

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

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Private and Special Laws

OF THE

STATE OF MAINE

As Passed by the Eighty-First  
Legislature

1923

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the one hundred thousand shares of non par value common stock hereinbefore mentioned.'

Approved April 4, 1923.

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## Chapter 104.

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:*

**Sec. 1. Corporate existence retained.** The inhabitants of Portland, shall continue to be a body politic and corporate by the name of the city of Portland, and as such, shall have, exercise and enjoy all the rights, immunities, powers, privileges and franchises, and shall be subject to all the duties and obligations now appertaining to or incumbent upon said city, or the inhabitants or municipal authorities thereof; and may ordain reasonable by-laws and regulations for municipal purposes, and impose penalties for the breach thereof, not exceeding one hundred dollars, to be recovered for such uses as the municipal authorities may appoint.

**Sec. 2. Administration of affairs vested in mayor and city council; powers and duties.** The administration of all the fiscal, prudential, and municipal affairs of said city, with the government thereof, except as otherwise in this charter specifically provided, shall be vested in one principal magistrate to be styled the mayor, and in one body consisting of one councilor from each ward, and five councilors at large, which body shall constitute and be called the city council, all of whom shall be and remain during their term of office, inhabitants of said city, and shall be chosen in the manner hereinafter provided, and shall be sworn or affirmed in the form prescribed by the constitution of the state for state officers. The mayor and 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 specifically provided) shall have all powers and authority given to, and perform all duties required of municipal officers and aldermen 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 the superintendent of poor department, or a clerk or agent to act for them as they may direct, 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.

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The city council shall keep a record of its proceedings and judge of the election of its own members.

**Sec. 3. The mayor; duties; compensation.** The mayor of said city shall be the chief executive magistrate thereof. It shall be his duty to be vigilant and active in causing the laws of the state, and ordinances and regulations of the city to be executed and enforced, to exercise a general supervision over the conduct of all administrative and subordinate officers who shall be directly answerable to him for the conduct of their respective offices, and he shall cause violation or neglect of duty on their part to be punished. He shall from time to time communicate to the city council such information, and recommend such measures, as the interests of the city may require. He shall preside at all meetings of the city council, but shall have only a casting vote. He shall be compensated for his services by a salary to be fixed by the city council, payable at stated periods, and shall receive therefor no other compensation, which salary, however, shall not be increased or diminished during his term of office.

**Sec. 4. Laws, ordinances, orders, etc., must be presented to mayor for approval; procedure if mayor does not approve.** Every law, act, ordinance, resolve or order, excepting rules and orders of a parliamentary character, shall be presented to the mayor, and if he approve, he shall sign it; if not, he shall return it with his objections at the next stated session of the city council, provided said stated session is held at least one week after the aforesaid law, act, ordinance, resolve or order is presented to the mayor for his approval. The city council shall enter the objections at large on its journal and proceed to reconsider the same. If upon such reconsideration it shall be passed by a vote of two-thirds of all the members of the city council it shall have the same effect as if signed by the mayor. The mayor shall have the right to approve as a whole any resolve or order involving the appropriation and expenditure of money, or to approve or disapprove specific items thereof, and the portions approved shall thereby be in force in like manner as if no part thereof had been disapproved, and the portion or portions disapproved shall thereupon take the same course as herein provided as though said resolve or order had been disapproved as a whole.

**Sec. 5. Establishment of watch and ward vested in city council; other powers.** All the powers of establishing a watch and ward now vested by the laws of the state in the justices of the peace and municipal officers or inhabitants of towns, are vested in the city council, so far as relates to said city; and they are authorized to unite the watch and police departments into one department and establish suitable regulations for the government of same. All other powers now or hereafter vested in the inhab-

itants of said city, and all powers granted by this act, except as otherwise provided, as well as all powers relating to the fire department, shall be vested in said city council.

**Sec. 6. Appointment of subordinate officers provided for; vacancies, how filled; compensation.** The following administrative officers shall be appointed by the mayor, subject to confirmation by the city council, and shall hold office for the term of two years (unless otherwise provided in this charter), unless sooner removed by the mayor with the consent of the city council, to wit:

(a) City clerk

Treasurer and collector

Auditor

Purchasing agent

Corporation counsel

Commissioner of public works

Chief of the fire department

Chief of the police department

City messenger

Superintendent of public and school buildings

Superintendent of the poor department

Health officer

Three assessors of taxes for the term of three years, one to be appointed annually

Sealer of weights and measures

Inspector of buildings

(b) The following officers shall be appointed in manner following:

Gas agent by the city council

City physician by the health officer

Deputy sealer of weights and measures, city weigher and gauger, and city weigher of hay, by the sealer of weights and measures

Superintendent of clocks and keeper of the public baths, by the superintendent of public and school buildings

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Assistant assessors, one from each ward, by the city assessors, with the approval of the mayor, for the term of one year, unless sooner removed by the city assessors with the approval of the mayor

Superintendent of parks and superintendent of recreation by park and recreation commission

Secretary to the commissioner of public works by the commissioner of public works

Janitors and engineers of public and school buildings by the superintendent of public and school buildings.

