

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.

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.

LEWISTON JOURNAL PRINTSHOP AND BINDERY
LEWISTON, MAINE

1921

Private and Special Laws

OF THE

STATE OF MAINE

As Passed by the Eightieth
Legislature

1921

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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 All Acts and Parts of Acts Inconsistent Herewith Repealed. All acts and parts of acts inconsistent with this act are hereby repealed.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repeal shall take effect, and that no offense committed, and no penalty or forfeiture incurred under the acts hereby repealed, and before the time when such repeal shall take effect, shall be affected by the repeal.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when the said repeal shall take effect, and not inconsistent with this act, shall continue in force until the same are repealed. No act which has been heretofore repealed shall be revived by the repeal of the above acts.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.

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

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.

Sec. 1. Powers and Duties. The administration of all the 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 five 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, and mayors of cities under the laws of this state.

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 the 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 said 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 the same.

All other powers now or hereafter vested in the inhabitants of said city, and all powers granted by this act, except as herein otherwise provided, as well as all powers relating to the fire department, shall be vested in said city council.

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Sec. 2. Composition, Election, Tenure of Office, etc. The city council shall be composed of five members elected at large from the qualified voters of the city for a term of five years or until their successors are elected and qualified, except that at the first election of members of the city council the member elect who shall receive the largest number of votes cast at such election shall hold office for five years, the member elect who shall receive the second largest number of votes cast at such election shall hold office for four years, the member elect who shall receive the third largest number of votes cast at such election shall hold office for three years, the member elect who shall receive the fourth largest number of votes cast at such election shall hold office for two years and the fifth member elect shall hold office for one year, and each shall hold office until his successor is elected and qualified.

Each member shall be entitled to receive as salary the sum of five hundred dollars per annum, payable quarterly, for all services rendered, and shall not be eligible to any other office of emolument or profit under the city charter or ordinances.

Sec. 3. Chairman. At the first meeting, or as soon as possible, the city council shall elect one of its members as chairman of the council for the ensuing year, or until his successor is elected and qualified, and the city council may fill for the unexpired term any vacancy as chairman that may occur.

If the chairman shall fail from sickness, disability, absence from the city, or other cause to attend to and perform the duties incumbent on him as such chairman, the remaining members of the city council may by unanimous vote, after notice and hearing, terminate the term of office of said chairman and remove him therefrom and thereupon may elect some other member of said city council chairman and such newly elected member shall thereupon and thereafter hold the office and perform the duties of chairman for the balance of that year, or until his successor is elected and qualified.

The chairman shall preside at all meetings of the council, and shall perform such other duties, consistent with this office, as the council may provide. He shall be entitled to vote, and his vote shall be counted upon all matters and things as a vote of other members of the council. The chairman shall be recognized as the official head of the city for ceremonial purposes, and shall have the powers and authority given to and perform the duties required of mayors of cities for all purposes of military law. In the temporary absence or disability of the chairman the city council may select a chairman pro tempore from among its number and he shall exercise all the powers of the chairman.

Sec. 4. Vacancies, Forfeiture of Office. In case of a vacancy caused by the death, resignation, removal from the city, or removal from office, as hereinafter provided, of any member of the city council more than six months prior to the next regular city election, the vacancy shall be filled by a special election, the warrants for which shall upon vote of the city council be issued by a member of the city council by vote designated for that duty.

Any member of the city council who shall be convicted of a crime while in office shall, after due notice and hearing before the city council and the production of the records of such conviction, 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, and at said meeting the councilmen 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.

Sec. 6. Special Meetings. Special meetings may be called by the chairman, and in 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. 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 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 and resolves, except orders or resolves making appropriations of money, shall be confined 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 separate days, except when the requirement of a reading

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on two separate days has been dispensed with by a four-fifths 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 the passage of any order or resolve when called for by any member of the city council. Every ordinance shall require on final passage the affirmative vote of a majority of the voting members of the city council. Every ordinance before final passage shall be published, marked "Proposed Ordinance," in one or more of the daily newspapers published in Portland, and shall take effect and be in full force, from and after it shall have received final passage by the city council and have 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 either before or after final passage shall not affect its validity or force.

