

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
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of the said district shall annually provide, by taxation or otherwise, for the retirement of at least one thousand dollars, par value, of the amount of such bonds, or notes, at any one time, outstanding.

Sec. 8. Trustees authorized to receive in trust, gifts and donations. The said trustees are hereby authorized to receive any gift of real estate, which shall be described in a trust deed, or the donation of any sum of money, or other thing of value, in trust, to be expended under the provisions of this act and in every particular as if the same had been appropriated by said district for the purposes herein specified.

Sec. 9. Local referendum provided for. This act shall not take effect until approved by a majority of the legal voters of the town of Wells resident within said district, present and voting at a meeting of the legal voters resident within said district held within said district upon the fifteenth day of August in the year nineteen hundred and twenty-three; and the record of the vote taken at said meeting shall be transmitted to the secretary of state at Augusta, Maine, by registered mail, postpaid; and if the vote upon this act of incorporation be affirmative, the district shall thereafter be established and known as the Ogunquit Beach District.

Approved April 4, 1923.

Chapter 106.

An Act to Provide a New Charter for the City of Rockland and to Repeal Chapter Four Hundred and Eighty-two of the Private and Special Laws of Eighteen Hundred and Eighty-five.

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

Sec. 1. Corporate existence continued. The inhabitants of the city of Rockland, in the county of Knox, shall continue to be a body politic and corporate, by the name of the city of Rockland, and, as such, shall have, exercise and enjoy all the rights, immunities, powers, privileges and franchises, and be subject to all the duties and obligations now appertaining to, or incumbent on said city as a municipal corporation, and may ordain and publish such acts, laws and regulations, not inconsistent with the constitution and laws of this state, as shall be needful to the good order of said body politic; and may impose fines and penalties for the breach thereof, not exceeding one hundred dollars for any one offense, which may be recovered by said city in an action of debt or on complaint before the police court of said city.

Sec. 2. Administration vested in mayor and aldermen, styled city council. The administration of all the fiscal, prudential and municipal affairs of said city, with the government thereof shall be vested in one principal

magistrate, to be styled the mayor, and one board of aldermen composed of seven members, to be denominated the city council; all of whom shall be qualified electors of said city; and all of whom shall swear or affirm to faithfully perform the duties of their respective offices.

Sec. 3. The mayor, powers and duties, compensation; city councillors, compensation. The mayor of said city shall be the chief executive officer thereof; it shall be his duty to be vigilant and active in causing the laws and regulations of the city to be executed and enforced; to exercise a general supervision over the conduct of all subordinate officers, and cause violations or neglect of duty to be punished. He may call special meetings of the city council, when in his opinion, the interests of the city require it, by a notice in one or more of the city papers, or by causing a summons or notification to be given in hand or left at the last and usual place of abode of each member of the board, at least six hours before the time fixed for such meeting. 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 be president ex-officio of the city council but shall have only a casting vote. The mayor shall receive for his service, such compensation as the city council may allow, which shall not be less than fifteen hundred dollars per year, payable monthly, and he shall not receive from the city any other compensation for any service by him rendered in any other capacity or agency. Each member of the city council shall receive as compensation not exceeding five dollars per meeting for each city council meeting which he attends and shall not be eligible to any office of profit or emolument the salary of which is payable by the city.

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, requiring the consent of the city council, excepting rules and orders of a parliamentary character, shall be presented to the mayor for approval. If not approved by him, he shall return it with his objections at the next stated session of the city council, which shall enter the objections at large on its journal, and proceed to reconsider it. If upon such reconsideration it shall be passed by a two-thirds vote of the entire city council, it shall have the same effect as if signed by the mayor. If not so returned, or in case of vacancy in the office of mayor, when said law, act, ordinance, resolve or order be finally passed, the same shall be valid without approval.