All of the foregoing officers shall be appointed for the term of one year, and except as herein otherwise provided may be removed during their term of office by the appointing authority, or by the mayor.

(c) Whenever any vacancy, by death, resignation or removal from office shall hereafter exist in the office of city electrician, deputy chief or district chief of the fire department, a successor in office shall be appointed by the mayor, subject to confirmation by the city council.

(d) Except as herein otherwise provided, and except in police and fire departments all other minor officers and employees shall be appointed by the administrative heads of their respective departments.

(e) The city council may by ordinance authorize appointment by the mayor, with the approval of the city council, of such other administrative officers as may be deemed advisable or are required by statute and define their duties, and may also provide by ordinance for the appointment and define the duties, of such assistants, deputies or other subordinate officers as it may deem necessary or as are required by statute.

(e) The compensation of all city officials and employees whatsoever, shall be fixed and determined by the city council.

(f) Vacancies in any of the offices mentioned in this section, however arising, shall be filled in the manner provided for the original appointment.

**Sec. 7. Disbursements of city funds; bonds required of officials; care and custody of city buildings and property.** No money shall be paid out of the city treasury except on orders drawn and signed by the mayor, designating the fund or appropriation from which said orders are to be paid, nor unless the same shall be first granted or appropriated therefor, by the city council; and the city council shall secure a prompt and just accountability by requiring bonds with sufficient penalty and surety or sureties, from all persons entrusted with the receipt, custody or disburse-

ment of money; they shall have the care and superintendence of the city buildings and the custody and management of all city property, with power to let or sell what may be legally let or sold, and to purchase and take in the name of the city such real and personal property in addition to that now held, as the city council may find necessary for municipal purposes; and shall as often as once a year cause to be published for the information of the inhabitants, a particular account of receipts and expenditures, and a schedule of city property.

**Sec. 8. Assessors; powers and duties.** The assessors 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 are now or may hereafter be subject to under the laws of the state.

It shall be the duty of assistant assessors to furnish the assessors with all the necessary information relative to persons and property taxable in the several wards from which they are appointed, or to which they may be assigned and they shall be sworn or affirmed to the faithful performance of their duty. All taxes shall be assessed, apportioned and collected in the manner prescribed by the laws of the state relative to town taxes; provided that the city council may establish further or additional provisions for the collection thereof, and of interest thereon.

**Sec. 9. Streets and public ways, authority of city council over; laying of new streets; appeals from assessments of damages.** The city council shall have exclusive authority to lay out, widen or otherwise alter, or discontinue any and all streets or public ways in the city of Portland, without petition therefor, and as far as extreme low water mark; and to estimate all damage sustained by the owners of land taken for that purpose; but all locations below high water mark shall be subject to the provisions of the laws relating to the commissioners of Portland harbor. A standing committee of the city council shall be appointed, to be called the committee on new streets, whose duty it shall be to lay out, alter, widen or discontinue any street or way in said city, first giving notice of the time and place of their proceedings to all parties interested, by an advertisement in two daily papers printed in Portland, for one week at least previous to the time appointed. The committee shall first hear all parties interested, and then determine and adjudge whether the public convenience requires such street or way to be laid out, altered or discontinued; and shall make a written return of their proceedings, signed by a majority of them, containing the bounds and descriptions of the street or way, if laid out or altered, and the names of the owners of the land taken, when known, and the damages allowed therefor; the return shall be filed in the city clerk's office at least seven days previous to its accept-



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ance by the city council. The street or way shall not be altered or established until the report is accepted by the city council, and the report shall not be altered or amended before its acceptance. A street or way shall not be discontinued by the city council, excepting upon the report of said committee. The committee shall estimate and report the damages sustained by the owners of the lands adjoining that portion of the street or way which is so discontinued; their report shall be filed with the city clerk seven days at least before its acceptance. Any person aggrieved by the decision or judgment of the city council in establishing, altering, or discontinuing streets, may, so far as relates to damages, appeal therefrom to the next court having jurisdiction thereof in the county of Cumberland, which court shall determine the same by a committee or reference under a rule of court, if the parties agree, or by a verdict of its jury, and shall render judgment, and issue execution for the damages recovered, with costs to the party prevailing in the appeal. Such appeal shall be made to the term of the supreme judicial court, which shall first be holden in the county of Cumberland, more than thirty days from and after the day the street is finally established, altered or discontinued, excluding the day of commencement of the session of said court. The appellants shall serve written notice of such appeal upon the mayor or city clerk, fourteen days at least before the session of the court, and shall at the first term file a complaint setting forth substantially the facts of the case. On the trial, exceptions may be taken to the rulings of the court, as in other cases. Co-tenants who are appellants, shall join in their appeal or shall not recover their costs. If a street or way is discontinued before the damages are paid or recovered for the land taken, the land owner shall not be entitled to recover such damages, but the committee in their report discontinuing the same shall estimate and include all the damages sustained by the land owner, including those caused by the original location of the streets, and in such cases, if an appeal has been regularly taken, the appellant shall recover his costs. The city shall not be compelled to construct or open any street or way thus hereafter established, until in the opinion of the city council the public good requires it to be done; nor shall the city interfere with the possession of the land so taken by removing therefrom materials, or otherwise, until they decide to open and construct said street, provided that if any street or way is not constructed within two years after the laying out of such street or way, the proceedings are void. The city council may regulate the height and width of sidewalks in any public square, places, streets, lanes or alleys in said city; and may authorize posts and trees and other objects permitted by law, to be placed along the edge of said sidewalks. Nor shall the city be answerable for damages occasioned by telegraph poles and wires erected in its streets.