ARTICLE III.

Superintending School Committee.

Sec. 1. Composition, Eligibility, Election, Tenure of Office, Special Provision. The superintending school committee shall consist of one member elected from each ward by the qualified voters thereof and three female members elected at large from the qualified voters of the city. They shall hold office for a term of two years and until their successors are elected and qualified. The members in office at the time this charter is accepted shall continue to hold office for the balance of the term for which they were originally elected.

Sec. 2. Chairman. The city council shall designate one of its members to serve as chairman of the superintending school committee, but he shall have no vote as such chairman except in case of a tie. No vote of the school committee involving the expenditure of money shall take effect until approved in writing by the permanent chairman designated by the city council or until it shall have been passed by a two-thirds vote of the entire membership of the school committee at a meeting held not less than four weeks after the date of the meeting at which the original vote was taken.

Sec. 3. 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 by the city clerk, and a record made thereof. A majority of the whole number elected shall be a quorum.

Sec. 4. Powers, Duties. The superintending school committee shall have all the powers, and perform all the duties in regard to the care and management of the public schools of said city, which are now conferred and imposed upon 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; 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 practicable, furnish to the city council an 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 amounts specified therefor in such estimate, except by consent of the city council. No member of the committee shall receive any compensation for his services.

Sec. 5. 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. 6. 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 appoint a qualified voter of the city, and if it is a vacancy in a ward committeeman, then they shall appoint a resident of the ward where the vacancy exists, and the term of office of the member so appointed shall continue until the next annual election, when the unexpired term, if any, shall be filled by election in the usual manner.

ARTICLE IV.

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, the qualified voters of the city shall ballot for five councilmen and for such members at large, if any, of the superintending 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 his ward and in case there is more than one voting precinct or island ward in any ward, then the qualified voters

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of each precinct and island ward shall vote for a warden and a ward clerk for his precinct or island ward, as well as for said 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 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 a councilman to fill the unexpired term of any councilman whose office is then vacant, if any such vacancy then exists, but whose term of office would not then have normally expired and for a councilman to fill the office of the councilman whose term of office expires that year and for such members at large, if any, of the superintending 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 a member of the school committee from such ward if the term of the member is expiring, or, if there is a vacancy, for the unexpired term, and a warden, a ward clerk and two constables for his ward and in case there is more than one voting precinct or island ward in any ward, then the qualified voters of each such precinct or island ward shall vote for a warden and ward clerk for his 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. The ward clerk shall forthwith deliver to each person elected warden or ward clerk a certificate of his 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 shall cause the persons who shall have been elected councilmen or members of the superintending school committee to be notified in writing of their election; if it shall appear at the first election five councilmen have not been elected, or if, after the first election, it shall appear that no person has been elected councilman, or if the person elected shall refuse to accept the office, warrants for another election to fill such vacancy shall be issued forthwith.

If it shall appear that at the first election to be held under this charter five councilmen have not been elected, the municipal officers then in office shall continue to hold office and perform their duties until five councilmen have been duly elected.

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 for 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 the 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 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 notifying and calling town meetings by the selectmen of the several towns.

Sec. 3. Nominations for Elective Officers to be Made by Petition.

The nomination of all candidates for elective offices provided for by this charter shall be by petition. The petition of a candidate for councilman shall be signed by not less than three hundred nor more than five hundred qualified voters of the city. The petition of candidates for superintending school committeemen at large shall be signed by not less than twenty-five nor more than one hundred qualified voters of the city. The petition of candidates for the superintending school committeemen from the several wards, and for warden, for ward clerk and for constable shall be signed by not less than twenty-five nor more than one hundred qualified voters of the ward wherein the candidate is to be elected. No voter shall sign petitions for more than one candidate for each office to be filled at the election, and should any voter sign more than one such petition, his signature shall be counted only upon the first petition filed, and shall be held void upon all other petitions.

