

# 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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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.

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Private and Special Laws

OF THE

STATE OF MAINE

As Passed by the Eightieth  
Legislature

1921

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**Sec. 7. Effective ninety days after adjournment.** This act shall take effect when approved.

Approved April 9, 1921.

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## Chapter 148.

An Act to Grant a New Charter to the City of Portland.

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

### ARTICLE I.

#### Grant of Powers to the City.

**Sec. 1. Corporate Existence Retained.** The inhabitants of the City of Portland shall continue to be a body politic and corporate by the name of the City of Portland, and shall have, exercise and enjoy all the rights, immunities, powers, privileges and franchises and shall be subject to all the duties, liabilities and obligations provided for herein, or otherwise pertaining to or incumbent upon said city as a municipal corporation, or to the inhabitants or municipal authorities thereof; and may enact reasonable by-laws, regulations and ordinances, for municipal purposes not inconsistent with the constitution and laws of the State of Maine, and impose penalties for the breach thereof, not exceeding one hundred dollars in any one case, to be recovered for such uses as said by-laws, regulations or ordinances shall provide.

### ARTICLE II.

#### City Council.

**Sec. 1. Powers and Duties.** The administration of all fiscal, prudential and municipal affairs of said city with the government thereof, except the general management, care, conduct, and control of the schools of said city, which shall be vested in a school committee as hereinafter provided, and also, except as otherwise provided by this charter, shall be and are vested in one body of thirteen members which shall constitute and be called the city council, all of whom shall be inhabitants of said city and shall be sworn in the manner hereinafter prescribed. Said city council shall exercise its powers in the manner hereinafter provided.

The members of the city council shall be and constitute the municipal officers of the City of Portland for all purposes required by statute, and except as otherwise herein specifically provided, shall have all powers and authority given to and perform all duties required of municipal officers, under the laws of this state.

**CHAP. 148**

The city council is hereby constituted the overseers of the poor of the City of Portland and shall perform all duties required of overseers of the poor for cities by statute or otherwise. As such overseers of the poor they may authorize a clerk or agent to sign in their name and send written notices and written answers referred to or required in sections thirty-five and thirty-six of chapter twenty-nine of the revised statutes, and such written notices and written answers, so signed, shall have the same effect as if signed by one or more of said overseers and sent by a member or members of said overseers personally.

All the powers of establishing a watch and ward now vested by the laws of the state in the justices of the peace and municipal officers or inhabitants of towns, are vested in the city council so far as relates to said city; and they are authorized to unite the watch and police departments into one department and establish suitable regulations for the government of same. The officers of police shall be one chief, to be styled the chief of police, so many captains of police as the city council may by ordinance prescribe, and so many watchmen and policemen as the mayor and aldermen may from time to time appoint. All other powers now or hereafter vested in the inhabitants of said city, and all powers granted by this act, except as otherwise provided, as well as all powers relating to the fire department, shall be vested in said city council.

**Sec. 2. Composition, Election, Tenure of Office, etc.** The city council shall be composed of the mayor and twelve aldermen. The aldermen shall be elected, one from each ward by and from the qualified voters thereof, and three shall be elected at large from the qualified voters of the city. The mayor shall be ex-officio president of the city council. The aldermen shall hold office for the term of three years or until their successors are elected and qualified except as hereinafter provided in article five, section one, of this act.

**Sec. 3. Vice-President.** At the first meeting, or as soon afterward as possible, the city council shall elect one of its members as vice-president of the council for the ensuing year who, in the absence of the mayor, shall preside at all meetings of the council and in the case of any vacancy in the office of mayor, he shall exercise all the powers and perform all the duties of the office, so long as such vacancy shall remain; he shall continue to have a vote in the council, but shall not have the veto power. The city council, in the absence of the mayor and vice-president, shall choose a chairman pro tempore who shall exercise the powers of vice-president.

**Sec. 4. Vacancies, Forfeiture of Office.** Whenever by reason of death, resignation, disqualification, removal from the city, removal from office, or any other cause, a vacancy in the city council shall occur, if such

vacancy exists more than six months prior to the next regular city election, the vacancy shall be filled for the remainder of the unexpired term by a special election, which shall be held in the ward from which said vacancy occurs or in the city if such vacancy is in the office of aldermen at large, and the warrant for such special election shall be issued by the mayor. Any alderman who shall cease to be a resident of the ward from which he was elected, or who shall have been convicted of a crime while in office, after due notice and hearing, and the production of the records of such conviction, shall thereby forfeit his office.

**Sec. 5. Regular Meetings and Qualifications.** The city council shall meet at the usual place for holding meetings at ten o'clock A.M. on the second Monday in December following the regular city election, at which time the mayor-elect and the aldermen-elect shall be sworn to the faithful discharge of their duties by a justice of the peace or by the city clerk. The city council shall, at its first meeting, or as soon thereafter as possible, establish by ordinance or resolution, a regular place and times for holding its meetings, and shall meet regularly at least twice in each month. The city clerk shall be clerk of the city council. He shall perform such duties as shall be prescribed by the city council, and shall also perform all the duties and exercise all the powers now incumbent on him by law. In case of the temporary absence of the city clerk, the city council may elect a city clerk pro tempore.