**Sec. 10. Permits to obstruct streets and sidewalks for building and repairing.** The mayor, or some person by him authorized, may on such terms and conditions as he may think proper, authorize and empower any person or corporation to place in any street, for such time as may be necessary, any materials for making or repairing any street, sidewalk, crosswalk, bridge, watercourse or drain, or for erecting, repairing, or finishing any building or fences, or for laying or repairing gas or water pipes or conduits, provided that not more than one-half of the width of the street shall be so occupied. Any such material so placed by virtue of any license obtained as aforesaid, shall not be considered an incumbrance or nuisance in such street; and the city shall not be liable to any person for any damages occasioned by such materials.

**Sec. 11. Division into wards; alteration of wards; election of ward officers and their duties.** The city shall remain divided into nine wards unless and until the city council shall change the number thereof as hereinafter provided. It shall be the duty of the city council, once in ten years, or oftener, to revise, and if it be needful, to alter such wards in such manner as to preserve, as nearly as may be, an equal number of voters in each, and the city council may, in such manner, but subject to the approval of the legal voters of the city signified in the manner provided by statute in the case of a change in the limits of city wards, change the number of wards. In each of said wards, at the annual municipal election, there shall be chosen by ballot, a warden and clerk, who shall hold their offices for one year from the Monday following their election, and until others shall have been chosen and qualified in their places. Said warden and clerk shall be sworn or affirmed to the faithful performance of their respective duties by any justice of the peace of the city; and a certificate of such oaths or affirmations having been administered, shall be entered by the clerk on the records of the ward. The warden shall preside at all ward meetings, with the powers of moderators of town meetings. If at any meeting the warden shall not be present, or shall refuse to preside, the clerk of such ward shall call the meeting to order and preside until a warden pro tempore shall be chosen. If both are absent, or shall refuse to act, a warden and clerk, pro tempore, shall be chosen. The clerk shall record all proceedings, and certify the votes given, and deliver over to his successor in office, all such records and journals, together with all other documents and papers held by him in said capacity. The voters of each ward may choose two persons to assist the warden in receiving, sorting and counting the votes.

All regular ward meetings shall be notified and called by warrant from the mayor and councilors, in the manner prescribed by the laws of this

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

**Sec. 12. Elections; officers to be elected; biennial elections provided for; vacancies in offices; procedure of elections, enrollment of voters, political caucuses, etc.; duties of board of registration; lists of voters; nominations of candidates.** The mayor shall be elected by and from the qualified voters of the city voting in their respective wards. One councilor, a warden and clerk and two constables shall be elected from each ward by and from the qualified voters thereof and five councilors shall be elected at large by and from the qualified voters of the city voting in their respective wards.

At the first election after this charter is in force, to be held on the first Monday of December, nineteen hundred twenty-three, and every two years thereafter, the qualified voters of the city shall ballot for a mayor for a term of two years, and on said first Monday of December, nineteen hundred twenty-three, and every two years thereafter, said qualified voters shall in addition thereto, ballot for five councilors at large for a term of two years; and on said first Monday of December, nineteen hundred twenty-three, the qualified voters of each ward shall at the same time ballot by wards for a councilor from each of said wards for a term of one year, and on the first Monday of December, nineteen hundred twenty-four, and every two years thereafter, said qualified voters of each ward shall ballot by wards for a councilor from each of said wards for a term of two years; and the qualified voters of each ward shall on the first Monday of December, nineteen hundred twenty-three, and annually thereafter, ballot by wards for a warden and clerk and two constables from each ward, and in case there is more than one voting precinct or any island ward in any ward, then the qualified voters of each said precinct and island ward shall at the same time ballot for a warden and ward clerk for such precinct or island ward.

At each regular municipal election whenever there exists a vacancy in the office of any councilor at large, the qualified voters of the city shall ballot by wards for a councilor at large to fill the unexpired term of any councilor at large whose office is then vacant, and the qualified voters of any ward wherein the office of councilor, or member of the school committee from such ward is vacant, shall at the same time, ballot for a councilor or member of the school committee from such ward to fill the vacancy for the unexpired term.

All members of the school committee of the city of Portland, except the members at large, shall hereafter continue to be elected on the first Monday of December at the annual municipal election, in the same manner, for the same terms, and shall continue to have the same duties as now

provided for by law, except as herein by this charter otherwise provided. The members of said school committee in office at the time this charter is accepted, except as otherwise provided in this charter, shall continue to hold office for the balance of the term for which they were originally elected.

All of said officers shall be elected by ballot and on one ballot by a plurality of the votes given and shall, after their election, hold their offices for the respective terms provided in this charter, or by statute, and until others shall be elected and qualified in their places.

