

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

Acts and Resolves

As Passed by the

Seventy-Ninth Legislature

OF THE

STATE OF MAINE

1919

Published by the Secretary of State, in accordance with the Resolves of the Legislature
approved June 28, 1820, March 18, 1840, and March 16, 1842.

KENNEBEC JOURNAL CO.
AUGUSTA, MAINE
1919

6939

Private and Special Laws

OF THE

STATE OF MAINE

As Passed by the Seventy-Ninth
Legislature

1919

CHAP. 75

a municipal election. Said section shall be submitted to be voted upon by the qualified electors of said city at the regular annual election to be held on the first Monday of April, nineteen hundred and twenty. Said election shall be called, advertised and conducted according to the law relating to municipal elections in said city. The ballots to be used in said election shall be in such form as to permit said first section of this act to be voted upon by an expression of the voter's opinion on the following question: "Shall the municipal elections in the city of Calais for the election of the mayor and the ward officers be held biennially beginning with the year nineteen hundred and twenty-one?" Opposite and to the right of said question shall be printed the two words "Yes" and "No" with the usual squares in which the voter is to mark in the manner required by law to express his opinion. Other brief and suitable explanations of the subject matter submitted may be printed on the ballots which in other respects shall conform with all the requirements of law. If said section shall receive more affirmative than negative votes at said election it shall be deemed to have been accepted and shall thereupon be in full force and effect. The result of said election shall be declared by the mayor and aldermen, and due certificate thereof filed with the city clerk and with the secretary of state. A printed copy of the full text of this act shall be posted with each notice of said election, and two copies shall be kept posted in each voting place in said city during said election.

Sec. 3. Inconsistent statutes modified to conform. All acts and parts of acts inconsistent herewith, and all provisions of the charter and ordinances of said city of Calais inconsistent with this act are hereby modified so as to conform with the provisions of this act; but this section shall take effect as to the subject matter covered in section one of this act only when said section shall be finally accepted by the electors of said city of Calais as provided in section two.

Approved March 26, 1919.

Chapter 75.

An Act to Revise, Consolidate and Amend the Charter and Laws of the City of Augusta.
Be it enacted by the People of the State of Maine, as follows:

Charter of city amended. The charter and laws of the city of Augusta, as previously enacted by the legislature of this state, are hereby revised, consolidated and amended so as to read as follows:

'Sec. 1. Corporate name, powers and duties. The inhabitants of the town of Augusta, in the county of Kennebec, shall continue to be a body politic and corporate, by the name of the city of Augusta, 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, laws and regulations not inconsistent with the constitution and laws of this state, as shall be needful to the good order of said body politic; and 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.'

'Sec. 2. Administration; restrictions as to borrowing and appropriating money. The administration of all the fiscal, prudential and municipal affairs of said city, with the government thereof, shall be vested in one principal magistrate, to be styled the mayor; and one council of eight to be denominated the board of aldermen and one council of sixteen, to be denominated the common council, all of whom shall be inhabitants of said city; which boards shall constitute and be called the city council; all of whom shall be sworn to the faithful performance of the duties of their respective offices; provided, the city council shall not vote, assess or appropriate any money for any object or purpose for which the town of Augusta is not authorized to vote, assess and appropriate money, except for such purposes as are authorized by this act. And provided further, that neither the city council, nor any agent or officer of the city, shall borrow or hire any money for or on account of the city or inhabitants thereof, except for the purposes for which the town of Augusta is now by law authorized to raise money; and all notes, bonds, obligations, scrip or orders given by the city council or any officer or agent thereof for money or property obtained for any other purposes, shall be void.'

'Sec. 3. Mayor, powers and duties; compensation; aldermen not to receive compensation. The mayor of said city shall be the chief executive magistrate thereof. It shall be his duty to be vigilant and active in causing the laws and regulations of the city to be executed and enforced, to exercise a general supervision over the conduct of all subordinate officers, and to cause their violations or neglect of duty to be punished. He shall appoint all city officers except those that are required by law to be elected by the qualified electors of said city or of the several wards in said city or to be appointed or employed by authority of the board of education and may remove city officers so appointed by him, for cause. He shall exercise the same power of appointment to fill a vacancy in any appointive city office. He may call special meetings of the board of aldermen and common council, or either of them, when in his opinion the interests of the city require it, by a notice in one or more of the papers printed in the

CHAP. 75

city, or by causing a summons or notification to be given in hand or left at the usual dwelling place of each member of the board or boards to be convened. He shall from time to time communicate to both of them such information, and recommend such measures as the business and interests of the city may in his opinion require. He shall preside in the board of aldermen and in the joint meetings of the two boards, but shall have only a casting vote. The salary and compensation of the mayor shall be five hundred dollars per year, which shall not be increased or diminished during his continuance in office, unless by vote of the qualified electors in ward meetings called for that purpose. Nor shall he receive from the city any other compensation for any services by him rendered in any other capacity or agency; but the aldermen and common council shall not be entitled to receive any salary or compensation for any services by them performed as such.'

