

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eighty-first Legislature

OF THE

STATE OF MAINE

1923

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Private and Special Laws

OF THE

STATE OF MAINE

As Passed by the Eighty-First
Legislature

1923

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franchise, right and power which has heretofore been granted to any of its predecessor corporations as appurtenant to any part, and which are hereby declared to be confirmed to this corporation; provided, however, that all such franchises, rights and powers, whether as originally limited or as so enlarged and extended, shall be exercised, and the damages caused thereby assessed, in the same manner provided in the acts originally creating them, and either party may initiate proceedings for the assessment of such damages. Whenever said corporation shall undertake to exercise the right of eminent domain, or any other right requiring notice, which has been granted in different forms in different acts relating to parts of the combined or consolidated works for which it is being exercised, such notice shall name the particular act which it is intended to invoke.

Sec. 4. Locations ratified and confirmed. All existing locations of any part or parts of the works of said Penobscot County Water Company in any streets, ways, parks, squares or other public places, are hereby ratified and confirmed.

Sec. 5. Existing statutes not affected; rights conferred subject to R. S., c. 55. Nothing herein contained is intended to repeal or shall be construed as repealing the whole or any part of any existing statute. And all the rights and duties herein mentioned shall be exercised and performed in accordance with all the applicable provisions of chapter fifty-five of the revised statutes, and acts amendatory thereof or additional thereto.

Approved March 15, 1923.

Chapter 58.

An Act to Amend an Act to Provide a Charter for the City of Gardiner, as Amended by Chapter One Hundred and Twenty-six of the Private and Special Laws of Nineteen Hundred and Seventeen.

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

Sec. 1. P. & S. L., 1913, c. 244, sec. 4; relating to providing a charter for the city of Gardiner, amended. Chapter two hundred and forty-four of the private and special laws of nineteen hundred and thirteen, entitled "An Act to Provide a Charter for the City of Gardiner," is hereby amended by striking out the whole of section four thereof and substituting therefor the following:

'Sec. 4. Administrative departments created; heads of departments; sub-departments established and defined. (1). The administration of city affairs shall be, and hereby is, divided and classified under three department heads as follows:

Department of accounts and finances, of which the mayor shall be the

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administrative head in full responsible charge, and which shall be subdivided into the following sub-departments, each with its executive head, as specified, who shall be responsible to the mayor.

- (a) Accounts and valuation, under the board of assessors, consisting of a first, second and third assessor, elected by the city council.
- (b) Purchase and supplies, under the mayor.
- (c) Collection, under the collector of taxes.
- (d) Treasury, under the city treasurer.
- (e) Accounting, auditing, sinking fund and claims, under the city auditor.
- (f) Schools, under the superintending school committee.
- (g) Public Library, under the trustees of the public library.
- (h) Records and printing, with such other matters as from time to time may be assigned to it, under the city clerk.

(2). Public Safety and Charities, of which the city council shall be the administrative head in full responsible charge, and which shall be subdivided into the following sub-departments, each with its executive head as specified, who shall be responsible to the city council.

- (a) Fire, including fire protection and inspection of buildings, and such other matters as from time to time may be assigned to it by the city council, under the fire chief.
- (b) Police, under the chief of police.
- (c) Poor, including city alms-house, soldiers' relief and state aid, licenses, elections, parks, public buildings including school buildings, weights and measures, with such other matters as from time to time may be assigned to it by the city council, under the assessors and overseers of the poor.
- (d) Public health, including inspection of milk, inspection of animals and sanitary conditions, under the public health officer, to whom shall be appointed and assigned an inspector of milk.
- (e) Legal affairs, under the city solicitor.

(3). Department of streets and highways, of which the city council shall be the administrative head in full responsible charge, and the superintendent of streets the executive head who shall be responsible to the city council. This department shall include streets, highways, culverts, bridges,

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street lighting, electrical affairs, street cleaning and watering, sewers, engineering, harbor, and such other matters as may from time to time be assigned to it by the city council.'