Sec. 5. General executive powers vested in city council; record of proceedings; quorum and meetings. The executive powers of said city generally, and the administration of police and health departments, with all

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the powers of selectmen, except as modified by this act, shall be vested in the mayor and city council. All the powers of establishing 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 mayor and city council so far as relates to said city; and they are authorized to unite the watch and police departments into one department and establish suitable regulations for the government of the same. The officers of police shall be one chief, to be styled the city marshal, and one deputy marshal, and so many watchmen and policemen as may, from time to time, be appointed. All other powers now or hereafter vested in the inhabitants of said city, and all powers granted by this act, as well as all powers relating to the fire department, shall be vested in the mayor and city council. The board shall keep a record of its proceedings, and judge of the election of its members, and in case of vacancies, new elections shall be ordered by the mayor and city council. A quorum for the transaction of business shall consist of a majority thereof; all meetings of the city council shall be open and public; and the presiding officer shall have the power of moderator of town meetings. At any meeting, when any two members shall request it, the votes shall be taken by yeas and nays, which vote shall be recorded by the clerk.

Sec. 6. Division into wards; alteration of wards; ward meetings. For election purposes said city shall be divided into seven wards, to contain, as near as conveniently may be, an equal number of legal voters; and it shall be the duty of the city council, once in ten years, and not oftener than five years, to review, and, if it be needful, to alter said wards, in such manner as to preserve as nearly as may be, an equal number of voters in each ward. All regular ward meetings shall be notified and called by the mayor and city council in the manner provided in the laws of this state, for notifying and calling town meetings by the selectmen of the several towns.

Sec. 7. Election of mayor and other officers; terms of office. The mayor shall be elected from the citizens at large, by the inhabitants of the city voting in their respective wards. One alderman, one member of the school board, a warden and a ward clerk shall be elected by each ward, being residents in the ward where elected. All said officers shall be elected by ballot, by a plurality of the votes given, and shall hold their office two years from the first Monday in January, except as to wardens and ward clerks, who shall hold their office for two years and until others shall be elected and qualified in their places.

Sec. 8. Biennial elections provided for; conduct of elections; vacancies, how filled. On the first Monday in December, biennially, the qualified

electors of each ward shall ballot for a mayor, one alderman, one member of the school board, and a warden and ward clerk, on one ballot. All the votes given for the said several officers respectively, shall be sorted, counted, declared and registered in open ward meeting, by causing the names of the persons voted for, and the number of votes given for each, to be written on the ward records at length. The ward clerk within twenty-four hours after such election, shall deliver to the persons elected aldermen, members of the school board, wardens and ward clerks certificates of their election, and shall forthwith deliver to the city clerk a certified copy of the records of such election; provided, however, that if choice of alderman, member of the school board, warden or ward clerk is not effected on that day, the meeting shall be adjourned from day to day, until a choice shall be effected. The city council 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 received the greatest number of votes given for mayor in all 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 said office, the said city council shall issue their warrant for another election; in case of the death, resignation, disqualification, removal from office of the mayor, more than six months prior to the next regular election, the vacancy for the unexpired term shall be filled by a special election to be held within thirty days from the date that the vacancy occurred, the warrant for which shall be issued by the city council. Whenever the office of mayor becomes vacant within six months prior to a regular city election, whenever the office of mayor is vacant pending election, or whenever the mayor, for any reason is unable to attend to the duties of his office, the permanent chairman of the city council shall perform the duties of mayor. 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 aldermen-elect shall, on the first Monday in January, 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.

Sec. 9. Qualification of ward officers; conduct of ward meetings. The warden and ward clerk shall be sworn or affirmed to the faithful performance of their duty, by any justice of the peace of said city or by the person presiding at the ward meeting, as heretofore provided, or by the clerk of said ward, and a certificate of such oath or affirmation having been administered shall be entered by the clerk on the records of said ward. The wardens shall preside at all the ward meetings, with the powers of moderators of town meetings; and if at any meeting the warden

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shall not be present the clerk of the ward shall call the meeting to order and preside till a warden, pro tempore, shall be chosen. If neither the warden nor ward clerk shall be present, any legal voter in the ward may preside till a clerk, pro tempore, shall be chosen and qualified. The clerk shall record all the proceedings and certify the votes given, and deliver over to his successor in office all such records and journals together with all other documents and papers held by him in said capacity.