'Sec. 4. Executive powers vested in mayor and aldermen; exceptions; city council to define duties and fix compensation of subordinate officers; fire companies to adopt own rules upon approval of chief engineer; mayor to appoint subordinate officers; financial report to be published; contingent fund may be created. The executive powers of said city generally, and the administration of police, with all the powers of the selectmen of the town of Augusta, except the power of appointment and removal of city officers, shall be vested in the mayor and aldermen as fully as if the same had been herein particularly enumerated; all other powers not vested in the inhabitants of said town, and all powers granted by this act, except the power of appointment and removal of city officers, shall be vested in the mayor and aldermen and common council of said city, to be exercised by concurrent vote, each board to have a negative upon the other. The city council shall define the duties and fix the compensation of all the subordinate officers and agents for the city, in cases where such duties and compensation shall not be defined and fixed by the laws of this state; provided, that the several companies of the fire department may adopt such rules and regulations not inconsistent with ordinances of the city council, as they may deem expedient, subject to the approval of the chief engineer, mayor and aldermen. But all members and officers of the fire department shall be continued in the service of said department without reappointment, unless removed for inefficiency, or other cause, or retired on arriving at an age limit which may be determined by the city council of said city. The mayor in addition to the appointment of any officers to be by him appointed under any law of this state, shall on the first Monday of January, biennially, or as soon thereafter as conveniently may be, appoint all city officers, except as hereinbefore otherwise provided, and the officers appointed shall hold their offices during the term for which the mayor was elected and until their successors are appointed and quali-

fied in their places, unless sooner removed; except that the commissioner of streets and the overseer of the poor shall be appointed triennially to hold office for the term of three years, and one assessor shall be appointed each year to hold office for the term of three years; and of the city officers, the assessors, city marshal, chief engineer of fire department, in case of vacancy by reason of resignation, removal, or retirement on account of age limit; collector, overseer of the poor, street engineer, street commissioner, and treasurer, shall not be members of the city council. Any person appointed to fill a vacancy in any appointive city office, due to any other cause than expiration of the term of office shall hold office during the unexpired term of his predecessor. The treasurer and collector of taxes may be one and the same person. All moneys received and collected for or on account of the city, by any officer or agent thereof, shall forthwith be paid into the city treasury. The city council shall take care that moneys shall not be paid from the treasury unless granted or appropriated; shall secure a prompt and just accountability by requiring bonds with sufficient penalty and sureties from all persons trusted with the receipt, custody or disbursement of money; shall have the care and superintendence of 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 take and hold in the name of the city real and personal estate found by said council necessary or proper for municipal purposes. And the city council shall, as often as once a year, cause to be published for the information of the inhabitants, a particular account of receipts and expenditures and a schedule of the city property; and no money shall be paid from the treasury unless the same be appropriated by the city council, and upon a warrant signed by the mayor, which warrant shall state the appropriation under which the same is drawn. Provided, however, that the city council may, by ordinance, create a fund consisting of the unexpended balance of all appropriations remaining at the end of each municipal year, and may by such ordinance, define the purposes of such fund, and warrants drawn thereon by the mayor for such purposes shall be valid. The subordinate officers and agents of the city, appointed as provided for in this section, except as otherwise herein provided, shall enter upon the discharge of their official duties on the first Monday of January, or as soon thereafter as may be, except in cases of appointments to fill vacancies. Officers appointed to fill vacancies shall enter immediately upon their official duties. The city council may, except as in this charter otherwise provided, by ordinance provide a specific salary for any or all city officers and may further provide that any officer whose salary is so specified shall account and pay over to the city for its use all statutory fees received by him by virtue of his official position.'

CHAP. 75

‘Sec. 5. Acts of city council to be approved by mayor; veto power. Every law, act, ordinance or bill appropriating money having passed both branches of the city council, shall be presented to the mayor of the city, and if he approve the same he shall sign it; if not, he shall return it in seven days, with his objections, to that branch of the city council in which it shall have originated, which branch shall enter the objections at large on its journals, and proceed to reconsider said law, act, ordinance or bill. If upon such reconsideration, two-thirds of the whole number of that branch shall agree to pass it, it shall be sent, together with the objections, to the other branch, by which it shall be considered, and if approved by two-thirds of the whole number of that branch, it shall have the same effect as if signed by the mayor. In calculating said requisite two-thirds, a fraction exceeding one-half shall be considered a unit.’

‘Sec. 6. Assessors of taxes, appointment and tenure; person may be appointed in each ward to furnish information to assessors; deputy collector of taxes, power and duties. Three assessors; appointed, one each year, for a term of three years on the third Monday of March, or as soon thereafter as conveniently may be, except in case of appointments to fill vacancies; as hereinbefore provided, shall exercise and be subject to the same powers, duties and liabilities that the assessors of the several towns in this state may exercise and be subject to under existing laws; provided, however, that the mayor may appoint one person in each ward, whose duty it shall be to furnish the assessors with all necessary information relative to persons and property taxable in his ward, and who shall be sworn to the faithful performance of his duty. All taxes shall be assessed, apportioned and collected in the manner prescribed by the laws of this state relative to town taxes. Provided, however, that it shall be lawful for the city council to establish further and additional provisions for the collection thereof. The collector of taxes may appoint, by and with the consent of the mayor and board of aldermen, one or more deputy collectors of taxes for said city, who shall hold office during the term for which the collector of taxes was elected. Such deputy collectors shall, under the direction of said collector, render assistance to said collector, and for that purpose shall have the same power that said collector has, and shall receive the same fees that a sheriff or constable would be entitled to for like services, to be added to such tax and collected of the delinquent. The verbal instructions of said collector to such deputy collector shall be sufficient to authorize all lawful acts of such deputy collector performed in the discharge of the duties of his office, and such instructions need not be set forth in his return. The return of the doings of such deputy collector shall be in the same form as that required of said collector, but shall be certified by said deputy collector. Such deputy collectors shall from time

to time as required, account for and pay over to said collector the amount of all taxes and interest thereon collected by them.'