**Sec. 6. Special Meetings.** Special meetings may be called by the mayor and in the case of his absence, disability or refusal, may be called by a majority of the members of the city council. Notice of such meeting shall be served in person or left at the residence of each member of the city council at least twenty-four hours before the time for holding said special meeting.

**Sec. 7. Quorum.** A majority of the members of the city council shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time or compel attendance of absent members. At least twenty-four hours notice of the time and place of holding such adjourned meeting shall be given to all members who were not present at the meeting from which adjournment was taken.

**Sec. 8. Procedure.** The city council shall keep a record of its proceedings and shall be the judge of the qualification and election of its own members. The city council shall determine its own rules of procedure and make lawful regulations for enforcing the same. The meetings of the city council shall be open to the public. The city council shall act only by ordinance, order or resolve. All ordinances, orders or resolves, except orders or resolves making appropriations of money, shall be con-

## CHAP. 148

fined to one subject which shall be clearly expressed in the title. The appropriation order or resolve shall be confined to the subject of appropriations only. No ordinance and no appropriation resolve shall be passed until it has been read on two sepearate days, except when the requirement of a reading on two separate days has been dispensed with by a unanimous vote of the voting members of the city council. The yeas and nays shall be taken upon the passage of all ordinances and entered on the record of the proceedings of the city council by the clerk. The yeas and nays shall be taken on a passage of any order or resolve when called by any member of the city council. Every ordinance shall require on final passage the affirmative vote of the majority of the voting members of the city council, and shall take effect and be in full force from and after it shall have received final passage by the city council and has been approved by some justice of the supreme judicial court. Within ten days after said approval by such justice, said ordinance shall be published in full in one or more of the newspapers published in said Portland, but the failure to publish said ordinance shall not affect its validity or force.

## ARTICLE III.

## The Mayor.

**Sec. 1. Eligibility, Election, Tenure of Office.** The mayor shall be elected by and from the qualified voters of the city voting in their respective wards. He shall hold office for a term of three years or until his successor is elected and qualified, except that when elected to fill a vacancy he shall hold office only for the unexpired term or until his successor is elected and qualified.

**Sec. 2. Vacancy.** In case of the death, resignation, disqualification, removal from office of the mayor, more than six months prior to the next regular election, the vacancy for the unexpired term shall be filled by a special election, the warrant for which shall be issued by the council. Whenever the office of mayor becomes vacant within six months prior to a regular city election, whenever the office of mayor is vacant pending election, or whenever the mayor for any reason is unable to attend to the duties of his office, the vice-president of the city council shall perform the duties of mayor.

**Sec. 3. Powers and Duties.** The mayor shall be the chief executive magistrate of the city. He shall preside at all meetings of the city council and shall have a voice and vote in all proceedings and actions of the city council except as hereafter provided. He shall appoint all administrative and executive officers and heads of departments subject to confirmation by the aldermen and may remove all of such officers and heads of depart-

ments, after a hearing, by and with the advice and consent of the aldermen for inefficiency or other cause. He shall cause the laws, ordinances and regulations of the city to be faithfully executed and enforced, and exercise a general supervision over the conduct of all officers. He shall from time to time communicate to the city council such information and recommend such measures as the business and interests of the city may, in his opinion, require. He shall receive a salary which shall be fixed by the aldermen and which shall not be increased or diminished during his term of office. He shall exercise all the functions of mayor under the general laws of the state not inconsistent with the provisions of this charter.

**Sec. 4. Veto Power.** Every ordinance, order or resolve, excepting rules and orders of a parliamentary character shall be presented to the mayor and if he approve he shall sign it; if not, he shall return it with his objections at the next stated session of the city council, provided said stated session is held at least one week after the aforesaid ordinance, order or resolve is presented to the mayor for his approval; the city council shall enter the objections at large on its journal and proceed to reconsider the same. The mayor shall have no voice or vote in such reconsideration. If upon such reconsideration it shall be passed by a vote of two-thirds of all the aldermen it shall have the same effect as if signed by the mayor. If the ordinance, order or resolve shall not be returned by the mayor at the next stated meeting which shall be held at least one week after same has been presented to the mayor, it shall have the same effect as if he had signed it. The mayor shall have the right to approve as a whole any resolve or order involving the appropriation and expenditure of money, or to approve or disapprove specific items thereof, and the portions so approved shall thereby be in force in like manner as if no part thereof had been disapproved and the portion or portions disapproved shall thereupon take the same course as herein provided as though said resolve or order had been disapproved as a whole. In case of vacancy in the office of mayor when said ordinance, order or resolve be finally passed, the same shall be valid without approval.