Sec. 10. Chairman of city council, choice of, and duties; vacancy in office of. After the organization of the city government, and the qualification of a mayor, and when a quorum of the city council shall be present, said board, the mayor presiding, shall proceed to choose a permanent chairman, who, in the absence of the mayor, shall preside at all meetings of the board, and 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, and when the mayor shall be absent from the city, or is prevented by sickness, or other cause, from attending to the duties of his office, shall possess all rights and powers of the mayor, during such absence or disability; he shall continue to have a vote in the city council but shall not have the veto power. The city council, in the absence of the mayor and permanent chairman, shall choose a president pro tempore, who shall exercise all the powers of a permanent chairman.

Whenever by reason of death, resignation, disqualification, removal from the city, removal from office or any other cause, a vacancy in the city council shall occur, and if such vacancy exists more than six months prior to the next regular city election, the vacancy shall be filled for the remainder of the unexpired term by a special election which shall be held in the ward from which such vacancy occurs and the warrant for such election shall be issued by the mayor.

Sec. 11. Appointment of subordinate officers provided for; terms of office; city council charged with certain powers and duties; annual report. The mayor shall biennially, on the first Monday in January, or as soon thereafter as may be convenient, appoint for the ensuing term, subject to confirmation by the city council, the following officers: a city clerk, a city treasurer, a chief of police, who shall be styled the city marshal, and who shall exercise all the powers and perform all the duties of a constable; a commissioner of public works, a collector of taxes, one or more city constables, a city auditor, a city solicitor, a city engineer, a chief of fire department, a city physician, a city electrician, one or more city undertakers, an inspector of milk, and all other necessary officers. All said officers shall hold office for a term of two years, subject, however, after a hearing, to removal at any time by the mayor, by and with the consent

of the city council, for inefficiency or other proper cause. The compensation of all officers shall be fixed by the city council. All moneys received and collected for and on account of the city by any officer or agent thereof, shall forthwith be paid into the city treasury. The city council shall take care that moneys shall not be paid from the treasury unless granted or appropriated; shall secure a prompt and just accountability by requiring bonds with sufficient penalties and sureties from all persons trusted with the receipt or custody of the public money; shall have the care and superintendence of the city public 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 in the name of the city such real or personal property as they may deem of public utility. And the city council shall, as often as once a year, cause to be published, for the information of the inhabitants, an account of receipts and expenditures and a schedule of the city property, and no money shall be paid from the city treasury unless the same be appropriated by the city council and upon a warrant signed by the mayor, which warrant shall state the appropriation under which the same is drawn.

Sec. 12. Overseers of poor and assessors to serve unexpired terms; appointment of successors. The term of office of each assessor of taxes and overseer of the poor in office at the time of the adoption of this charter shall continue for the balance of the term to which he was elected, and until his successor is appointed and qualified; at the expiration of said term and annually thereafter, the mayor shall appoint, subject to confirmation by the city council, an assessor of taxes and overseer of the poor who shall hold office for a term of three years unless sooner removed under the provisions of this charter. If for any reason a vacancy occurs in the members of the board of assessors or overseers of the poor, the vacancy shall be filled forthwith by the mayor subject to confirmation by the city council for the unexpired term. The assessors and overseers of the poor appointed as above prescribed shall exercise the same powers and be subject to the same duties and liabilities that similar officers of the several towns and cities in the state may exercise and may now or hereafter be subject to under the laws of the state.

Sec. 13. Assessors of taxes, powers and duties. The assessors of taxes shall execute and be subject to the same powers, duties and liabilities that the assessors in the towns in this state may exercise and be subject to. Provided, however, that the mayor may appoint one person in each ward whose duty it shall be to furnish the assessors with all necessary information relative to persons and property, taxable in his ward, and who shall swear or affirm to faithfully perform his duty. All taxes shall be assessed, apportioned and collected in the manner prescribed by the laws

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of this state relative to town taxes; provided, however, that it shall be lawful for the city council to establish further and additional regulations and provisions for the collection thereof.

Sec. 14. Superintending school committee, powers and duties; vacancies; school budget. The superintending school committee shall consist of the mayor, president ex-officio, and the member elected from each ward by the qualified voters thereof. They shall hold office for a term of two years and until their successors are elected and qualified.

The superintending school committee shall meet for organization at ten o'clock A. M. on the first Monday in January following the regular city election. The members-elect shall be sworn to the faithful discharge of their duties by a justice of the peace or the city clerk and a record made thereof. A majority of the whole number elected shall be a quorum.

