

1913

A Revision of the Present Charter of the City of Bangor: 1913

City of Bangor, Maine

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Bangor Hist Soc.

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A REVISION

OF THE

PRESENT CHARTER

OF THE

CITY OF BANGOR



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The important features of the revision of the present charter of the City of Bangor are, in the main, as follows :

The elimination of the common council.

Full appointive powers to the mayor.

Provision for an auditor and purchasing agent.

Initiative and Referendum.

Recall.

Provision for municipal ownership and control of public utilities.

The Police Department.

The Water Board.

The Public Library and Hersey Fund.

A CHARTER FOR THE CITY OF BANGOR, MAINE.

Be it enacted by the Senate and House of Representatives in Legislature assembled :

Section 1. That the inhabitants of the Town of Bangor shall continue to be a body politic and corporate by the name of the City of Bangor, and, as such, shall have, exercise and enjoy all the rights, immunities, powers, privileges and obligations now appertaining to, or incumbent on said town, as a municipal corporation, or appertaining to, or incumbent upon the inhabitants or officers thereof; and may ordain and establish such acts, laws, regulations, not inconsistent with the constitution and laws of this State as shall be needful to the good order of said body politic; and impose fines and penalties for the breach thereof, not exceeding fifty dollars for any offence, to be recovered by action of debt, in the name of the city treasurer, or upon complaint of the police officer as for a criminal offense.

Section 2. That the administration of all the fiscal, prudential and municipal affairs of said city, with the government thereof, shall be vested in one principal magistrate to be styled the mayor, and one council of twenty-one called the city council, all of whom shall be inhabitants of said city; and shall be sworn to the faithful performance of their respective offices. And no person elected to the office of councilman and who has accepted said office, shall hold any other office to which any pay is attached, or from which any profit is derived, in or under the administration of the government of said city, or in the management of the affairs or interests thereof during the time for which he is so elected; excepting that two street engineers may be taken from the council.

Section 3. That 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 of law or neglect of duty to be punished. He may call special meetings of the council, when, in his opinion the interest of the city requires it, by a notice in two or more newspapers printed in the city, or by causing a summons of notification to be left at the usual dwelling place of each member of the council to be convened. He shall, from time to time, communicate such information and recommend such measures, as the business and interests of the city may in his opinion require. He shall preside at the meetings of the council, but shall have the right to vote only in the case of a tie. He shall receive for his services, a salary of not less than \$2000, to be fixed by the city council, the salary to be payable at stated periods, and shall receive therefor no other compensation; and the same shall not be increased nor diminished during the period for which he is so elected, provided, however,

that the city council may appoint the mayor commissioner of streets and allow him a suitable compensation for such services. The members of the council shall receive no compensation for their services, except those members constituting the board of municipal officers who shall receive such compensation as the council shall vote.

Section 4. Every order, resolve, ordinance, by-law or regulation which shall have passed the council, shall, before it be in force be presented to the mayor. If he approve, he shall sign it; but if not, he shall return it with his objections to the city clerk, who on the reassembling of the council shall present it with his objections to the council. The council shall then proceed to its reconsideration. If after such reconsideration, two-thirds of the council shall agree to pass it, it shall be in force. But in all cases the votes of the council shall be determined by yeas and nays, and the names of the councilors voting for and against it shall be entered on the journal of the council, provided, however, if such objections are not filed within seven days after their first passage, the measure shall be in force without the approval of the mayor.

Section 5. That the executive power of said city and the administration of police, with all the powers of selectmen of Bangor shall be vested in the mayor and council as fully as if the same had been particularly enumerated herein. And all other powers now vested in the inhabitants of said town, and all other powers granted by this act shall be vested in the mayor and council of said city. The mayor shall have the appointment of all subordinate officers, namely: City Treasurer and Collector, City Solicitor, Overseers of the Poor, Chief of Police, City Purchasing Agent, Street Commissioner, City Engineer, Superintendent of City Farm, Superintendent of Sewers, School Agent, Chief Engineer of Fire Department, City Physician, Harbor Master, Inspector of Buildings, Superintendent of Clocks, Truant Officer, and Health Officer, Inspector of Milk, Sealer of Weights and Measures. Such officers may be removed for cause by the mayor or by the city council upon a two-thirds vote of its members. The city council is hereby empowered to create such boards and departments from time to time and to unite or abolish existing boards as it may deem best for the public interest.

The city council shall take care that money shall not be paid from the treasury unless granted or appropriated, and shall secure a prompt and just accountability by requiring bonds with sufficient penalty and surety or sureties from all persons entrusted with the receipt, custody or disbursement of money, and shall have the care and superintendence of city buildings and the custody and management of all city property, with power to let

or sell when directed by the council, what may be legally let or sold, and to purchase and take in the name of the city when directed by the council such real and personal property, not exceeding in value the sum of five thousand dollars, as they may think useful to the public interest. And the city council, as often as at least once in each year, shall cause to be published for the use of the citizens, a particular account of receipts and expenditures and a schedule of city property.

Section 6. That the mayor shall have power, with the consent of the council in the case of any riot or other disturbance within the city, of so violent a nature that the police or civil authority cannot restrain or quell the same, to call out one or more of the companies of militia organized within the limits of the city to restrain and quell such riot or disturbance and the commanding officer of such companies when thus called out, shall be subject to the orders of the mayor.