## ARTICLE IV.

### Superintending School Committee.

**Sec. 1. Composition, Eligibility, Election, Tenure of Office, Special Provision.** The supreintending school committee shall consist of the mayor, president ex-officio, and the member elected from each ward by the qualified voters thereof and three members elected at large from the qualified voters of the city. They shall hold office for a term of three years and until their successors are elected and qualified. The members in office at the time this charter is accepted shall continue to hold



**CHAP. 148**

office for the balance of the term for which they were originally elected. Chapter seventeen of the private and special laws of the year eighteen hundred ninety-nine is hereby repealed.

**Sec. 2. Organization, Qualification, Quorum.** The superintending school committee shall meet for organization at four o'clock P.M. on the second Monday in December following the regular city election. The members-elect shall be sworn to the faithful discharge of their duties by a justice of the peace or the city clerk and a record made thereof. A majority of the whole number elected shall be a quorum.

**Sec. 3. Powers and Duties.** The superintending school committee shall have all the powers and perform all the duties in regard to the care and management of said public schools of said city which are now conferred and imposed upon the superintending school committees by the laws of this state, except as otherwise provided in this charter. They shall annually, and whenever there is a vacancy, elect a superintendent of schools for the current municipal year who shall have the care and supervision of said public schools under their direction and act as secretary of their board. Subject to the approval of the city council they shall fix his salary at the time of his election which shall not be increased during the year for which he is elected, except by consent of the city council, and may at any time dismiss him if they deem it proper and expedient. They shall annually, as soon after the organization of their board as practical, furnish to the city council for its approval a budget estimate in detail of the several sums required during the ensuing municipal year for the support of public schools, and shall not increase the salaries of the superintendent and teachers, or any other expenditures beyond the amount specified in such estimate as finally approved, except by consent of the city council. No member of the committee shall receive any compensation for his services.

**Sec. 4. Certain duties conferred upon city council.** All powers, obligations and duties in regard to said public schools, not conferred and imposed upon said committee by the provisions of this act, shall be and are hereby vested in the city council of said city.

**Sec. 5. Vacancies.** Whenever from any cause a vacancy in the superintending school committee shall occur, the city council by a majority vote of all the members, shall elect a qualified voter of the city and if it is a vacancy in a ward committeeman, then they shall elect a resident of the ward where the vacancy exists and the term of office of the member so elected shall continue until the next election and until his successor is elected and qualified.

## ARTICLE V.

## Nominations and Elections.

**Sec. 1. Date of Elections and Procedure to Determine Results.**

At the first election after this charter is in force, to be held on the first Monday in December, A.D. nineteen hundred and twenty-one, and every three years thereafter, the qualified voters of the city shall ballot for a mayor; and on said first Monday in December, A.D. nineteen hundred and twenty-one, said qualified voters shall, in addition thereto, ballot for one alderman at large for a term of one year, one alderman at large for a term of two years, and one alderman at large for a term of three years, and for such members at large, if any of the supreintending school committee as is necessary to fill the office of those whose term expires that year, and the qualified voters of each ward shall at the same time ballot for a warden, a ward clerk and two constables for such ward and in case there is more than one voting precinct or island ward in any ward, then the qualified voters of each said precinct and island ward shall vote for a warden and a ward clerk for such precinct or island ward, as well as for two constables from the ward at large, and the qualified voters of each ward in which the term of the member of the superintending school committee from such ward is then vacant or expires that year, shall vote for a member of the superintending school committee from such ward; and in addition thereto the qualified voters of each of wards one, four and seven shall ballot by wards for one alderman from each of said wards who shall be a qualified voter thereof to serve for the term of one year; and the qualified voters of each of wards two, five and eight shall ballot by wards for one alderman from each of said wards who shall be a qualified voter thereof to serve for the term of two years; and the qualified voters of each of wards three, six and nine shall ballot by wards for one alderman from each of said wards who shall be a qualified voter thereof to serve for the term of three years; and thereafter on the first Monday in December in each year a regular municipal election shall be held and the qualified voters of the city shall ballot for an alderman at large to fill the unexpired term of any alderman at large whose office is then vacant, if any such vacancy then exists, but whose term of office would not then have normally expired and for an alderman at large to fill the office of the alderman at large whose term of office expires that year, and for such members at large, if any, of the supreintending school committee, as is necessary to fill the office of those whose term expires that year or for the unexpired term in which there is a vacancy, and the qualified voters of each ward shall at the same time ballot for an alderman from such ward, if the term of the member from such ward is expiring, or if there is a vacancy for the unexpired term, and shall also ballot for a member of the school committee from such ward if the term

## CHAP. 148

of the member of said committee from such ward is expiring, or if there is a vacancy, for the unexpired term, and in addition thereto a warden, a ward clerk, and two constables from such ward, and in case there is more than one voting precinct or island ward in any ward, then the qualified voters of each said precinct and island ward shall vote for a warden and ward clerk for such precinct or island ward as well as for said two constables from said ward at large.