All city and ward officers shall be held to discharge the duties of the offices to which they have been respectively elected, notwithstanding their removal, after their election, out of their respective wards into any other wards in the city; but their office shall become vacant on their removal from the city.

Caucuses and meetings of political parties, held for the purpose of naming candidates or choosing delegates to assemble in convention to nominate any person to any public office, for whose election this charter provides, and whose name shall be placed on the final ballot, shall be held as now or hereafter prescribed by the statutes of the state of Maine, relating to political party caucuses, except as hereinafter provided.

Only those voters enrolled as qualified to vote in such caucuses, as hereinafter provided, shall participate therein; the caucuses of all political parties, entitled by law to nominate candidates to be voted upon at the next succeeding municipal election, shall be held in the several wards of said city on the second Wednesday of November, in each year, on which day the polls will be opened at three o'clock in the afternoon and continue open until nine o'clock in the afternoon, when they shall close; provided that at the caucuses to be held on the second Wednesday of November, nineteen hundred twenty-three, the polls shall be opened at twelve o'clock noon and shall be closed at nine o'clock in the afternoon. Said caucuses shall be conducted by the same officers as elected at the preceding municipal election to have charge of such municipal elections, or their successors in office. No person shall vote at any such caucus unless a legally qualified voter in the ward where any such caucus is held, nor unless enrolled as qualified to vote in a particular political party, then entitled to hold such caucus.

The city clerk of said city shall, in season for such caucuses, prepare suitable ballots containing the names of all persons to be nominated at such caucuses and of a distinguishing color for each political party. Every person legally qualified to vote in such caucuses shall receive, upon application, at such caucuses, to the proper election officer, a ballot marked and

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designated by such distinguishing color as the ballot of that political party in which he is then enrolled and shall not be entitled to receive, nor shall such election officer deliver to him, any other ballot.

Every legally qualified voter of said city shall be entitled to be enrolled as a voter in any political party entitled to hold such caucuses, upon application in writing made to the board of registration of said city, at any time between the date when this charter is adopted and the fifteenth day of October, nineteen hundred twenty-three, and when so enrolled, shall not be entitled to change such enrollment for the purposes of any of said caucuses within six months next prior to the date of the holding of such caucuses. Any voter not previously enrolled may enroll himself during said caucus by subscribing and making oath to the following statement before the chairman of the caucus: "I,....., do solemnly swear that I am a qualified voter in this city and ward, and have the legal right to vote in the caucus of the.....party. I am a member of that political party and intend to vote for its candidates at the election next ensuing. I have not taken part or voted at the caucus of any other political party in the six months last past," and upon such enrollment shall be permitted to vote.

The warden shall indorse on every such enrollment blank, whether the person subscribing and swearing to the same voted at said caucus and shall return the same at the close of said caucus to the board of registration and said board of registration shall thereupon enroll said voter in the enrollment list of the party designated by him. Said enrollment blank and the statement thereon shall be preserved as a public record and shall be prima facie evidence in any court that said person took said oath and voted in said caucus.

The warden may appoint and swear to the faithful performance of their duties such number of enrollment clerks to assist him as may be required, who shall have power to take the oath required of any person so enrolling at said caucus.

All enrollment blanks shall contain the form of statement and oath hereinbefore prescribed but shall otherwise be in such form as the city clerk shall prescribe.

The board of registration shall make up and certify, in season for such caucuses, true and correct lists of all the persons legally entitled to vote in said city, after the same have been corrected, in accordance with the last registration of voters therein, and shall indicate on such lists of voters the political party, if any, in which each of said voters is enrolled; said lists, as so prepared by said board of registration, shall not be altered or

amended by any person whatsoever, except said board of registration, and then only upon application to change his enrollment made by a person listed thereon as a legally qualified voter which application shall not be made to said board within six months prior to the date of the holding of any such caucuses. Such lists, as prepared, shall at the time of the holding of such caucuses be delivered to the warden in each of said wards and shall be used in said wards for the purposes of holding said caucuses and shall be returned intact to said board of registration, after said caucuses are closed and shall be preserved by said board of registration until the same are superseded by new lists, prepared by said board. Said board of registration shall supply to the political committees of each such political party such number of the copies of such lists and the enrollments noted thereon, as may be reasonably required for the purposes of said committees.

On the second Wednesday of November, nineteen hundred and twenty-three, and annually thereafter, the persons legally qualified to vote in such political caucuses shall assemble in their respective wards, and shall nominate by ballot a warden and a clerk, two constables and, if the term of a member of the superintending school committee from any such ward expires that year or a vacancy exists, also a member of such school committee from such ward, and shall elect a ward committee.

On the second Wednesday of November, nineteen hundred and twenty-three, and the second Wednesday of November, nineteen hundred and twenty-four, and every two years thereafter, said persons legally qualified to vote in such caucuses shall also nominate in each ward, by ballot, a councilor from such ward.