Section 7. The city council is hereby authorized to elect one or more field drivers and to pass such ordinances as it deems necessary regarding the duties and powers of such officers.

Section 8. There shall be a city auditor who shall be elected by the voters for a term of three years. The city council is hereby empowered to enact such ordinances and regulations for the administration of this department as it may deem wise from time to time. The nomination and election of the auditor shall be held in accordance with the general election requirements.

Section 9. The harbor master shall be appointed by the mayor, as provided in Section 5 of this act, and the city council is hereby empowered to enact such ordinances and regulations as it deems necessary for the administration of the duties of this office.

Section 10. That a board of city assessors, to consist of not less than three, nor more than seven members, shall be annually elected by the city council, who shall exercise the same powers, and be subject to the same duties and liabilities, as the assessors of the several towns in the State may exercise and are subject to, under the laws of the State; provided, however, that the city council may in the first instance elect a part of said board to hold their office for one year, a part for two years, and a part for three years, and, by election, fill all existing vacancies, provided, however, that the assessors shall appoint, for assistant assessors, one person in each ward,—said appointment to be subject to the approval of the mayor and council,—whose duty it shall be to furnish the assessors with all the necessary information relative to persons and property taxable in his ward, who shall be sworn, or affirmed, to the faithful performance of his

duty. All taxes shall be assessed and apportioned and collected, in the manner provided by the laws of this State, relative to town taxes; provided, however, that it shall, and may be, lawful for the city council to establish further and additional provisions for the collection thereof.

Section 11. The city council of Bangor is hereby authorized and empowered to make and ordain, from time to time, such by-laws, not repugnant to the constitution and laws of this State, as they may deem necessary or expedient, for the location and regulation of vessels, scows and rafts, in the harbor of said city, embracing the Penobscot river from the north line of Hampden to the Bangor bridge, and the Kenduskeag stream from its mouth to the Kenduskeag bridge, and to affix penalties for the breach of such by-laws, not exceeding twenty dollars for any one offense, to be recovered upon complaint by the harbor master before the police court of said city.

Section 12. That the city council shall have exclusive authority and power to lay out and establish any new street or public way, or widen or otherwise alter any street or public way in said city of Bangor, and to estimate the damage any individual may sustain thereby. And in all other respects the city council shall be governed by and be subject to the same rules and regulations as are provided by the laws of this State regulating the laying out and repairing streets and public highways. And any person aggrieved by the decision of the city council, may so far as relates to damages appeal therefrom to the Supreme Judicial Court within the County of Penobscot, which may be held within six months from and after such decision, which court is hereby empowered to hear and determine the same by a committee, if the parties agree thereto, or by a jury, and to render judgment and issue execution upon the report of such committee or verdicts of the jury with costs to the prevailing party.

Section 13. That whenever the city council of said City of Bangor shall lay out and establish any new street or public way, or widen, or otherwise alter any street or public way in said city, and shall estimate and decide that any person or persons, or corporations, have or will, sustain injury thereby, and the amount thereof to each, in the manner that is, or may be, provided by the existing law, it shall be lawful for said city council to apportion the damages so estimated and allowed, or such part thereof as to them may deem just upon the lots or parcels of land adjacent to, and bounded on such street or way, and not those lots for which damages are allowed in such proportion as, in their opinion, such lots or parcels of land are benefited or made more valuable by such laying out, widening or altering of such streets or public

way; provided, however, that the whole assessment so made shall in no case exceed three-fourths of the damage so allowed and provided; also, that before such an assessment shall be made, notice shall be given to all persons interested to appear before said council at a time and place specified, if they see cause, then and there to be heard upon the subject, which notice shall be published in two newspapers printed in said city, at least one week prior to said time of hearing.

Section 14. That after said assessment shall have been made upon such lots or parcels and the amount fixed upon each, the same shall be recorded by the city clerk, and notice shall be given within thirty days after the assessment, to each owner and proprietor of said lots or parcels, by delivering to each of such owners who may reside in said city, a certified copy of such recorded assessment, or by leaving such copy at his last and usual place of abode, and by publishing the same six weeks successively in two newspapers published in said city, (the first publication to be within thirty days) and it shall be the duty of said city clerk, within said thirty days, to deposit in the post office in said city a certified copy of such assessment, properly directed to each of such owners or proprietors, who may reside out of said city, and whose place of residence may be known to said city clerk, and the certificate of said clerk, duly made, shall be deemed and taken to be sufficient evidence of having deposited such copies in said post office, and of having delivered the same to such owner or owners, living in said city. And in all cases of laying out, widening or altering any such street or public way, and allowing or assessing damages, as aforesaid, the record of the deeds for said county shall be evidence of title so far as notice is concerned.