'Sec. 7. Overseer of the poor, appointment, duties and tenure of office; qualifications; removal; contracts for supplies to be let out by bids. The mayor of said city shall, within thirty days after this section takes effect, appoint one overseer of the poor who shall hold his office until the third Monday in March, in the year nineteen hundred; and thereafterwards, except to fill vacancies, the mayor shall, triennially, appoint on the third Monday in March, or as soon thereafter as conveniently may be, such officer for a term of three years. Such officer, so appointed, shall perform such duties as may be prescribed by the city council, and shall in general do and perform all the duties and exercise all the powers incumbent upon or vested in overseers of the poor by law. When such overseer shall be so first appointed hereunder, the term of office of all overseers of the poor in said city then in office shall thereupon cease. Such overseer may be removed by the mayor for cause. He shall not be directly or indirectly interested in any contract for or furnishing of any pauper supplies and for a violation of this provision shall be removed from office and, if so removed, he shall thereafterwards be ineligible for the same office. The fuel, provisions, supplies and such other articles as the nature of the case will admit, purchased for use at the city almshouse and the farm connected therewith, shall be obtained by said overseer upon annual contracts made in writing, and filed with the city clerk, after notice for proposals therefor published in at least two newspapers in said city representing different political parties, such contracts to be awarded to the lowest responsible bidders therefor, reserving, however, the right to reject any or all bids and to advertise anew.'

'Sec. 8. New streets, city council to have exclusive power in regard to; county commissioners to supervise county roads; procedure as to land damages. The city council shall have exclusive authority and power to lay out and establish any new street, public way or town way that the selectmen and town of Augusta could lay out and establish, and to widen or otherwise alter or discontinue any street or public way in said city, and to estimate the damages any individual may sustain by such laying out, widening, alteration or discontinuance, and shall in all other respects be governed by and subject to, the same rules and restrictions as are provided in the laws of this state, regulating the laying out and repairing streets and public highways; 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 the county of Kennebec shall have power to lay out within said city any part of any new county road that shall by

CHAP. 75

them be laid out in any adjoining town or towns, and shall pass thence into or through said city, according to the provisions of law.'

'Sec. 9. Sidewalks; city council may direct commissioners of streets to set off portion of street for purposes of; city's liability as to damages. It shall be lawful for the city council, by a committee by them appointed, or by instructions to the commissioner of streets, to appropriate, set off and reserve as sidewalks, such part or portion of the several streets in said city, now or hereafter to be established, as to said council may appear necessary for the safety, convenience and accommodation of foot passengers. It shall be lawful for the city council to permit or direct posts of stone or wood, or trees to be placed along the edge of said sidewalk next to the traveled part of the street, in such number and manner as they may deem necessary to protect said sidewalks, and the persons traveling thereon from damage or inconvenience from teams or carriages. So much of the several streets in said city as shall be appropriated and reserved as sidewalks, agreeable to the provisions of this act, shall be taken and deemed to be reserved exclusively for the accommodation, convenience and use of persons traveling on foot; and said city shall not be liable to damages for any injury done or occasioned in consequence of any cart, carriage, wagon, truck or other vehicle, or any team or animal striking against any of said sidewalks, or the posts or trees set or placed to defend the same. The several sidewalks on the streets in said city as at present established and used, shall be taken and deemed to be the proper and lawful reservation for that purpose, until altered or otherwise established by the proper authority.'

'Sec. 10. Construction materials may be left in streets temporarily by permission of city council; no liability for damages. 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, crosswalk, bridge, water course or drain, or for erecting, repairing or finishing any building or fences; provided, that not more than one-third 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 encumbrance or nuisance in such street, and the city or person or corporation so placing the same shall not be liable for any damages occasioned by such materials.'

'Sec. 11. Municipal court, establishment of, jurisdiction. There shall be and hereby is established a court, to be denominated the municipal court of the city of Augusta, which shall be a court of record, with a seal, to consist of one judge, who shall have concurrent jurisdiction with justices of the peace in all matters civil and criminal, within the county of Ken-