On the second Wednesday of November, nineteen hundred and twenty-three, and every two years thereafter, said persons legally qualified to vote in such caucuses shall also nominate in each ward, by ballot, five delegates from each ward to attend a mayoralty convention, for the purpose of nominating a mayor and three female members at large of the superintending school committee. The delegates elected to such mayoralty convention shall meet in separate conventions for each political party, at such time subsequent to the date of the holding of the said caucuses as shall be designated by the political committees of such political parties. The terms of office of the present female members at large of the superintending school committee shall terminate on the second Monday in December, nineteen hundred and twenty-three, or upon the election and qualification of their successors, and on said first Monday of December, nineteen hundred and twenty-three, and every two years thereafter, the qualified voters in each ward in said city shall, in addition to balloting for other officers, herein-

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before designated, ballot for three female members at large of said superintending school committee, to hold office for the term of two years.

All nominations of candidates for councilor at large shall be made by nomination papers signed in the aggregate for each candidate by no less than fifty qualified voters of the city, enrolled in the same political party as the candidate. Each voter signing the nomination paper shall make his signature in person and add to it his place of residence, and each voter may subscribe to as many nominations as there are councilors at large to be elected at the next municipal election. Such nomination papers shall be filed with the city clerk at least fourteen days, exclusive of Sundays, previous to the day of the next municipal election, at which such councilors are to be elected, as provided by this charter, and the city clerk shall forthwith certify thereon what number of the signatures are names of qualified voters in the city enrolled in the same political party as the candidate. One of the signers to each such separate paper shall swear to the truth thereof and the certificate of such oath shall be annexed to or made upon the nomination papers. No nomination shall be valid unless the candidate shall file with the city clerk in writing, not later than fourteen days, exclusive of Sundays, before the day of election his consent, accepting the nomination, agreeing not to withdraw and, if elected, to qualify. Such nomination papers shall be in such form as the city clerk shall prescribe, but shall contain among other things the name or designation of not more than one political party, and shall be obtained from the city clerk, upon application stating in which political party the candidate proposed to be nominated is enrolled and of which he desires to become a candidate. The name of the person nominated, by means of such nomination papers as aforesaid, shall be placed upon the ballot to be used at the next succeeding municipal election in which such councilors are to be chosen, in the party group of that political party, the name or designation of which appears upon his nomination papers. All nomination papers, being filed and being in apparent conformity with the foregoing provisions, shall be deemed to be valid; and if not in apparent conformity, they may be seasonably amended under oath. In case any candidate who has been duly nominated under the provisions hereof shall die before the day of election, the vacancy may be supplied in the manner herein provided for such nominations. The name so supplied for the vacancy shall, if the ballots have not been printed, be placed on the ballots instead of the original nomination; or, if the ballots have been printed, new ballots containing the new nominations shall, if practicable, be furnished, or slips containing the new nomination shall be printed under the direction of the city clerk, which may be pasted in proper place upon the ballots and thereafter shall become part and parcel of said ballots as if originally printed thereon.

If at any time a vacancy exists in any office, nomination therefor shall be made prior to an election to fill such a vacancy, in the manner in which nomination for such office is usually and customarily made, as herein provided.

**Sec. 13. Certificates of election; records; canvass of returns.** The ward clerk, within twenty-four hours after such election, shall deliver to the persons elected, certificates of their election, and shall forthwith deliver to the city clerk, a certified copy of the record of such election, a plain and intelligible abstract of which shall be entered by the city clerk on the city records. If the choice of any such officers is not effected on that day, the meeting shall be adjourned to another day, (not more than two days thereafter) to complete such election, and may so adjourn from time to time, until the election is complete. The municipal officers shall, as soon as conveniently may be, examine the copies of the records of the several wards, certified as aforesaid, and shall cause the person who shall have been elected mayor by a plurality of the votes given in all the wards, to be notified in writing of his election. But if it shall appear that no person shall have been so elected, or if the person elected shall refuse to accept the office, the said officers shall issue their warrants for another election; and in case the citizens shall fail on a second ballot to elect a mayor, the city council shall, from the four highest candidates voted for at the second election and returned, elect a mayor for the ensuing term; and in case of a vacancy in the office of mayor by death, resignation or otherwise, it shall be filled for the remainder of the term by a new election or at the next annual election in the manner in this charter provided for the choice of said officer. The oath or affirmation prescribed by this act, shall be administered to the mayor by the city clerk or any justice of the peace in said city. The councilors-elect, shall on the second Monday in December, at ten o'clock in the forenoon meet, when the oath or affirmation required by the second section of this act shall be administered to the members present, by the mayor or any justice of the peace. The city council, shall, by ordinance, determine the time of holding its stated or regular meetings and shall also, in like manner, determine the manner of calling special meetings and the persons by whom the same shall be called; but until otherwise provided by ordinance, special meetings shall be called by the mayor by causing a notification to be left at the usual residence or place of business of each councilor.

**Sec. 14. Chairman of city council; choice of, and duties.** After the organization of a city government and the qualification of a mayor, and when a quorum of the city council shall be present, said city council, the mayor presiding, shall proceed to choose a permanent chairman, who, in the absence of the mayor, shall preside at all meetings of the council, and



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in case of any vacancy in the office of mayor, he shall exercise all the powers and perform all the duties of the office, so long as such vacancy shall remain, but while exercising such powers and duties, shall have a casting vote only, and shall have the veto power. The city council in the absence of the mayor and permanent chairman at any meeting, shall choose a president pro tempore who shall preside at such meeting.