Section 15. That any owner or proprietor as aforesaid who may feel aggrieved at the sum so assessed upon his lot or parcel of land, may, at any time within six months after such assessment shall have been made, appeal therefrom to the Supreme Judicial Court then next holden in the County of Penobscot, by leaving with said city clerk a written notice of such intention, and the said party appealing shall enter his said appeal in said court, and produce certified copies of the proceedings of said city council, which copies said city clerk shall furnish upon demand within a reasonable time, upon being paid, or having tendered to him a reasonable compensation for making and certifying the same. And the said court shall take cognizance of such case, and if upon examination of said copies, it shall appear that the proceedings of said city council have been regular and according to the provisions of this act, then said court shall proceed to try and determine by jury, or otherwise if the parties agree to any other mode,

the question whether the said appellant, or his said lot or parcel, ought to be assessed pursuant to this act and the spirit and intent thereof, and, if so, in what sum. And if the final judgment of said court shall be for a less sum than that assessed by said city council; then the appellant shall recover reasonable cost after such appeal; otherwise said city council shall recover reasonable cost after such appeal which shall be added to and become part of said assessment. And the clerk of said court, within thirty days after final judgment as aforesaid, shall deliver to said city clerk a certified copy of said judgment.

Section 16. That in case the sum so assessed by said city council upon such lots or parcels shall not be paid to the city treasurer within six months after such assessment and no appeal shall have been claimed as aforesaid, the mayor of said city, under the direction and order of said council, may issue his warrant to the road or street commissioners for the time being, reciting substantially the proceedings before had, and directing said officers to sell all such lots the assessment upon which has not been paid as aforesaid, at public auction, to the highest bidder in said city, or so much of each as may be necessary to pay said assessment and all intervening charges, first giving public notice of the time and place in said city, and publishing the same six weeks successively before said sale, in two newspapers printed in said city. And it shall be the duty of said road and street commissioners to pursue and perform the directions of said warrant, and to sell each and all such lots, unless the said assessment and all charges shall be paid before the day of the sale, and to execute and deliver to the purchaser a deed of the same, which deed shall convey a good title to the purchaser, and provided, however, that any owner or owners may redeem the lot or lots so sold, by paying or tendering to the purchaser, or depositing with said city treasurer, within two years after said sale the amount paid by such purchaser and interest thereon at the rate of twelve per cent. per annum. And, provided, also, that a lien shall be in force and exist upon each of said lots and parcels for the payment of said assessments and all costs and charges, after such assessment is made and until the same is fully paid.

Section 17. That in all cases of appeal to the Supreme Judicial Court, and if the party appealing neglects to enter his appeal at said next term after such appeal has been made, and the same may be treated as a nullity. And in all cases after a final judgment in said court, the same proceedings may be had in the collection of said assessment and costs and charges, as is provided in case of neglect to pay for six months after such assessment.

Section 18. That in all cases after such assessment shall have

become due and payable according to the provisions of this act, the said city may recover the same, and all legal costs, of the individual owners, by an action for money had and received in the name of said city, in any court of competent jurisdiction instead of pursuing the mode pointed out in the foregoing provisions of this act.

Section 19. That all the laws and regulations now in force in said city shall be and remain in force, notwithstanding this act, until they expire by their own limitation or be revised or repealed by the city council. And prosecutions 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 use in such laws and regulations named, or such as are by law provided.

Section 20. In all complaints for the breach of any city ordinances, by-law, or regulation, the court before whom such complaint shall be made shall have the same jurisdiction over the said complaints and offenses as they now have over complaints for criminal offenses against the State, and shall be authorized, in the name of the State, to issue their own mittimus upon the non-payment of the fine and costs, in the same manner as they now can, in all cases of criminal prosecutions in behalf of the State where the penalty does not exceed the sum of fifty dollars.

THE WATER BOARD.

Section 21. The City of Bangor is hereby authorized to take, hold, and convey into, about and through the City of Bangor, from any point in Penobscot river that may be deemed expedient, between the foot of Treat's Falls in Bangor, and the head of McMahon's Falls in Veazie, water sufficient for the use of said city and the inhabitants thereof, for all municipal and domestic uses; and may flow, take and hold, by purchase or otherwise, any lands or real estate for laying and maintaining aqueducts or pipes for conducting, discharging, disposing of and distributing water, and for conducting and maintaining reservoirs, dams and other such works as may be deemed necessary and proper for raising, forcing, retaining, distributing, discharging or disposing of said water, and for the erection of any works for said purposes, and for sinking wells or making excavations for the filtration of water.

Section 22. Said city may erect and forever maintain at any point, a dam across said river, for the retention of water for said specified purposes, not exceeding twelve feet in height above mean high tide; and take by gift or purchase, and franchises or

the right to operate under any franchises required for said purposes, or may purchase and forever maintain any dam erected across said river at any point, for the retention of said water, or may purchase the privileges and right forever to draw sufficient water power to force and distribute the same to any required place in said city; may take, build, lay down, and maintain aqueducts and pipes, from said river, at said point, to, into, through and about said city to secure and maintain the same by any works suitable therefor, may take and establish such public fountains and hydrants in such places as may from time to time be deemed proper, and prescribe the purposes for which the same may be used, and may change or discontinue the same, may distribute water throughout the city, and for this purpose may lay down pipes to any house or building in the said city, owner or owners thereof having notice and not objecting thereto; may regulate the use of said water within said city and establish, receive and collect the prices or rents to be paid therefor, and the said city may, for the purpose aforesaid, carry and conduct and maintain any aqueducts, pipes or other works by them to be made, laid down or conducted, over, under, through or across any watercourse or river, street, bridge, railroad, highway or other way, in such manner as not to obstruct the travel or free use thereof, may enter upon or dig up any such road, street or way, for the purpose of laying down pipes beneath the surface thereof, and for maintaining and repairing the same, and, in general, may do any other acts and things necessary or convenient and proper for carrying out the purposes of this act. Upon application of one hundred or more tax payers in the town of Brewer to be supplied with water, said city may lay and maintain aqueducts across the Penobscot river, above the Bangor toll bridge, for conducting, discharging and distributing water in said town of Brewer, for the use of the inhabitants thereof; and make, build, lay down and maintain aqueducts and pipes, from said river, to, into, through and about said town of Brewer, and secure the same by any works suitable therefor; and may do any and all other acts in said town, necessary to be done to this end which said city is authorized by this act to do in the City of Bangor, and subject to the same liabilities therefor: said city shall construct and maintain, from time to time, in such dam, suitable locks or sluices for the passage of boats, rafts, logs and other lumber as the public necessity may require.