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

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

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

Sec. 15. City clerk, powers and duties. The city clerk shall be the clerk to the city council; he shall perform such duties as shall be prescribed by the city council, and shall perform all the duties and exercise all the powers by law incumbent upon or vested in town clerks; he shall give notice in one of the papers printed in the city, of the time and place of regular ward meetings; but the place of regular ward meetings, and also the day and hour, when not fixed by law, shall be determined by the city council.

Sec. 16. General meetings of citizens to consult upon the 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 constitution of this state; and such meetings shall be duly warned by the mayor and city council upon the requisition in writing, of thirty qualified voters. The city clerk shall act as clerk of such meeting and record the proceedings upon the city records.

Sec. 17. Certain additional powers of city council; harbor regulations. The city council shall have authority to establish and make regulations for the measurement and sale of wood and bark in said city, whether brought by land or water; and may affix suitable penalties for the violation thereof, anything in the public laws of the state to the contrary notwithstanding; and are hereby authorized and empowered to make and ordain from time to time such ordinances not repugnant to the constitution and laws of the state as they may deem expedient or necessary for the location and regulation of vessels, boats, steamers and other crafts in that portion of the harbor of Rockland which lies northerly and westerly of the following lines, namely: A line commencing at the point where the southern line of said city meets the shore and extending into said harbor in the same direction with said south line until it intersects a line running due south from the point where the northerly line of said city meets the shore; to affix penalties for the breach of such by-laws not exceeding twenty dollars for each offense, to be recovered upon complaint by the harbor master hereafter provided for, before the police court of said city, to the use of the city.

All licenses for the extension of wharves into tide waters granted within three years by the municipal officers of the city of Rockland, in accordance with the public laws of Maine and all such licenses, whenever granted, when work has been begun thereunder are hereby made legal and valid, and all wharves heretofore or hereafter built in pursuance thereof are made legal and valid and are as fully authorized as though there had been

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no act other than the provisions of the public statutes applicable thereto, notwithstanding anything contained in the charter and ordinances of the city of Rockland.

Sec. 18. Harbor master, appointment and duties of. The mayor shall have power to appoint a harbor master for said city, whose duty it shall be to enforce the observance of the ordinances of the city relating to the harbor, and laws of the state applicable thereto, and to prosecute all violations of such laws and ordinances; and such harbor master, in case of sickness or disability, may appoint a deputy, subject to the approval of the mayor of said city, to perform his duties during such sickness or disability.

Sec. 19. Streets and public ways, authority of city council over; laying out 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 Rockland without petition therefor and as far as extreme low water mark; and to estimate all damages sustained by the owners of the land taken for that purpose. It shall be the duty of the city council 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 publishing the same two weeks successively in any newspaper printed in Rockland, the last publication to be one week at least previous to the time appointed. The city council 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 official acceptance by the city council. The city council 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 official 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 supreme judicial court, 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 Knox 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 an appeal is not so taken the right of appeal shall be held to be waived. 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. The city council may reserve and set off as sidewalks such part or portion of the several streets in said city now or hereafter to be established, as may appear to be necessary for the safety, convenience and accommodation of foot passengers, and 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 to be placed along the edge of said sidewalks. Nor shall the city be answerable for damages occasioned by telegraph, telephone or electric light poles and wires erected in its streets.

Sec. 20. Assessment of adjacent land for paving; appeals. Whenever the city council shall determine, by vote, to pave any street or way, or any portion thereof, in said city, with stones or other pavement, macadamize the same, pave the gutters with granite or cobble stones, construct catch basins, build sidewalks of brick, granite, concrete, artificial stone or other materials, except wood, it shall be lawful to assess the lots or parcels of land adjacent to and bounded on such street or way, in such proportion as the said lots are benefited or made more valuable by such improvement. No lot or parcel of land shall be assessed more than one-third of the cost upon each side of the street for pavement and street improvements, except for sidewalks, as aforesaid, and in the case of such sidewalks, the amount assessed shall not exceed one-half the cost, the city to pay not less than one-third of the cost of street improvements and not less than one-half of the cost of permanent sidewalks. The amount to be assessed upon said

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lots shall be determined by the board of assessors, added to the annual tax, and committed to the collector for collection in the same manner as other taxes, and there shall be the same lien upon the real estate so assessed that there is in the case of other taxes. Property owners who are aggrieved by the assessments aforesaid may have the right, so far as relates to said assessments, to appeal therefrom to the supreme judicial court, which shall determine the amount to be paid in the same manner that land damages are to be determined under the provisions of section nineteen of this charter.