nebec, and original and exclusive jurisdiction in all civil actions now triable before a justice of the peace in which both parties interested, or in which the party plaintiff and the person or persons summoned as trustees, shall be inhabitants of, or residents in said city, excepting all actions in which said judge may be interested; and he shall have concurrent jurisdiction with trial justices, in all cases of forcible entry and detainer arising in said county, and original and exclusive jurisdiction in all such cases arising in said city, and said judge shall have jurisdiction of all cases of simple larceny arising in said county, wherein the property, alleged to have been stolen, shall not exceed in value the sum of fifty dollars; and shall have power to try the same and award such sentence upon conviction, as by law provided for such offense. Said judge shall also have jurisdiction of all cases of simple larceny arising in said county, wherein the property, money, or other thing alleged to have been fraudulently obtained or sold is not alleged to exceed in value the sum of fifty dollars, and shall have power to try the same and award sentence upon conviction by fine not exceeding fifty dollars, or by imprisonment in the county jail, or to hard labor in the house of correction for a term not exceeding ninety days; and on a second conviction, by fine not exceeding one hundred dollars, or by imprisonment for not more than six months. Provided, however, that the several justices of the peace in said city shall continue to have and exercise all the power and authority in them vested by the laws of the United States. And the said judge shall also have exclusive jurisdiction of all offenses against the by-laws and regulations which may be established by the city council of said city; and may, on conviction thereof, award such sentence as to law and justice may appertain, and in declarations for violations of by-laws or ordinances, the by-laws and ordinances need not be set forth; and any person aggrieved by any judgment awarded by said judge, may appeal therefrom to the superior court for the county of Kennebec, under the restrictions and conditions that the law requires in appeals from judgments awarded by any trial justice. Said court shall also have original jurisdiction, concurrent with the superior court, of all civil actions at law, except complaints for flowage, real actions and trespass, quare clausum, in which the debt or damages demanded, exclusive of cost, does not exceed two hundred dollars, in which any party defendant or a person summoned in good faith and on probable grounds as trustee, resides in the county of Kennebec or having his residence beyond the limits of this state is served with process within said county. If any defendant, his agent or attorney in any action in said court, in which the debt or damages claimed in the writ exceeds twenty dollars, shall appear at the first term and on or before the first day of the second term, file in said court an affidavit that he has a good defense to said action and intends in good faith to make such defense and claims a jury trial, the said action

CHAP. 75

shall be removed into and entered at the next term of the superior court for said county. And the judge or recorder of said municipal court on payment to him of the entry fee in said superior court by the plaintiff, shall forthwith cause the original writ and all other papers in the case to be filed in the clerk's office of said superior court. Any party may appeal from any judgment or sentence of said municipal court to the superior court in the same manner as from a judgment of a trial justice. The costs and fees allowed to parties and attorneys in civil actions before said court, in which the debt or damages recovered do not exceed twenty dollars shall be the same as are allowed before trial justices, except that the plaintiff, if he prevails, shall be allowed two dollars for his writ, and the defendant, if he prevails, shall be allowed one dollar for his pleadings. In all actions in which the amount recovered exceeds twenty dollars, the costs and fees of parties and attorneys shall be the same as in the superior court. Copies of the records of said court duly certified, shall be evidence in other courts.'

'Sec. 12. Recorder of municipal court; compensation and tenure of office. The governor with the advice and consent of his council, shall appoint a recorder who shall be a justice of the peace for said county duly qualified, and who shall be duly sworn, and in case of the absence, sickness, or disqualification of the judge, or in the event of a vacancy of the office of judge, or at any other time at the request of said judge in order to expedite business, shall have the same powers as said judge. Said recorder shall be appointed for a term of four years, and as compensation in full for his services shall receive four hundred dollars per year, payable by the city of Augusta in the same manner as the salary of said judge.'

'Sec. 13. Judge of municipal court; compensation; neither judge nor recorder to act as counsel in any case within jurisdiction of court. The compensation of the judge in full for all services, commencing April first, nineteen hundred and nine, shall be eighteen hundred dollars per annum, payable quarterly from the treasury of the city of Augusta. The fees paid to and received by said court in criminal cases shall be paid quarterly into the county treasury; and no salary shall be paid to said judge until he shall file with the city treasurer a written statement of the fines and criminal fees by him paid to the county treasurer during and for the preceding quarter. Neither the judge nor the recorder shall act as counsel or attorney in any case within the jurisdiction of said court, nor in any suit, matter or thing which may depend on, or have relation to any such case, matter or thing depending or recognizable in said court.'

'Sec. 14. Civil terms of municipal court; Chelsea included in territorial boundaries; trial justice not to exercise jurisdiction; exceptions. The said court shall be held on the first and third Monday of each month, at nine

of the clock in the forenoon, for the transaction of civil business, and all civil processes shall be made returnable at that time. All warrants alleging any offense to have been committed within said city or within the town of Chelsea shall be made returnable before said court. No justice of the peace or trial justice residing in said city, the recorder excepted, shall take cognizance of, or exercise jurisdiction over any crime or offense, or in any civil actions, except under the authority of the United States, wherein the judge is not a party or interested, except in the absence or disability of said judge and recorder, under a penalty of twenty dollars, to be recovered on indictment.'

'Sec. 15. Expenses of municipal court to be paid by city. The city of Augusta shall have power to raise money for defraying the expenses of said municipal court, and for providing a suitable room in which to hold the same.'

'Sec. 16. Disposition of court fees; the term fees defined; exception. All fees for criminal cases shall be allowed and taxed as in behalf of trial justices and shall, together with the fees paid in by said judge to the county treasury, be annually paid to the city of Augusta; provided, however, that if the amount of such fees so allowed and the fees paid in by said judge during the year shall exceed the amount of his annual salary, such excess shall revert to the county and be covered into the county treasury. The word fees as used in this section includes all fees fixed by law in criminal cases including fees for copies. All fees paid to and received by such judge in civil cases commencing with April first, nineteen hundred and nine, shall be paid semi-annually into the treasury of the city of Augusta. All blanks for criminal cases used by such court shall be furnished by the county, and all blanks for civil cases used by said court shall be furnished by the city of Augusta. The provisions of section one of chapter one hundred and thirty-four of the revised statutes shall not apply to the city of Augusta while this charter is in force.'