Sec. 2. P. & S. L., 1913, c. 244, sec. 7; relating to elections and municipal officers, amended. Section seven of chapter two hundred and forty-four of the private and special laws of nineteen hundred and thirteen is hereby amended by striking out the whole of the first, second and third clauses and substituting therefor the following: '(1) At the first city election held after the acceptance and under the provisions of this act and annually thereafter at each and every annual city election, there shall be elected the mayor for the term of the one municipal year next following his election, and one alderman from each and every one of the six wards of the city for the term of the one municipal year next following their election'; and by striking out the whole of the fourth clause, and substituting for the clause stricken out the following: 'The number of aldermen of the said city shall be six, who shall act with the mayor, and with the mayor shall be called and known as the city council'; and further by striking out all that part of clause six that follows the word "city" in the second line and substituting for the part stricken out a period and the following: 'The mayor may be a resident of any part thereof, but aldermen must be residents of the wards from which they are elected'; also by changing the numbers of the "fourth, fifth, sixth and seventh clauses" to '(2) (3) (4) and (5)' respectively, so that the amended section shall read as follows:

'Sec. 7. Mayor and aldermen to be elected annually; provision for six aldermen; mayor and aldermen to be the city council; mayor must be resident of city and aldermen of wards from which elected. (1). At the first city election held after the acceptance and under the provisions of this act and annually thereafter at each and every annual city election, there shall be elected the mayor for the term of the one municipal year next following his election, and one alderman from each and every one of the six wards of the city for the term of the one municipal year next following their election.

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

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

(4). The above mentioned officers shall be elected by and from the qualified voters of the city. The mayor may be a resident of any part

thereof, but aldermen must be residents of the wards from which they are elected.

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

Sec. 3. P. & S. L., 1913, c. 244, sec. 11; relating to filing of statement by candidate, amended. Section eleven of chapter two hundred and forty-four of the private and special laws of nineteen hundred and thirteen is hereby amended by striking out the third and fourth parentheses in the second and fourth paragraphs with the words contained therein and the word "for" between the said third and fourth parentheses and substituting for the words thus stricken out the following: 'mayor, or alderman from ward (state the ward)'; and by striking out from the parentheses in the fourth paragraph the words "of public safety and charities, or alderman of streets and highways," so that said section as amended, shall read as follows:

'Sec. 11. Statement and petition changed to conform to change in term of office and residence. Any person who is qualified to vote for a candidate for mayor or alderman, and who is a candidate for such office, may have his name, as such candidate, printed on the official ballots to be used at a preliminary election for nominations provided that he shall, at least ten days before such preliminary election for nominations, file with the city clerk a statement in writing of his candidacy in the following form:

STATEMENT OF CANDIDATE.

I, () on oath declare that I live (at number , if any) on (name of street) in the city of Gardiner; that I am a voter therein qualified to vote for a candidate for mayor, or alderman from ward (state the ward) to be voted for at the preliminary election for nominations to be held on Tuesday the day of 19 ; and that I am not a candidate as the nominee or representative of, or because of any promised support from, any political party or any committee or convention representing or acting for any political party or organization.

STATE OF MAINE.

Kennebec, ss.

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

Signed,

Justice of the Peace,
(or Notary Public).

and at the same time shall file therewith a petition for nomination which

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shall consist of not less than twenty-five individual certificates in the following form:

"PETITION FOR NOMINATION"

Individual Certificate

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

Sec. 4. P. & S. L., 1913, c. 244, sec. 13; relating to preparation of ballots, amended. Section thirteen of chapter two hundred and forty-four of the private and special laws of nineteen hundred and thirteen is hereby amended by striking out the last sentence of the first paragraph and substituting therefor the following: 'He shall prepare separate, distinctive ballots for each of the six wards of the city, which shall have the following heading on the face of the ballot'; and by altering the second paragraph of this section so that it will read:

'OFFICIAL NOMINATING BALLOT

Ward (one, two, three, four, five or six—using the appropriate number.)

Candidates for nomination for (mayor and alderman) of the city of Gardiner at a preliminary election for nominations held on the day of in the year 19 , and on the back shall have the following heading,' so that said section as amended, shall read as follows:

'Sec. 13. Ballots to be prepared for each ward; matter to be printed on heading and back of ballots. On the first day, not being Sunday or a legal holiday, following the expiration of the time for filing the above described statements and petitions, the city clerk shall cause to be published in one daily newspaper published in the city, if there be any, otherwise in the nearest daily newspaper published in Kennebec county, the names and residences of the candidates for nomination who have duly filed the above mentioned statements and petitions, and the offices and terms for which they are candidates for nomination, as they are to appear on the official ballots to be used at the preliminary election for nominations. The city clerk shall thereupon prepare the ballots to be used at such preliminary election for nominations and shall cause them to be printed, and the ballots

so prepared shall be the official ballots and the only ballots used at such preliminary election for nominations. He shall prepare separate, distinctive ballots for each of the six wards of the city, which shall have the following heading on the face of the ballot:

'OFFICIAL NOMINATING BALLOT

Ward (one, two, three, four, five or six—using the appropriate number.)