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Sec. 4. Form of Nomination Paper. The signatures to the nomination papers need not all be affixed to one nomination petition, but to each separate petition there shall be attached an affidavit of the circulator thereof stating the number of signers on each petition, and that each signature appended thereto was made in his presence and is the genuine signature of the person whose name it purports to be. With each signature shall be stated the place of residence of the signer giving the street and number on the street, or their description sufficient to indentify the same. The form of the nomination petition shall be substantially as follows:

To the City Clerk of the City of Portland:

We, the undersigned electors of the City of Portland, hereby nominate, whose residence is, for the office of, to be voted for at the election to be held in the City of Portland on the day of, 19 ; and we individually certify that we are qualified to vote for a candidate for the above office and that we have not signed more nomination petitions of candidates for this office than there are persons to be elected thereto.

Name Street and Number....., being duly sworn, deposes and says that he is the circulator of the foregoing nominating petition containing signatures, and that the signatures appended thereto were made in his presence and are the signatures of the persons whose names they purport to be.

(Signed)

Subscribed and sworn to before me this day of 19 .

.....
Justice of the Peace (or Notary Public).

If this petition is deemed insufficient by the city clerk he shall forthwith notify by mail at No.street.

Sec. 5. Filing Nomination Papers. Acceptances of Nominations Must be Filed. The nomination petitions for any one candidate shall be assembled and united into one petition, and filed with the city clerk not earlier than thirty nor later than sixteen days before the day of election. No nomination shall be valid unless the candidate shall file with the city clerk in writing not later than sixteen days before the day of election, his consent, accepting the nomination, agreeing not to withdraw, and, if elected, to qualify.

Sec. 6. List of Candidates to Be Published. The city clerk shall certify the list of candidates and shall cause to be published in one or more of the daily newspapers published in said Portland the names, residences and office to which nominated of the candidates who have duly filed the above described petitions and acceptances.

Sec. 7. Ballots, 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. 8. Form of Ballot. Ballots for use in elections under this charter shall contain the names of the various candidates, with their residence and the office for which they are candidate, and shall be furnished with four columns for crosses to the right of the candidate's name and residence, and said columns shall be headed, respectively, "First Choice," "Second Choice," "Third Choice" and "Other Choices," and shall be of substantially the form provided in the following section.

Sec. 9. Face of ballot. The face of the ballot shall be of the following form:

CITY OF PORTLAND

Regular (or Special) City Election.

OFFICIAL BALLOT.

Candidates for office in the City of Portland at an election held on
Monday, the day of A.D.

Instructions.

To vote for any person, make a cross (X) in the square at the right of the name voted for, and in the proper column according to your choice.

Vote your first choice in the first column; vote your second choice in the second column; vote your third choice in the third column; vote in the fourth column for all the other candidates whom you wish to support.

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Do not vote more than one choice for one person, as only one choice will count for any one candidate on this ballot.

For (name of the office to be filled) () to be chosen. Vote for () on each choice	First Choice	Second Choice	Third Choice	Other Choices
Name of candidate and residence.				
Name of candidate and residence.				

For (name of the office to be filled) () to be chosen. Vote for () on each choice.	First Choice	Second Choice	Third Choice	Other Choices
Name of candidate and residence.				

Back of Ballot.

Portland, Maine, Monday, , A.D.

OFFICIAL BALLOT

Ward.....

(Facsimile of Signature)

City Clerk.

Sec. 10. Rotation of Names of Candidates. The city clerk in preparing all ballots for election under this charter shall arrange the names of all qualified candidates for each office in alphabetical order according to surnames, except as hereinafter provided. In any case where the names of four or more persons appear on one ballot as candidates for the city council or superintending school committee, the city clerk shall have printed as many sets of ballots as there are candidates. Each set of ballots shall begin with the name of a different candidate, the other names being arranged thereafter in regular alphabetical order, commencing with the name next in alphabetical order after the one that stands first on that set of ballots. When the last name is reached in alphabetical order it shall be followed by the name that begins with the first letter represented in the list of names and by the others in regular order. The ballot so printed shall then be combined in blocks of fifty so as to have the fewest possible ballots having the same order of names printed thereon together in the same block.

