clerk at any time on or before the second Tuesday of August in the year nineteen hundred and twelve and be found to be sufficiently signed as above provided, at a special election to be called for the second Monday of September in the year nineteen hundred and twelve and held on that day.

If on such resubmission the said act should not be so accepted it may be resubmitted a second time, upon petition as above required, signed as hereinbefore prescribed and filed as aforesaid at any time on or before the second Tuesday of August in the year nineteen hundred and thirteen, at a special election to be called as aforesaid for the second Tuesday of September in the year nineteen hundred and thirteen and held on that day.

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

—laws applicable to special election.

If this act shall be so accepted, it shall take effect on its acceptance for the annual city election to be held on the Tuesday next following the last Monday in November in the year of its acceptance, for the preliminary election for nominations to be held, under the provisions of this act, on the second Tuesday 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 and statements of candidates and petitions. For all other purposes it shall take effect at ten o'clock in the forenoon of the first Monday of January of the year next following the year of its acceptance.

—when this act shall take effect.

Section 43. So much of this act as authorizes the submission of the question of its acceptance to the qualified voters of the said city shall take effect upon its approval by the governor, subject to the provisions of amendment ten of the state constitution.

When submission of this act shall take effect.

[Printed in accordance with the provisions of Chapter 155 of the Resolves of 1913.]