All votes cast for the several officers shall be sorted, counted, declared and registered in open ward meeting as provided by statute, and the names of the persons voted for and the number of votes given for each shall be written on the ward record at length. The ward clerk shall forthwith deliver to the persons elected warden, ward clerk, and constables, certificates of their election, and shall forthwith deliver to the city clerk a certified copy of the record of such election.

After the first election held under this charter, the then municipal officers and thereafter the city council, shall, as soon as it conveniently can, examine the copies of the records of the several wards, certified as aforesaid, and cause the persons who shall have been elected mayor, aldermen, and members of the superintending school committee to be notified in writing of their election; but if it shall appear that no person shall have been elected to any office, or if the person elected shall refuse to accept the office, warrants for another election to fill such vacancies shall be issued forthwith. If it shall appear that at the first election to be held under this charter a mayor and twelve aldermen have not been elected, the municipal officers then in office shall continue to hold office and perform their duties until a mayor and twelve aldermen have been elected. At any election for any elective office herein provided for, the person receiving the highest number of votes for such office shall be deemed and declared elected thereto.

**Sec. 2. Warden and Ward Clerk, Eligibility, Tenure, Qualifications, Powers and Duties, Vacancies, Ward Meetings and How Called.** The warden and ward clerk chosen as provided in the preceding section shall be residents of the ward and precinct from which they are elected and shall hold their office for one year from the second Monday in December following their election and until others have been chosen and qualified in their stead. The warden and ward clerk shall be sworn to the faithful performance of their duties by a person qualified under the statutes of the state to administer oaths and a certificate of such oath shall be entered by the clerk on the records of said ward. The warden shall preside at all ward meetings, with the powers of moderators of town meetings, and if at any meeting the warden shall not be present, the clerk of the ward shall call the meeting to order and preside until a warden

pro tempore shall be chosen. The warden shall have all rights and powers now held by the warden of such ward. If neither the warden nor the ward clerk shall be present, any legal voter in the ward may preside until a clerk pro tempore shall be chosen and qualified. Immediately following the election of a clerk pro tempore a warden pro tempore shall be chosen. 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 in his possession or under his control, together with all documents and papers held by him in his capacity as clerk. The ward clerk shall have and perform all rights and duties now held and performed by the ward clerk of such ward so far as consistent with this charter. All ward meetings shall be notified and called by the city council in the manner provided by the laws of this state for the notifying and calling of town meetings by the selectmen of the several towns.

**Sec. 3. Nominations for Elective Officers. How Made.** The nominations of all candidates for elective offices provided for by this charter, except as otherwise provided by any law of the State of Maine applicable thereto, shall be made by caucus of the respective political parties in the manner that nominations are now made for the mayor and members of the city council and members of the school committee and warden and ward clerk in said City of Portland except that the aldermen at large shall be nominated by the members of the respective political parties voting in ward caucuses, the three candidates obtaining the highest number of votes cast in said caucuses in the entire city to be the party nominees for such offices. Said caucus for nomination of elective officers under this charter shall be held at least fourteen days, exclusive of Sundays, prior to said annual election.

**Sec. 4. Acceptances of Nominations Must be Filed.** No nomination shall be valid unless the candidates shall file with the city clerk in writing his acceptance of the nomination not later than ten days before the day of said election.

**Sec. 5. Ballot, etc., to be Prepared by the City Clerk.** Specimen ballots and official ballots for use in all city elections shall be prepared by the city clerk and furnished by the city.

**Sec. 6. Specimen Ballots to be Published and Posted.** The city clerk shall cause specimen ballots to be posted in public places in every ward and voting precinct and advertised in the newspapers not later than five days prior to the city election. Such specimen ballots shall be printed on colored paper and marked specimen ballots and shall contain the names of the certified candidates with the residence of each, instruction to voters, and such measures as may be submitted to the voters.

## CHAP. 148

**Sec. 7. State Laws Not Inconsistent Applicable.** The provisions of the laws of the State of Maine relating to the qualification of electors, registration and manner of voting, the form of ballot, the duties of election officers and all other particulars in respect to preparation for, conducting and management of elections so far as they may be applicable shall govern all municipal elections of Portland, except as otherwise provided in this charter.

## ARTICLE VI.

## Administrative Officers.

**Sec. 1. Titles and Appointment.** There shall be the following administrative officers and boards to be appointed and confirmed as provided in article three, section three of this charter: City clerk, corporation counsel, treasurer and tax collector, secretary to mayor and committees, purchasing agent, auditor, gas agent, assessors of taxes, commissioner of public works, city electrician, city physician, inspector of buildings, chief of police, chief of fire department, secretary to overseers of the poor, park commissioners, board of health, city hall music commission, trustee of Evergreen cemetery, recreation commission, nine constables at large, and all other department heads whose position may from time to time be created by ordinance. All minor officers and employees, except in police and fire departments, shall be appointed by the heads of their respective departments and shall be removable at their pleasure.