Sec. 21. Sewer construction authorized; assessment of adjacent lands; appeals; provisions for entering sewer; owners of cellars and drains may be caused to enter sewer when premises are public nuisance; right of eminent domain conferred for purposes of sewer construction; certain existing sewers not affected. The city council shall have the power to construct a sewer, along the bed and in the line of the Lindsey brook, so-called, or any of its tributaries, and may change the direction thereof where necessary. The city council may assess the lots or parcels of land adjacent to and bounded on such sewers, or land through which such sewer passes, in such proportion as in their opinion the same are benefited or made more valuable by such sewer; provided, however, that the whole assessment so made on any lot or parcel of land shall in no case exceed one-third part of the cost of said sewer adjacent to said lot or parcel of land; or in case of a lot of land owned by one person, not to exceed two-thirds of the cost through such lot.

Whenever the city council shall determine by vote to build any permanent drain or sewer in said city, it shall be lawful to assess the lots or parcels of land adjacent to and bounded on said streets or ways in which such drain or sewer is built, in such proportion as the said lots are benefited or made more valuable by such improvements. No lot or parcel of land shall be assessed more than one-third of the cost upon each side of street or way in which said drain or sewer is built, the amount assessed shall not exceed two-thirds of the cost, the city to pay not less than one-third of the cost of said drain or sewer, the amount to be assessed upon said lots shall be determined by the board of assessors, added to the annual tax, and committed to the collector for collection in the same manner as other taxes and there shall be the same lien upon the real estate so assessed that there is in the case of other taxes. Property owners who are aggrieved by the assessments aforesaid may have the right, so far as relates to said assessments, to appeal therefrom to the supreme judicial court, which shall determine the amount to be paid in the same manner that land damages are to be determined under the provisions of section nineteen to the city charter.

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It shall be the duty of the assessors of Rockland, when the city has constructed any public drain or common sewer, to determine what lots or parcels of land are benefited by such drain or sewer, and to estimate and assess upon such lots and parcels of land, and against the owners thereof, or persons in possession, or against whom the taxes thereon shall be assessed, whether said person to whom the assessment is made shall be the owner, tenant, lessee or agent, and whether the same is occupied or not, such sum not exceeding such benefit as they may deem just and equitable toward defraying the expenses of constructing and completing such drain or sewer, the whole of such assessment not to exceed two-thirds of the cost of such drain or sewer, and such drain or sewer shall forever thereafter be maintained and kept in repair by said city. The city council, after the completion of a drain or sewer by the city, shall file with the assessors the location of such drain or sewer, with a profile description and detailed cost of the same, showing the lots or parcels of land adjacent to and benefited by the same, and the names of the owners of such lots or parcels of land.

Any person may enter his private drain into any such public drain or common sewer, while the same is under construction and before the same is completed, and before the assessments are made, by obtaining a permit in writing from the city council; but the person so entering shall pay his assessment when the amount is fixed by the assessors; but after the same is completed no person shall enter the same until he has obtained a permit in writing from the city clerk and countersigned by the city treasurer. The price of such permit shall be five dollars, payable to the city treasurer at the time of issuing said permit. All permits given to enter any such drain or sewer shall be recorded by the city clerk before the same are issued.

Whenever it shall appear to the board of health of the city of Rockland, that any cellar or lot of land lying in said city within two hundred feet of any public drain or common sewer constructed or maintained by said city, or that any private drain draining into the gutter of any street, way, lane or alley, or upon neighboring property within said city, or into so-called Lindsey brook or any branch or tributary thereof, is a public nuisance, said board of health shall give notice thereof in writing to the owner or occupant of said premises, and request said owner or occupant to abate said nuisance within such reasonable time as said board of health shall direct; and if said owner or occupant shall not, within the time specified by the board of health, abate such nuisance, the city council shall have the power to connect the premises with the public drain or common sewer, and the property shall be liable for the expense thereof in addition to the assessment fixed by the assessors. If said amount is not paid it shall be added to the assessment of taxes by the assessors, but the owner, or person

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in possession, or person against whom the taxes are assessed, shall have all the rights and privileges guaranteed to him by the general law, relating to the assessment and collection of taxes.