'Sec. 17. City marshal and deputy, compensation of; disposition of officers' fees; fines and costs in criminal cases not to be collected by officers. The city marshal and deputy marshal in the city of Augusta shall be paid salaries, or a per diem compensation, to be fixed by the city council of said city, and payable from the treasury thereof. Such officers shall not be paid any fee for any official service in any criminal case in the county, except as provided in sections twenty and twenty-three of this charter. The fees of such officers for services in criminal cases shall be taxed and allowed as in behalf of the sheriffs, and fifty per cent thereof, first deducting fees referred to in sections twenty and twenty-three of this charter, shall be annually paid by the county treasurer to the said city, and the balance shall revert to the county and be covered into the county treasury. When

CHAP. 75

said fifty per cent exceeds the annual salary or compensation of any such officer, such excess shall not be paid to the said city, but shall be covered into the county treasury. Such officers may retain for their own use all fees received by them in civil cases. No such officer shall receive from any respondent in any criminal case any fine or costs, but in all such cases, such fine and costs shall be paid to the judge issuing the precept against such respondent.'

'Sec. 18. City marshal and deputy to institute proceedings against violation of law; to be removed from office for neglect of duty. The city marshal and his deputy in the city of Augusta shall faithfully and diligently inquire into all violations of law, within said city, and institute proceedings against violations or supposed violations of law, and particularly the laws against the illegal sale of intoxicating liquors, and the keeping of drinking houses and tippling shops, either by promptly entering a complaint before a magistrate and executing the warrants issued thereon, or by furnishing the county attorney promptly and without delay with the names of alleged offenders and of the witnesses. Whenever the mayor of said city is, after investigation, satisfied that the city marshal, or his deputy has wilfully refused or neglected to faithfully discharge the duties imposed by this section, he shall remove him, or them, from office. Nothing herein contained shall relieve any other officers named in chapter one hundred twenty-seven of the revised statutes, from any of the duties imposed upon them by said chapter.'

'Sec. 19. Police officers or constables not to receive fee from county in criminal cases; exceptions. No police officer, or constable, in said city, who is paid a per diem compensation shall draw or receive any fees whatever from Kennebec county for services in any criminal case, except as provided in sections twenty and twenty-three of this charter; but all such fees shall, if allowed, be covered into the county treasury to the use of the county.'

'Sec. 20. Police officers and constables may receive witness fees in criminal cases before superior court or any court outside city; shall be allowed expenses incurred in service of criminal precept. Fees taxed and allowed to the officers named in sections seventeen, eighteen and nineteen of this charter for attendance as witnesses in any criminal case before the superior court, or before any court held in some town other than that in which such officers reside, shall be paid to them from the county treasury. The expenses of any such officer necessarily and reasonably incurred and actually disbursed in the service of any criminal precept, shall be allowed and paid to him upon his filing an itemized account thereof, under oath, accompanied by proper vouchers thereof.'

'Sec. 21. Officers not to be paid witness fees if an officer of court; not to receive aid in service of mittimus except upon approval of court. No sheriff, deputy sheriff, marshal, deputy marshal, police officer or constable, in said city, shall be entitled to fees for attendance as a witness in any criminal case while he is paid for attendance as an officer of the same court, or on the same examination or trial. No allowance shall be made to any such officer for aid in the service of any mittimus unless the same is first authorized in writing by the court issuing the same.'

'Sec. 22. Officer to be allowed necessary expenses in service of criminal precept. In the service of any precept, in criminal cases in said city, the officer shall be allowed the actual reasonable and necessary expenses incurred thereon and if he necessarily uses a horse and carriage or other conveyance, he shall be allowed a reasonable sum therefor, when it appears the amount allowed for travel does not compensate him for such use of a horse and carriage, or other conveyance. If the journey so made can be performed by railroad, no allowance shall be made for a horse and carriage, or other conveyance.'

'Sec. 23. Officer to be allowed fees in cases involving seizure of intoxicating liquors; exceptions. Whenever in said city, intoxicating liquors are seized, with or without a warrant, under any of the provisions of chapter one hundred and twenty-seven of the revised statutes, the fees of the marshal, deputy marshal, police officer, or constable, on the warrant or libel issued thereon, shall be taxed and allowed in the manner now provided by law, and shall be paid to them from the county treasury; and such fees, so paid, shall not be included in the fees required by this charter to be paid to the city, but shall be in addition to the salaries, or compensation, paid to such officer. When, however, such liquors are seized in transit, and on final hearing, are ordered returned to the claimant, the fees of the marshal, deputy marshal, police officer and constable, on the warrant and libel issued thereon, shall be subject to the provisions of section seventeen of this charter and disposed of as therein provided. Whenever on such warrant or libel, where intoxicating liquors have been seized, the county commissioners do not allow the costs as taxed by the magistrate, the person aggrieved may appeal to the judge of the superior court for said county, whose decision shall be final.'

