

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eightieth Legislature

OF THE

STATE OF MAINE

1921

Including Acts and Resolves of the Special Session held in 1920.

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1921

Private and Special Laws

OF THE

STATE OF MAINE

As Passed by the Eightieth
Legislature

1921

Sec. 3. P. & S. L., 1901, c. 497, § 4; relating to list of voters with party designation of the city of Bangor to be furnished political committees, amended. Section four of said chapter is hereby amended by striking out of said section all words after the word "any" in the ninth line of said section, so that said section, as amended, shall read as follows:

'Sec. 4. Assessors' connection with lists eliminated. The board of registration shall, at the request of the committees of the political parties in said Bangor furnish them with certified copies of the correct lists of voters, by wards, or precincts used in their said city at the election next preceding any caucus called under the provisions of this act, the expense of furnishing such copies to be paid as other expenses of said board of registration are now paid. The copies so furnished shall contain against the name of every voter, the party designation requested by such voter as above provided, if any.'

Sec. 4. P. & S. L., 1907, c. 407; 1909, c. 136; relating to political caucuses in city of Bangor, repealed. Chapter four hundred and seven of the private and special laws of nineteen hundred and seven, as amended by chapter one hundred and thirty-six of the private and special laws of nineteen hundred and nine is hereby repealed.

Approved March 24, 1921.

Chapter 71.

An Act to Amend Chapter Two Hundred and Forty-four of the Private and Special Laws of Nineteen Hundred and Thirteen Entitled "An Act to Provide a Charter for the City of Gardiner" as Amended.

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

Sec. 1. P. & S. L., 1913, c. 244, § 11; relating to expenses of candidates for mayor or alderman of city of Gardiner, amended. Chapter two hundred and forty-four of the private and special laws of nineteen hundred and thirteen, entitled "An Act to Provide a Charter for the City of Gardiner," is hereby amended by adding to section eleven, after the word "organization" in the eighteenth line thereof, the following: 'that I will not exceed the amount of twenty-five dollars for my election expenses, or allow any person or persons to do the same in my behalf, and that I will not hire or allow anyone to hire, or accept the free use of any automobile, or any other conveyance for the transportation of any voters to or from the polls for my benefit,' so that said section, as amended, shall read as follows:

'Sec. 11. Candidate's expenses limited to \$25 and not to convey or allow to be conveyed in his behalf, voters to the polls. Any person

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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 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 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; that I will not exceed the amount of twenty-five dollars for my election expenses, or allow any person or persons to do the same in my behalf, and that I will not hire or allow anyone to hire, or accept the free use of any automobile, or any other conveyance for the transportation of any voters to or from the polls for my benefit.

STATE OF MAINE

Kennebec, ss.

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

Signed, _____

Justice of the Peace,
(or Notary Public.)

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

PETITION FOR NOMINATION

Individual Certificate

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

Kennebec, ss.

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

(Signed) _____
Justice of the Peace,
(or Notary Public.)'

Sec. 2. P. & S. L., 1913. c. 244, § 31; relating to the officers to be elected by the city council of Gardiner, amended. Section thirty-one of chapter two hundred and forty-four of the private and special laws of nineteen hundred and thirteen, is hereby amended by adding after the word "treasurer," in the third line thereof, the words, 'who shall furnish such bond as shall be fixed by the city council and cannot hold the office of collector of taxes at the same time he is city treasurer'; and by striking out the words "a purchasing agent" in the fourth line of said section, and the words "a superintendent of streets and highways" in the fourth and fifth lines of said section, so that said section, as amended, shall read as follows:

'Sec. 31. Treasurer to furnish bond; not to hold office of collector and treasurer at same time; purchasing agent and superintendent of streets and highways eliminated. 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, who shall furnish such bond as shall be fixed by the city council, and cannot hold the office of collector of taxes at the same time he is city treasurer, an auditor, a collector of taxes, 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

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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.

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.'

P. & S. L., 1913, c. 244, § 32; relating to duties of mayor of city of Gardiner, amended. Section thirty-two of chapter two hundred and forty-four of the private and special laws of nineteen hundred and thirteen, is hereby amended by adding after the word "mayor" in the first line thereof the words 'shall act as purchasing agent,' so that said section, as amended, shall read as follows:

'Sec. 32. Mayor shall act as purchasing agent. The mayor shall act as purchasing agent, 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 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.'

