

MAINE STATE LEGISLATURE

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SEVENTY-EIGHTH LEGISLATURE

SENATE

NO. 194

In Senate, Feb. 13, 1917.

Referred to Committee on Legal Affairs and three thousand copies ordered printed.

Presented by Mr. Hastings of Androscoggin.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND SEVENTEEN

AN ACT to grant a New Charter to the City of Auburn,
Androscoggin County, State of Maine.

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

ARTICLE I.

GRANT OF POWERS TO THE CITY.

Section 1. The inhabitants of the city of Auburn shall
2 continue to be a municipal corporation under the name of
3 the City of Auburn and as such shall have, exercise and
4 enjoy all the rights, immunities, powers, and privileges and
5 shall be subject to all the duties, liabilities, and obligations
6 provided for herein, or otherwise pertaining to or incumbent

7 upon said city as a municipal corporation; and may enact
8 ordinances, by-laws and regulations not inconsistent with
9 the constitution and laws of the State of Maine.

ARTICLE II.

CITY COUNCIL.

Section 1. Powers Vested in the Council. All the powers
2 granted to the city by this charter and by the laws of this
3 state, except as otherwise provided by this charter, are here-
4 by vested in the city council, which shall exercise its powers
5 in the manner hereinafter provided; except that the general
6 management, care and conduct of the schools shall be vested
7 in a school committee. The mayor and city council shall be
8 the municipal officers of the city of Auburn for all purposes
9 required by statute or ordinance.

Sect. 2. Composition and Term of the Council. The
2 council shall be composed of the mayor and five other mem-
3 bers. The members other than the mayor shall be elected
4 one from each ward by and from the qualified voters there-
5 of. The mayor shall be ex-officio president of the council.
6 The members of the council shall hold office for a term of
7 two years or until their successors are elected and qualified.
8 Members of the council other than the mayor shall serve
9 without compensation.

Sect. 3. Vacancies in the Council. In case of the death,
2 resignation, or removal from office of any member of the
3 council, more than six months prior to the next regular city
4 election, the vacancy shall be filled by a special election

5 which shall be held in the ward from which the vacancy oc-
6 curs, the warrants for which shall be issued by the mayor.

Any member of the council who shall have been convicted
2 of a crime while in office shall thereby forfeit his office.

Sect. 4. Organization. Regular Meetings. The council
2 shall meet at the usual place for holding meetings at ten
3 o'clock a. m., on the first Monday in January following the
4 regular city election, at which time the mayor-elect and the
5 councilmen-elect shall be sworn to the faithful discharge of
6 their duties by a justice of the peace or by the city clerk.
7 Thereafter the council shall meet at such time and place as
8 may be prescribed by ordinance or resolution, except that it
9 shall meet regularly twice each month.

Sect. 5. Special Meetings. Special meetings may be
2 called by the mayor, or by a majority of all the members of
3 the council. Notice of such meeting shall be served in per-
4 son upon, or left at the usual dwelling place of, each mem-
5 ber of the council and the city manager.

Sect. 6. Quorum. A majority of the members of the
2 council shall constitute a quorum for the transaction of
3 business, but a smaller number may adjourn from time to
4 time or compel attendance of absent members.

Sect. 7. Rules and Procedure. The council shall keep a
2 record of its proceedings and shall be the judge of the qualifi-
3 cation and election of its own members. The council may
4 determine its own rules of procedure and punish members
5 for misconduct. The meetings of the council shall be open

6 to the public. The council shall act only by ordinance, or-
7 der, or resolve; and all ordinances, orders, and resolves,
8 except resolves making appropriations, shall be confined to
9 one subject which shall be clearly expressed in the title.
10 The appropriation resolves shall be confined to the subject
11 of appropriations. No ordinance and no appropriation re-
12 solve, shall be passed until it has been read on two separate
13 days, except when the requirement of a reading on two
14 separate days has been dispensed with by a five-sixths vote
15 of all members of the council. The yeas and nays shall be
16 taken upon the passage of all ordinances and entered on the
17 record of the proceedings of the council by the clerk. The
18 yeas and nays shall be taken on the passage of any order or
19 resolve when called for by any member of the council.
20 Every ordinance shall require on final passage the affirma-
21 tive vote of a majority of all the members. Every ordi-
22 nance shall be published in full within ten days after its
23 final passage, and shall take effect and be in force after its
24 approval by some justice of the supreme judicial court.