'Sec. 24. Prior acts inconsistent with eight preceding sections modified to conform. All existing acts, public and private, inconsistent with the eight preceding sections, are hereby modified, so far as relates to the city of Augusta, so as to conform with their provisions.'

'Sec. 25. City to be divided into wards for election purposes; wards to be reviewed once in ten years; ward boundaries; ward officers, election

CHAP. 75

and duties of. For the purpose of holding elections, said city shall be divided into eight wards, to contain as near as conveniently may be, an equal number of voters; and it shall be the duty of the city council once in ten years, and not oftener than five years, to review, and if it be needful to alter said wards, in such manner as to preserve, as nearly as may be, an equal number of inhabitants in each. Said wards are hereby established according to the following boundaries: Ward one embraces all the territory south of the following line; beginning at the Kennebec river on the north line of Court street extended; thence westerly on said line to the east line of Water street; thence on the east line of Water street and of Grove street to the north line of Western avenue; thence on the north line of Western avenue to the Manchester line. Ward two is on the north side of the division line described in ward one, and comprises the balance of ward one as it existed prior to the passage of chapter five hundred and twenty of the private and special laws of eighteen hundred and ninety-seven, after deducting therefrom ward one as hereby established. Ward three embraces the same territory and has the same boundaries as the old ward two, ward four the same as the old ward three, ward five the same as the old ward four, ward six the same as the old ward five, ward seven the same as the old ward six, and ward eight the same as the old ward seven. The words "old ward" in this description mean the ward as it existed prior to the passage of said chapter five hundred and twenty, and the words "the same as" mean "embraces the same territory and has the same boundaries as." In each of said wards there shall biennially, on the second Monday of December, be chosen by ballot a warden and clerk, who shall enter on the duties of their respective offices on the first Monday of January following their election, and hold their offices two years therefrom, and until others shall have been chosen and qualified in their places. Said warden and clerk shall be sworn to the faithful performance of their respective duties by any justice of the peace of said city; and a certificate of such oaths having been administered shall be entered by the clerk on the records of the ward. The wardens shall preside at all ward meetings, with the power of moderators of town meetings, and if at any meeting the warden should not be present the clerk of such ward shall call the meeting to order and preside until a warden, *pro tempore*, shall be chosen. If neither of them should be present, any legal voter in the ward may preside until a clerk, *pro tempore*, shall be elected. In case no justice of the peace shall be present, the person presiding may administer the oath to the warden and clerk. The clerk shall record all the proceedings and certify the votes given, and deliver over to his successor in office all such records and journals, together with all other documents and papers held by him in said capacity. The inhabitants of each ward may choose two persons to assist the warden in receiving, sorting and counting the votes.

The list of the names of the legal voters in each ward shall be prepared as provided by the laws of this state; and all regular ward meetings shall be notified and called by the mayor and aldermen, in the manner prescribed by the laws of this state for notifying and calling town meetings by the selectmen of the several towns, excepting that ward meetings for the election of mayor, after the second trial, may be called within the time provided in such cases in this act.'

'Sec. 26. Election of mayor and city council. The mayor shall be elected from the citizens at large, by the qualified electors of the city, voting in their respective wards; one alderman and two common councilmen shall be elected by each ward, being residents in the wards where elected; all said officers shall be elected by ballot, by a majority of the votes given and shall hold their offices two years from the first Monday of January, following their election, and until others shall be elected and qualified in their places.'

'Sec. 27. City constable, powers and duties; city marshal, appointment, powers and duties; may be removed by mayor; mayor may appoint constables. At the biennial election, holden for the choice of mayor and aldermen, the qualified electors in each ward shall by ballot elect a constable, who shall be denominated city constable, with all the powers, duties and liabilities appertaining to the office of constable. The mayor shall biennially, on the first Monday of January, or as soon thereafter as conveniently may be appoint a city marshal, who shall hold office for two years therefrom, and until his successor shall be appointed and qualified. The city marshal so appointed shall be city constable, with all the powers, duties and liabilities appertaining to the office of constable. The city marshal may be removed by the mayor. The mayor may also appoint one or more constables who shall be denominated city constables, with all the powers, duties and liabilities appertaining to the office of constable.'

'Sec. 28. Ward meetings for election of mayor, members of city council and ward officers, how conducted; organization of city council. On the second Monday of December, biennially, immediately after a warden and clerk shall have been elected and sworn, the qualified electors of each ward shall ballot for a mayor, one alderman and two common councilmen; all the votes given for the said several officers respectively shall be sorted, counted, declared and registered in open ward meeting, by causing the names of persons voted for, and the number of votes given to each, to be written on the ward record at length. The ward clerk, within twenty-four hours after such election, shall deliver to the persons elected alderman and common councilmen, certificates of their election, and shall forthwith deliver to the city clerk, a certified copy of the record of such election; provided, however, that if the choice of aldermen and common coun-