Sec. 3. P. & S. L., 1913, c. 244, § 36; relating to salaries of mayor, aldermen and subordinate officers of the city of Gardiner, amended. Section thirty-six of chapter two hundred and forty-four of the private and special laws of nineteen hundred and thirteen, is hereby amended by striking out the last sentence in said section, and inserting in place thereof the following sentence: 'The city council shall fix the rate of compensation of all subordinate officers and employees,' so that said section, as amended, shall read as follows:

'Sec. 36. City council shall fix salaries of all employees as well as subordinate officers. The salary of the mayor shall be twelve hun-

dred 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 rate of compensation of all subordinate officers and employees.'

Sec. 4. P. & S. L., 1913, c. 244, § 39; relating to the duties of the superintending school committee and the purchase of school supplies for the city of Gardiner, amended. Section thirty-nine of chapter two hundred and forty-four of the private and special laws of nineteen hundred and thirteen is hereby amended by striking out the word "by" in the fifteenth line thereof, and inserting in place thereof the word 'as,' after the word "mayor"; also by adding to said section the following: 'The mayor as purchasing agent shall purchase all other property required for the city, save that when other property is required in amounts of three hundred dollars or over, the city council shall advertise for sealed bids therefor, reserving the right to accept or reject any or all bids or parts of bids, and such bids shall be addressed to said council and shall be accepted or rejected by said council, and upon the acceptance of any such bids or parts of bids, the mayor as purchasing agent, shall issue orders or contracts therefor.

Should the city council fail to receive any such bids, said council may instruct the mayor, as purchasing agent, to purchase said property in the open market,' so that said section, as amended, shall read as follows:

'Sec. 39. The mayor to act as purchasing agent for school supplies; shall purchase all other property required for the city in amounts not in excess of \$300; city council to advertise for bids for property in excess of \$300; if no bids are received mayor may be instructed to purchase in the open market. 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.

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.

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The mayor, as 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.

The mayor, as purchasing agent, shall purchase all other property required for the city, save that when other property is required in amounts of three hundred dollars or over, the city council shall advertise for sealed bids therefor, reserving the right to accept or reject any or all bids or parts of bids, and such bids shall be addressed to said council and shall be accepted or rejected by said council, and upon the acceptance of any such bids or parts of bids, the mayor as purchasing agent, shall issue orders or contracts therefor.

Should the city council fail to receive any such bids, said council may instruct the mayor, as purchasing agent, to purchase said property in the open market.'

Sec. 5. P. & S. L., 1913, c. 244, § 35; relating to the monthly report of the city council of the city of Gardiner, amended. Section thirty-five of chapter two hundred and forty-four of the private and special laws of nineteen hundred and thirteen is hereby amended by striking out all of said section, and substituting in place thereof the following: 'The city council shall, on or before the seventh day of each month, publish in a newspaper published in the city, if there be any, and in the nearest daily newspaper printed in Kennebec County, a statement showing the amount of each appropriation with the total credits and charges thereto and the balance thereunder to the first of the current month; and also a summary of its proceedings during the preceding month. 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 by certified public accountants, and shall publish the result of such examinations, in pamphlet form,' so that said section, as amended, shall read as follows:

'Sec. 35. Monthly report to be published in newspaper and need not be printed in pamphlet form monthly; annual report to be published in pamphlet form for general distribution. The council shall, on or before the seventh day of each month, publish in a newspaper

published in the city, if there be any, and in the nearest daily newspaper printed in Kennebec County, a statement showing the amount of each appropriation with the total credits and charges thereto and the balance thereunder to the first of the current month; and also a summary of its proceedings during the preceding month. 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 by certified public accountants, and shall publish the result of such examinations, in pamphlet form.'

Sec. 6. P. & S. L., 1913, c. 244, § 34; requiring that appropriations in excess of \$300 and the granting of franchises or any special privileges, by the city council of the city of Gardiner shall be filed in writing and published, amended. Section thirty-four of chapter two hundred and forty-four of the private and special laws of nineteen hundred and thirteen, is hereby amended by adding before the word "No" in the first line thereof, the words 'No new ordinance, no amendment to, nor repeal of an ordinance and'; and before the word "Such" in the seventeenth line thereof, the words 'Such new ordinances, or amendments to, or repeal of ordinances or'; and by striking out everything after the word "twenty-six" in the nineteenth line thereof, so that said section, as amended, shall read as follows:

'Sec. 34. Provisions made to include new ordinances, amendments and repeal of ordinances; repealing the provision relating to petitions in protest being filed within fourteen days after final passage. No new ordinance, no amendment to, nor repeal of an ordinance, and 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.