Sect. 8. Council Constituted Overseers of the Poor.
2 The city council is hereby constituted overseers of the poor
3 of the city of Auburn.

ARTICLE III.

THE MAYOR.

Section 1. Election and Term. A mayor shall be elected
2 by and from the qualified voters of the city. He shall
3 hold office for a term of two years, or until his successor

4 is elected and qualified, except that when elected to fill a
5 vacancy he shall hold office only for the unexpired term or
6 until his successor is elected and qualified.

Sect. 2. Vacancy. In case of the death, resignation, or
2 removal from office of the mayor, more than six months
3 prior to the next regular election, the vacancy for
4 the unexpired term shall be filled by a special election, the
5 warrants for which shall be issued by the council. When-
6 ever the office of mayor becomes vacant within six months
7 prior to a regular city election, whenever the office of mayor
8 is vacant pending an election, or whenever the mayor, for
9 any reason, is unable to attend to the duties of his office
10 the council shall appoint one of its members to perform the
11 duties of mayor.

Sect. 3. Duties of the Mayor. The mayor shall preside
12 at all meetings of the council and shall perform such other
13 duties, consistent with his office, as the council may impose.
14 He shall have a vote but no veto. He shall be recognized
15 as the official head of the city for ceremonial purposes, and
16 for all purposes of military law. The title of mayor shall
17 not be considered as conferring upon him any functions of a
18 mayor under the general laws of the state inconsistent with
19 the provisions of this charter.

ARTICLE IV.

SUPERINTENDING SCHOOL COMMITTEE.

Section 1. Composition and Term of the Superintending
2 School Committee. The superintending school committee

3 shall consist of the mayor, ex-officio, and ten other members
4 elected two from each ward by and from the inhabitants
5 thereof. No person shall be ineligible to membership on
6 the superintending school committee on account of sex.
7 They shall hold office for a term of two years or until
8 their successors are elected and qualified.

The five members of the superintending school committee,
2 elected in March nineteen hundred and seventeen for a term
3 of two years, shall continue in office under this charter
4 until the first Monday in January nineteen hundred and
5 nineteen, or until their successors are elected and qualified.

Sect. 2. Organization. The superintending school com-
2 mittee shall meet for organization on the first Monday in
3 January following the regular city election. The members
4 elect shall be sworn by a justice of the peace to the faith-
5 ful discharge of their duties. A majority of the whole
6 number to be elected shall be a quorum.

Sect. 3. Powers and Duties of the Superintending School
2 Committee. The superintending school committee shall
3 have all the powers, and shall perform all the duties in
4 regard to the care and management of the public schools
5 of this city which are now conferred and imposed upon the
6 superintending school committee by the laws of this state,
7 except as otherwise provided in this charter.

Sect. 4. Vacancies. Whenever from any cause a vacancy
2 in the superintending schools committee shall occur the city
3 council by a majority vote of all the members shall appoint,

4 for the unexpired term, a resident of the ward where the
5 vacancy exists.

ARTICLE V.

NOMINATIONS AND ELECTIONS.