Sample ballots shall be printed from the arrangement of the first group of ballots to be printed as above provided.

Sec. 11. Count of Ballots. As soon as the polls are closed, the warden shall immediately open the ballot boxes, take therefrom the ballots and sort, count and declare them in open meeting in the presence of the ward clerk; and the ward clerk shall form a list of the persons voted for with the number and character as to choice of the votes for each person against his name, shall make a fair record thereof in the presence of the warden, and in open ward meeting enter the total number thereof on a tally sheet provided by the city clerk. The ward clerk shall enter the number of the first choice, second choice, third choice and other choice votes, for each candidate opposite the name such candidate on said tally sheet, and make return thereof to the city clerk on a blank by said city clerk to be provided. Only one vote shall be counted for any candidate on any one ballot. If two or more choices are marked on one ballot for one and the same candidate, the highest choice marked shall be counted, except as otherwise herein provided, and all other marks considered void. If a ballot contains either first choice, second choice or third choice votes in excess of the number of offices to be filled, no vote in the column showing such excess shall be counted. Except as hereinbefore provided, all choices shall be counted as marked on the ballot.

Sec. 12. Returns. Canvass. Upon receipt of the returns, after the first election under this charter, the then municipal officers and thereafter the city council shall determine the successful candidates as hereinafter provided in this section.

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The person receiving a majority of first choice votes, cast at an election for any office, shall be elected to that office; if no candidate received such a majority of the first choice votes for such office, then a canvass shall be made of the second choice votes received by each candidate for the office; all second choice votes received by any candidate shall then be added to the first choice votes received by said candidate for the office, and the candidate receiving the largest number of first choice and second choice votes combined, if such total votes constitute a majority, shall be elected to said office. If no candidate shall receive a majority of the first choice and second choice votes combined, then a canvass shall be made of the third choice votes received by each candidate for said office, and all third choice votes received by any candidate shall then be added to the total of the first choice and second choice votes for such candidate, and the candidate receiving the largest number of said total first choice, second choice and third choice votes, if such total constitutes a majority, shall be elected to said office; if no candidate shall have such a majority after adding the first choice, second choice and third choice votes, then a canvass shall be made of the other choice votes received by each candidate for the office and such other choice votes shall then be added to the total of the first choice, second choice and third choice votes received by such candidate, and the candidate having the largest number of first choice, second choice, third choice and other choice votes combined, shall be elected to such office.

A tie vote between two or more candidates shall be decided in favor of the one having the highest number of first choice votes. If they each receive an equal number of first choice votes, then the one who received the highest number of second choice votes shall be deemed elected. If they each received the same number of first choice and second choice votes, then the candidate receiving the highest number of third choice votes shall be deemed elected. If they each received the same number of first choice, second choice, third choice and other choice votes, then the tie shall be determined by lot under the direction of the city clerk.

Whenever the word "majority" is used in this section it shall mean more than one-half of the total number of valid ballots cast at such election for the candidates whose election is being canvassed.

Sec. 13. Specimen Ballots to be Published and Posted. The city clerk shall cause specimen ballots to be posted in public places in each ward and voting precinct and advertised in the newspapers not later than ten days prior to the city election and advertised in the newspapers at least twice more prior to the 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,

instructions to voters, and such measures as may be submitted to the voters by the legislature or by the city council. Such ballots shall be without party mark or designation.

Sec. 14. Recall Provisions. Any member of the city council may be recalled and removed therefrom by the electors of the city as herein provided.