Candidates for nomination for (mayor and alderman) of the city of Gardiner at a preliminary election for nominations held on the..... day of.....in the year 19 , and on the back shall have the following heading:

**CITY OF GARDINER
OFFICIAL NOMINATING BALLOT
PRELIMINARY ELECTION.**

(Month)

(day)

(year)

Attest:

City Clerk.'

Sec. 5. P. & S. L., 1913, c. 244, sec. 14; relating to how ballot shall be made up, amended. Section fourteen of chapter two hundred and forty-four of the private and special laws of nineteen hundred and thirteen is hereby amended by striking out the whole of the fourth sentence—lines ten, eleven, twelve and thirteen—from the word "There" to the word "officers" inclusive, and by striking out the words "vote for two, as the conditions may require" in the last sentence of this section, so that the section as amended shall read:

'Sec. 14. Names of department heads to be eliminated from ballot. The name of each person who has filed a statement and an accompanying petition, as aforesaid, and his residence and the title and term of the office for which he is a candidate for nomination shall be printed on the face of the said ballots, and the names of no other candidates, except as otherwise provided in section twenty-four of this act, shall be printed thereon. The names of candidates shall be printed in lists arranged in alphabetical order in a single column with the titles of the respective offices. Blank spaces shall be left at the end of each list of candidates for nomination for the different offices, equal to the number to be nominated therefor, in which the voter may insert the name of any person not printed on the ballot for whom he desires to vote for nomination to such office. There shall also be printed on the said ballots four lines forming a square of half an inch immediately to the left of the name of each candidate and of the spaces left for the insertion of additional names, to receive the cross of the voter. There shall also be printed on the said ballots the following

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directions to voters: 'To vote for any person make a cross with a black lead pencil (X) in the square at the left of the name of the person you wish to vote for'; printed in bold faced type directly below the heading; the word 'for' immediately before the title of each office for which there are candidates to be nominated; and the words 'vote for one,' on the same line with, and directly following each title.'

Sec. 6. P. & S. L., 1913, c. 244, sec. 22; relating to choosing an acting mayor, amended. Section twenty-two of chapter two hundred and forty-four of the private and special laws of nineteen hundred and thirteen is hereby amended by striking out the word "two" before the word "alderman" in the third line, by striking out the word "both" before the word "aldermen" in the fourth line and substituting therefor the words 'all the'; and by striking out the words "the other alderman" in the sixth line and substituting therefor the words 'another alderman chosen by lot as above prescribed,' so that the section as amended shall read as follows:

'Sec. 22. Acting mayor to be one of the aldermen chosen by lot. Upon the death, resignation or absence of the mayor, or upon his inability to perform the duties of his office, one of the aldermen shall be chosen by lot, drawn by the city clerk in the presence of all the aldermen, to perform them, and if he also be absent or unable from any cause to perform said duties, they shall be performed by another alderman chosen by lot as above prescribed, until the mayor or alderman first chosen is able to attend to the said duties, or until the vacancy is filled as hereinafter provided. The person upon whom such duties devolve shall be called "acting mayor," and, except as otherwise provided in this act, shall possess the powers of mayor, but only in matters not admitting of delay.'

Sec. 7. P. & S. L., 1913, c. 244, sec. 26; relating to provision for suspending city ordinances, amended. Section twenty-six of chapter two hundred and forty-four of the private and special laws of nineteen hundred and thirteen is hereby amended by striking out all of said section and substituting in place thereof the following:

'Sec. 26. Ordinances, and amendments to and repeals of, orders, resolutions and votes, to be suspended on petition of 300 voters until submitted to a vote of the electors. If during the fourteen days following the day on which any new ordinance, amendment to, or repeal of an ordinance, or such an order, resolution or vote, required to be published under section thirty-four, has been passed by the city council, a petition, signed by at least three hundred of the voters of the said city, qualified to vote at city elections, and protesting against the passage of any ordinance, amendment to, or repeal of any ordinance, or the passage of any order, resolution or vote, shall be filed in the office of the city clerk, such ordinance, amend-

ment to, or repeal of an ordinance, and such order, resolution or vote, shall be suspended from going into operation, and it shall be the duty of the city council to reconsider the same, and if the said council does not so reconsider and rescind its vote, they shall submit it, as is provided in subdivision (b) of section twenty-five, to the qualified voters of the city, and the said ordinance, amendment to or repeal of an ordinance, and the said order, resolution or vote, shall not go into effect or become operative unless a majority of the voters, qualified as aforesaid, voting on the ordinance, amendment to or repeal of an ordinance, or on the said order, resolution or vote, shall vote in favor thereof.