Section 1. Elections. On the second Wednesday in
2 December in the year nineteen hundred and seventeen and
3 biennially thereafter the qualified voters of each ward shall
4 ballot for a mayor, a councilman, a member of the superin-
5 tending school committee, a warden, and a ward clerk;
6 all the votes cast for the several officers shall be sorted,
7 counted, declared and registered in open ward meeting, by
8 causing the names of the persons voted for, and the number
9 of votes given for each to be written on the ward record at
10 length. The ward clerk shall forthwith deliver to the per-
11 sons elected warden and ward clerk certification of their
12 election, and shall forthwith deliver to the city clerk a certi-
13 fied copy of the record of such election.

In the year nineteen hundred and seventeen, the board of
2 aldermen, and thereafter the city council, shall, as soon as
3 conveniently may be, examine the copies of the records of the
4 several wards certified as aforesaid and shall cause the per-
5 sons who shall have been elected by a plurality of the votes
6 cast, mayor, councilmen, and members of the superintend-
7 ing school committee to be notified in writing of their elec-
8 tion; but if it shall appear that no person shall have been
9 elected to any office, or if the person elected shall refuse to

10 accept the office warrants for another election shall be
11 issued forthwith.

Sect. 2. Warden and Ward Clerk. The warden and the
2 ward clerk chosen as provided in the preceding section shall
3 be residents of the wards for which they are elected, and
4 shall hold their offices for two years from the first Monday
5 in January following the regular city election, or until others
6 have been chosen and qualified in their stead; the warden
7 and the ward clerk shall be sworn to the faithful perform-
8 ance of their duties by the person presiding in the ward
9 meeting, or by the clerk thereof, and a certificate of such
10 oath shall be entered by the clerk on the records of said
11 ward. The warden shall preside at all ward meetings with
12 the powers of moderators of town meetings, and if at any
13 meeting the warden shall not be present, the clerk of the
14 ward shall call the meeting to order and preside until a war-
15 den pro tempore shall be chosen. If neither the warden nor
16 the clerk shall be present, any legal voter in the ward shall
17 preside until a clerk pro tempore shall be chosen and quali-
18 fied. The clerk shall record all the proceedings and certify
19 the votes given, and deliver over to his successor in office all
20 such records and journals together with all documents and
21 papers held by him in the capacity of clerk. All ward
22 meetings shall be notified and called by the city council in
23 the manner provided in the laws of this state for notifying
24 and calling town meetings by the selectmen of the several
25 towns.

Sect. 3. Nomination by Petition. The nomination of all
2 candidates for elective offices provided for by this charter
3 shall be by petition. The petition of candidates for mayor
4 shall be signed by not less than one hundred qualified voters
5 of the city. The petitions of candidates for councilman,
6 for the superintending school committee, for warden and for
7 ward clerk shall be signed by at least twenty-five qualified
8 voters of the ward wherein the candidates are to be elected.
9 No voter shall sign petitions for more than one candidate
10 for each office to be filled at the election, and should he do
11 so his signature shall be void as to the petition or petitions
12 last filed.

Sect. 4. Signatures to the Forms of Nomination Papers.
2 The signatures to the nomination petition need not all be
3 appended to one paper, but to each separate paper there shall
4 be attached an affidavit of the circulator thereof, stating the
5 number of signers of such paper and that each signature
6 appended thereto was made in his presence and is the gen-
7 uine signature of the person whose name it purports to be.
8 With each signature shall be stated the place of residence of
9 the signer, giving the street and number or other description
10 sufficient to identify the same. The form of the nomination
11 petition shall be substantially as follows:

We, the undersigned, electors of the city of Auburn, here-
2 by nominate, whose residence is, for the office
3 of, to be voted for at the election to be held in the
4 city of Auburn on the day of, 19. . . ; and we

5 individually certify that we are qualified to vote for a can-
6 didate for the above office and that we have not signed more
7 nomination petitions of candidates for this office than there
8 are persons to be elected thereto.

Name Street and number

(Space for signatures.)

9, being duly sworn, reposes and says that he is the
10 circulator of the foregoing petition paper containing
11 signatures, and that the signatures appended thereto were
12 made in his presence and are the signatures of the persons
13 whose names they purport to be.