Section 23. If said city shall exact or purchase a dam as aforesaid, for said purposes, and there shall be a surplus of water or power, after supplying at present all of said purposes, said city may sell or lease any surplus water or power created by the dam.

Section 24. Said city shall be liable to pay all damages that shall be sustained by any persons or corporations in their property, by the taking of any land or by flowage, or excavating through any land for the purpose of laying down pipes, building dam or constructing reservoirs or making excavations. And if any person or corporation sustaining damage as aforesaid, and said city, shall mutually agree upon the sum to be paid therefor, said city, or such person or corporation, may cause said damages to be ascertained and determined in the same manner and under the same conditions, restrictions and limitations as are by law prescribed in the case of damage by the laying of highways.

Section 25. The rights, powers and authorities given to the City of Bangor by this act shall be exercised by the said city, subject to the restrictions, duties and liabilities herein contained, in such manner and by such commissioners, officers, agents and servants, chosen at such times, and for such terms of office, as the city council shall from time to time, ordain, appoint and direct. In case of any vacancy in said board by death, resignation or otherwise, such vacancy shall be filled by the election of a new member by the city council, which said city council, may at any time, by a vote of two-thirds of its members remove either or all the members of said water board.

Section 26. For the purpose of defraying the expenses which may be incurred by said city, in carrying into effect the powers herein granted to said City of Bangor, said city is authorized to raise money by issuing and selling its bonds or script from time to time, as the same shall be needful not exceeding, however, in all, the amount of five hundred thousand dollars. Said bonds shall be designated and marked City of Bangor water loan bonds, and shall all bear date of the first issue of said bonds, to be made payable to the holder thereof in thirty years from date, and in such sums, and at such places as the city council may determine, with coupons for interest attached, reckoned at the rate of six per centum per annum, payable semi-annually, and shall be signed by the treasurer and countersigned by the mayor of said city, and by the members of the water board, and the signatures of such officers shall be binding upon said city, notwithstanding such officials may not be in office at the issuing of such bonds, or at the date of said first issue.

Section 27. The city council of said city is authorized to establish, assess, collect and receive annually, and as much oftener as may be deemed expedient such prices, rents and tolls for water, of the water takers, as shall pay as the same become due a part or the whole of the interest on said bonds, the expenses of carrying on or running said works and repairing the same, and

for the creation of a sinking fund as hereinafter provided. And said city council is authorized, from time to time, to grant, assess, collect and appropriate in the same manner as other money is granted, assessed, collected and appropriated for other city purposes, such sums of money as shall be necessary to pay any deficiency in the amount assessed and collected as aforesaid, of said water-takers, to pay said interest and expenses, and for the creation of said sinking fund.

Section 28. In order to create a sinking fund to pay and extinguish said bonds at maturity, said city is authorized, annually, after the expiration of five years from the issue of said bonds, to grant, assess, collect and appropriate in the same manner as other money is granted and assessed and appropriated for other city purposes, a sum not exceeding ten thousand dollars, and for such a number of years that said fund thus created, with accumulated interest or income thereof, shall be sufficient in amount to redeem and extinguish all of said bonds in maturity; said money thus raised shall be invested in the purchase of bonds of said city, or of municipal bonds of other cities in New England of a population of not less than twenty thousand inhabitants or of county or State bonds of New England.

Section 29. Before this act is submitted to the legal voters of said city, the city council of said city at a legal meeting, shall accept the provisions of an act passed by the present legislature, entitled "an act to amend and extend the charter of the Bangor Water Power Company" approved February nineteen, eighteen hundred and sixty-seven, and the said city council are hereby authorized to so accept the same.

Section 30. The Bangor Water Company, or any person or persons named in the act incorporating said company, may petition in the Supreme Court for the County of Penobscot, setting forth that said company, persons or persons have a claim growing out of moneys advanced, or services performed to secure the introduction of water into said city, and after notice, a hearing shall be had of the parties and the court shall determine whether the petitioners have any legal or equitable claim upon said city for a reimbursement of said moneys in case this act is accepted by the city; and in case said court shall determine that such claim exists, then, and not otherwise, the court shall appoint three suitable men to determine the amount of such claims and the same proceedings shall be had as in case of a reference of an action in court under the laws of this State. And the rights under this section shall be claimed within one year from the passage of this act.

BANGOR PUBLIC LIBRARY.

Hersey Fund—Bangor Public Library Administration of.

Section 1. (a) The fund of one hundred thousand dollars heretofore received from the trustees of the will of the late Samuel F. Hersey, in adjustment of his bequest to the City of Bangor, shall be forever held in trust by said city, in the manner and for the objects hereinafter provided.

(b) The annual income of said fund is hereby unalterably fixed at four thousand dollars; to be perpetually administered as hereinafter provided, and to be paid by the city treasurer by the order of the mayor and city council, in equal quarterly payments on the first days of January, April, July and October of each year, forever to the trustees hereinafter provided. The charge of the fixed income for and in behalf of the city shall be committed to a board of trustees to be styled the "Trustees of the Hersey Fund," to be composed of the mayor and city treasurer ex-officio, who shall respectively act as president and clerk of said board and of three citizens of said city, to be selected in the following manner:

At the first regular meeting of the city council in April next after the adoption of this charter at which a vacancy occurs in said board of trustees, and thereafter at the regular meeting of the city council in April, in alternate years biennially as the terms of office of the members of the present board shall expire, shall be elected by the city council, one person resident of said city to be a member of said board, to hold his office for the term of six years, and until another is elected and qualified in his stead. Provided, nevertheless, that the said trustees (not including the mayor and treasurer) in office at the time of the first election held under this charter, shall hold such office according to the terms of their election.

No members of the city council shall be eligible to the office of a member of this board except the mayor, and the election to the city council of either of said three trustees shall create a vacancy in said board, and any vacancy arising in said board shall, for the unexpired term be filled in the manner above prescribed by the city council.

Any member of said board may be removed by a majority vote of the city council.

The trustees shall be sworn to the faithful performance of their duties under the trust, and shall receive no compensation therefor.

(c) Said board shall devote the net annual income of said fund to the perpetual maintenance of the Bangor Public Library, as now existing and established under authority of the city coun-

cil and in pursuance with the following agreement made and entered into between the trustees of the Hersey Fund, and the Bangor Mechanic Association, May 21, 1882, and ratified by the city council, June 5, 1883.

MEMORANDUM OF AGREEMENT:

Witnesseth:—Whereas, the said Board of Trustees, created by an ordinance of said City of Bangor, passed March 13, 1883, entitled "An ordinance to provide for the administration of the Hersey Fund," are authorized by section four of said ordinance to devote certain of "the annual income of said fund to the establishment and perpetual maintenance of a Public Library in Bangor, either independently or in connection with some existing library." And whereas, said Bangor Mechanic Association is willing to join said Board of Trustees in the establishment and perpetual maintenance of such Public Library.

Now, therefore, in consideration of the premises, and in order to establish and perpetually maintain such Public Library, the said Bangor Mechanic Association hereby agrees to transfer to the City of Bangor all the books now constituting the library of the Bangor Mechanic Association, to be held by the said City of Bangor in trust for a Public Library, to be used in common with such books as may hereafter be purchased by the income of the Hersey Fund, as provided in the aforesaid ordinance, for the purpose of a public library.

And said Bangor Mechanic Association further agrees that all books which may hereafter be purchased by proceeds of funds now held in trust by said City of Bangor for said association shall be purchased under the direction of the Board of Managers hereinafter provided for, and shall be held and owned by said City of Bangor in trust in like manner as hereinbefore stated.

And in consideration of the premises it is further agreed by and between both of the parties thereto, that the books now constituting the library of the Bangor Mechanic Association and such books as shall be hereafter purchased by the proceeds of the funds of the said association and of the Hersey Fund, shall constitute a Public Library to the maintenance of which the income of the fund of the Bangor Mechanic Association and the income of the Hersey Fund shall be perpetually devoted, and which shall be exclusively and entirely under the control and direction of a Board of Managers consisting of the Board of Trustees of the Hersey Fund and of such officers of the Bangor Mechanic Association may designate as members of said Board of Managers.

And it is further agreed that the mayor of the City of Ban-

gor, being ex-officio chairman of the Hersey trustees, shall be also chairman of the Board of Managers of the Public Library.

It is also mutually agreed that this agreement shall take effect at the date of the acceptance by said City of Bangor of the conveyance by the Bangor Mechanic Association of the library and books hereinbefore provided for. And it is also agreed that no agreement entered into by the Mechanic Association for the current year shall be hereby impaired.

(d) The said board shall annually present to the city council, at the regular meeting in February, a report of their action under said trust, with a specific statement of all receipts and disbursements on account of said income for the year ending.

(e) For the purpose of maintaining a free public library and hereafter provide for the necessary expense of such maintenance, there shall be annually appropriated by the city council under the title of "Library Fund" a sum sufficient to meet the estimated current expense of maintaining such library for the benefit of the public; such appropriation to be in charge of and expended under the direction of the trustees of the Hersey Fund.

THE SCHOOL COMMITTEE.

Section 32. The superintending school committee of the City of Bangor shall consist of seven members, one of whom shall be the mayor who shall be chairman of the board, the other six to be elected by the city council. At the first regular meeting of the city council after the adoption of this charter, and thereafter at the regular meeting of the city council in April each year, as the terms of office of the present school committee shall expire, shall be elected by the city council, two persons resident of said city to be members of the school committee, to hold their office for a term of three years and until their successors are elected and qualified in their stead, provided, nevertheless, that the members of the school committee in office at the time of the first election held under this charter, shall hold such office according to the terms of their election.