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

'Petitions under the provisions of this section may consist of one or more distinct papers. In each of such papers the ordinance, amendment to or repeal of an ordinance, or the order, resolution or vote, the passage of which is protested, shall be set forth or referred to, and all such papers filed in any one day in the office of the city clerk shall be considered parts of the same petition. Such petitions shall be signed, sworn to as to signatures, examined, re-examined, presented to the city council, shall have the city clerk's certificate of sufficiency or insufficiency attached thereto, and may be supplemented in the same manner as petitions filed under section twenty-four.'

Sec. 8. P. & S. L., 1913, c. 244, sec. 27; relating to city government, amended. Section twenty-seven of chapter two hundred and forty-four of the private and special laws of nineteen hundred and thirteen is hereby amended by striking out the word "two" before the word "aldermen" in the second line of the section and substituting therefor the word 'six'; and by striking out the word "two" in both of the places in which it occurs in the next following sentence and substituting, in each case, the word 'four,' so that said section, as amended, shall read as follows:

'Sec. 27. City government to consist of mayor and six aldermen; four members a quorum. The city of Gardiner shall be governed by a city council, consisting of the mayor and six aldermen chosen as provided in this act, each of whom shall have the right to vote on all questions coming before the council. Four members of the council shall constitute a quorum, and the affirmative vote of four members shall be necessary to adopt any motion, resolution or ordinance, or pass any measure. Upon every vote

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the yeas and nays shall be called and recorded, and every motion, resolution or ordinance shall be reduced to writing and read before the vote is taken thereon. The city clerk shall be the clerk of the council, and shall keep a journal of its proceedings which shall be a public record. The mayor or acting mayor shall preside at all meetings of the council, and shall have the right to vote on all questions coming before it; he shall have no power to veto any measure, but every resolution or ordinance passed by the council shall be signed by him, and must be attested by the city clerk, and be recorded, before it shall take effect.'

Sec. 9. P. & S. L., 1913, c. 244, sec. 28; relating to powers and duties of city council, amended. Section twenty-eight of chapter two hundred and forty-four of the private and special laws of nineteen hundred and thirteen is hereby amended by striking out all the words in the fifth, sixth, seventh and eighth lines of the first paragraph from the word "assessors" to the word "committees" inclusive; and by striking out the whole of the second and third paragraphs, so that said section, as amended, shall read as follows:

'Sec. 28. City council powers defined. The city council shall have and possess and its members shall severally exercise all executive, legislative and judicial powers and duties, and be subject to any and all liabilities now had, possessed and exercised by or imposed upon the mayor, aldermen, common council, except as the same may be inconsistent with any of the provisions of this act.'

Sec. 10. P. & S. L., 1913, c. 244, sec. 31; relating to election and appointment of certain city officers, amended. Section thirty-one of chapter two hundred and forty-four of the private and special laws of nineteen hundred and thirteen is hereby amended by striking out the whole of the first paragraph down to and including the words "three years" in the fourteenth line and substituting the following: 'The city council shall, at the said first meeting elect by majority vote a first assessor to serve for the term of the three municipal years next following his election; a second assessor to serve for the term of the two municipal years next following his election; and a third assessor to serve for the term of the one municipal year next following his election.'

'At the first annual meeting next following the said first meeting, the city council shall elect by majority vote a third assessor to serve for the term of the three municipal years next following his election, to succeed the third assessor whose term has expired.

'At the second annual meeting next following the said first meeting, the city council shall elect by majority vote a second assessor to serve for the

term of the three municipal years next following his election, to succeed the second assessor whose term has expired.

‘And at every subsequent annual meeting, the city council shall elect by majority vote an assessor (first, second or third) to serve for the term of the three years next following his election, to succeed the assessor whose term has expired.

‘The board of assessors thus elected shall be the executive head of the sub-department of poor and discharge all its duties and responsibilities.

‘The mayor shall, at the first meeting and at every annual meeting thereafter, appoint, subject to approval by vote of a majority of all the aldermen, the following officers: a city clerk, a treasurer who shall furnish such bond as shall be fixed by the city council and cannot hold the office of collector of taxes at the same time he is city treasurer, an auditor, a collector of taxes, a superintendent of streets and highways, a fire chief, a chief of police, a civil engineer, a city solicitor, a public health officer, an inspector of milk, one member of the superintending school committee to serve for three years, one trustee of the Gardiner Water District to serve for three years, and one director of the public library to serve for three years; and by adding the words ‘by the mayor or’ after the word “office” in the last line of the second paragraph, and by omitting all the words following the word “original” in the third line of the third paragraph and adding ‘appointment or election at a regular or at a special meeting of the city council,’ so that said section, as amended, shall read as follows:

‘Sec. 31. Assessors elected by majority vote of council; city clerk, treasurer, auditor, etc., to be appointed by mayor subject to approval of aldermen; subordinate assistants and officers to be appointed by heads of departments subject to approval of city council; removals and vacancies. The city council shall, at the said first meeting, elect by majority vote a first assessor to serve for the term of the three municipal years next following his election; a second assessor to serve for the term of the two municipal years next following his election; and a third assessor to serve for the term of the one municipal year next following his election.