Such new ordinances, or amendments to, or repeal of ordinances, or 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.'

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P. & S. L., 1913, c. 244, § 26; relating to the suspension of any order or resolution passed by the city council of the city of Gardiner, amended. Section twenty-six of chapter two hundred and forty-four of the private and special laws of nineteen hundred and thirteen is hereby amended by striking out all of said section and substituting in place thereof the following: 'If during the fourteen days following the day on which any new ordinance, amendment to, or repeal of an ordinance, or such an order, resolution or vote, required to be published under section thirty-four, has been passed by the city council, a petition, signed by at least three hundred of the voters of the said city, qualified to vote at city elections, and protesting against the passage of any ordinance, amendment to or repeal of any ordinance, or the passage of any order, resolution or vote, shall be filed in the office of the city clerk, such ordinance, amendment to, or repeal of an ordinance, and such order, resolution or vote 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 does not so reconsider and rescind its vote, they shall submit it, as is provided in sub-division (b) of section twenty-five, to the qualified voters of the city, and the said ordinance, amendment to, or repeal of an ordinance and the said order, resolution or vote shall not go into effect or become operative unless a majority of the voters, qualified as aforesaid, voting on the ordinance, amendment to, or repeal of an ordinance, or on the said order, resolution or vote shall vote in favor thereof.

The votes upon said ordinance, amendment to, or repeal of an ordinance or on said order, resolution or vote shall be taken by ballot, in answer to the question: 'Shall the ordinance, amendment to, or repeal of an ordinance, or the said order, resolution or vote (stating the nature of the same) take effect?' which shall be printed on the ballot after the list of candidates if there be any.

Petitions under the provisions of this section may consist of one or more distinct papers. In each of such papers the ordinance, amendment to, or repeal of an ordinance, or the order, resolution or vote, the passage of which is protested, 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,' so that said section, as amended, shall read as follows:

'Sec. 26. Ordinances, repeal or amendments to ordinances may be suspended on petition of not less than 300 legal voters. If during the fourteen days following the day on which any new ordinance, amend-

ment to, or repeal of an ordinance, or such an order, resolution or vote, required to be published under section thirty-four, has been passed by the city council, a petition, signed by at least three hundred of the voters of the said city, qualified to vote at city elections, and protesting against the passage of any ordinance, amendment to, or repeal of any ordinance, or the passage of any order, resolution or vote, shall be filed in the office of the city clerk, such ordinance, amendment to, or repeal of an ordinance, and such order, resolution or vote, 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 does not so reconsider and rescind its vote, they shall submit it, as is provided in sub-division (b) of section twenty-five, to the qualified voters of the city, and the said ordinance, amendment to, or repeal of an ordinance and the said order, resolution or vote shall not go into effect or become operative unless a majority of the voters, qualified as aforesaid, voting on the ordinance, amendment to, or repeal of an ordinance, or on the said order, resolution or vote, shall vote in favor thereof.

The votes upon said ordinance, amendment to, or repeal of an ordinance or on said order, resolution or vote shall be taken by ballot, in answer to the question: 'Shall the ordinance, amendment to, or repeal of an ordinance, or the said order, resolution or vote (stating the nature of the same) take effect?' which shall be printed on the ballot after the list of candidates if there be any.

Petitions under the provisions of this section may consist of one or more distinct papers. In each of such papers the ordinance, amendment to, or repeal of an ordinance, or the order, resolution or vote, the passage of which is protested, 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.'

Sec. 7. P. & S. L., 1913, c. 244; relating to the charter of the city of Gardiner, supplemented. Chapter two hundred and forty-four of the private and special laws of nineteen hundred and thirteen is further amended by adding the following section:

'Sec. 44. Town meetings to be held semi-annually for purpose of discussion of matters of general interest to the city. Meetings of the qualified voters of the city shall be held on the first Tuesday of May, and on the first Tuesday of November of each year, at eight o'clock P.M. in the assembly hall of the Gardiner high school, at which any matters

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pertaining to the affairs of the city may be discussed. The mayor and the two aldermen, shall be present. The meeting shall be called to order by the mayor or one of the aldermen and the voters present shall choose a chairman and a clerk. The conduct of such meetings shall be governed by the rules of parliamentary procedure. Notice of such meetings shall be published by the city council in the nearest daily newspaper seven days prior to and upon the date therefor.'