Procedure for filing recall petition. Any elector of the city may make and file with the city clerk an affidavit containing the name or names of the member or members whose removal is sought and a general statement of the reasons why his removal is desired. The clerk shall thereupon deliver to the elector making such affidavit copies of petition blanks for such removal, printed forms of which he shall keep on hand. Such blanks shall be issued by the clerk with his signature and official seal thereto attached; they shall be dated and addressed to the city council, shall contain the name of the person to whom issued, the number of blanks so issued, and the name of the person or persons whose removal is sought. A copy of the petition shall be entered in a record book to be kept in the office of the city clerk. The recall petition, to be effective, must be returned and filed with the city clerk within thirty days after the filing of the affidavit. The petition before being returned and filed shall be signed by electors of the city to the number of at least twenty-five per cent of the number of electors who cast their votes at the last preceding regular municipal election, and to every such signature shall be added the place of residence of the signer, giving the street and number or other description sufficient to identify the place. Such signatures need not all be on one paper, but the circulator of every such paper shall make an affidavit that each signature appended to the paper is the genuine signature of the person whose name it purports to be. All such recall papers shall be filed as one instrument, with the endorsements thereon of the names and addresses of three persons designated as filing the same.

Examination and amendment of recall petitions. Within ten days after the filing of the petition the clerk shall ascertain whether or not the petition is signed by the requisite number of electors and shall attach thereto his certificate showing the result of such examination. If his certificate shows the petition to be insufficient, he shall forthwith so notify in writing one or more of the persons designated on the petition as filing the same; and the petition may be amended at any time within ten days after the giving of said notice, by the filing of a supplementary petition upon additional papers, issued, signed and filed as provided herein for the original petition. The clerk shall, within ten days after such amendment, make like examination of the amended petition, and attach thereto his certificate

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of the result. If then found to be insufficient, or if no amendment was made, he shall file the petition in his office and shall notify each of the persons designated thereon as filing it of that fact. The final finding of the insufficiency of a petition shall not prejudice the filing of a new petition for the same purpose.

Calling of recall election. If the petition or amended petition shall be certified by the city clerk to be sufficient he shall submit the same with his certificate to the city council at its next meeting and shall notify the member or members whose removal is sought of such action. The city council shall thereupon, within ten days of the receipt of the city clerk's certificate, order an election to be held not less than forty nor more than sixty days thereafter. Provided, that if a regular municipal election is to occur within ninety days after the receipt of said certificate, the city council may in its discretion provide for the holding of the removal election on the date of such other municipal election. The removal election shall be called and held and nominations made as in other elections under this charter except for the specific limitations of this section.

Form of ballot to recall councilmen. Unless the member or members whose removal is sought shall have resigned within ten days after the receipt by the city council of the city clerk's certificate, the form of the ballot at such election shall be as nearly as may be: "Shall A be recalled? Shall B be recalled?" etc., the name of the member or members whose recall is sought being inserted in place of A, B, etc., and the ballot shall also contain the names of the candidates nominated in place of the men recalled, as follows: "Candidates for the place of A, if recalled; Candidates for the place of B, if recalled," etc., but the men whose recall is sought shall not themselves be candidates upon such ballot. The names shall be arranged as provided in section ten hereof.

In case a majority of those voting for and against the recall of any official shall vote in favor of recalling such official he shall be thereby removed, and in that event the candidate to succeed him for the balance of the unexpired term shall be determined as provided in section twelve hereof.

If the officer or officers sought to be removed shall have resigned within ten days after the receipt by the city council of the city clerk's certificate referred to in this section above, the form of ballot at the election shall be the same, as nearly as may be, as the form in use at a regular municipal election and all other procedure shall be the same.

Procedure on refusal of city council. Should the city council fail or refuse to order an election as herein provided, such election may be ordered by any justice of the supreme judicial court.

Sec. 15. State Laws Not Inconsistent Applicable. The provisions of the laws of the State of Maine relating to the qualifications of electors, registration, the manner of voting, 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 V.

Administrative Officers.

Sec. 1. Titles and Appointment. There shall be the following administrative officers and boards:

(a) The following officers and boards shall be appointed by ballot by a majority vote of the voting members of the city council: city manager, city clerk, corporation counsel, treasurer and tax collector, auditor, gas agent, assessors of taxes, park commissioners, board of health, city hall music commission, trustees of Evergreen cemetery, recreation commission, two members board of registration, under section six, chapter five of the revised statutes, and they may elect nine constables at large.

(b) The following officers shall be appointed by the city manager, subject to confirmation by the city council; commissioner of public works, city electrician, city physician, inspector of buildings, chief of police, chief of the fire department, secretary to overseers of the poor, all other department heads whose position may from time to time be created by ordinance; and, except as herein otherwise provided, upon recommendation of the heads of their departments, all minor officers and employees.

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

(a) To create any new appointive office.

(b) To assign or authorize the city manager to assign the duties of two or more officers to one officer.

(c) To divide the duties of any office between two or more offices.

(d) To authorize the appointment of assistants or deputies in any office.

Sec. 3. Civil Service Rules for Police and Fire Departments. The city council shall provide by ordinance for a system of civil service rules for the appointment, promotion, lay-off, reinstatement, suspension

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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.

Sec. 4. Term of Service. All appointive officers whose terms of service are specified herein to be for a fixed term, shall be removable by the city council upon written charges, notice and hearing, if upon such hearing they are adjudged guilty of the charges preferred.

All other appointive officers shall hold office during the pleasure of the city council.

Sec. 5. Compensation of Officers. The city council shall fix by order the salaries of the appointees of the city council. Salaries of the appointees of the city manager shall be fixed by the city manager, subject to the approval of the city council.

Sec. 6. Appointment and Qualification of the City Manager. The city manager shall be chosen by the city council solely on the basis of his executive and administrative qualifications, and may or may not be a resident of the City of Portland or of the State of Maine at the time of his appointment. He shall give bond for the faithful discharge of his duties to the City of Portland in such sum as the city council shall determine and direct, and with surety or sureties to be approved by the city council. The premium on his bond shall be paid by the city.

Sec. 7. Powers and Duties of the City Manager. The city manager shall be the administrative head of the city and shall be responsible to the city council for the administration of all departments. The powers and duties of the city manager shall be as follows:

(a) To see that the laws and ordinances are enforced, but he shall delegate to the chief of the police department the active duties connected therewith regarding criminal misdemeanors.

(b) To exercise control over all departments and divisions created herein or that may hereafter be created.

(c) To make appointments as provided in this charter.

(d) To attend meetings of the city council, except when his removal is being considered, and recommend for adoption such measures as he may deem expedient.

(e) To keep the city council fully advised as to the business and financial condition and future needs of the city, and to furnish the city council with all available facts, figures and data connected therewith, when requested.

(f) To perform such other duties as may be prescribed by this charter or required by ordinance of the city council.

Sec. 8. Substitute. During any vacancy in the office of city manager, and during the absence or disability of the city manager, the city council may designate a properly qualified person to perform the duties of manager and fix his compensation; while so acting he shall have the same powers and duties as those given to and imposed on the city manager. Before entering on his duties, he shall give bond to the City of Portland in a sum and with surety or sureties to be approved by the city council. The premium on said bond is to be paid by the city.

Sec. 9. Duties of Administrative Officers Other than Manager. Duties of administrative officers other than the city manager may be prescribed by the city council. Such duties shall not be inconsistent with the provisions of this charter.

Sec. 10. Assessors of Taxes. There shall be three assessors of taxes appointed for terms of three years. The term of office of each assessor of taxes in office at the time of adoption of this charter shall continue for the balance of the term to which he was elected, and until his successor is elected and qualified; as the term of office of each assessor expires, the city council shall appoint an assessor of taxes 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 shall exist in the membership of the board of assessors, the vacancy shall be filled forthwith by the city council for the unexpired term. The assessors appointed as above provided 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 assistant assessor in each ward, and one additional assistant assessor in each ward, if the city council shall so direct, whose duty it shall be to furnish the assessors with all the 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. 11. Park Commission, Term and Compensation. There shall be a park commission consisting of three members appointed for terms of three years. 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 elected and qualified; as the term of office of each commissioner expires the city council shall appoint a member of the park commission by ballot who shall

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hold office for a term of three years, unless sooner removed under other provisions of this charter. If for any reason, a vacancy occurs in the membership of the park commission, the vacancy shall be filled forthwith by the city council for the unexpired term. The commissioner, appointed as above provided, shall exercise the same powers and be subject to the same duties as other members of said park commission. The city council shall designate one of the members of the city council to act as chairman of the park commission but he shall only have a casting vote. The commission may annually appoint a secretary who shall hold office during the pleasure of the commission. Whenever the chairman is absent the commission may choose one of its members as chairman pro tempore.

Sec. 12. Park Commission. 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. 13. 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 the dollar shall be assessed annually by the assessors of said City of Portland upon all estates and property subject to taxation in said city, 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. 14. Duties and Powers of Park Commission. It shall be the duty of the park commission to keep itself informed of the progress of city planning in this and other countries; to make studies and recommendations for the improvement of the plan of the city with a view to the present and future movement of traffic, the convenience, health, recreation, general welfare and other needs of the city, dependent on the city plan, of all new public streets, ways, sewers, conduits, land, buildings, bridges and all other public places and structures, of additions and alterations in those already existing, and of the layout or plotting of new subdivisions of the city. All acts of the city council or of any other branch of the city officers or departments affecting the city plan shall be submitted to the park commission for report and recommendation. The

city council may at any time call upon the park commission to report with recommendations, and the commission of their own volition may also report to the city council with recommendations on any matter which, in the opinion of either body, affects the plan of the city.

Any matter referred by the city council to the commission shall be acted upon by the commission within thirty days of the day of reference, unless a longer or shorter period is specified by the city council.

The commission shall submit to the city council an annual report, summarizing the activities of the commission for the then past fiscal year; the recommendations made by it to the city council during the year, and what, if anything, has been done by the city council or otherwise in connection with the said recommendations.

The commissioner of public works shall serve as chief engineer of the park commission. The board of health of the city shall advise the park commission, from time to time, of any municipal improvements within the scope of the park commission, which, in the opinion of the board of health, would improve the healthfulness of the city.

Sec. 15. 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 is appointed and qualified; as the term of office of each member expires, the city council shall appoint a member of the board of health 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 occurs in the membership of the board of health, the vacancy shall be filled by the city council 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. 16. Recreation Commission. The recreation commission shall be comprised of seven members, three of whom shall be members of the city council, the city manager, 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 severally represent. Vacancies shall be filled in the same manner. They shall elect a chairman from their number who shall be a member of the city council, and shall elect a secretary and other necessary officers to serve at their pleasure.

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The members of the recreation commission shall serve without compensation.

They shall have all the power 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 VI.**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 a manner as to show fully at all times the financial condition of the city. The auditor shall furnish to the city manager, 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. Reports. 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 a date as may be fixed by the city council, render to the city manager a full report of the transactions of his or their department for the year. On the basis of these reports, the city manager 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:

(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 city manager 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 city manager, 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 a 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 early 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 city manager.

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 appropriations 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. Transfers. 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,

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at which time after all warrants have been paid out of the various funds against which such warrants have been drawn, 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 shall then transfer the full balance then in the reserve fund to the sinking fund of the city; provided, however, that the city council may, in special cases, continue any particular fund without transfer temporarily pending the completion of expenditures in process or in contemplation.

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, notes, and certificates of indebtedness previously issued. No order providing for the issue of bonds shall be passed without public notice given by posting notice 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 four-fifths of all 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 estimated period of utility of said improvement but the declaration of the city council embodied in the order authorizing the issue shall be conclusive determination of the estimated period of utility thereof; 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 or bonds issued to refund such bonds shall not be subject to the aforesaid requirement of being made payable in equal, annual, serial installments.

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 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 together with any renewals thereof is fully paid, the city council shall raise and set apart each year for a sinking fund a sum equal to one and one-half per cent. of the total amount of appropriation 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. Payments. Money shall be paid out only on warrants on the city treasury issued by the auditor and countersigned by the city manager and a member of the city council to be designated from time to time by said city council.

The auditor shall examine all pay-rolls, 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, 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; and may require such bond from such other officials as it may deem advisable; the premium charges for said bonds to be paid by the city.

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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 with 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. Purchasing of Supplies. The purchasing agent shall purchase all supplies for the city and for the several officers and boards thereof, excepting for supplies for the city schools, which school 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 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, but only after such sale has been authorized by the city council, and subject to such restrictions as the city council may by ordinance provide.

The city manager shall act as purchasing agent until the city council by ordinance shall provide for the appointment of a purchasing agent.

ARTICLE VII.**Public Utilities.**

Sec. 1. Franchises. All public utility franchises, hereafter granted, and all renewals, amendments, and extensions thereof shall be granted or made only by a four-fifths vote of the voting members of the council. No franchise and no renewal or amendment thereof shall be granted or made within three months 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.

Sec. 2. Right of Regulation. All orders providing for grants, renewals, amendments or extensions of public utility franchises shall retain to the city the following rights:

(a) To repeal the same by order at any time for non-use, or for failure to begin construction within the time prescribed, or for failure to otherwise comply with the terms prescribed:

(b) To require proper and adequate extension of plant and service, and the maintenance of the plant and fixtures at the highest practicable standard of efficiency:

(c) To establish reasonable standards of service and quality of products and prevent unjust discrimination in service or rates:

(d) To impose such other regulations as may be conducive to the safety, welfare, and accommodation of the public.

ARTICLE VIII.

Miscellaneous Provisions.

Sec. 1. Members of the City Council Ineligible for Certain Offices. No member of the city council shall during the term for which 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.

Sec. 2. No Personal Interest. No city manager, no member of the city council, no subordinate city officer, no member of any board or commission charged with expenditure of any money appropriated by the city council or belonging to the city, no officer or employee of the city, elected 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 service now or hereafter provided for by contract, franchise or ordinance.

Sec. 3. 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 new 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

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holding or 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 three, so called, on said ballot, and provided further, if the number of ballots favoring plan three, 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. 4. Date When Effective. So much of this act as authorizes 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 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.

All acts and parts of acts inconsistent herewith are hereby repealed.

Sec. 5. Ordinances Not Inconsistent Continued in Force. All ordinances in forces at the time when this charter takes effect, not inconsistent with the provisions of this charter, shall continue in force until amended or repealed.

All rules and regulations of the municipal officers of the City of Portland in force at the time when this charter takes effect, not inconsistent with the provisions hereof, shall continue in force until amended or repealed.

Sec. 6. Existing Contracts Not Invalidated, Unless Inconsistent. All rights, actions, proceedings, prosecutions, and contracts of the city or any of its departments, pending or unexecuted when this charter goes into effect and not inconsistent therewith shall be enforced, continued or completed in all respects as though begun or executed hereunder.

Sec. 7. Term of Office, Officers, Boards. Nothing in this act shall be construed as repealing or amending any law of the state or ordinance of the City of Portland relative to the appointment, term of office, removal, retirement or pension of the members of the police department and of the fire department of the City of Portland other than the chiefs of said departments.

The passage and acceptance of this act shall not affect the term of office of such officers, trustees, members of commissions or departments 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 by the municipal officers, for inefficiency or cause.

All other officers, trustees, members of commissions or departments, hereafter to be appointed or elected under the provisions of this charter by the city council or city manager, whose term of office has not been herein otherwise provided for, shall continue in office until their successors are elected and qualified as provided in this act.