‘At the first annual meeting next following the said first meeting, the city council shall elect by majority vote a third assessor to serve for the term of the three municipal years next following his election, to succeed the third assessor whose term has expired.

‘At the second annual meeting next following the said first meeting, the city council shall elect by majority vote a second assessor to serve for the

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term of the three municipal years next following his election, to succeed the second assessor whose term has expired.

'And at every subsequent annual meeting, the city council shall elect by majority vote an assessor (first, second or third) to serve for the term of the three years next following his election, to succeed the assessor whose term has expired.

'The board of assessors thus elected shall be the executive head of the sub-department of poor and discharge all its duties and responsibilities.

'The mayor shall, at the first meeting and at every annual meeting thereafter, appoint, subject to approval by vote of a majority of all the aldermen, the following officers: a city clerk, a treasurer who shall furnish such bond as shall be fixed by the city council and cannot hold the office of collector of taxes at the same time he is city treasurer, an auditor, a collector of taxes, a superintendent of streets and highways, a fire chief, a chief of police, a civil engineer, a city solicitor, a public health officer, an inspector of milk, one member of the superintending school committee to serve for three years, one trustee of the Gardiner Water District to serve for three years, and one director of the public library to serve for three years. Such other officers and assistants as shall be provided for by ordinance, or may be necessary to the proper and efficient conduct of the affairs of the city, or are required by statute, shall be appointed by the heads of the several departments subject to approval by the city council.

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

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

Sec. 11. P. & S. L., 1913, c. 244, sec. 32; relating to duties of mayor, amended. Section thirty-two of chapter two hundred and forty-four of the private and special laws of nineteen hundred and thirteen is hereby amended by adding after the word "mayor" in the first line thereof the words 'shall act as purchasing agent and,' and by striking out all the words following the words "signed by" in the seventh line, and adding 'mayor and countersigned by two aldermen,' so that said section, as amended, shall read as follows:

'Sec. 32. Mayor to act as purchasing agent; contracts to be signed by mayor and two aldermen. The mayor shall act as purchasing agent, and

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

Sec. 12. P. & S. L., 1913, c. 244, sec. 33; relating to meetings of city council, amended. Section thirty-three of chapter two hundred and forty-four of the private and special laws of nineteen hundred and thirteen is hereby amended by striking out the words "once each week" and substituting therefor the words 'once a month'; and by striking out the words "the two" in the last line of the section and substituting the word 'four,' so that said section, as amended, shall read as follows:

'Sec. 33. Meetings to be held monthly; special meetings may be called by four aldermen. After the first meeting, or the annual meeting, of the city council above provided for, regular meetings of the city council shall be held at least once a month of every year. The city council shall provide by ordinance for the time of holding regular meetings, and special meetings may be called from time to time by the mayor or four aldermen.'

Sec. 13. P. & S. L., 1913, c. 244, sec. 34; relating to procedure in making contracts, street improvements, granting franchises, etc., amended. Section thirty-four of chapter two hundred and forty-four of the private and special laws of nineteen hundred and thirteen is hereby amended by adding before the word "no" in the first line thereof, the words 'no new ordinance, no amendment to nor repeal of an ordinance'; and before the word "such" in the seventeenth line thereof, the words 'such new ordinances or amendments to, or repeal of ordinances or'; and by striking out everything after the word "twenty-six" in the nineteenth line thereof, so that said section, as amended, shall read as follows:

'Sec. 34. New ordinances, and amendments to and repeals of ordinances, orders, resolutions and votes made to come under provisions. No new ordinance, no amendment to, nor repeal of an ordinance, and no order, resolution or vote appropriating money in excess of three hundred dollars, or making, or authorizing the making of any contract involving a liability on the part of the city in excess of three hundred dollars, nor any order, resolution or vote ordering any street improvement or sewer, or granting any franchise, or giving any right to occupy or use the streets, highways, bridges or public places in the city for any purpose for which municipal consent may be necessary, shall be passed by the city council unless it be proposed in writing and remain on file in the office of the city clerk

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and be published by him twice in one daily newspaper of this city, if there be any, and in the nearest daily newspaper published in Kennebec county, at least one week before its final passage, except an order, resolution or vote for the immediate preservation of the public peace, health or safety, which contains a statement of its urgency.

