

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eighty-sixth Legislature

OF THE

STATE OF MAINE

From April 4, 1931, to March 31, 1933

AND MISCELLANEOUS STATE PAPERS

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Published by the Secretary of State in conjunction with the Revisor of Statutes in accordance with the Resolves of the Legislature approved June 28, 1820, March 18, 1840, March 16, 1842, and an Act approved April 2, 1931.

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1933

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Private and Special Laws

OF THE

STATE OF MAINE

As Passed by the Eighty-Sixth  
Legislature

1933

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All of said notes or obligations as issued or provided for above shall be valid without first obtaining the consent of the towns and cities of said Hancock county as provided in sections 18 and 20 of chapter 92 of the revised statutes and no part of said issue shall be deemed or considered as any part of any loan authorized by said section 20 above, and any such part of such loan as may be issued to refund obligations contracted under sections 63, 64, and 65 of chapter 28 shall be freed from the maturity and repayment conditions and restrictions as set forth in said section.

**Emergency Clause.** In view of the emergency created as recited in the preamble this act shall take effect when approved.

Approved March 20, 1933.

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### Chapter 33.

#### AN ACT Relative to Raising the Water of York Pond Situate in the Towns of Eliot and York.

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

**Erection of dam at outlet of York pond, authorized.** Arthur G. Raitt, Willard S. Bartlett and Francis S. Payne, all of Eliot, and Joseph A. Parsons and the heirs of J. H. Preble, all of York, owners of the land around York pond, so-called, situated in the towns of Eliot and York in the county of York, are hereby authorized and empowered to increase the depth and area of said pond by erecting a dam at the outlet of said pond and providing gates for the same so as to raise said pond to what is called "its high-water level", for the purpose of increasing the depth of water so that the surrounding lands may be made available on which to build summer cottages.

Approved March 20, 1933.

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### Chapter 34.

#### AN ACT to Grant a New Charter to the City of Ellsworth.

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

#### ARTICLE I

##### Grant of Powers to the City

**Corporate existence retained.** The inhabitants of the city of Ellsworth shall continue to be a municipal corporation under the name of the city of Ellsworth, and shall have, exercise and enjoy all the rights, immunities, powers, privileges and franchises and shall be subject to all the duties,

liabilities and obligations provided for herein, or otherwise pertaining to or incumbent upon said city as a municipal corporation, or pertaining to or incumbent upon the inhabitants or officers thereof; and may enact by-laws, ordinances and regulations for municipal purposes, not inconsistent with the constitution and laws of the state of Maine, and impose penalties for the breach thereof, not exceeding \$100 in any one case, to be recovered for such uses as said by-laws, ordinances or regulations shall provide.

## ARTICLE II

### City Council

**Sec. 1. Powers and duties of city council.** The administration of all the fiscal, prudential and municipal affairs of said city, with the government thereof, except the general management, care, conduct and control of the schools of said city, which shall be vested in a school committee as hereinafter provided, and also except as otherwise provided by this charter, shall be and hereby is vested in 1 body of 5 members, 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 sworn in the manner hereinafter prescribed. Said city council shall exercise its powers in the manner hereinafter provided.

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

The city council is hereby constituted the overseers of the poor of the city of Ellsworth and shall perform all duties required of overseers of the poor for cities by statute or otherwise. As such overseers of the poor they may authorize a clerk or agent to sign in their name and send written notices and the written answers referred to or required in sections 31 and 32 of chapter 33 of the revised statutes, and such written notices and written answers, so signed, shall have the same effect as if signed by 1 or more of said overseers and sent by a member or members of said overseers personally.

All the powers of establishing a watch and ward, now vested by the laws of the state in the justices of the peace and municipal officers, or inhabitants of towns, are vested in the said city council so far as relates to said city; and they are authorized to unite the watch and police departments into 1 department and establish suitable regulations for the government of the same.

All other powers now or hereafter vested in the inhabitants of said city,

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and all powers granted by this act, except as herein otherwise provided, shall be vested in said city council.