**Sec. 2. Power of Council with Regard to Appointive Officers and Boards.** The city council shall have power by ordinance or resolve:

- (a) To create any new appointive office.
- (b) To assign the duties of two or more officers to one officer.
- (c) To divide the duties of any office between two or more officers.
- (d) To authorize the appointment of assistants or deputies in any office.

**Sec. 3. Members of Police and Fire Departments. Appointment, Term of Office.** The city council shall provide by ordinance for a system of civil service rules for the appointment, promotion, lay-off, reinstatement, suspension and removal of the members of the police department and of the fire department, other than the chiefs of said departments, and for a civil service commission to administer the same.

Nothing herein contained shall be construed as altering, repealing or amending any law of the State of Maine or ordinance of the City of Portland relative to the qualifications of, appointment, term of office, removal, retirement or pension of the members of the police department or of the fire department of the City of Portland other than the chiefs of said departments.

**Sec. 4. Administrative Officers, Term of Service.** All administrative officers, heads of departments and boards, appointed under the provisions of section one of article six of this act shall hold office for a term of three years, subject however, after a hearing, to removal at any time by the mayor by and with the advice and consent of the aldermen for inefficiency or other cause.

**Section 5. Compensation of Officers.** The salaries of all appointive officers and boards, and all other heads of departments and all minor officers and employees shall be fixed by the city council.

**Sec. 6. Duties of Administrative Officers, Prescribed by City Council.** Duties of administrative officers, heads of departments and boards shall be prescribed by the city council. Such duties shall not be inconsistent with the provisions of this charter nor of the laws of the State of Maine applicable thereto.

**Sec. 7. Assessor of Taxes.** The term of office of each assessor of taxes in office at the time of the adoption of this charter shall continue for the balance of the term to which he was elected, and until his successor is appointed and qualified; at the expiration of said term and annually thereafter, the mayor shall appoint, subject to confirmation by the aldermen, an assessor of taxes who shall hold office for a term of three years unless sooner removed under the provisions of this charter. If for any reason a vacancy occurs in the members of the board of assessors, the vacancy shall be filled forthwith by the mayor subject to confirmation by the aldermen for the unexpired term. The assessors appointed as above prescribed shall exercise the same powers and be subject to the same duties and liabilities that similar officers of the several towns and cities in the state may exercise and may now or hereafter be subject to under the laws of the state. The assessors may appoint one or more assistant assessors in each ward whose duty it shall be to furnish the assessors with all necessary information relative to persons and property taxable. The compensation of such assistant assessors shall be fixed by the city council but such assistant assessors shall hold office during the pleasure of the assessors.

**Sec. 8. Park Commission. Term and Compensation.** The term of office of each member of the park commission at the time of the adoption of this charter shall continue for the balance of the term to which he was appointed and until his successor is appointed and qualified; at the expiration of said term and annually thereafter, the mayor shall appoint subject to confirmation by the aldermen, a member of the park commission who shall hold office for a term of three years, unless sooner removed under other provisions of this charter. If for any reason a vacancy

## CHAP. 148

occurs in the membership of the park commission, the vacancy shall be filled forthwith by the mayor subject to the approval of the aldermen for the unexpired term. A commissioner appointed as above provided shall exercise the same powers and be subject to the same duties as other members of said park commission.

**Sec. 9. Park Commission, Powers and Duties.** The park commissioners shall have the powers and compensation and perform the duties given to and prescribed for the park commission of the City of Portland by the laws of the State of Maine.

**Sec. 10. Tax to be Assessed.** To enable said commission to extend the work of the Back Bay and Fore River commission and to make improvements to enlarge the park areas, to maintain the said public grounds and cemeteries under their charge and to pay for additions to said grounds and cemeteries already acquired, or to be acquired by the City of Portland, a tax of one mill on a dollar shall be affixed annually by the assessors of said City of Portland upon all estates and property subject to taxation in said City of Portland to be taken at the last regular valuation. The amount of said tax when raised shall be set aside as a special fund to be expended by said commission for the purposes specified in this charter; provided, however, that one per cent. of the amount of the above tax shall be reserved by the city treasurer each year to cover any uncollected portion of this tax and carried to the credit of the account known as overlays and abatements.

**Sec. 11. Board of Health.** The term of office of each member of the board of health in office at the time of the adoption of this charter shall continue for the balance of the term to which he was appointed and until his successor shall be appointed and qualified; at the expiration of the said term and annually thereafter the mayor shall appoint, subject to confirmation by the aldermen, a member of the board of health who shall hold office for a term of three years unless sooner removed under the provisions of this charter. If for any reason a vacancy occurs in the membership of the board of health, the vacancy shall be filled by the mayor, subject to confirmation by the aldermen, for the unexpired term.

The members of the board of health are given the same powers and authority and are subject to the same duties and liabilities now held or imposed on the board of health for the City of Portland.