**Sec. 15. Provisions of R. S., c. 7, sec. 68 & 69, relating to island wards not affected.** Nothing contained in this charter shall alter or repeal the provisions of sections sixty-eight and sixty-nine of chapter seven of the revised statutes of Maine relative to elections and election officers on the several islands within the city of Portland.

**Sec. 16. Certain additional powers of city council.** The city council, in behalf of the city, may offer rewards for the prevention of crimes or detection of criminals. They may remove all sunken wrecks in the harbor or its entrances, and dispose of the same to defray the expense of removal, and may, at the expense of the city, cause its harbor to be kept open and unobstructed by ice. They may also require all boats not under register or license, kept for hire in said harbor, to be examined and licensed for that purpose, and to be furnished with airtight compartments; and may establish such regulations respecting such boats as they may deem expedient. They may also make and enforce by penalties, regulations respecting the enclosure of lots abutting on any street or way in the city, which may for want of such enclosure, be dangerous to the public; and after notice to the owners or lessees of such lots, may, if the same are not enclosed in a reasonable time, cause the same to be enclosed at the expense of the owners or lessees. They may assess money for celebration of the anniversary of our national independence, and other public celebrations.

**Sec. 17. City clerk, powers and duties.** The city clerk shall be clerk of the city council. He shall perform such duties as shall be prescribed by the mayor or the city council and shall also perform all the duties and exercise all the powers now incumbent on him by law. He shall give notice in two or more of the papers printed in said city, of the time and place of regular ward meetings; the time of such meetings when not fixed by law, shall be determined by the city council. In case of the temporary absence of the city clerk, the mayor, subject to confirmation by the city council, may appoint a city clerk pro tempore.

**Sec. 18. General meetings of citizens to consult upon public good, provided for.** General meetings of the citizens qualified to vote in city affairs, may from time to time be held to consult upon the public good, to instruct their representatives, and to take all lawful measures to obtain redress of any grievances, according to the right secured to the people by the con-

stitution of this state; and such meetings shall be duly warned by the mayor and city council upon requisition of sixty qualified voters. The city clerk shall act as clerk of such meetings, and record the proceedings upon the city records.

**Sec. 19. Compensation of city council; attendance at meetings; expenditures of public moneys limited to appropriation.** Each member of the city council shall be entitled to receive as compensation for the discharge of his duties, the sum of five hundred dollars per annum, payable quarterly, and he shall not be eligible to any other office of profit or emolument, the salary of which is payable by the city. For failure on the part of any member of the city council to attend any stated or other duly called meeting of the city council or of the municipal officers, there shall be deducted from his compensation the sum of ten dollars; and all departments, boards, officers and committees, acting under the authority of the city, and entrusted with the expenditure of public money, shall expend the same for no other purpose than that for which it is appropriated; and shall be accountable therefor to the city, in such manner as the city council may direct.

**Sec. 20. City treasurer, powers and duties.** The treasurer of the city of Portland shall also be the collector for said city with all the powers of collectors of taxes under the laws of this state. He shall be styled "treasurer and collector," and shall give but one bond for the faithful performance of his duties; said bond to be approved by the mayor and city council; and may appoint assistants and deputies as provided by law. All warrants directed to him by the assessors and municipal officers shall run to him and his successors in office, and shall be in the form prescribed by law, changing such parts only as by this act are required to be changed. The method of keeping, vouching and settling his accounts, shall be subject to such rules and regulations as the city council may establish. Said treasurer and collector shall collect all such uncollected taxes and assessments in whatever year assessed, as may be collected during his term of office; and at the expiration of said term, his powers as collector shall wholly cease; all sales, distresses, and all other acts and proceedings, lawfully commenced by him as such treasurer and collector, may be as effectually continued and completed by his successor in office as though done by himself; and all unreturned warrants, which would otherwise be returnable to him, shall be returned to his successor in office.

**Sec. 21. Relocation of streets every ten years; report and hearings thereon.** The original location of all streets and ways in said city shall, once in ten years, or oftener, be ascertained by the commissioner of public works, under the direction of the city council, as accurately as practicable;

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the location of different streets being ascertained by him from time to time, when expedient. He shall make a written report of his doings to the committee on new streets, which shall give twenty days' notice, by advertisement in two or more public papers in the city of the time and place at which it will act upon said report. Any person may appear and object to the report, and after a full hearing of all parties interested, the committee may accept, alter, or amend the report as it shall think right, and shall report their proceedings to the city council, who shall thereupon determine the lines for such streets and ways in said city, according to the original location thereof, and shall order the same to be designated anew by fixed and permanent boundaries, as and for the original boundaries; and a record of the location thereof to be made upon the city records, and a copy of the last record of such proceedings respecting any street, with evidence of the location of the boundaries therein designated, shall in all judicial proceedings, be prima facie evidence of the place of the original location of said street.

