

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eighty-eighth and Eighty-ninth
Legislatures

OF THE

STATE OF MAINE

From April 24, 1937 to April 21, 1939

AND

MISCELLANEOUS STATE PAPERS

Published by the Secretary of State, in conjunction
with the Revisor of Statutes in accordance with the
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1939

Private and Special Laws

OF THE

STATE OF MAINE

As Passed by the Eighty-ninth Legislature

1939

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'Sec. 4. Selectmen; powers; school board; powers. Said selectmen, elected as herein provided, shall serve instead of the overseers of the poor, road commissioner or road commissioners as provided for by general statute and shall have the same powers in relation to the poor of said town and repairs of bridges, roads and sidewalks of said town, that the overseers or overseer of the poor, road commissioner or commissioners, and municipal officers have under general statute, and be subject to the same duties in relation thereto. The school board, elected as herein provided, shall have the same powers in relation to the schools of said town as now provided by statute and shall be subject to the same duties in relation thereto. The selectmen shall meet regularly once each ~~week~~ month during their term of office at such time as they may designate at their organization meeting, provided for in section 3, and a majority of said selectmen shall constitute a quorum for the transaction of business. Special meetings of said selectmen may be called by the chairman of said selectmen or by a majority of all the members of said selectmen. Notice of said special meeting shall be served upon or left at the usual dwelling place of each selectman and the town manager.'

Sec. 3. Referendum. This act shall take effect 90 days after the adjournment of this legislature only for the purpose of permitting its acceptance or rejection by the legal voters of the town of Dover-Foxcroft at any annual or special town meeting legally called and held before the 1st day in April, 1940, an appropriate article being inserted in the call for such meeting.

If a majority of the qualified voters of the town, present and voting, vote in favor of the acceptance of this act, it shall become operative. The town clerk shall forthwith file with the secretary of state a certificate of the action of the town thereon.

Approved March 4, 1939.

Chapter 29

AN ACT to Incorporate the City of Presque Isle.

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

ARTICLE I

Grant of powers to the city. The inhabitants of the town of Presque Isle in the county of Aroostook, shall, as hereinafter provided, continue to be a municipal corporation under the name of city of Presque Isle, and as such shall have, exercise and enjoy all the rights, immunities, powers, privileges

and franchises and shall be subject to all the duties, liabilities and obligations now appertaining to, or incumbent upon said town 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, and impose penalties for the breach thereof, not exceeding \$100 in any 1 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 Presque Isle 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 Presque Isle 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.

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All other powers now or hereafter vested in the inhabitants of said city, and all powers granted by this act, except as herein otherwise provided, shall be vested in said city council.

Sec. 2. Wards, provided for. For the purpose of holding elections, the territory of said city shall, as soon as may be after the 1st election under this act, be divided by ordinance by the city council into 1 or more wards; and it shall be the duty of the city council once in 10 years at most, and not oftener than 5 years, to review, and if in their opinion needful, to alter the number of such wards.

Sec. 3. 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 3 years from the 1st Monday in January 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 2 candidates having the largest number of votes shall serve for 3 years, the 2 candidates having the next largest number of votes shall serve for 2 years and the candidate 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 1 or 2 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 town clerk after reasonable notice to said candidates by said town clerk of the time and place of said determination. Each member of the city council shall receive \$5 per diem when actually engaged in duties pertaining to his office, and his actual and necessary expenses incurred in the performance of his duties, to be paid by the town treasurer.

Sec. 4. Chairman of the 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 insofar 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. 5. Vacancies, how filled. In the 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. 6. Meetings. The city council shall meet at the usual place for holding meetings at 10 o'clock A. M. on the 1st Monday of January 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. 7. Special meeting; 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. 8. 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

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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. 9. 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, 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. For the purpose of organizing the city government hereby established, the municipal officers shall issue their warrant in manner now provided by law for the holding of municipal elections, notifying and warning the qualified voters of said city to meet on the 2nd Wednesday of December, 1939, at the usual place of meeting therein named, there to cast their ballots for 5 members of the city council; after the said 1st election held under this charter the then municipal officers shall cause the persons who shall have been elected members of the city council to be notified in writing of their election.

Thereafter, on the 2nd Wednesday of December 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.