**Sec. 12. Recreation Commission.** The recreation commission shall be comprised of seven members, three of whom shall be members of the city council, the mayor, the chief of police, one member of the school committee and one member of the park commission. Each member of this

commission shall serve for one year and representatives of the city council, school committee and park commission shall be elected on the second Monday in December in each year or as soon thereafter as may be by the body which they represent. Vacancies shall be filled in the same manner. The mayor shall be chairman of said commission and they shall elect a secretary and other necessary officers to serve at their pleasure.

The members of the recreation commission shall serve without compensation. They shall have all the powers and authority and be subject to the same duties and liabilities as now possessed by the recreation commission for the City of Portland.

Funds for the purpose of carrying out the duties and work of said recreation commission shall be supplied in the same way and to the same amount as now provided and supplied, or may be fixed hereafter.

## ARTICLE VII.

### Business and Financial Provisions.

**Sec. 1. Accounts and Records.** Accounts shall be kept by the auditor showing the financial transactions of all departments of the city. Forms for all such accounts shall be prescribed by the auditor with the approval of the city council. Accounts shall be kept in such manner as to show fully at all times the financial condition of the city. The auditor shall furnish to the mayor prior to the first regular meeting of the city council in each month, a report containing in detail the receipts and disbursements of the city on all accounts, the expenditures made and the obligations incurred during the preceding calendar month and a balance sheet showing the financial condition of the city, of the several funds and the total unexpended balance to the credit of each department.

**Sec 2. Accounts to be Audited.** All the accounts of the city shall be audited annually by a qualified accountant to be chosen by the city council.

**Sec. 3. Auditor to Publish Monthly Statement.** The auditor shall publish each month a statement of the financial condition of the city.

Each of the administrative officers and boards shall annually on such date as may be fixed by the city council render to the mayor a full report of the transactions of his or their department for the year; on the basis of these reports the mayor shall prepare and publish an annual report for general distribution. In addition to a summary of the services rendered by the various departments, the report shall show:



**CHAP. 148**

- (a) Receipts classified according to sources.
- (b) Expenditures classified according to objects. The classification of receipts and expenditures in the report shall conform in general to the classification in the auditor's books.
- (c) Balance sheets.
- (d) Such other financial information as may be required by the city council.

**Sec. 4. Annual Budget.** Not later than one month before the end of the fiscal year the mayor shall submit to the city council budget estimates for the ensuing fiscal year. This budget shall be compiled from detailed information furnished by the administrative officers and boards on blanks, the forms of which shall be designated by the mayor and shall contain:

- (a) Exact statement of the financial condition of the city.
- (b) Itemized statement of appropriations recommended for current expenses, and for permanent improvements; with comparative statements in parallel columns of expenditures for the current and next preceding fiscal year. An increase or decrease in any item shall be indicated.
- (c) Itemized statement of estimated revenue from all sources other than taxation; and a statement of taxes required, with comparative figures from the current and next preceding year.
- (d) Such other information as may be required by the city council.

The budget shall be published not later than two weeks after its submission to the city council. The city council shall fix the time and place for holding a public hearing upon the budget and shall give a public notice of such hearing which shall be at least ten days before the final passage of the appropriation resolve.

**Sec. 5. Appropriation Resolve.** As soon as practicable after the beginning of the fiscal year the city council shall pass an annual appropriation resolve which shall be based on the budget submitted by the mayor. The total amount appropriated shall not exceed the estimated revenue of the city.

Before the annual appropriation resolve has been passed, the city council may make appropriation for current departmental expenses chargeable to the appropriation for the year, when passed, to an amount sufficient to cover the necessary expenses of the various departments until the annual appropriation resolve is in force.

**Sec. 6. Reserve Fund.** The city council in the appropriation resolve shall provide for a reserve fund from which transfers shall be made only by vote of the city council and no transfer of any money shall be made from any fund other than this reserve fund until the end of the fiscal year. at which time, after all warrants have been paid out of the various funds, the auditor shall transfer to the reserve fund, any balance or balances then remaining in the various other funds, except balances in the school fund; the city council may then authorize a transfer from the reserve fund to any other fund in which there is an over-draft created by any actual emergency; the city council shall then transfer the full balance then in the reserve fund to the sinking fund of the city.

**Sec. 7. Borrowing.** The borrowing of money by and for the city shall be limited as to form and purpose by the provisions of section eight and section nine of article six of this charter. The credit of the city shall in no manner be loaned to any individual, association, or corporation.