**Sec. 22. Temporary closing of streets; building of wharves.** The mayor and city council of said city may on public occasions, by their order, forbid the passing, temporarily, of horses, carriages or other vehicles, over or through such streets or ways in said city, as they may deem expedient. No existing wharf in Portland shall be extended into the harbor a greater distance below low water mark than the same now exists, and hereafter no such new wharf shall be extended below low water mark into the harbor, without in either case the written assent of the mayor and city council. No wharf or incumbrance shall hereafter be erected or extended into said harbor beyond the harbor commissioner's line.

**Sec. 23. Existing acts relating to drains, sewers, sidewalks, not affected.** No existing act of the legislature, general or special, pertaining to the powers and duties of the city of Portland and its municipal officers, with respect to drains and sewers and the construction and maintenance of sidewalks and footways and assessment of the owners of adjacent lots for a proportional part of the cost thereof, shall be by this charter, in any wise affected or modified except as in this charter specifically provided.

**Sec. 24. Superintending school committee, powers and duties; school budget.** The superintending school committee shall have the powers and perform the duties appertaining to the care and management of the public schools of said city now conferred and imposed upon superintending school committees by law, except as otherwise provided in this charter.

The superintending school committee shall annually, as soon after the organization of their board as practicable, furnish to the city council a statement in detail as a budget, of the several sums which they estimate

will be required during the ensuing municipal year for the support of public schools. Nothing in this charter or general law contained shall impair the right, which is hereby granted, for the city council to alter or amend any budget so presented, and make its appropriation accordingly, provided, however, that the total appropriation shall not be less than that required by section sixteen, of chapter sixteen of the revised statutes of Maine and amendments thereof, and that the portion of any such appropriation applicable to salaries of superintendent and teachers, shall not, without the consent of said superintending school committee, be reduced below the amounts specified therefor in the preceding annual school appropriation of the city council.

**Sec. 25. Commissioner of public works, powers and duties; P. & S. L., 1895, c. 146, sec. 5; repealed.** The commissioner of public works except as otherwise provided in this charter, shall continue to be vested with all the authority now exercised by and shall perform all duties now incumbent upon said commissioner as provided by law.

There shall be annually prepared and presented to the city council by the park and recreation commission, acting as a planning board, and said commissioner, a joint recommendation and estimate of cost covering specifically all work, including construction, maintenance, repair and permanent improvement, necessary in their opinion to be performed by the department of public works for the year, and said city council shall appropriate such sum of money as it deems necessary to carry out such recommendations or any part thereof, but shall not order or appropriate money for any work which is not in accordance with said recommendations.

Section five of chapter one hundred forty-six of the private and special laws of eighteen hundred ninety-five is hereby repealed.

**Sec. 26. Park and recreation commission, powers and duties; assessment of one mill for uses of commission; duties of commission relating to city planning; annual report.** All powers and duties heretofore vested in the park commission for the city of Portland and all the powers and duties heretofore vested in the recreation commission for the city of Portland are hereby vested in a commission to be called the park and recreation commission for the city of Portland. Said park and recreation commission shall be constituted and appointed in the same manner as is now provided by law for the park commission for the city of Portland, except that the appointment of the members of the said commission shall be made by the mayor subject to confirmation by the city council. Said park and recreation commission shall also have the powers and duties hereinafter prescribed relating to city planning.

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The assessors of the city shall assess annually a tax of one mill on the dollar 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 appropriated as a special fund, and expended by said park and recreation commission for the duties and work prescribed for said park and recreation commissions by the laws of this state and by this charter; provided however, that in lieu of the amount now provided by law to be expended by said recreation commission for its purposes, there shall be set aside and expended by said park and recreation commission for said purposes ten per centum of the aforesaid fund; and provided further, that one per centum of the amount of said mill tax shall be reserved by the city treasurer to cover any uncollected portion of said tax and carried to the credit of the account known as overlays and abatements.

In addition to the powers and duties heretofore vested in the park commission for the city of Portland and the recreation commission for the city of Portland, said park and recreation commission for the city of Portland shall keep itself informed of the progress of city planning in this and other countries; 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 sub-divisions of the city, and shall keep itself informed of all actions or contemplated actions by the city council affecting the same.

The city council may at any time call upon the park and recreation commission to report on recommendations, and said commission of its 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 said commission shall be acted upon by said commission within thirty days of the date 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 said commission for the then past fiscal year, and recommendations made to it by the city council during that year, and what, if anything, has been done by the city council or otherwise in connection with said recommendations.

The park commission of the city of Portland and the recreation commission of the city of Portland as heretofore existing are hereby abolished as of the second Monday of December, nineteen hundred twenty-three, or

as soon thereafter as the park and recreation commission herein provided for shall be appointed.

**Sec. 27. Purchasing agent.** The purchasing agent shall purchase supplies for the city and for the several departments and boards thereof as the city council may from time to time provide by ordinance. He shall see to the delivery of supplies purchased by him to each department and board to whom they belong, and take and file receipts therefor and shall have such other powers and perform such other duties as the city council shall provide by ordinance.

**Sec. 28. Bonds issued under this charter, relating to issuing of; refunding bonds.** Bonds issued after the adoption of this charter shall be made payable, as pertains to principal, in equal, annual, serial installments beginning within two years from the date of such issue. Every order for the issue of bonds shall provide for a tax levy for each year of an amount necessary to meet the payment of the annual, serial installment of principal and interest; and such amounts shall be included in the tax levy for each year until the debt is extinguished; provided, however, that bonds issued to refund any indebtedness of the city of Portland existing prior to the adoption of this charter shall not be subject to the aforesaid requirement of being made payable in equal, annual, serial installments.

Until the bonded indebtedness of the city of Portland outstanding at the time of the adoption of this charter is fully paid, the assessors of the city shall assess annually a tax of one and one-quarter mills on the dollar 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 appropriated by the city council for a sinking fund for retirement of bonds and until said bonded indebtedness is fully paid said 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.

**Sec. 29. Health officer; board of overseers of poor abolished.** The health officer shall take the place of the local board of health, the terms of office of the members of which shall terminate on the second Monday of December, nineteen hundred twenty-three, and said health officer shall have and exercise all the powers and duties by law conferred upon such officers.

The board of overseers of the poor as now constituted is hereby abolished as of the second Monday of December, nineteen hundred twenty-three, or as soon thereafter as the city council provided for in this charter shall be elected and qualified and the terms of office of the present members of said board shall then terminate.

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**Sec. 30. Existing ordinances, rules and regulations to remain in force; existing actions, contracts, etc., to be continued.** All ordinances in force 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.

The powers and duties of any committee of the city council or of the board of aldermen of the city of Portland heretofore conferred or prescribed by statute, may by ordinance be conferred upon or prescribed for any committee of the city council.

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. 31. Existing laws and ordinances relative to terms, removal, retirement or pensions of police, fire and electrical departments, not affected; terms of office of certain members of commissions, trustees, etc., with definite terms, not affected.** 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, the fire department and of the electrical department of the city of Portland, except so far as relates to the appointment, removal and term of office of the chief of the fire department, chief of the police department, appointment and removal of the city electrician and the appointment of the deputy and district chiefs of the fire department.

The passage and acceptance of this act shall not, except as specifically provided therein, affect the term of office of such officers, trustees, members of commissions, or departments, as may be holding office, with a definite term of years 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 mayor, with the consent of the city council, for cause.

**Sec. 32. Date act becomes 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 hereinafter 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 of December in the year nineteen hundred and twenty-three.

All provisions of the present charter of the city of Portland not inconsistent with this act are hereby expressly continued in full force and effect, but all acts and parts of acts inconsistent with this act are hereby expressly repealed.

**Sec. 33. Provision for local referendum; form of ballot.** This act 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, A. D. nineteen hundred and twenty-three, and warrants shall be issued for such election in the manner now provided by law for the holding of municipal elections, notifying and warning the qualified voters of said city to meet at the several ward meetings of said city, there to cast their ballot for the approval or rejection of this act. The question proposed on said ballot shall be 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 designation.
- Plan 2. Form providing mayor and board of fourteen councilors elected for a term of two years, one from each ward and five at large with party designation retained.
- Plan 3. Council-manager form providing for a city council of five members elected one each year for a term of five years from the city at large without regard to ward lines and without party designation, and a city manager elected by the council.”

Otherwise said ballot shall be in the 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



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elections shall apply to such election and said election shall in all other respects be conducted as municipal elections in said city are now conducted by law, and the results thereof shall be determined in the manner now provided by law for the determination of the election of mayor. If a plurality of the valid ballots deposited as aforesaid shall favor the adoption of plan two, so called,—on said ballot, and provided further, if the number of ballots favoring plan two, so called, on said ballot shall also constitute more than fifty 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.

Approved April 4, 1923.

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## Chapter 105.

An Act to Incorporate the Ogunquit Beach District.

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

**Sec. 1. Territorial limits; name; purpose.** The inhabitants of the territory comprised within the limits of Ogunquit Village Corporation, in the town of Wells, shall be and hereby are made a body corporate, for the purposes of this act, under the name of the Ogunquit Beach District, hereinafter referred to as the "district."

**Sec. 2. Authorized to take and hold real estate for public park; right of eminent domain conferred; time for claiming damages limited.** Said district, in its corporate capacity, is hereby authorized and empowered to take, hold, exchange or convey, in the name of the Ogunquit Beach District, for public purposes and particularly for the creation and establishment of a public park, any real estate lying between the thread of the Ogunquit river on the west and the Atlantic ocean on the east and the boundary line of the Ogunquit Village Corporation on the north and the land of Walter M. Perkins on the south, together with a forty-foot road from said tract of land southerly to the county road, and may also take, hold, exchange or convey any real estate lying between the thread of said Ogunquit river on the west and south and the Atlantic ocean on the east and said county road on the north. The said district may exercise the right of eminent domain in the taking of land, for the purposes herein specified, in the same manner as provided in chapter twenty-four of the revised statutes for the ascertainment of damages in the location and establishment of highways; provided, that application by either party in interest for the determination of damages shall be made within three years after the said land is so taken.

**Sec. 3. First meeting, how called; regular and special meetings, how**