'Such new ordinances, or amendments to, or repeal of ordinances, or such orders, resolutions or votes, as are required to be published under the provisions of this section shall be subject to the provisions of section twenty-six.'

Sec. 14. P. & S. L., 1913, c. 244, sec. 35; relating to monthly reports and annual report of city council, amended. Section thirty-five of chapter two hundred and forty-four of the private and special laws of nineteen hundred and thirteen is hereby amended by striking out all of said section, and substituting in place thereof the following:

'**Sec. 35. Monthly financial report to be published in a newspaper; annual report to be published in newspaper and in pamphlet form.** The city council shall, on or before the fifteenth day of each month, publish in a newspaper published in the city, or if there be no such newspaper, then in the nearest daily newspaper printed in Kennebec county, a statement showing the amount of each appropriation with the total credits and charges thereto and the balance thereunder to the first of the current month; and also a summary of its proceedings during the preceding month. At the end of the municipal year it shall cause a full and complete examination of all books and accounts of the city to be made by certified public accountants, and shall publish the result of such examinations in a newspaper published in the city, or if there be no such newspaper, then in the nearest daily newspaper published in Kennebec county, and also with the annual city reports in pamphlet form.'

Sec. 15. P. & S. L., 1913, c. 244, sec. 36; relating to salaries, amended. Section thirty-six of chapter two hundred and forty-four of the private and special laws of nineteen hundred and thirteen is hereby amended by striking out the whole section and substituting therefor the following:

'**Sec. 36. Salary of mayor \$500; salaries of aldermen eliminated.** The salary of the mayor shall be five hundred dollars per annum payable monthly in twelve installments. This salary shall not be changed except upon petition and procedure as provided in section twenty-five for the introduction and passage of ordinances, by vote of the qualified voters of the city, at any annual city election. The city council shall fix the salaries of all subordinate officers.'

Sec. 16. P. & S. L., 1913, c. 244, sec. 39; relating to duties of super-

intending school committee, and the purchase of supplies, amended. Section thirty-nine of chapter two hundred and forty-four of the private and special laws of nineteen hundred and thirteen is hereby amended by striking out the words "eighty-eight of the public laws of nineteen hundred and nine" in the eleventh and twelfth lines and substituting therefor the words 'sixteen of the revised statutes and acts amendatory thereof,' and by striking out the words "by the purchasing agent" in the third paragraph; and by adding to the said third paragraph of the section aforesaid the following: 'The mayor shall purchase all other property required by the city, save that when other property is required the value of which amounts to three hundred dollars or more, the city council shall advertise for sealed bids therefor, reserving the right to accept or reject any or all bids or parts of bids. Such bids shall be addressed to said council and shall be accepted or rejected by said council, and upon the acceptance of any such bids or parts of bids, the mayor shall issue orders or execute contracts therefor. Should the city council fail to receive any such bids, said council may instruct the mayor to purchase such property in the open market'; and by striking out the last paragraph of the section aforesaid, so that said section, as amended, shall read as follows:

'Sec. 39. Amended to conform to R. S., c. 16; mayor to purchase all supplies and property except when amount is \$300 or more, then bids to be advertised. The duties of the superintending school committee, as prescribed by the laws of the state, except as herein otherwise provided, shall be performed by a school committee of three members, which shall also and in like manner have charge of the high school.

'The purchase of any site for a school building, the purchase of any building for school purposes, the plans for any alteration of any school building, the plans for any new school building, and the execution of any such plans for the alteration of old buildings or the building of new ones, subject to the provisions of chapter sixteen of the revised statutes and acts amendatory thereof, shall be determined, made, adopted and carried out by, and under the supervision of, the school committee acting jointly with the members of the city council.

'The mayor shall purchase all books, stationery, school-apparatus and schoolroom supplies required by the school committee or the superintendent of schools acting for them, but all ordinary repairs of school buildings and supplies or furniture for such buildings shall be made and purchased by the city council on recommendation by the school committee or the superintendent of schools acting for them. The mayor shall purchase all other property required by the city, save that when other property is required the value of which amounts to three hundred dollars or more, the

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city council shall advertise for sealed bids therefor, reserving the right to accept or reject any or all bids or parts of bids. Such bids shall be addressed to said council and shall be accepted or rejected by said council, and upon the acceptance of any such bids or parts of bids, the mayor shall issue orders or execute contracts therefor. Should the city council fail to receive any such bids, said council may instruct the mayor to purchase such property in the open market.