The said city shall continue to be divided for election purposes into 5 wards with the now existing boundaries.

**Sec. 2. Terms of members.** The city council shall consist of 5 members, who shall be elected at large by and from the qualified voters of the city for a term of 2 years from the 2nd Monday in March next following the date of their election and until their successors are elected and qualified; except that at the 1st election after the adoption of this charter the 3 candidates having the largest number of votes shall serve for 2 years and the 2 candidates having the next largest number of votes shall serve for 1 year, and until their successors are elected and qualified. Thereafter at each annual municipal election there shall be chosen at large 2 or 3 members (as the case may be) of the city council to fill the office of the members of the city council whose terms of office expire that year. At the said 1st election of members of the city council, in the event that 2 or more candidates shall receive the same number of votes for member of the city council, the terms of office of said candidates shall be determined by lot by the city clerk after reasonable notice to said candidates by said city clerk of the time and place of said determination. Members of the city council shall serve without compensation.

**Sec. 3. Chairman of council; election, duties and powers.** At the 1st meeting annually, or as soon thereafter as possible, the city council shall elect by majority vote of the entire council 1 of its members as chairman of the council for the ensuing year, and the city council may fill for the unexpired term any vacancy in the office of chairman that may occur. The chairman shall preside at all meetings of the city council and shall perform such other duties consistent with this office as the council may provide. He shall be entitled to vote and his vote shall be counted upon all matters and things as a vote of other members of the council. The chairman shall be recognized as the official head of the city for ceremonial purposes and shall have the powers and authority given to and perform the duties required of mayors of cities for all purposes of military law, and shall act in lieu of the mayor in so far as representation is provided for the city by the mayor upon any board or commission or otherwise by any statute. In the temporary absence or disability of the chairman, the city council may select a chairman pro tempore from among its number and he shall exercise the powers of the chairman.

If the chairman shall fail from sickness, disability, continued absence from the city or other cause to attend to and perform the duties incumbent on him as such chairman, the remaining members of the city council may, by unanimous vote, after notice and hearing, terminate the term

of office of said chairman and remove him therefrom and thereupon by majority vote of the entire council may elect some other member of said city council chairman, and such newly elected member shall thereupon and thereafter hold the office and perform the duties of the chairman for the balance of that year.

**Sec. 4. Vacancies, how filled.** In case of the death, resignation, or removal from office of any member of the city council and of a vacancy caused thereby more than 6 months prior to the next regular city election, the vacancy shall be filled by a special election, the warrant for which shall, upon vote of the city council, be issued by a member of the city council, by vote designated for that duty.

**Sec. 5. Meetings.** The city council shall meet at the usual place for holding meetings at 10 o'clock A. M. on the 2nd Monday of March next following the regular city election, at which time the councilmen-elect shall be sworn to the faithful discharge of their duties by a justice of the peace or by the city clerk. At its 1st meeting, or as soon thereafter as may be, the city council shall establish by ordinance or resolve a time and place for holding its regular meetings, which shall be held at least once per month.

**Sec. 6. Special meetings; quorum.** Special meetings may be called by the chairman or by a majority of the members of the city council. Notice of such meeting shall be served in person upon, or left at the usual dwelling place of each member of the council and of the city manager. A majority of the members of the city council shall be and constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time, or compel attendance of absent members.

**Sec. 7. Records, rules, procedure.** The city council shall keep a record of its proceedings and shall be the judge of the qualification and election of its own members. The council may determine its own rules and procedure, make lawful regulations for enforcing the same, and punish members for misconduct. The meetings of the council shall be open to the public. The city council shall act only by ordinance, order or resolve; all ordinances, orders and resolves, except general appropriation resolves, shall be confined to 1 subject. The appropriation order or resolve shall be confined to the subject of appropriations only. The city council may provide, by ordinance, order or resolve, for all other rules and orders of a parliamentary character.

**Sec. 8. Ordinances, orders or resolves submitted to popular vote.** The city council may submit, on its own initiative, a proposition for the enactment, repeal, or amendment of any ordinance, order or resolve (except as herein otherwise provided) to be voted upon at any municipal election

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and should such proposition receive a majority of the votes cast thereon at said election, such ordinance, order or resolve shall be enacted, repealed or amended accordingly.

**ARTICLE III****Nominations and Elections**

**Sec. 1. Date of election and procedure to determine results.** At the first election after this charter is in force, to be held on the 1st Monday in March, 1934, the qualified voters of the city shall ballot for 5 councilmen, and the qualified voters of each ward shall, at the same time, ballot for a warden, and a ward clerk for his ward, and thereafter, on the 1st Monday in March in each year, a regular municipal election shall be held and the qualified voters of the city shall ballot for councilmen to fill the office of the councilmen whose terms of office expire that year, and the qualified voters of each ward shall, at the same time ballot for a warden, and a ward clerk for their ward.

All votes cast for the several officers shall be sorted, counted, declared and registered in open ward meeting, as provided by statute. The ward clerk shall forthwith deliver to each person elected warden or ward clerk a certificate of his election and shall forthwith deliver to the city clerk a certified copy of the record of such election.

After the first election held under this charter the then municipal officers and thereafter the city council shall, as soon as it conveniently can, examine the copies of the records of the several wards, certified as aforesaid, and shall cause the persons who shall have been elected councilmen to be notified in writing of their election; but if it shall appear that no person shall have been elected to any office, or if the person elected shall refuse to accept the office, warrants for another election shall be issued forthwith. At any election the person receiving the highest number of votes for an office shall be deemed and declared elected to such office.

**Sec. 2. Warden and ward clerk; eligibility, tenure, qualifications, powers, and duties; vacancies; ward meetings, how called.** The warden and ward clerk, chosen as provided in the preceding section, shall be residents of the ward for which they are elected and shall hold their office for 1 year from the 2nd Monday in March following their election, and until others have been chosen and qualified in their stead. The warden and the ward clerk shall be sworn to the faithful performance of their duties by a person qualified under the statutes of the state to administer oaths, and a certificate of such oath shall be entered by the clerk on the records of said ward. The warden shall preside at all ward meetings, with the powers of moderators of town meetings and if at any meeting the warden shall not be present, the clerk of the ward shall call the meeting to order and preside until a warden pro tempore shall be chosen. The warden shall



have all rights and powers now held by the warden of such ward. If neither the warden nor the ward clerk shall be present, any legal voter in the ward may preside until a clerk pro tempore shall be chosen and qualified.

Immediately following the election of a clerk pro tempore a warden pro tempore shall be chosen. The clerk shall record all the proceedings and certify the votes given and deliver over to his successor in office all such records and journals in his possession or under his control, together with all documents and papers held by him in his capacity as clerk. The ward clerk shall have and perform all rights and duties now held and performed by the ward clerk of such ward, so far as consistent with this charter. All ward meetings shall be notified and called by the city council in the manner provided by the laws of this state for notifying and calling town meetings by the selectmen of the several towns.

**Sec. 3. Nominations for elective officers to be made by petition.** The nomination of all candidates for elective offices provided for by this charter shall be by petition. The petition of a candidate for councilman shall be signed by not less than 75 nor more than 140 qualified voters of the city. The petition of candidates for warden, and for ward clerk shall be signed by not less than 25 nor more than 50 qualified voters of the ward wherein the candidate is to be elected. The number of said petitions for candidates for any office that may be signed by any voter shall not exceed the number of candidates to be elected to said office, and in no case may a voter sign more than 1 petition for any one candidate.

**Sec. 4. Form of nomination paper.** The signatures to nomination papers need not all be affixed to 1 nomination petition, but to each separate petition there shall be attached an affidavit of the circulator thereof stating the number of signers on each petition, and that each signature appended thereto was made in his presence and is the genuine signature of the person whose name it purports to be. With each signature shall be stated the place of residence of the signer giving the street and number of the street, or their description sufficient to identify the same. The form of the nomination petition shall be substantially as follows:

To the City Clerk of the City of Ellsworth:

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

Name..... Street and Number.....

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

(Signed).....

Subscribed and sworn to before me this.....day of..... 19....

.....

Justice of the Peace  
(or Notary Public)

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

**Sec. 5. Filing nomination papers; acceptances of nominations must be filed.** The nomination petitions for any 1 candidate shall be assembled and united into 1 petition, and filed with the city clerk and not earlier than 30 nor later than 16 days before the day of election. No nomination shall be valid unless the candidate shall file with the city clerk in writing not later than 16 days before the day of election, his consent, accepting the nomination, agreeing not to withdraw, and, if elected, to qualify.

**Sec. 6. List of candidates to be published.** The city clerk shall notify the list of candidates and shall cause to be published at least 10 days prior to the date of the election in.....a newspaper published in said Ellsworth, the names, residences, and offices to which nominated, of the candidates who have duly filed the above described petitions and acceptances.

**Sec. 7. Ballots, etc., to be prepared by the city clerk.** Specimen ballots and official ballots for use in all city elections shall be prepared by the city clerk and furnished by the city.

**Sec. 8. Contents and form of ballot.** The names of candidates nominated as provided in the preceding section shall be arranged on the ballot in alphabetical order according to surnames, except as hereinafter provided. In any case where the names of 4 or more persons appear on the ballot as candidates for city councilmen, the city clerk shall have printed as many sets of ballots as there are candidates. Each set of ballots shall begin with the name of a different candidate, the other names being arranged thereafter in regular alphabetical order, commencing with the name next in alphabetical order after the one that stands 1st on that set of ballots. When the last name is reached in alphabetical order it shall be followed by the name that begins with the 1st letter represented in the

list of names and by the others in regular order. The ballots so printed shall then be combined in blocks of 50 so as to have the fewest possible ballots having the same order of names printed thereon together in the same block.

Sample ballots shall be printed from the arrangement of the 1st group of ballots to be printed as above provided.

The ballots shall be without party mark or designation. The full name and residence of each candidate shall be given. At the right of each name shall be a square within which the voter shall place a cross to designate his choice. Blank spaces shall be left at the end of the list of candidates for each office, in which the voter may insert the name of any person not printed on the ballot, for whom he desires to vote.

The ballot shall be printed substantially as follows:

To vote for a candidate make a cross (X) in the square at the right of

NAME AND RESIDENCE

For CITY COUNCIL Vote for ( )		
Name of candidate.....	Residence.....	
Name of candidate.....	Residence.....	
Name of candidate.....	Residence.....	
Name of candidate.....	Residence.....	
Name of candidate.....	Residence.....	
For WARDEN (1 year) Vote for one		
Name of candidate.....	Residence.....	
Name of candidate.....	Residence.....	
For WARD CLERK (1 year) Vote for one		
Name of candidate.....	Residence.....	
Name of candidate.....	Residence.....	

BACK OF BALLOT  
 OFFICIAL BALLOT  
 ELLSWORTH  
 Ward.....

Monday.....19....

(Facsimile of signature)  
 City Clerk

**Sec. 9. Specimen ballots.** The city clerk shall cause specimen ballots to be posted in public places, including each polling place, and/or advertised in the newspaper not later than 10 days prior to the city election.

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Such specimen ballots shall be printed on colored paper and marked specimen ballot, and shall contain the names of the certified candidates with the residence of each, instructions to voters, and such measures as may be submitted to the voters. Such ballots shall be without party mark or designation.

**Sec. 10. State election laws.** The provisions of the laws of the state of Maine relating to the qualification of electors, registration, the manner of voting, the counting of votes, the duties of election officers, and all other particulars in respect to the management of elections, so far as they may be applicable, shall govern all municipal elections except as otherwise provided in this charter.

**ARTICLE IV****Administrative Officers**

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

(a) The following officers and boards shall be appointed by ballot by a majority vote of the members of the city council: city manager, city clerk, treasurer and tax collector, members of the superintending school committee, members of the board of assessors, 2 members of the board of registration as provided under section 8 of chapter 6 of the revised statutes, board of mothers' aid, city marshal, night police officer, superintendent of the city farm, trustees of the public library, chief engineer of the fire department, and 1st and 2nd assistant engineers of the fire department.

(b) The following officers shall be appointed by the city manager, subject to confirmation by the city council: street commissioner, inspector of buildings, health officer, harbor master, inspector of meat and milk, librarian, matron of the reading room, janitor for the library, janitor of city hall, and all other department heads or officers whose position may from time to time be created by ordinance.

**Sec. 2. Power of council with regard to appointive officers and boards.** The council shall have power by ordinance or resolve:

- (a) To create any new appointive office.
- (b) To authorize the appointment of assistants or deputies in any office.
- (c) To assign duties of 2 or more offices to 1 office.
- (d) To divide duties of any office between 2 or more offices.

**Sec. 3. Term of service.** All appointive officers whose terms of service are specified herein to be for a fixed term, shall be removable by the city

council upon written charges, notice, and hearing, if upon such hearing they are adjudged guilty of the charges preferred.

All other appointive officers shall hold office during the pleasure of the appointing power.

The term of office of members of the board of registration of voters shall be as now provided by law, except as otherwise specifically provided in this act.

**Sec. 4. Compensation of officers.** The city council shall fix by order the salaries of the appointees of the city council. Salaries of the appointees of the city manager shall be fixed by the city manager, subject to the approval of the city council.

**Sec. 5. Appointment and qualifications of the city manager.** The city manager shall be chosen by the city council solely on the basis of his character and his executive and administrative qualifications, and may or may not be a resident of the city of Ellsworth or of the state at the time of his appointment. If so required by the city council he shall give bond for the faithful discharge of his duties to the city of Ellsworth in such sum as the city council shall determine and direct, and with surety or sureties to be approved by the city council. The premium on his bond shall be paid by the city.

**Sec. 6. Powers and duties of the city manager.** The city manager shall be the administrative head of the city and shall be responsible to the city council for the administration of all departments. The powers and duties of the city manager shall be as follows:

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

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

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

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

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

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

**Sec. 7. Substitute.** During any vacancy in the office of city manager, and during the absence or disability of the city manager, the city council

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may designate a properly qualified person to perform the duties of manager and fix his compensation; while so acting he shall have the same powers and duties as those given to and imposed on the city manager. Before entering upon his duties, if so required, he shall give bond to the city of Ellsworth in a sum and with surety or sureties to be approved by the city council. The premium on said bond is to be paid by the city.

**Sec. 8. Duties of administrative officers other than manager.** Duties of administrative officers other than the city manager may be prescribed by the city council. Such duties shall not be inconsistent with the provisions of this charter.

**Sec. 9. Superintending school committee.** The superintending school committee of the city of Ellsworth shall consist of 3 members appointed by the council, to serve for terms of 3 years, and until their successors are appointed and qualified. If for any reason a vacancy shall exist in the membership of the school committee the vacancy shall be filled forthwith by the city council for the unexpired term.

The members of the school committee shall annually by majority vote designate 1 of its members to serve as chairman of the school committee.

The school committee shall have all the powers and perform all the duties in regard to the care and management of the public schools of said city, which are now or may hereafter be conferred and imposed upon school committees by the laws of this state, except as otherwise provided in this charter. They shall annually furnish to the city council an estimate in detail of the several sums required during the ensuing municipal year for the support of public schools. On the basis of such estimates the city council shall make 1 gross appropriation for the support of public schools for the ensuing municipal year, and such appropriation shall not be exceeded, except by consent of the city council, but the expenditure of said appropriation shall be under the direction and control of the school committee.

**Sec. 10. Assessors of taxes.** There shall be 3 assessors of taxes appointed for terms of 3 years by the city council, and until their successors are appointed and qualified. If for any reason a vacancy shall exist in the membership of the board of assessors, the vacancy shall be filled forthwith by the city council for the unexpired term. The assessors appointed as above provided shall exercise the same powers and be subject to the same duties and liabilities that similar officers of the several towns and cities in the state may exercise, and may now or hereafter be subject to under the laws of the state.

**Sec. 11. Duties of other administrative officers.** The city council shall, by ordinance, resolve or order, prescribe and determine the duties of ad-

ministrative officers other than the city manager, except as said duties are prescribed herein or by general law. Such duties shall not be inconsistent with the provisions of this charter.

**Sec. 12. Vacancies, how filled.** When any vacancy occurs in any office, said vacancy shall be filled as soon as may be by the appointing power authorized to appoint to said office.

## ARTICLE V

### Business and Financial Provisions

**Sec. 1. Accounts; how kept.** Full and accurate accounts of all the departments of the city shall be kept. The city manager shall prescribe the forms for such accounts. Said accounts, however, shall be kept in such manner as to show fully at all times the financial condition of the city and of each department thereof. The city manager shall furnish to the city council at the regular monthly meeting of the city council in each month a detailed report showing receipts and disbursements of the city on all accounts and also showing expenditures made and obligations incurred during the preceding calendar month. Said city manager shall also furnish the city council a balance sheet showing the financial condition of the city and of the several funds, together with the unexpended balance to the credit of each department.

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

**Sec. 3. Monthly statement published.** The city manager shall publish each month a statement of the financial condition of the city. Each of the administrative officers and boards shall annually, on such date as may be fixed by the city council, render to the city manager a full report of the transactions of his or their department for the year. On the basis of these reports, the city manager shall prepare and publish an annual report for general distribution. In addition to a summary of the services rendered by the various departments, the report shall show:

(a) Receipts classified according to sources.

(b) Expenditures classified according to objects. The classification of receipts and expenditures in the report shall conform in general to the classification employed in the city's accounting system.

(c) Balance sheets.

(d) Such other financial information as may be required by the city council.

**Sec. 4. Budget estimates.** Not later than 1 month before the end of the fiscal year, the city manager shall submit to the city council budget

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estimates for the ensuing fiscal year. Said budget estimates shall contain:

(a) A statement of the financial condition of the city.

(b) An itemized statement of appropriations and amounts thereof recommended for current expenses, and also appropriations recommended for permanent improvements.

(c) An itemized statement of revenue from sources other than taxation, together with a statement of the amount of money to be raised by taxation together with comparative figures from the current and the next preceding year.

(d) Such other information, if any, as may be required by the city council.

**Sec. 4-A. Appropriation resolve.** As early as practicable after the beginning of the fiscal year, the city council shall pass an annual appropriation resolve, which shall be based on the budget submitted by the city manager.

The total amount appropriated shall not exceed the estimated revenue of the city.

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

**Sec. 5. Reserve fund.** In the annual appropriation resolve, the city council shall provide for a reserve fund, and an appropriation for the same shall therein be made. Transfers from said fund shall be made only by vote of the city council, and no transfer of any money shall be made from any fund other than the reserve fund until the end of the year, at which time, after all warrants have been paid out of the various funds against which such warrants have been drawn, the treasurer shall transfer to said reserve fund any balance or balances then remaining in the various other funds, except balances in the school fund; the city council shall then apply the full balance in reserve fund to the reduction of the unfunded debt of the city, in case there is such debt, otherwise the city council shall transfer the full balance in the reserve fund to the sinking fund; provided, however, that before doing so the city council may authorize a transfer from the reserve fund to any other fund or account in which there is an overdraft created by an actual emergency.

**Sec. 6. Sinking fund.** Until the funded indebtedness, not provided for by serial bonds, of the city of Ellsworth in force at the time of the adoption of this charter, together with any renewal thereof, is fully paid, the city council shall raise and set apart each year for a sinking fund a sum



equal to not less than 2 per cent of the total of appropriations for that year, excluding the amount of the item of the appropriation resolve provided for by this section.

The sinking fund shall be invested as provided by the revised statutes of the state (chapter 5, section 93) and all acts in addition thereto and in amendment thereof.

**Sec. 7. Temporary loans.** Money may be borrowed in anticipation of receipts from taxes during any fiscal year, but the aggregate amount of such loans outstanding at any 1 time shall not exceed 80 per cent of the revenue received from taxes during the preceding fiscal year. All such loans shall be paid within the year out of receipts from taxes for the fiscal year in which said loans are made. Money may be borrowed in anticipation of money to be received from the sale of bonds to be issued, in case such bond issue has been authorized; all such loans shall be paid within 1 year and are subject to the provisions of laws of the state of Maine in relation thereto.

**Sec. 8. Payments.** Money shall be paid out only on warrants on the city treasury issued by the city manager and countersigned by a member of the city council to be designated from time to time by said city council.

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

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

**Sec. 9. Bonding of officers, etc.** The city council shall require bonds, with sufficient surety or sureties, from all persons trusted with the collection, custody, or disbursement of the public moneys, and all moneys received by any officer, employee or agent of the city belonging to the city, or in connection with the business thereof, shall forthwith be paid into the city treasury, and shall be deposited with such responsible banking institutions as the city council may determine. All interest from such deposits shall accrue to and belong to the city.

**Sec. 10. Supplies.** The city manager shall purchase all supplies and equipment for the city and for the several officers and boards thereof except educational supplies for the schools which may be purchased by him upon requisition by the superintending school committee.

The city manager shall see to the delivery of supplies to each department and take and file receipts therefor. He shall conduct all sales of property unfit or unnecessary for the city's use, after such sales have been authorized by the council.

## ARTICLE VI

## Miscellaneous Provisions

**Sec. 1. City councilmen, not to hold other office.** No member of the city council, during the term for which he was chosen as such member, shall be eligible for any other office, the salary of which is payable by the city, nor shall he, during such term, hold such other office.

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

**Sec. 3. Referendum.** This act shall be submitted for approval or rejection to the qualified voters of the city of Ellsworth at an election to be held on the 2nd Monday in September, 1933 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 ballots for the approval or rejection of this act. The question proposed on said ballot shall be substantially in the following form: "Shall an act passed by the legislature in the year 1933 approved (insert date) entitled 'An Act to Grant a New Charter to the City of Ellsworth' be accepted?" otherwise said ballot shall be in form provided by law when a constitutional amendment is submitted to the vote of the people. The provisions of law relating to the preparation of voting lists for municipal elections shall apply to such election and said election shall in all other respects be conducted as municipal elections in said city are now conducted by law, and the result thereof shall be determined in the manner now provided by law for the determination of the election of mayor. If a majority of the ballots deposited as aforesaid shall reject, this act shall not go into

effect, but if a majority of the electors voting at said ward meetings shall approve, then this act shall take effect as herein provided.

**Sec. 4. Effective date.** So much of this act as authorizes the submission of the acceptance of this charter to the electors of the city of Ellsworth shall take effect as provided in the constitution of the state, but it shall not take further effect unless accepted by the electors of the city of Ellsworth as hereinbefore provided. If accepted 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 2nd Monday of March 1934.

**Sec. 5. Ordinances 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.

**Sec. 6. Tenure of present officers regulated.** All officers or boards now in office holding positions hereafter to be filled under the provisions of this charter by the city council or city manager shall not serve out their terms but shall continue in office only until their successors are appointed and qualified; except that the members of the board of registration, members of the board of assessors of taxes, and members of the school board shall serve out the terms for which they were appointed.

**Sec. 7. Present contracts regulated.** 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. 8. Repealing clause.** In case this act is approved in the manner hereinbefore provided, all acts and parts of acts inconsistent herewith are hereby repealed.

Approved March 20, 1933.

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## Chapter 35.

### AN ACT to Confer Additional Rights and Powers Upon East Branch Improvement Company.

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

**Sec. 1. Additional rights and powers.** The East Branch Improvement Company, a corporation incorporated by special act of the legislature of Maine entitled "An Act to incorporate the East Branch Improvement Com-