After the establishment of the city government as herein provided and the division of the city into wards, in every election 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; 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 3rd Wednesday in December 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 laws 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. If neither the warden nor 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. 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 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 1 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:

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To the City Clerk of the City of Presque Isle:

We, the undersigned voters of the city of Presque Isle, hereby nominate whose residence is..... for the office of..... to be voted for at the election to be held in the city of Presque Isle 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..... 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 Presque Isle, 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 after the 1 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

PRESQUE ISLE

Ward

Wednesday 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. 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, chief of police, superintendent of the city farm, trustees of the public library, librarian, chief of the fire department, planning board, board of health and local health officer.

(b) The following officers shall be appointed by the city manager, subject to confirmation by the city council: road commissioner, inspector of buildings, inspector of meat and milk, janitor for the library, 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 to any office.
- (c) To divide duties of any office between 2 or more offices.
- (d) To assign duties of 2 or more offices to 1 office.

Sec. 3. Term of service. All appointive officers whose terms of service are specified 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 Presque Isle 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 Presque Isle 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 offenses.

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(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 from office 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 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 Presque Isle 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 Presque Isle shall consist of 3 members appointed by the city 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 the 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. City planning board. The city planning board of the city of Presque Isle shall consist of 3 members appointed by the city 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 city planning board the vacancy shall be filled forthwith by the city council for the unexpired term.

It shall be the duty of the city planning board to keep itself informed of the progress of city planning in this and other countries, to make studies and recommendations for the improvement of the plan of the city with a view to the present and future movement of traffic, the convenience, health, recreation, general welfare, and other needs of the city dependent on the city plan; to consider and report upon the designs and their relation to the city plan, of all new public ways, lands, buildings, bridges, and all other public places and structures, of additions to and alterations in those already existing, and of the layout or plotting of new subdivisions of the city. All acts of the council or of any other branch of the city government affecting the city plans shall be submitted to the board for report and recommendation. The council may at any time call upon the board to report with recommendations on any matter which, in the opinion of either body, effects the plan of the city.

Any matter referred by the council to the board shall be acted upon by the board within 30 days of the date of reference, unless a longer or shorter period is specified by the council.

The board shall submit to the council an annual report summarizing the activities of the board for the fiscal year, the recommendations made by it to the council during the year and the action of the council during the year on any and all recommendations made by the board in that year.

The city engineer shall serve as the chief engineer of the city planning board. The board of health of the city shall advise the planning board

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from time to time of any municipal improvements within the scope of the planning board, which, in the opinion of the board of health, would improve the healthfulness of the city.

The city planning board shall be a board of park commissioners and as such shall have the powers and duties of park commissioners provided for by section 107 of chapter 5 of the revised statutes of 1930.

Sec. 12. Powers and duties of the city clerk. The city clerk shall, before entering upon the duties of his office, be sworn to the faithful discharge thereof. He shall have the care of all journals, records, papers and documents of the city; and shall deliver all journals, records, papers and documents, and other things entrusted to him as city clerk, to his successor in office. He shall be clerk of the city council, and do such acts in said capacity as the city council may lawfully and reasonably require of him. He shall perform all the duties, and exercise all the powers by law incumbent upon or vested in the city clerk of the city of Presque Isle. He shall attend all meetings of the city council, and keep a journal of its acts, votes and proceedings. He shall engross all of the ordinances passed by the city council in a book provided for the purpose, and shall add proper indexes, which book shall be deemed a public record of such ordinances; he shall issue to every person who is appointed to any office by the city council or by the city manager, a certificate of such appointment. In case of the temporary absence of the city clerk, the city council may appoint a clerk pro tempore, with all the powers, duties and obligations of the city clerk, who shall be duly qualified. The city clerk may, when the city council so votes, appoint assistants and deputies as provided by law.

Sec. 13. Duties of other administrative officers. The city council shall, by ordinance, resolve or order, prescribe and determine the duties of administrative 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. 14. Terms of committee members. Whenever any committee or board shall consist of 3 members appointed by the city council for terms of 3 years under this charter, at the 1st appointment hereunder 1 shall be appointed for 1 year, 1 for 2 years and 1 for 3 years, and thereafter 1 shall be appointed each year.

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 monthly 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 those 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 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 revenues 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.

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Sec. 5. Appropriation resolve. As early as practical after the beginning of the fiscal year, the city council, by majority vote of the entire 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, by majority vote of the entire 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. 6. 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 the 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. 7. Sinking fund. Until the funded indebtedness, not provided for by serial bonds, of the city of Presque Isle 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% 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 section 93 of chapter 5 of the revised statutes and all acts in addition thereto and in amendment thereof.