CHAP. 75

cilmen cannot conveniently be effected on that day, the meeting may be adjourned from day to day to complete such election. If on the second balloting for any alderman, common councilman, constable, warden or clerk, a choice shall not be effected by a majority vote, then the persons receiving the highest number of votes for any of those offices at the subsequent trial, shall be declared elected; if no one shall then have such highest number, the balloting shall be continued from day to day until a choice is thus effected. The board of aldermen shall, as soon as conveniently may be, examine the copies of the records of the several wards, certified as aforesaid, and shall cause the person who shall have been elected mayor, by a majority of votes given in all wards, to be notified in writing of his election; but if it shall appear that no person shall have been elected, or if the person elected shall refuse to accept the office, the said board shall issue their warrants for another election and in case the citizens should fail on the second ballot to elect a mayor, the said board shall again issue their warrants for a third election, to be held not less than three nor more than four days thereafter, at which election the candidate having the greatest number of votes shall be declared elected, and notified as aforesaid; if no one shall then have such number, further elections shall in the same manner be ordered, till a choice shall be made, by some one having the highest number of votes; and in case of a vacancy in the office of mayor by death, resignation or otherwise, it shall be filled for the remainder of the term by a new election, in the manner hereinbefore provided for the choice of said officer; and in the meantime the president, pro tempore, of the board of aldermen shall perform the duties of mayor. The oath prescribed by this act shall be administered to the mayor by the city clerk, or any justice of the peace in said city. The aldermen and common councilmen elect, shall, on the first Monday of January, biennially, at ten of the clock in the forenoon, meet in convention, when the oath required by this act shall be administered to the members of the two boards present, by the mayor or any justice of the peace, and thereupon the two boards shall separate, and the board of common council shall be organized by the election of a president and clerk.'

'**Sec. 29. Board of education, how composed.** A board of education is hereby created in said city, to consist of nine persons, one from each of the eight wards of said city, elected as hereinafter provided, and the president of the trustees of the Cony Female Academy in said city, who shall be, ex-officio, a member of said board and entitled to participate in its deliberations and serve upon any committees of its own appointment, but who shall vote only in case of a tie.'

'**Sec. 30. Ward meetings for election of members of board of education; how called and conducted; tenure of office and filling of vacancies.** On

the first Monday of June, nineteen hundred and seven, at half past seven o'clock in the evening, the electors of the several wards in said city, qualified to vote at municipal elections therein, and without regard to their political affiliations, shall meet in such place in the ward as the mayor and aldermen of said city may designate in their warrants, for the purpose of electing, in each ward, one member of the board of education. Said meeting shall be called by the mayor and aldermen by a warrant for each ward under their hands, stating the time, place and purposes of the meeting, true and attested copies whereof shall be posted by the city marshal or any constable of the said city at least seven days before the day of the meeting and in at least two public and conspicuous places in the ward. The marshal or said constable shall cause the original warrants, with a return of his doings thereon, to be delivered to the chairman of said respective ward meetings, on the date thereof, and the secretaries of said meetings, shall respectively make records thereof. The city clerk shall also cause a notice of such meeting to be published in at least two newspapers in the city of Augusta, representing, if possible, different political parties, between the time of issuing the warrants and the time appointed for said meetings. Said ward meetings shall be respectively organized by the choice of a chairman and a secretary by ballot or otherwise, and shall thereupon, by ballot or otherwise as may be determined at the meeting, proceed to the election of a member of said board of education, who shall be a resident of the ward where elected. The tenure of office of the members so elected shall be as follows: those from wards one, two and three, until the first Monday of June, nineteen hundred and eight; those from wards four, five and six, until the first Monday of June, nineteen hundred and nine; and those from wards seven and eight, until the first Monday of June, nineteen hundred and ten; and in each instance, until others are elected in their places. On each first Monday of June thereafter, at half past seven o'clock in the evening, commencing with the year nineteen hundred and eight, one member of said board shall be chosen by each of those wards whose members' terms are about to expire, and the term of office shall be three years, and until others shall be elected in their places. Meetings for the purpose shall be called and conducted in the manner prescribed for the meetings of nineteen hundred and seven. In case of a vacancy, a member may be chosen by the ward in which the vacancy exists to fill the unexpired term, at a meeting specially called for the purpose by the mayor and aldermen, and conducted like other similar meetings.'

'Sec. 31. Powers and duties of board of education; election and compensation of superintendent of schools. The board of education, elected as hereinbefore provided, shall perform all the duties and be invested with all the rights and powers of superintending school committees of towns,

CHAP. 75

including the right to direct the expenditure of all school moneys. The board shall elect a chairman annually, and appoint some suitable person, not a member of the board, superintendent of schools, and may adopt such rules and regulations for the management of the schools and the conduct of the business of the board as are not inconsistent with the laws of the state. The superintendent shall be the secretary and executive agent of the board, which shall fix his salary, to be paid from the city treasury as salaries of teachers are paid, and may remove him and appoint a successor. The members of the board shall receive no compensation for their services as such. The members elected by the several wards shall not be members of the city council.'