Section 33. The city council may annually elect an agent, whose duties shall be prescribed by the superintending school committee.

POLICE AND POLICE PENSIONS

Section 34. The chief of police shall be appointed by the mayor as provided by section five of this act, and the city council

is empowered to make such rules and regulations as it may deem wise for the proper administration of the affairs of this department.

Section 35. A pension of one dollar for each day is hereby provided for, to be paid by the City of Bangor to the following members of the police department of said city.

First: To any member of said department who shall be certified to the city council of said city, in writing by the city physician of said city, or, if required by the city council by a majority of a disinterested board of physicians appointed by the police examining board of said city, as being permanently incapacitated, either mentally or physically, by injuries sustained through no fault of his in the actual performance of duty, for further performing his duty as a member.

Second: To any member of said department who has performed faithful service therein for a period of not less than twenty years, if, in the judgment of the police examining board of said city such member is incapacitated for further useful service in said board.

Section 36. A pension of two dollars for each day is hereby provided for, to be paid by said city to any member of said department who, through no fault of his and while in the performance of his official duty shall receive injuries causing his death or totally disabling him for labor, while living, or while so disabled; and at after his decease the same to be paid to his widow, if any, if no widow, to the guardian of his children, if two or more pro rata; but, if one, and if more than one remains under twelve years of age, one dollar to that one for each day until they severally arrive to the age of twelve years.

Section 37. All persons pensioned under the provisions of this act shall, in case of emergency, upon the call of the mayor of said city, or chief of police, be liable for temporary service in the police department for which he is fitted, and during such service shall be entitled to one-half pay in addition to his pension.

Section 38. The City of Bangor is hereby empowered to appropriate money to provide for the payment of the pensions authorized by this act, and shall pay the same in monthly payments.

Section 39. That for the purpose of holding elections for city officers, said city shall be divided into seven wards to contain as near as conveniently as may be, an equal number of voters. And it shall be the duty of the city council, once in ten years or oftener, to revise and, if needful, to alter such wards in such manner as to preserve as nearly as may be, an equal number of voters in each. At the annual election for the choice of councilmen, the

qualified electors in each ward, shall, by written ballot elect a warden and clerk, who shall enter on the duties of their respective duties on the Monday next following their election, and shall hold their offices for one year therefrom, and until others shall have been chosen and qualified in their places and shall be sworn or affirmed to the faithful performance of their respective duties, by a justice of the peace of said city and a certificate of such oaths or affirmations having been administered shall be entered on the records of said ward. The warden shall preside at all ward meetings, with the powers of a moderator of town meetings.

And, if, at any meeting, the warden shall be absent, the clerk of such ward shall call the meeting to order, and preside until a warden pro-tempore shall be chosen. The clerk shall record all the proceedings and certify the votes given, and deliver over to his successors in office all such records and journals, together with all other documents and papers by him held in said capacity. The inhabitants of each ward may choose two persons to assist the warden in receiving, sorting and counting the votes. A list of the names of the legal voters in each ward shall be prepared by the assessors and city council assisted by the wardens, in the same manner and under the same restrictions as are imposed by the laws of this State on the assessors and selectmen of towns. And all regular ward meetings shall be called and notified by a warrant from the mayor and councilmen in the same manner prescribed by the laws of the State for calling and notifying town meetings by the selectmen of the several towns.

Section 40. That on the third Monday of March, following the enactment of this bill, the mayor shall be elected from the citizens at large by the inhabitants of the city voting in their respective wards, and there shall be elected twenty-one councilmen, three from each ward, seven to serve for one year, seven to serve for two years, and seven to serve for three years, and annually thereafter, there shall be elected seven councilmen, one from each ward, to serve for three years; the seven councilmen serving for one year, shall with the mayor constitute the board of municipal officers. The mayor and councilmen shall be elected by ballot by a plurality of the votes given in, and shall hold their offices until the expiration of their terms or until others are sworn in their places.

Section 41. That on the third Monday of March, annually the qualified electors of each ward shall ballot for a mayor, one councilman, one warden and one ward clerk, all the votes given for the said several officers, respectively, shall be sorted, counted, declared, registered in open ward meeting by causing the names of the persons voted for, and the number of votes given each, to

be written in words at length. The ward clerk, within twenty-four hours after such election, shall deliver to the persons elected councilmen, warden and ward clerk, certificates of their election, and shall forthwith deliver to the city clerk a certified copy of the records of the election; provided, however, that if the election of councilmen, warden and ward clerk cannot be effected on that day, the meeting may be adjourned to another day, not more than two days thereafter and hence from day to day, to complete such election. The council shall examine the copies of the records of the several wards, certified as aforesaid, as soon as conveniently may be, and shall cause the person whom they shall determine to have been elected mayor by a majority of the legal votes given in all the wards, to be notified in writing of his election, but, if it appear that no person shall have been so elected, or if the person elected shall refuse to accept the office, the said council shall issue its warrant for another election; and if the citizens shall fail on a second ballot to elect a new mayor, the city council in convention, from the four highest candidates voted for and returned, shall elect a mayor for the ensuing year. And in case of a vacancy in the office of the mayor by death, resignation or otherwise, it shall be filled for the remainder of the term by a new election in the manner herein provided for the choice of said officer. The oath or affirmation prescribed by this act, shall be administered by the city clerk, or any justice of the peace of said city. The councilmen elect, on the fourth Monday of March at ten o'clock in the forenoon, shall meet in convention, when the oath or affirmation required by the second section of this act shall be administered to the members of the board, by the mayor, or any justice of the peace within the city.