Sec. 8. 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 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 in relation thereto.

Sec. 9. 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. 10. 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. 11. 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; except that no purchase of supplies or equipment by the city manager in any 1 requisition in excess of \$100 shall be made without the approval of the city council.

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 city council.

Sec. 12. Fiscal year. The fiscal year for the city of Presque Isle shall begin January 1st of each year and end on December 31st next following, both days inclusive.

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 Presque Isle 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 town of Presque Isle at an election to be held on the 3rd Monday of September, 1939, 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 town to meet at the usual place of meeting therein named, 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 1939 approved (insert date) entitled 'An Act to Incorporate the City of Presque Isle' 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 said election and said election shall in all other respects be conducted as municipal elections in said town 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 municipal officers. 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 meeting 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 town of Presque Isle shall take effect as provided herein, but it shall not take further effect unless accepted by the electors of the town of Presque Isle as hereinbefore provided. If accepted by the electors of the town of Presque Isle, then this act for the purpose of electing members of the city council 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 1st day of January, 1940.

Sec. 5. Resubmission by referendum. In the event that the electors of the town of Presque Isle shall fail to accept this act as provided herein on the 3rd Monday of September, 1939, then this act may be again submitted to the electors of the town of Presque Isle for their approval or rejection at an election to be held on the 3rd Monday of September, 1940; and if then accepted by the electors of the town of Presque Isle, this act for the purpose of electing members of the city council 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 1st day of January, 1941; for the purpose of resubmitting this act to a referendum to be held on the 3rd Monday of September, 1940, the provisions of this act regulating the referendum to be held on the 3rd Monday of September, 1939, hereunder, shall apply, and for the purpose of electing members of the city council on the 2nd Wednesday of December, 1940, the provisions of this act regulating the election of members of the city council to have been held on the 2nd Wednesday of December, 1939, hereunder, shall apply.

Sec. 6. 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. 7. 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.

Sec. 8. 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. 9. Repealing clause. In case this act is approved in any manner

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hereinbefore provided, all acts and parts of acts inconsistent herewith are hereby repealed.

Sec. 10. Saving clause. If any portion of this act shall be held to be unconstitutional, such decision shall not affect the validity of the remaining portions thereof.

Approved March 8, 1939.

Chapter 30

AN ACT Relating to the Harrison Mutual Fire Insurance Company.

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

P. & S. L., 1937, c. 54, § 1, amended. Section 1 of chapter 54 of the private and special laws of 1937 is hereby amended to read as follows:

‘Sec. 1. Authority to insure within the state. Sumner Burnham, George Pierce, Silas Blake, Philander Tolman, Charles Thomes, Samuel Thomes, Benjamin F. Pierce, Amos P. Foster, Jonathan Whitney, Solomon L. Andrews, John E. Dannels, John Dawes, Joshua Howard, Henry Roby, Stephen Blake, Edward K. Whitney, Albion K. Morse, Cyrus Haskell, Thomas R. Sampson, and all others who may hereafter become members of said company in manner herein prescribed, are hereby incorporated and made a body politic by the name of the Harrison Mutual Fire Insurance Company, for the purpose of insuring in the town of Harrison only, provided, however, if the company so vote they shall have the right to insure in the manner hereafter described in any city, town, plantation or unincorporated place in the state of ~~Maine their respective~~ viz.: on dwelling houses, stores, shops, barns and other buildings, on household furniture, merchandise and other property, against loss or damage by fire ~~whether the same happen by accident, lightning or by any other means excepting that of design in the insured,~~ including loss of use or occupancy, by fire, lightning, breakage, smoke, windstorm, tornado, cyclone, earthquake, hail, frost or snow, flood or rain, rising of the waters of the ocean or its tributaries or inland waters, bombardment, invasion, insurrection, riot, civil war or commotion, military or usurped power and by explosion whether fire ensues or not, except: (a) against loss or damage to steam boilers and pipes or containers connected therewith, water heaters and pipes or containers connected therewith, apparatus for heating or lighting buildings or preparing food therein, fly wheels, pressure wheels and engines and other appurtenances for applying or transmitting motive power and machinery connected therewith or operated thereby, caused by explosion thereof or accidental injury thereto and except (b) against loss or damage