Sec. 8. P. & S. L., 1913, c. 244, relating to the charter of the city of Gardiner further supplemented. Chapter two hundred and forty-four of the private and special laws of nineteen hundred and thirteen is further amended by adding the following section:

'Sec. 45. Advisory board created, powers and duties. At the next annual city election following the adoption of this amendment and at each annual city election thereafter, an advisory board, consisting of two members from each voting precinct, shall be elected by the duly qualified voters of each such precinct, and candidates for said board shall be nominated by and from the duly qualified voters of each such precinct, and shall be nominated and elected in the manner of and under the provisions for nominating and electing members of the city council, except that only ten individual certificates of nomination shall be required for each candidate.

The advisory board shall attend all regular meetings of the city council, may discuss and advise with said council upon any matters pertaining to city affairs, and said council and the heads of departments shall furnish all the information on city affairs required by said board.

All votes taken by said board at such joint meetings shall be by yeas and nays called and recorded by the city clerk, but said votes shall not be binding on said council.'

Sec. 9. Act to be submitted to referendum. This act shall take effect as to the City of Gardiner only when accepted, as hereinafter provided, by the electors of said city qualified to vote in a municipal election. All of the first eight sections shall be submitted to be voted upon by the qualified electors of said city at a special election to be held on the second Tuesday of September in the year nineteen hundred and twenty-one, at which special election this act shall be submitted to the qualified voters of the city and on petition of at least one hundred and fifty duly qualified voters of the city of Gardiner that said special election shall be had at that day. Petitions addressed to the city council 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 twenty-one. Each signer of 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 petitions 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 petitions to the city council 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 city council shall forthwith call a special election to be held on the second Tuesday of September in the year nineteen hundred and twenty-one, at which special election this act shall be submitted to the qualified voters of the city.

The ballots to be used in said election shall be in such form as to permit each of said first eight sections of this act to be voted on separately, on the following eight questions:

I. Shall the amendment to section eleven of the charter of the City of Gardiner, relating to election expenses, be adopted?

II. Shall the amendment to sections thirty-one and thirty-two of the charter of the City of Gardiner, relating to the duties of mayor and election and qualification of subordinate officers, be adopted?

III. Shall the amendment to section thirty-six of the charter of the City of Gardiner, relating to compensation of subordinate officers and employees, be adopted?

IV. Shall the amendment to section thirty-nine of the charter of the City of Gardiner, relating to purchase of property by mayor, as purchasing agent, and City council, be adopted?

V. Shall the amendment to section thirty-five of the charter of the City of Gardiner, relating to monthly reports by the city council, be adopted?

VI. Shall the amendment to sections thirty-four and twenty-six of the charter of the City of Gardiner, relating to the passage, or repeal of, or amendments to ordinances, or orders, resolutions or votes by the city council and providing a referendum thereon, be adopted?

VII. Shall section forty-four additional to the charter of the City of Gardiner, providing for semi-annual meetings of the qualified voters of the city, be adopted?

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VIII. Shall section forty-five additional to the charter of the City of Gardiner, providing for an advisory board to the city council, be adopted?

Opposite and to the right of each of said questions 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 explanation of the subject matter submitted may be printed on the ballots which in other respects shall conform with all the requirements of law. Such of the sections so submitted as shall receive more affirmative than negative votes at said election 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 city council 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 and a copy in each of the voting booths.

Sec. 10. Inconsistent statutes modified to conform. All acts and parts of acts inconsistent herewith and all provisions of the charter and ordinances of the said City of Gardiner inconsistent with this act are hereby modified so as to conform to the provisions of this act; but this section shall take effect as to the subject matter covered by sections one, two, three, four, five, six, seven and eight when and only so far as said sections, or any of them, are finally accepted by the electors of the City of Gardiner as provided in section nine.

Sec. 11. Part of act providing for referendum in effect July 9, 1921. This act shall take effect in ninety days after the final adjournment of the legislature, so far as is necessary for the election authorized in section nine.

Approved March 24, 1921.

Chapter 72.

An Act to Amend Section Ten of Chapter Ninety-three of the Private and Special Laws of Eighteen Hundred and Seventy-eight, Relating to the Farmington Municipal Court.

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

P. & S. L., 1878, c. 93, § 10; relating to costs, witness fees, etc. in the Farmington Municipal Court, amended. Section ten of chapter ninety-three of the private and special laws of eighteen hundred and seventy-eight is hereby amended by striking out the word "one" in the sixth line of said section and inserting in the place thereof the word, "two," so that said section, as amended, shall read as follows: