

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eighty-sixth and Eighty-seventh
Legislatures

OF THE

STATE OF MAINE

From April 1, 1933, to April 6, 1935

AND MISCELLANEOUS STATE PAPERS

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Private and Special Laws

of the

STATE OF MAINE

As Passed by the Eighty-Seventh
Legislature

1935

Chapter 85.

AN ACT Amending the Charter of the City of Biddeford.

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

Sec. 1. Duties of mayor of Biddeford, clarified. Section 3 of chapter 66 of the private and special laws of 1933 is hereby amended to read as follows:

'Sec. 3. Duties of mayor. 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 and regulations of the city to be executed and enforced, to exercise a general supervision over the conduct of all subordinate officers, and to cause their violations or neglect of duty to be punished. He may suspend such subordinate officers for misconduct in office, provided that within 3 days after such suspension, he shall convene the city council and present at such meeting written charges of such misconduct. **At such meeting the city council shall have power to suspend or remove such subordinate officer.** He may call special meetings of the city council when, in his opinion, the interests of the city require it, by a notice printed in a newspaper in the city, or by causing a summons or notification to be given in hand to, or left at the usual dwelling place of, each member of the board. He shall, from time to time, communicate to the city council such information, and recommend such measures as the business and interests of the city may, in his opinion, require. He shall preside in the city council, but shall have only a casting vote. The salary and compensation of the mayor shall be \$1,500 per year, which shall not be increased or diminished during his continuance in office, unless by the vote of the qualified electors in ward meetings called for that purpose. Nor shall he receive from the city any other compensation for any service by him rendered in any other capacity or agency. The councilmen, with the exception of the members of the finance committee, shall receive no compensation for their services as such ~~unless by vote of the qualified electors in the ward meetings called for that purpose.~~ The councilmen who shall be members of the finance committee shall receive such compensation as the council may determine. No councilman shall directly or indirectly enter into any contract with the city.'

Sec. 2. Powers of city officials regulated. Section 4 of chapter 66 of the private and special laws of 1933 is hereby amended to read as follows:

'Sec. 4. City officials; election; term of office; finances. With the exception of the administration of the department of education and the police department, as hereinafter provided, all the executive powers of said city, generally, with all the powers of the selectmen of towns within the state,

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shall be vested in the mayor and city council as fully as if the same had been particularly enumerated herein; ~~all of the powers now vested in the inhabitants of said city and all powers granted by this act, shall be vested in the mayor and city council of said city.~~ On the 1st Monday of January of each year, or as soon thereafter as conveniently may be, the mayor shall nominate all necessary subordinate officers and agents for the city for the ensuing year, including 1 assessor whose term of office shall be for the period of 3 years, city solicitor, city auditor, city clerk, city treasurer, overseer of the poor, road commissioners for the several districts, 2 members of a finance committee, collector of taxes, health officer and such other necessary officers as is prescribed by the statutes of this state or the ordinances of the city, and which nominations shall be subject to the confirmation of the city council. All such officers so nominated and confirmed, after being duly sworn, shall be the duly elected and qualified officers of the city of Biddeford. All principal and subordinate officers of the city (except assessors, members of board of education, members of the board of police, chief engineer and members of fire department) after the effective date of this act, shall hold their office only until the 1st day of January following. The members of board of assessors, board of education, and board of police, where terms of office have 1 year or more remaining, shall hold their respective offices accordingly until the 1st and 2nd anniversary respectively of a new city government. All vacancies created during the current year shall be filled as hereinbefore provided. All the subordinate officers and agents, with the exception of assessors, members of board of education and board of police, chief engineer and members of fire department, shall hold their offices during the ensuing year or during the pleasure of the mayor and city council, and until others shall be nominated, confirmed and qualified in their stead. All subordinate officers, on the 30th day of November of the fiscal year, shall present a written report of their receipts and expenditures to the mayor and 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 penalty and sureties from all persons trusted with the receipt, custody or disbursement of money; shall have the care and superintendence of 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 authorize the purchase within the limits of any appropriation therefor, and take in the name of the city such real or personal property, not exceeding the sum of \$1,000,000, including the property now owned by the city, as they may think useful to the public interest. And the city council shall, ~~as often as once a year,~~ on the 1st

Tuesday after the 1st Monday of December, cause to be published for the information of the inhabitants, a particular account of receipts, and expenditures, and a schedule of the city property; and no money shall be paid from the 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 was drawn.'

Sec. 3. P. & S. L., 1933, c. 66, § 5, amended. Section 5 of chapter 66 of the private and special laws of 1933 is hereby amended to read as follows:

'Sec. 5. Veto power of mayor. Every law, act, ordinance or bill appropriating money, having passed the city council, shall forthwith be presented in hand to the mayor of the city by the clerk of the board, and if he approves the same he shall sign it; if not, he shall return it to the city council within 7 days with his objections thereto in writing, and which objections shall be entered upon the journals of the city council. ~~In case no meeting of city council is held within 7 days, he may return such objections at the next meeting of the city council, the same shall proceed to reconsider said law, act, ordinance or bill.~~ If, upon such reconsideration, $\frac{2}{3}$ of the whole number of said city council shall vote to pass the same, it shall have the same effect as if signed by the mayor.'

Sec. 4. P. & S. L., 1933, c. 66, § 6, amended. Section 6 of chapter 66 of the private and special laws of 1933 is hereby amended so that the 1st and 2nd sentences thereof shall read as follows:

'On the 1st day of January, annually, or as soon thereafter as conveniently possible, the mayor shall nominate a finance committee consisting of 2 members of the city council subject to the confirmation of the remaining members of said board and of which committee the mayor, city auditor and city treasurer shall be a members ex officio. It shall be the duty of the finance committee, on or before the ~~1st day of March~~ 3rd Monday of January of each year, to report to the city council a budget of proposed expenditures of all the various departments of the city government, including the school department, fire department, police department, street department, pauper department, and all other principal or subordinate departments of the city, including a contingent fund.'

Sec. 5. P. & S. L., 1933, c. 66, § 7, amended. Section 7 of chapter 66 of the private and special laws of 1933 is hereby amended so that the last sentence thereof reads as follows:

'The auditor, like other subordinate officers, shall annually ~~in~~ on the ~~month of November, cause to be published for the use of the inhabitants of the city,~~ 30th day of November, present to the mayor and city council, a report containing a particular account of the receipts and ex-

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penditures of the city, and a schedule of the city property, and city debts and liabilities. The auditor and treasurer shall be members of the finance committee.'

Sec. 6. P. & S. L., 1933, c. 66, § 8, amended. The first sentence of section 8 of chapter 66 of the private and special laws of 1933 is hereby amended to read as follows:

'~~The overseer of the poor~~ The clerk of the overseers of the poor, subject to the supervision of the municipal officers when acting as overseers of the poor, shall have all the powers and perform all the duties now prescribed by law for the boards of overseers of the poor in towns, excepting only the purchase of materials and supplies, which shall be purchased as herein provided.'

Sec. 7. P. & S. L., 1933, c. 66, § 14, amended. Section 14 of chapter 66 of the private and special laws of 1933 is hereby amended to read as follows:

'Sec. 14. Council of Biddeford may enact certain ordinances. The city council of the city of Biddeford is hereby authorized to enact ordinances pertaining to the following businesses and purposes, and to authorize the city clerk of said city to grant licenses and permits therefor for such periods of time and in accordance with such rules and regulations not inconsistent with law, and upon payment by the licensee of such fees, and filing of such bonds as said city council may establish and make provision for by ordinance, to wit:

Auctioneers, the maintenance and operation of garages, filling stations, sidewalk tanks and pumps for the sale or distribution of gasoline and other volatile inflammable liquid for fuel or power, the manufacture, storage, sale, transportation, disposition and use of explosives and flammable liquids, billiard tables, pool tables, bowling alleys, roller skating rinks, junk dealers, dealers in old gold, silver and precious metals, hawkers and peddlers, employment agencies, itinerant vendors, public automobiles, taxicabs and motor busses and the drivers or operators thereof, public wagons and trucks and drivers or operators thereof, amusements, exhibitions and performances, theaters, moving picture houses, inn-holders, victualers, pawn brokers, lodging houses of 10 lodging rooms or more, public shooting galleries, the manufacture, storage, sale, disposition and use of fireworks, dance halls, circuses, and the erection and maintenance of signs, flags, banners, awnings, marquees, and all other things within the limits of the sidewalks, roads, ways and streets of said city, and no such objects placed within said limits in accordance with such ordinances, shall be deemed defects in such sidewalks, roads, ways and streets. All the laws, ordinances and regulations now in force in said city of Biddeford, and not inconsistent herewith, shall, notwithstanding this act, be and remain in

full force until they expire by their own limitations, or be revised or repealed by the city council; and prosecution and suits may be commenced and proceeded thereon in the name of the city, by officers or other persons thereby empowered or directed to prosecute and sue; and the fines and penalties shall go to the uses provided in such laws or regulations.'

Sec. 8. P. & S. L., 1933, c. 66, § 15, amended. The second sentence of section 15 of chapter 66 of the private and special laws of 1933 is hereby amended to read as follows:

'In each of said wards, there shall annually, on the ~~1st~~ 3rd Monday of December, be chosen by ballot a warden and clerk, who shall hold their offices for 1 year, and until others shall have been chosen and qualified in their places.'

Sec. 9. P. & S. L., 1933, c. 66, § 16, amended. Section 16 of chapter 66 of the private and special laws of 1933 is hereby amended to read as follows:

'Sec. 16. Elections. The mayor shall be elected from the citizens at large by the inhabitants of the city voting in their respective wards, and shall hold his office for 1 year from the 1st ~~Monday~~ day of January following his election. 1 councilman shall be elected by each ward, being a resident in the ward where elected. 4 councilmen-at-large shall be elected from the citizens by the inhabitants of the city, but there shall be not more than 2 councilmen elected from any 1 ward. Said officers shall be elected by ballot by a plurality of the votes given, and they shall hold their office for 1 year from the 1st ~~Monday~~ day of January following their election in December, and until others shall be elected and qualified in their stead. On the ~~1st~~ 3rd Monday of December following the passage and acceptance of this act, the qualified electors of each ward shall ballot for a warden and ward clerk, 1 councilman, all inhabitants of the said ward, a mayor and 4 councilmen-at-large, 1 member of the board of education and 1 member of board of police. On the ~~1st~~ 3rd Monday of each December, following the 1st election held hereunder, an election shall be held in all the wards of the city for the election of a mayor, 1 councilman from each ward, a member of the board of education, member of board of police, and 4 councilmen-at-large. Vacancies in the office of the mayor or city council may also be filled at a special election duly called by law therefor.'

Sec. 10. P. & S. L., 1933, c. 66, § 19, amended. Section 19 of chapter 66 of the private and special laws of 1933 is hereby amended to read as follows:

'Sec. 19. City clerk; meetings of council. The city clerk shall be the clerk of the board of councilmen and shall perform all duties, and exercise all powers by law incumbent upon, or vested in the city clerk of the city

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of Biddeford and by law vested in town clerks of the several towns within the state; he shall give notice in 1 or 2 of the papers printed in said city of the time and place of regular and special 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 mayor and board of councilmen. The city council may, in the absence of the mayor and president of the board, choose a president pro tempore, who shall preside at meetings of the board. The city council shall keep a record of its proceedings, and judge of the election of its own members, ~~subject to a review by the courts.~~ In case of failure of election, or vacancy by death, resignation, or otherwise, the city council may order new elections. A quorum for the transaction of business shall consist of a majority of members thereof; all meetings of the councilmen shall be open and public, and the presiding officer shall have the power of moderators of town meetings. At any of said meetings, when any 2 members shall request it, the vote shall be taken by yeas and nays, which shall be recorded by the clerk.'

Sec. 11. P. & S. L., 1933, c. 66, § 23, amended. Section 23 of chapter 66 of the private and special laws of 1933, as amended, is hereby further amended to read as follows:

'**Sec. 23. Fiscal year.** The municipal, financial and fiscal years shall commence on the 1st ~~Monday~~ day of ~~January~~ **December** and terminate on the ~~1st Monday~~ 30th day of ~~November~~ **January** following.'

Sec. 12. Ratification. Sections 1 to 11, inclusive, of this act shall take effect 90 days after the adjournment of the legislature without formal acceptance by vote of the voters of Biddeford.

Sec. 13. P. & S. L., 1933, c. 66, amended. Chapter 66 of the private and special laws of 1933 is hereby amended by adding thereto a new section to be numbered 30-A and to read as follows:

'**Sec. 30-A. Board of fire commissioners.** The administration of the fire department of the city of Biddeford shall be under the jurisdiction of a board of fire commissioners consisting of 3 citizens of the city of Biddeford who shall constitute a fire board of said Biddeford and who shall be sworn before entering upon the duties of their office. The term of office of said members of the fire board shall be 3 years. All nominations shall be made and elections held under the laws which govern the nomination and election of mayor and councilmen of said city of Biddeford, provided, however, that after the acceptance of this section, the mayor shall appoint, subject to confirmation by the city council, 3 citizens as temporary members of said board to hold office until the members first elected under this section qualify. At the 1st municipal election held after the acceptance of this section, 3 members of said board shall be elected; the one receiving

the largest number of votes, for a 3-year term, the one receiving the next largest number of votes for a 2-year term, and the one receiving the next largest number of votes for a 1-year term. Thereafter one member shall be elected annually to serve for a 3-year term. Vacancies in said board shall be temporarily filled by the city council and the member so chosen to fill said vacancy shall hold office until the 1st day of the January following and at the next annual municipal election occurring after said vacancy exists a citizen or citizens shall be elected to serve during the remainder of that term or terms. The board shall annually elect 1 of their number chairman and 1 of their number clerk, who shall be sworn and shall keep a record of all proceedings, issue all notices, and attest all such papers and orders as the board directs.

The salaries of the members of said board shall be voted annually by the city council of said city and paid quarterly from the treasury thereof, but the salary of any member of said board shall not be diminished during the term of office. Said board shall be provided with such rooms as shall be convenient and suitable for the performance of its duties by said city and at its expense.

All the expenses for the maintenance and all incidental expenses incurred in the administration of said department and all materials and supplies therefor shall be submitted by said fire board, upon its requisition, to the finance committee of the city, who, after approval thereof shall purchase such necessary materials and supplies as is provided for other departments of said city government. The number of firemen and their compensation shall be determined by the city council upon the advice of said board of fire commissioners.

Said board of fire commissioners shall make a report of its doings annually to the city council at the close of the fiscal year.

Sec. 14. Referendum. The provisions of section 13 of this act shall be submitted for approval or rejection to the qualified voters of the city of Biddeford at an election to be held in December, 1936, or at such other time during 1936 as the city council may determine, and warrants shall be issued in 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 various ward meetings in the said city to cast their ballot on the following question: "Shall the provisions of section 13 of the act passed by the 87th legislature entitled 'An Act Creating a Board of Fire Commissioners for the City of Biddeford' be accepted?" Otherwise said ballot shall be in the form provided by law when a constitutional amendment is submitted to the voting of the people. The provisions of law relating to the preparation for the voting list 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

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and the results thereof shall be determined in the manner now provided by law in the case of the election of mayor.

The submission of the provisions of section 13 to the voters of the city of Biddeford is hereby authorized, but section 13 shall not take further effect unless adopted by the voters of the city of Biddeford as hereinbefore provided.

Approved April 6, 1935.

Chapter 86.

AN ACT for the Relief, Rehabilitation, Protection and Enhancement of Agriculture and Dairying in the State of Maine.

Emergency preamble. Whereas, the agricultural and dairying interests of the state are of the utmost importance to the welfare and to the people of the state; and

Whereas, there exists a demoralized and distressing condition in the agricultural and dairying interests of the state, injuriously affecting all other business; and

Whereas, the best interests of the state generally demand immediate relief for, and rehabilitation, protection and enhancement of, agriculture and dairying in the state; and

Whereas, this act is designed and intended to afford such relief, rehabilitation, protection and enhancement, and to prevent recurrence of the distressing conditions that now exist; and

Whereas, legislation to afford such relief, rehabilitation, protection and enhancement of agriculture and dairying in this state immediately is necessary for the preservation of public peace, health and safety; and

Whereas, the foregoing facts, in the judgment of this legislature, constitute an emergency within the meaning of the constitution of this state; now, therefore

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

Sec. 1. Maine Agricultural Industries, Inc., created. There is hereby created, as a public agency, a body corporate and politic to be known as the Maine Agricultural Industries, Inc. (hereinafter called the "Corporation"), with its principal office in the city of Augusta, county of Kennebec, in this state, and with such branch offices in this state, as the board of directors of the corporation may determine as necessary in carrying out the purpose and intent of this act. Within ten days after the passage and approval of this act, the governor shall nominate the board of directors as hereinafter provided, and within ten days after the appointment of said board, the commissioner of agriculture shall call a meeting of said board to complete the organization of the corporation, to adopt by-laws and to