**Sec. 8. Bond Issues.** Money may be borrowed within the limits fixed by the constitution and statutes of the state, now or hereafter applying, to said Portland, by the issue and sale of bonds or notes pledged on the credit of the city, the proceeds to be used for the payment of indebtedness of the city contracted for the acquisition of land, the construction and equipment of buildings and other permanent public improvements, and the payment or refunding of bonds and notes and certificates of indebtedness previously issued. No order providing for the issue of bonds shall be passed without public notice given by posting notices of the same in two public places in the City of Portland and publishing said notice in at least two daily newspapers published in said Portland, at least two weeks before final action by the city council and the approval of eight of the members of the city council. Every issue of bonds shall be payable within a fixed term of years; if said bonds are issued in payment of indebtedness incurred for a permanent improvement, the term of such bonds shall not exceed the useful life of said improvement; and the term within which all bonds shall be made payable shall in no case exceed thirty years. Bonds issued after the adoption of this charter shall be made payable in equal, annual, serial installments as pertains to principal, and interest shall be made payable semi-annually. Every order for the issue of bonds shall provide for a tax levy for each year of an amount necessary to meet the payment of the annual, serial installment of principal and interest; and such amounts shall be included in the tax levy for each year until the debt is extinguished; provided, however, that bonds issued to refund any indebtedness of the City of Portland existing prior to the adoption of this charter shall not be subject to the aforesaid requirements of being made payable in equal, annual, serial installments.

## CHAP. 148

**Sec. 9. Temporary Loans.** Money may be borrowed in anticipation of receipts from taxes during any fiscal year, but the aggregate amount of such loans outstanding at any one time shall not exceed eighty per cent of the revenue received from taxes during the preceding fiscal year. All such loans shall be paid within the year out of receipts from taxes for the fiscal year in which said loans are made. Money may be borrowed in anticipation of money to be received from the sale of bonds to be issued, in case such bond issue has been authorized; all such loans shall be paid within one year and are subject to the provisions of the laws of the State of Maine in relation thereto. This section shall not limit in any way the power granted to towns and cities to borrow money as contained in chapter four, section sixty-two of the revised statutes or amendments thereof.

**Sec. 10. Sinking Fund.** Until the bonded indebtedness of the City of Portland in force at the time of the adoption of this charter is fully paid, the city council shall raise and set apart each year for a sinking fund, a sum equal to two per cent. of the total amount of appropriations for that year. The sinking fund shall be applied only to the payment of that bonded indebtedness of the city, the payment of which has not been provided for by payments in serial installments.

The sinking fund shall be invested as provided by the revised statutes of the State of Maine and all acts in addition thereto and in amendment thereof.

**Sec. 11. Payment of Money.** Money shall be paid out only on warrants on the city treasury issued by the auditor and countersigned by the mayor.

The auditor shall examine all payrolls, bills and other claims and demands against the city, and shall issue no warrant for payment until he finds that the claim is in proper form, correctly computed and duly certified and legally due and payable.

The auditor may require any claimant to make oath to the validity of his claim, may investigate any claim, and for such purpose or purposes may examine witnesses under oath.

**Sec. 12. Bonds of Officers.** The city council shall require a bond with sufficient surety or sureties, satisfactory to the city council, from all persons trusted with the collection, custody or disbursement of any of the public moneys; the premium charges for said bonds to be paid by the city.

**Sec. 13. Collection and Custody of City Moneys.** All moneys received by any officer, employee or agent of the city, belonging to the

city, or for or in connection with the business of the city, shall forthwith be paid by the officer, employee or agent receiving the same into the city treasury, and shall then be deposited by the city treasurer in some responsible banking institution or institutions to be chosen by said city council. All interest from all deposits of money belonging to the city shall accrue to the benefit of the city.

**Sec. 14. Purchase of Supplies.** All supplies for the city and for the several officers and boards thereof, shall be purchased by the purchasing agent. Such agent shall give bond for the faithful performance of his duties in such sum and with such surety or sureties as the council may require. All such supplies shall be purchased by said agent only upon requisition signed by the officer or head of the department for whom they are purchased and countersigned by the mayor, except in the case of purchase of supplies for the city schools, which said supplies he shall purchase only upon requisition by the superintending school committee.

The purchasing agent shall see to the delivery of supplies to each officer and department to whom they belong and shall take and file receipts therefor. He shall conduct all sales of property belonging to the city which are unfit or unnecessary for the city's use as now provided by ordinance of the City of Portland for heads of departments, but only after such sale has been authorized by the mayor by and with the consent of the aldermen.

## ARTICLE VIII.

### Public Utilities.

All public utility franchises, hereafter granted, and all renewals, amendments, and extensions thereof shall be granted or made only by a vote of at least eight members of the city council. No franchise and no renewal or amendment thereof shall be granted or made within sixty days after the application therefor is filed with the city clerk, nor within thirty days after the publication in full of the proposed franchise in its final form, nor until a public hearing has been held thereon. No public utility franchise shall be transferable except with the approval of the city council.

## ARTICLE IX.

### Miscellaneous Provisions.

**Sec. 1. Members of City Council Ineligible for Certain Offices.** No member of the city council shall, during the term for which he was chosen, be eligible for any other office the salary of which is payable by the city, nor shall he during such term hold any such office.