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

Sec. 17. P. & S. L., 1913, c. 244, sec. 40; relating to voting precincts, and division of polling precincts, amended. Section forty of chapter two hundred and forty-four of the private and special laws of nineteen hundred and thirteen is hereby amended by striking out the whole of the first eight lines, to and including the word "elections" and substituting therefor the following: 'The acceptance of this act shall restore the division of the city into the six wards established by the charter of eighteen hundred and forty-nine'; and by striking out the words "a polling place" in the ninth and tenth lines and substituting therefor the following: 'one or more polling places, as the convenience of the voters may warrant'; and by striking out the words "voting precincts" wherever they occur in the first paragraph of this section and substituting therefor, in each place, the word 'wards'; and by striking out the word "made" in the first line of the second paragraph of this section and substituting therefor the word 'restored'; and by striking out the whole of the third paragraph of this section, so that said section, as revised, shall read as follows:

'Sec. 40. Present voting precincts abolished and ward lines as established by charter of 1849 restored. The acceptance of this act shall restore the division of the city into the six wards established by the charter of eighteen hundred and forty-nine. The city council shall specify, appoint or provide one or more polling places, as the convenience of the voters may warrant, for each of the aforesaid wards, and furnish each such polling place with such furniture and appurtenances as are required by the laws of the state for polling places. The wards and polling places provided as aforesaid shall serve all the purposes of wards and ward rooms under the state laws governing elections, and all reference to wards, ward rooms and polling places in such state laws shall apply to the wards and polling places aforesaid.

'The city council shall cause the division so restored, and the polling places so provided, to be published at least twice in a newspaper published

in the city, on the completion of such division, and shall cause the said lists to be posted at the several polling places. The names of qualified voters, as published and posted, shall be grouped severally under the names of the streets, roads, avenues or lanes on which the said voters live, and arranged alphabetically in each group.'

Sec. 18. Local referendum provided for; election for voting on this act to be on petition of at least 150 voters; if act not accepted at first election, other elections provided for; form of ballots, etc. This act shall take effect as to the city of Gardiner only when accepted, as hereinafter provided, by the electors of said city qualified to vote in a municipal election. It shall be submitted to be voted upon by the qualified electors of said city at a special election to be held on the second Tuesday of October in the year nineteen hundred and twenty-three, at which special election this act shall be submitted to the qualified voters of the city and on petition of at least one hundred and fifty duly qualified voters of the city of Gardiner that said special election shall be held on that day. Petitions addressed to the city council and signed by qualified voters of the city, requesting that a special election be held at which this act shall be submitted to the qualified voters of the said city, may be filed in the office of the city clerk at any time on or before the second Tuesday of September in the year nineteen hundred and twenty-three. Each signer of such petition shall add to his signature the name of the street on which he lives at the time of signing, and the street number of his house if there be any. Such petitions need not be sworn to. Within the seven days next after the said second Tuesday of September, the city clerk shall examine the petitions so filed and ascertain the aggregate number of qualified voters of the city who have signed them, and he shall forthwith present the petitions to the city council with his certificate setting forth the aggregate number of qualified voters of the city who have so signed. If it shall appear from the said certificate that such aggregate number is at least one hundred and fifty, the city council shall forthwith call a special election to be held on the second Tuesday of October in the year nineteen hundred and twenty-three, at which special election this act shall be submitted to the qualified voters of the city.

If, however, the said act be not so accepted at the aforesaid special election, it may be again submitted in the manner above prescribed, if a petition made and signed as aforesaid requesting such resubmission be filed in the office of the city clerk at any time on or before the second Tuesday of August in the year nineteen hundred and twenty-four and be found to be sufficiently signed as above provided, at a special election to be called for the second Monday of September in the year nineteen hundred and twenty-four and held on that day.

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

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

If this act shall be so accepted, it shall take effect on its acceptance for the annual city election to be held on the Tuesday next following the last Monday in November in the year of its acceptance, for the preliminary election for nominations, to be held, under the provisions of this act, on the second Tuesday preceding the aforesaid annual city election, for the statements of candidates and petitions accompanying statements of candidates to be filed by persons whose names are to be printed on the official ballots to be used at such preliminary election for nominations, and for all things which appertain and relate to said annual city election, preliminary election for nominations and statements of candidates and petitions. For all other purposes it shall take effect at ten o'clock in the forenoon of the first Monday of January of the year next following the year of its acceptance.