'Sec. 32. "Town meeting" for purpose of appropriating money for school purposes; how called and conducted; calling of special meeting. On the second Monday of May at half past seven o'clock in the evening, annually, commencing with the year nineteen hundred and eight, a general meeting of the citizens of said city, qualified to vote at municipal elections therein, and without regard to their political affiliations, shall be convened in the city hall of said city. Such meetings shall be called in the manner prescribed for calling ward meetings in section thirty of this charter, except that there shall be but one original warrant, true and attested copies whereof shall be posted by the city marshal or any constable of said city at least seven days before the day of the meeting, and in at least two public and conspicuous places in each ward. The marshal or said constable shall deliver the original warrant, with a return of his doings thereon, to the moderator of said meeting when elected, and the secretary of the meeting shall make a record thereof. The chairman of the board if present, or in his absence any member of the board, or if no such member is present any citizen qualified to vote at municipal elections in said city may call the meeting to order and preside until the election of a moderator. The meeting shall immediately proceed, by ballot or otherwise to the choice of a moderator and a secretary. The moderator shall preside with the power of moderators of town meetings, and together with the secretary shall be duly sworn by any justice of the peace of said city. A record of such oaths shall be made by the secretary. At such meeting the board of education shall submit a printed report, the edition whereof shall consist of not less than fifteen hundred copies, of the affairs and condition of the city schools for the year ending on the first day of April next preceding the meeting, together with an estimate of the amount needed for school purposes for the current year. The said electors present shall have power to raise by vote for the support of the public schools in said city, for the current year ending on the first day of April, such sum, not less than the amount required by the general laws of the state, as they may deem necessary for that purpose. The secretary shall forthwith, or within

the time prescribed by the meeting, certify the amount thereof to the assessors of said city, and it shall be included with and assessed like other city taxes, and all the provisions of law relating to the assessment and collection of taxes shall be applicable to such tax. A special meeting may be called at any time in the manner hereinbefore described, when in the opinion of the chairman of the board, expressed in his written request to the mayor, the welfare of the public schools demands it. At any meeting authorized by this section the electors present may by vote borrow money for the building and reconstruction of school houses and the purchase of lots therefor.'

'Sec. 33. Term of office of certain school officials ceases on election of board of education, 1907; school property vested in and liabilities assumed by city. Immediately upon the election of the members of the board of education at the ward meetings held on the first Monday of June, nineteen hundred and seven, the terms of office of all then existing members of the superintending school committee, directors, officers and agents of school districts, and of all other school committees, officials or agents in said city, shall thereupon cease; and all school districts in said city are thereupon abolished, their property, real and personal, vested in the city of Augusta, and their liabilities assumed by said city.'

'Sec. 34. City clerks, powers and duties; board of aldermen may choose president pro tem; vacancies in board, how filled; quorum; meetings of two boards in convention to be public. The city clerk shall be the clerk of the board of aldermen and municipal officers; he shall perform such duties as shall be prescribed by the board of aldermen, or common council; and shall perform all duties and exercise all the powers by law incumbent upon, or vested in, the town clerk of the town of Augusta; he shall give notice in one or two of the papers printed in said city, of the time and place of regular ward meetings; but the place of regular ward meetings, and also the day and hour, when not fixed by law, shall be determined by the board of aldermen. The board of aldermen may choose a president pro tempore, who, in the absence of the mayor, shall preside at joint meetings of the two boards. Each board shall keep a record of its proceedings, and judge of the election of its own members; and in case of failure of election, or vacancy by death, resignation or otherwise, may order new elections. A quorum for the transaction of business shall, in each board, consist of a majority of the members thereof; all meetings of the aldermen and common council, and all meetings of the two boards in convention, shall be open and public, and the presiding officer of each of them shall have the power of moderators of town meetings. At either of said meetings, when any two members shall request it, the vote shall be taken by yeas and nays, which shall be recorded by the clerk.'

CHAP. 76

'**Sec. 35. City council may lay out sidewalks; may cause buildings to be removed for purpose of widening streets.** The city council may lay out and establish sidewalks without the limits, and by the sides of any of the public highways, of such width as they shall judge the public convenience to require, which shall be used exclusively for sidewalks, and any damages arising from said laying out shall be appraised for the easement of a sidewalk, in manner provided by this charter for appraising damages on roads laid out in said city; and the laying out and establishing said sidewalks may be conditional in relation to any portion thereof which may be covered with buildings, that when said buildings are removed therefrom the same shall be used as a sidewalk and the damages appraised shall not be payable until said buildings are removed; provided, however, that said city may at any time remove said buildings, and the damages caused thereby shall be appraised in the manner provided for appraising damages caused by the laying out and widening roads in said city.'

'**Sec. 36. General meetings of citizens may be called on petition of thirty qualified voters.** General meetings 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 grievances according to the right secured to the people by the constitution of this state; and such meetings may, and shall be duly warned by the mayor and aldermen upon the requisition of thirty qualified voters of said city.'

'**Sec. 37. Inconsistent acts modified to conform.** All existing acts, public and private, and all ordinances of the city of Augusta inconsistent herewith, are hereby modified so as to conform to the provisions of this act.'

Approved March 26, 1919.

Chapter 76.

An Act Authorizing the Clark Power Company to Construct and Maintain a Dam or Dams on Saco Waters in the Cities of Saco and Biddeford.

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

Authorized to construct dam across Saco river and to generate and sell electricity. The Clark Power Company, incorporated under the provisions of chapter two hundred and fifty of the private and special laws of nineteen hundred and eleven, its successors and assigns, are hereby authorized and empowered to construct and maintain a dam or dams across the Saco river and across branches, canals and waterways leading therefrom, at any point between or within the cities of Saco and Biddeford, in the county of York, upon lands now owned or hereafter acquired by said company, its successors and assigns, for the purpose of developing power for any