For the construction or repair of any public drain or common sewer, the city of Rockland shall have authority to enter upon any lands in said city, and take the same for said purposes, and to lay said sewer over, across and through said lands, when in the opinion of the city council it is for the public interest to do so. Said city council shall within thirty days after such taking, file in the registry of deeds for Knox county, a description of the land so taken and the course of said drain or sewer. All damages occasioned by reason of any such taking shall be determined by said city council, by first giving not less than seven days' written notice in hand, or by leaving at the last and usual place of abode of the owner, tenant, lessee or agent, or by publishing a like notice in one or more of the city papers, designating the time and place of hearing, the last publication of which shall not be less than seven days prior to the time of hearing. The city council shall, within five days after such hearing, file their return with the city clerk, stating the amount of damages allowed for each lot or parcel of land so crossed. Any person not satisfied with the amount of his award may within ten days after such hearing, by request in writing given to said clerk, have the damages determined by arbitration and if the award determined by arbitrators be unsatisfactory to either party, the party aggrieved shall have the right to appeal to the supreme judicial court in which the same proceedings shall be had as in case of damages for lands taken for highways.

This act shall not apply to or affect any public drain or common sewer constructed previous to nineteen hundred and twelve.

The city of Rockland is hereby authorized and empowered to enter upon and clear of obstructions and to improve, widen and deepen, straighten or change the course of the channel of any brook or stream or any part or parts of same within the limits of the city, and for such purpose said city is hereby authorized from time to time to purchase or take and hold so much land on each side of any brook or stream therein as may be deemed necessary. When lands are taken otherwise than by purchase, the proceedings shall be as provided in section nine of chapter one hundred of the private and special laws of eighteen hundred and ninety-one, and all laws additional thereto and amendatory thereof, relating to drains and common sewers in Rockland.

It shall be unlawful for any owner of abutting land on any brook or stream in said city, or other person to divert or change the channel of any such brook or stream, or to construct walls or embankments on the sides

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thereof or cover over same in such manner as to obstruct or divert the flow of water therein without first obtaining permission so to do from the city council of said city, which permission and order shall be in writing, specifying the manner and conditions of such change or method of construction, and no person shall deposit in any such brooks or streams any offal, rubbish, or material of any kind which shall obstruct the free passage of water or tend to pollute the same. The city of Rockland is hereby empowered to enact such by-laws or ordinances and fix such penalties for violation of same as may be deemed necessary in relation thereto.

The city council shall have the right to charge uniform rates for all persons draining into such sewer.

Sec. 22. Appeals from assessments of damages. All of the rights, powers and duties now provided for in section nineteen, relating to laying out, widening or altering any street or way, shall apply to assessments made and provided for in sections twenty and twenty-one.

Sec. 23. Sidewalks reserved exclusively for persons traveling on foot; existing sidewalks. So much of the several streets in said city as shall be appropriated and reserved as sidewalks, agreeably to the provisions of section nineteen, shall be taken and deemed to be reserved exclusively for the accommodation, convenience and use of persons traveling on foot; and said city shall not be liable for any injury or damage done or occasioned in consequence of any cart, carriage, wagon, truck or other vehicle, or any team or animal striking against any of the said sidewalks or the posts or trees set or placed to defend the same. The several sidewalks on the streets in said city, as at present established or used, or as they may be established at the acceptance of this act, shall be taken and deemed to be the proper and lawful reservation for that purpose, until altered or otherwise established by the proper authorities.

Sec. 24. Permits to obstruct streets for building and repairing; penalty for obstructing without license. The mayor and city council may on such terms and conditions, as they may think proper, license 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, cross-walk, bridge, water course or drain, or for erecting, repairing, moving or finishing any building or fences, or for laying or repairing gas or water pipes. And such material or building 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 for any damage occasioned by such materials or buildings. Any person or corporation occupying or using any of the streets in the city for the purposes aforesaid, without first obtaining a license therefor, shall be punished by a fine not exceeding twenty dollars for each offense; to be recovered on complaint for the use of the city.