Section 42. That the city clerk shall be clerk of the council. He shall perform such duties as shall be prescribed by the council, and shall perform all the duties and exercise all the powers by law incumbent upon, or vested in the town clerks of Bangor. He shall receive a salary of \$1800 annually, but all the fees collected by him shall be turned into the city treasury. He shall give notice in two of the newspapers printed in the city, of the time and place of regular ward meetings but the place of regular ward meetings, and the day and hour when not filed by law, shall be determined by the board of aldermen. Whenever the mayor shall be absent from the city, or be prevented by sickness or any other cause from attending to the duties of his office the council may choose a president pro-tempore, who shall possess all the rights and powers of the mayor during such absence or disability. The council shall keep a record of its proceedings, and judge of the election and qualifications of its own members and in case of election or

otherwise, may order new elections and proceedings, punish its members for disorderly behavior, and, with the concurrence of three-fourths expel a member, but, not a second time for the same cause; a majority shall constitute a quorum for doing business, but a smaller number may adjourn, and may compel the attendance of absent members, in such manner, and under such penalties, as the council may approve.

Section 43. That general meetings of the citizens qualified to vote in city affairs, may, from time to time, be held to consult upon the public good, to instruct their representatives, and to take all lawful measures to obtain redress of any grievances, according to the right secured to the people by the constitution of this State; and such meetings may and shall be duly warned by the mayor and aldermen upon the request in writing of thirty qualified voters.

INITIATIVE AND REFERENDUM.

Section 44. Any proposed ordinance may be submitted to the council by petition signed by electors equal in number to twenty-five per centum of the votes cast for all candidates for mayor at the last preceding election, and containing a request that the said ordinance be submitted to a vote of the people. If not passed by the council, such council shall neither

(a) Pass such ordinance without alteration within twenty days after attachment of the clerk's certificate to the accompanying petition, or,

(b) Forthwith, after the clerk shall attach to the petition accompanying such ordinance his certificate of insufficiency, the council shall call an election, unless a general municipal election is fixed, such ordinances shall be submitted without alteration to the vote of the electors of said city.

But if the petition is signed by not less than ten nor more than twenty-five per centum of the electors, as above defined then the city council, shall within twenty days, pass said ordinance without change, or submit the same at the next general election occurring not more than thirty days after the clerk's certificate of sufficiency is attached to said petition.

The ballots used when voting upon said ordinance shall contain these words: "For the ordinance", (stating the nature of the proposed ordinance), and "Against the ordinance" (stating the nature of the proposed ordinance.) If a majority of the qualified electors voting for the proposed ordinance shall vote in favor thereof, such ordinance shall thereupon become a valid and bind-

ing ordinance of the city and any ordinance proposed by petition, or which shall be adopted by a vote of the people, cannot be repealed or amended except by a vote of the people.

Any number of proposed ordinances may be voted upon at the same election, in accordance with the provisions of this section; but there shall not be more than one special election in any period of six months for such purpose.

The council may submit a proposition for the repeal of any such ordinance or for amendments thereto to be voted upon at any succeeding general city election; and should such proposition so submitted receive a majority of the votes cast thereupon at such election, such ordinances shall thereby be repealed or amended accordingly. Whenever any ordinance or proposition is required by this act to be submitted to the voters of the city at any election, the city clerk shall cause such ordinances or proposition to be published in said city; such publication to be not more than twenty nor less than five days before the submission of such proposition or ordinance to be voted for.

Section 45. No ordinance passed by the council, except when otherwise required by the general laws of the State or by the provisions of this act, except an ordinance for the immediate preservation of the public peace, health or safety which contains a statement of its urgency and is passed by a two-thirds vote of the council shall go into effect before ten days from the time of its final passage; and if, during the said ten days a petition signed by electors of the city equal in number to at least twenty-five per centum of the entire vote cast for all candidates for mayor at the last preceding election at which a mayor was elected, protesting against a passage of such ordinance, be presented to the council, the same shall thereupon be suspended from going into operation and it shall be the duty of the council to reconsider such ordinance, and if the same is not entirely repealed, the council shall submit the ordinance as is provided by sub-section B of section forty-four of this act, to the general election or at a special municipal election to be called for that purpose and such ordinance shall not go into effect or become operative unless a majority of the qualified electors voting on the same shall vote thereof. Said petition shall be in all respects in accordance with the provisions of said section except as to the percentage of signers, and be examined and certified to by the clerk in all respects therein provided.

THE RECALL.

Section 46. The holder of any elective office may be removed

at any time by the electors qualified to vote for a successor of such incumbent. The procedure to effect a removal of an incumbent of an elective office shall be as follows. A petition signed by electors entitled to vote for a successor to the incumbent sought to be removed, equal in number to at least twenty-five per centum of the entire vote for all candidates for the office of mayor cast at the last preceding general election, demanding an election of a successor of the person sought to be removed shall be filed with the city clerk, which petition shall contain a general statement of the grounds for which the removal is sought. The signatures to the petition need not all be appended to one paper, but each signer shall add his signature, his place of residence, giving his street and number. One of the signers of each paper shall make oath before an officer competent to administer oaths that the statements therein made are true as he believes and that each signature to the paper appended is the genuine signature of the person whose name it purports to be.