(Signed)

Subscribed and sworn to before me this day of
19..,Justice of the Peace (or Notary Public.)

This petition, if found insufficient by the election au-
2 thorities shall be returned to at No. Street....

Sect. 5. Filing Nomination Papers. The nomination pa-
2 pers comprising a petition shall be assembled and filed with
3 the city clerk, as one instrument, not earlier than twenty-
4 eight nor later than fourteen days, exclusive of Sundays, be-
5 fore the day of the election. No nomination shall be valid
6 unless the candidates shall file with the city clerk in writing
7 his acceptance of the nomination not later than fourteen
8 days before the day of the election.

Sect. 6. Certifying and Publishing the List of Candidates.
2 The city clerk shall certify the list of candidates, and shall
3 cause to be published in one or more newspapers, circulat-

4 ing in the city, the names and residences of the candidates
5 who have duly filed the above-mentioned petitions.

Sect. 7. Preparation of the Ballot. Specimen ballots and
2 official ballots for use in all city elections shall be provided
3 by the city clerk.

Sect. 8. Form of Ballot. The names of the candidates
2 nominated as provided in the preceding section shall be ar-
3 ranged according to lot under the title of the office to be
4 filled. Lot shall be drawn by the clerk in the presence of
5 the candidates or their representatives. The ballots shall be
6 without party mark or designation. The full name and
7 residence of each candidate shall be given. At the left of
8 each name shall be a square within which the voter shall
9 place a cross to designate his choice. Blank spaces shall be
10 left at the end of the list of the candidates for each office,
11 in which the voter may insert the name of any person not
12 printed on the ballot, for whom he desires to vote.

The ballot shall be printed substantially as follows :

CITY OF AUBURN.

WARD ()

REGULAR (OR SPECIAL) CITY ELECTION.

(Date)

OFFICIAL BALLOT.

INSTRUCTIONS TO VOTERS

To vote for any candidate mark a cross (X) in the square at the left of the name.
If you wrongly mark, tear or deface the ballot return it and obtain another.

For MAYOR	
	John Doe..... (Res.)
	Richard Roe..... (Res.)
 (Res.)
For COUNCIL	
	John Smith..... (Res.)
	William White..... (Res.)
 (Res.)
For SUPERINTENDING SCHOOL COMMITTEE	
	Charles Brown..... (Res.)
	Joe Jones..... (Res.)
 (Res.)
For WARDEN	
	William Doe..... (Res.)
	Charles Roe..... (Res.)
 (Res.)
For WARD CLERK	
	John Jones..... (Res.)
	Charles White..... (Res.)
 (Res.)

Sect. 9. Specimen Ballots. The city clerk shall cause
2 specimen ballots to be posted in public places and advertised
3 in the newspapers not later than ten days prior to the city
4 election. Such specimen ballots shall be printed on colored
5 paper and marked specimen ballot, and shall contain the
6 names of the certified candidates with the residence of each,
7 instructions to voters, and such measures as may be sub-
8 mitted to the voters. Such ballots shall be without party
9 mark or designation.

Sect. 10. State Election Laws. The provisions of the
2 laws of the State of Maine relating to the qualification of
3 electors, registration, the manner of voting, the duties of
4 election officers and all other particulars in respect to the
5 management of elections so far as they may be applicable,
6 shall govern all municipal elections except as otherwise pro-
7 vided in this charter.

ARTICLE VI.

ADMINISTRATIVE OFFICERS.

Sect. 1. Titles and Appointment. There shall be the fol-
2 lowing administrative officers and boards.

(a) The following officers and boards shall be appointed
2 by a majority vote of all the members of the council: city
3 manager, clerk, city solicitor, treasurer and tax collector, au-
4 ditor, trustees of Auburn water board, assessors of taxes,
5 planning board, and board of health.