## CHAP. 148

**Sec. 2. No Personal Interest.** No mayor, no member of the city council, no subordinate city officer, no member of any board or commission charged with the expenditure of any money appropriated by the city council, or belonging to the city, no officer or employee of the city, elective or appointed, shall be interested directly or indirectly in any contract entered into by or in behalf of the City of Portland for work or material or the purchase thereof to be furnished to or performed for the city, and all contracts made in violation hereof are void and the city treasurer is expressly forbidden to pay any money out of the city treasury on account of any such contract. No such officer or employee, except a policeman or fireman, shall accept or receive from any person, firm or corporation acting under a franchise or license from the city, any frank, free pass, free ticket, or free service, or accept directly or indirectly from any such person, firm or corporation any service upon terms more favorable than those granted to the public generally. This provision shall not apply, however, to any free services now or hereafter provided for by contract, franchise or ordinance.

**Sec. 3. Town meetings.** 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 meeting shall be duly warned by the municipal officers upon requisition of sixty qualified voters. The city clerk shall act as clerk of such meetings, and record the proceedings upon the city records.

**Sec. 4. Referendum. Date of Meeting. Form of Question. Procedure.** This act, together with such other acts as may be passed by the eightieth legislature granting a city charter to the City of Portland, shall be submitted for approval or rejection to the qualified voters of the City of Portland at an election to be held the second Monday in September in the year A.D. nineteen hundred and twenty-one, and warrants shall be issued for such election in the manner now provided by law for the holding of municipal elections, notifying and warning the qualified voters of said city to meet in the several ward meetings of said city, there to cast their ballot concerning the selection of a charter for the City of Portland in substantially the following form:

**“FORM OF BALLOT”**

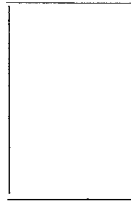
“Place a cross X in the square after the form of charter which you select. Mark only one form or your ballot will not be counted.

FORMS OF CHARTER

Plan 1. Present form of charter with mayor, board of nine aldermen, and common council of twenty-seven members elected by wards and with party designations.



Plan 2. Form providing mayor and board of twelve aldermen elected one from each ward and three at large with party designation retained.



Plan 3. Commission-manager form providing for a city council of five members elected from the city at large without regard to ward lines and without party designation."



Otherwise said ballot shall be in form provided by law when a constitutional amendment is submitted to the vote of the people. The provisions of law relating to the preparation of voting lists for municipal elections shall apply to such election and said election shall in all other respects be conducted as municipal elections in said city are now conducted by law, and the results thereof shall be determined in the manner now provided by law for the determination of the election of mayor. If a plurality of the valid ballots deposited as aforesaid shall favor the adoption of plan two, so called, on said ballot, and provided further, if the number of ballots favoring plan two, so called, on said ballot shall also constitute more than forty per cent of the total number of valid ballots cast at said election, then this act shall take effect as herein provided and the mayor shall forthwith make proclamation of the fact.

Sec. 5. Date When Effective. So much of this act as authorized the submission of the acceptance of this charter to the electors of the City of Portland shall take effect as provided in the constitution of the state, but it shall not take further effect unless adopted by the electors of the City of Portland as hereinbefore provided. If adopted by the electors of the city, then this act for the purpose of nominating and electing

**CHAP. 149**

officers hereunder shall take effect on the date of its adoption by the electors, and for all other purposes this act shall take effect on the second Monday in December in the year nineteen hundred and twenty-one.

**Sec. 6. All Acts and Parts of Acts Inconsistent Herewith Repealed.** All acts and parts of acts inconsistent with this act are hereby repealed. Provided, however, the repeal of the said acts shall not affect any act done, or any act accruing, or accrued, or established, or any suit or proceeding had or commenced in any civil or criminal case before the time when such repeal shall take effect, and that no offense committed, and no penalty or forfeiture incurred under the acts hereby repealed, and before the time when such repeal shall take effect, shall be affected by the repeal. And provided also that all acts of the legislature relating to the City of Portland and the ordinances, rules and regulations of the City of Portland, which shall be in force at the time when the said repeal shall take effect, and not inconsistent with this act, shall continue in force until the same are repealed. No act which has been heretofore repealed shall be revived by the repeal of the above acts.

**Sec. 7. Term of Office, Officers, Boards.** The passage and acceptance of this act shall not affect the term of office of such officers, trustees, members of commissions, or departments, except the board of overseers of the poor of the City of Portland, which said board is hereby abolished, as may be holding office with a definite term fixed by statute, at the time this charter takes effect, but such officers, trustees, members of commissions, or departments, shall complete the term of office to which they have been elected or appointed, subject to removal as hereinbefore provided for inefficiency or cause.

Approved April 9, 1921.

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## Chapter 149.

An Act to Grant a New Charter to the City of Portland.

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

### ARTICLE I.

#### Grant of Powers to the City.

**Sec. 1. Corporate Existence Retained.** The inhabitants of the City of Portland shall continue to be a body politic and corporate by the name of the City of Portland, and shall have, exercise and enjoy all the rights, immunities, powers, privileges and franchises and shall be subject to all the duties, liabilities and obligations provided for herein, or otherwise pertaining to or incumbent upon said city as a municipal corporation, or