The ballots to be used in said election or elections shall have printed upon them the following:

"SUMMARY of An Act entitled 'An Act to Amend an Act to Provide a Charter for the City of Gardiner,' as amended. Passed by the Legislature of 1923.

"Section 1. Divides city affairs into three departments. Assigns sub-departments to each. Makes mayor responsible administrative head of department of accounts and finances, with an executive head of each sub-department responsible directly to the mayor. Makes the city council the responsible administrative head of the departments of public safety and charities and streets and highways, with an executive head of each sub-department responsible directly to the city council.

"Section 2. Provides for the election at large of the mayor, to serve one year, and for the election of one alderman to serve one year from each of six wards. Provides that the mayor and aldermen shall constitute and be known as the city council.

"Sections 3, 4, 5 and 6 contain minor provisions and amendments necessary for carrying out the act.

"Section 7. Provides for suspension on petition of acts and ordinances of the city council for further consideration.

"Section 8. Provides order of procedure in council.

"Section 9. Defines power of council.

"Section 10. Provides for appointment and election of officers.

"Section 11. The usual provision for signing of notes, bonds and contracts.

"Section 12. Provides for monthly meetings of the city council.

"Section 13. Provides for publication of appropriations and new ordinances.

"Section 14. Provides for publication of financial statements and summaries of proceedings, monthly and annually, and for annual examinations by a certified public accountant.

"Section 15. Fixes the salary of the mayor at five hundred dollars a year.

"Section 16. Abolishes the office of purchasing agent and provides that the mayor shall act in that capacity.

"Section 17. Re-establishes the old division of the city into six wards, with provision for establishing as many polling places as may be deemed necessary in each ward."

The complete act may be consulted during the election in each voting booth.

There shall also be printed upon the ballots for the said election the question "Shall the act aforesaid be adopted?" Opposite and to the right of the question shall be printed the two words "Yes" and "No" with the usual square in which the voter is to mark in the manner required by law to express his opinion.

A printed copy of the full text of this act shall be posted with each notice of said election, and two copies shall be kept posted in each voting place in said city during said election and a copy in each of the voting booths. An ample supply of such copies shall be kept also in the city clerk's office, for general use.

Sec. 19. Inconsistent acts modified so as to conform. All acts and parts of acts inconsistent herewith and all provisions of the charter and

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ordinances of the said city of Gardiner inconsistent with this act are hereby modified so as to conform to the provisions of this act.

Sec. 20. Act to take effect for purposes of election 90 days after adjournment of legislature. This act shall take effect in ninety days after the final adjournment of the legislature so far as is necessary for the election authorized in section eighteen.

Approved March 15, 1923.

Chapter 59.

An Act to Amend Chapter Three Hundred and Fifty-two of the Private and Special Laws of Nineteen Hundred and Five, as Amended by Section Four of Chapter Three Hundred and Fifty-seven of the Private and Special Laws of Nineteen Hundred and Nine, Relating to the Caribou Municipal Court.

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

P. & S. L., 1905, c. 352; 1919, c. 357, sec. 8; relating to Caribou municipal court, amended. Chapter three hundred and fifty-two of the private and special laws of nineteen hundred and five, relating to the Caribou municipal court, as amended by section eight of chapter three hundred and fifty-seven of the laws of nineteen hundred and nine, is hereby further amended by adding after the word "Caribou" in the tenth line of the original section of nineteen hundred and five, as amended, the following: 'Provided, however, that said court may be held on any Tuesday at the office of the judge at the usual hour for the entering and trial of actions of forcible entry and detainer, and such actions may be returnable accordingly, and be heard and determined, and judgment entered on the return date of the writ, unless continued for good cause,' so that said section, as amended, shall read as follows:

'Sec. 8. Term of court may be held every Tuesday at judge's office for forcible entry and detainer cases. A term of said court for the transaction of civil business shall be held on the first Tuesday of each month at ten o'clock in the forenoon. For the cognizance of criminal actions said court shall be in constant session. In all cases it may be adjourned from time to time by the judge; and in civil actions said judge shall have power for cause shown, upon application from either party, or his attorney, to adjourn the hearing to any place within his jurisdiction, by consent of both parties. Said court shall be held in the office of the judge of said court, in said town of Caribou; provided, however, that said court may be held on any Tuesday at the office of the judge at the usual hour for the entry and trial of actions of forcible entry and detainer, and such actions may be returnable accordingly, and be heard and determined, and judgment entered on the return date of the writ, unless continued for good cause.