Within ten days from the date of filing such petition the city clerk shall examine, and from the voters' register ascertain whether or not said petition is signed by the requisite number of qualified voters, and if necessary, the council shall allow him to have extra help for that purpose; and he shall attach to said petition his certificate, showing the result of said examination. If, by the clerk's certificate, the petition is shown to be insufficient, it may be amended within ten days from date of said certificate. The clerk, shall within ten days after such amendment, make like examination of the amended petition and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same; without prejudice, however, to the filing of a new petition to the same effect. If the same shall be found to be sufficient the council shall order and fix a date for holding the said election, not less than thirty days nor more than forty days from the date of the clerk's certificate to the council that a sufficient petition is filed.

The council shall make, or cause to be made, publication of notice and all arrangements for holding such election, and the same shall be conducted, returned and the result thereof declared, in all respects as are other city elections. The successor of any officer so removed shall hold office during the unexpired term of his predecessor. Any person sought to be removed may be a candidate to succeed himself, and unless he requests otherwise in writing, the clerk shall place his name on the official ballot without nomination. In any such removal election, the candidates receiving the highest number of votes shall be declared elected. At such election, if some other person other than the incumbent

be elected he shall thereupon be deemed removed from the office upon qualification of his successor. In case the party who received the highest number of votes should fail to qualify within ten days after receiving notification of election, the office shall be deemed vacant. If the incumbent received the highest number of votes, he shall continue in office. The said method of removal shall be cumulative and additional to the methods heretofore provided by law.

Section 47. Every ordinance or resolution appropriating money or ordering any street improvement or sewer or making or authorizing the making of any contract, or granting any franchise or right to occupy or use the streets, highways, bridges or public places in the city for any purpose, shall be complete in the form in which it is finally passed, and remain on file with the city clerk for public inspection at least one week before the final passage or adoption thereof. No franchise or right to occupy or use the streets, highways, bridges or public places in said city shall be granted, renewed or extended, except by ordinances, and every franchise or grant for interurban or street railways, gas or water works, electric light or power plants, heating plants, telegraph or telephone systems or other public service utilities within said city, must be authorized or approved by a majority of the electors voting thereon at a general or special election.

MUNICIPAL OWNERSHIP.

Section 48. The City of Bangor shall have the right and power to acquire by purchase, condemnation or otherwise, and to establish, maintain, equip, own and operate water works, electric light, heat and power works, within and without the city, and to supply the city and its inhabitants and also persons, firms and corporations outside the city, with water, gas and electricity.

To acquire by purchase, condemnation or otherwise, and to establish, maintain, equip, own and operate telephone and telegraph systems, cable, electric or other railways, ferries and transportation service of any kind.

To sell gas, water, electric current and all products of any public utility operated by the city.

To acquire by purchase, condemnation or otherwise, within or without the city, such lands or other property as may be necessary for the establishment, maintenance and operation of any public utility or to provide for and effectuate any other public purpose; and to sell, convey, encumber and dispose of the same for the common benefit.

To lease to corporations or individuals for purpose of maintenance and operation any public utility owned by the city.

Section 49. All acts and parts of acts inconsistent with this act are hereby repealed; provided, however, that such repeal shall not affect any act done, or any right accruing or accrued or established, or any suit or proceeding had or begun in any civil case before the time when such repeal takes effect, and that no offence committed and no penalty or forfeiture incurred under the act or parts of acts hereby repealed shall be affected by such repeal; and provided, also that all persons who at the time said repeal takes place shall hold any office under said acts shall continue to hold the same according to the tenure thereof, except as is otherwise provided herein, and provided, also that all by-laws and ordinances of the City of Bangor in force at the time when said repeal takes effect, and not inconsistent with the provisions of this act, shall continue in force until the same are repealed or amended, and all officers elected under such by-laws and ordinances shall continue in force until the same are repealed or amended, and all officers elected under such by-laws and ordinances shall continue in office according to the tenure thereof, except as is otherwise provided herein.

(b) With the enactment of this charter the special act of March 22, 1901, and all amendments thereto entitled, "An act in relation to political caucuses in the City of Bangor," are hereby repealed.

CHARTER SHALL TAKE EFFECT.

Section 50 This charter shall take effect upon its enactment, for the annual municipal election to be held on the third Monday in March next following the enactment of said charter for all things that pertain to said election, and it shall go into full force and effect at ten o'clock in the forenoon of the first Monday in April next following said annual election, and the present form of government shall thereupon cease and terminate, except that the appointees of the mayor and city council and all other persons in the service of the city at that time shall continue to draw compensation at the same rate, and to exercise like powers, authority and jurisdiction as theretofore, until replaced or until other provision is made.

Section 51. It shall be the duty of the mayor, the aldermen and common council, and the city clerk in office when this charter is enacted, to comply with all the requirements of this act relating to elections, to the end that all things may be done necessary to the nomination and election of officers first to be elected under this act.