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Sec. 25. Ordinances regulating erection of garages, junk shops and wooden buildings. The city council are hereby authorized and empowered to pass any ordinance or ordinances regulating or forbidding the erection of public garages, junk shops, or wooden buildings on any street or streets in said city, when they may deem it necessary or conducive to the public safety.

Sec. 26. Fiscal year; reports of city officials. The municipal fiscal year shall end on the second Monday in November. And the reports of all city officials shall be completed and made to the city council at a meeting to be held on the third Monday of November. And the city treasurer shall cause to be published in all the city papers issued during the week prior to the first Monday in December, an accurate summary of the reports of all officials receiving or disbursing moneys of the city, and a statement of the condition of the several appropriations.

Sec. 27. Appropriations of money regulated. No appropriation of moneys for any purpose shall be made without a majority vote of the members of the city council.

Sec. 28. Ordinances regulating use of vehicles and width of tires. The city council may make and establish such ordinances or regulations as they may deem for the public good, for the regulation of the use of vehicles in said city, and also prescribe the width of tire that shall be used.

Sec. 29. Existing ordinances remain in force. All city ordinances not inconsistent herewith shall remain in full force and effect.

Sec. 30. Provision for local referendum; form of ballots; conduct of election. This act, when passed by the eighty-first legislature granting a city charter to the city of Rockland, shall be submitted for approval or rejection to the qualified voters of the city of Rockland at an election to be held the second Monday in September in the year 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 in the several ward meetings of said city, there to cast their ballot concerning the selection of this charter for the city of Rockland, and if same be accepted to act as a repeal of chapter four hundred eighty-two of the private and special laws of eighteen hundred and eighty-five.

Said ballot shall be in form provided by law when a constitutional amendment is submitted to the vote of the people. The provisions of law relating to the preparation of voting lists for municipal elections shall apply to such election and said election shall in all other respects be conducted as municipal elections in said city are now conducted by law, and the

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results thereof shall be determined in the manner now provided by law for the determination of the election of mayor. If a majority of the valid ballots deposited as aforesaid shall favor the adoption of the new charter, then this act shall take effect as herein provided and the mayor shall forthwith make proclamation of the fact.

Sec. 31. Elective officers to serve out terms; first election under charter; existing charter repealed. Provided, however, that the elective officers holding office at the time of this charter is accepted by the voters of Rockland shall continue to hold their office for the term for which they were elected, and the first city election under this charter shall be held on the first Monday of March in the year A. D. nineteen hundred and twenty-four, and the term of office of all officers elected for the first time under the provisions of this charter shall expire on the first Monday of January in the year A. D. nineteen hundred and twenty-six, and this charter shall become effective on the second Monday of March in the year A. D. nineteen hundred and twenty-four, and the repeal of chapter four hundred and eighty-two of the private and special laws of eighteen hundred and eighty-five, shall take effect on said date.

Approved April 4, 1923.

Chapter 107.

An Act Validating the Action of the Town of Wells and of Ogunquit Village Corporation, and Validating the Issuance of a Series of Bonds by the Town of Wells.

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

Sec. 1. Doings at special meeting of town of Wells, ratified. The action of the inhabitants of the town of Wells at a special meeting in said town held on October third, nineteen hundred and twenty-two, in relation to the issuance of a series of its bonds amounting in the aggregate to the sum of thirty-two thousand dollars for the purpose of constructing a sewer and road within the limits of the Ogunquit Village Corporation, be ratified and declared to be legal and valid.

Sec. 2. Doings of Ogunquit Village Corporation made valid. The action of the Ogunquit Village Corporation in voting to comply with the stipulations and conditions contained in said vote of the town of Wells passed October third, nineteen hundred and twenty-two, be confirmed and declared to be valid.

Sec. 3. Bond issue of town of Wells legalized. The series of five per cent sewer and road bonds issued by the town of Wells dated October fifteenth, nineteen hundred and twenty-two, and amounting in the aggregate to the sum of thirty-two thousand dollars, issued by said town of Wells