(b) The following officers and boards shall be appointed
2 by the city manager: city engineer, superintendent of street,

3 wire inspector, plumbing inspector, inspector of buildings,
4 city physician, city marshal, chief of the fire department, all
5 other department heads whose positions may be from time
6 to time created by ordinance; and, upon recommendation of
7 heads of departments, all minor officers and employees.

Sect. 2. Power of the Council with Regard to Appointive
2 Offices and Boards. The council shall have power by ordi-
3 nance or resolve:

(a) To create any new appointive office.

(b) To assign or authorize the city manager to assign the
2 duties of two or more offices to one officer.

(c) To divide the duties of any office between two or
2 more offices.

(d) To authorize the appointment of assistants or depu-
2 ties in any office.

Sect. 3. Terms of Service. All appointive offices and
2 boards, whose terms are not specified in this charter, shall
3 hold office at the pleasure of the appointive power, except
4 that the city manager, if removed at any time after six
5 months of service, may demand written charges and a public
6 hearing on the same, before the council, prior to the date on
7 which his removal shall take effect, but during such hearing
8 the council may suspend him from office.

Sect. 4. Compensation of Officials. The council shall fix
2 by order the salary of the mayor and the salaries of the ap-
3 pointees of the council. Salaries of the appointees of the
4 city manager shall be fixed by the city manager subject to
5 the approval of the council.

Sect. 5. Appointment and Qualifications of the City Manager. The city manager shall be chosen by the council solely on the basis of his executive and administrative qualifications, and need not be a resident of the city of Auburn or the state of Maine at the time of his appointment.

Sect. 6. Powers and Duties of the City Manager. The city manager shall be the administrative head of the city government; and shall be responsible to the 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.

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

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

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

(e) To keep the council fully advised as to the business, financial condition, and future needs of the city.

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

Sect. 7. Substitute. During a vacancy in the city manager's office, and during the absence or disability of the manager, the council may designate a properly qualified person to perform the duties of manager and fix his compensation.

Sect. 8. Duties of Administrative Officers other than the

2 Manager. Duties of administrative officers other than the
3 manager may be prescribed by the council. Such duties
4 shall not be inconsistent with the provisions of this charter.

Sect. 9. Assessors of Taxes. At its first meeting in
2 January, nineteen hundred and eighteen, or as soon there-
3 after as may be, the city council shall appoint three assess-
4 ors of taxes, one for a term of one year, one for a term of
5 two years, and one for a term of three years; and annually
6 thereafter there shall be appointed by the city council one
7 assessor for a term of three years. The assessors shall hold
8 office until their successors are appointed and qualified. If
9 for any reason, a vacancy occurs in the membership of the
10 board of assessors, the vacancy shall be filled forthwith by
11 the council, for the unexpired term. The assessors thus ap-
12 pointed shall exercise the same powers and be subject to the
13 same duties and liabilities that similar officers of the several
14 towns and cities in the state may exercise, and are subject to,
15 under the laws of the state.

Sect. 10. Composition and Term of City Planning Board.
2 The city planning board shall consist of three members,
3 each to serve three years, except that at the first appoint-
4 ment under this charter one shall be appointed for one year,
5 one for two years, and one for three years, and thereafter
6 one shall be appointed each year.

Sect. 11. Duties and Powers of the City Planning Board.
2 It shall be the duty of the city planning board to keep itself
3 informed of the progress of city planning in this and other

4 countries, to make studies and recommendations for the
5 improvement of the plan of the city with a view to the
6 present and future movement of traffic, the convenience,
7 health, recreation, general welfare, and other needs of the
8 city dependent on the city plan; to consider and report upon
9 the designs and their relations to the city plan, of all new
10 public ways, lands, buildings, bridges, and all other public
11 places and structures, of additions to and alterations in
12 those already existing, and of the layout or plotting of new
13 subdivisions of the city. All acts of the council or of any
14 other branch of the city government affecting the city plan
15 shall be submitted to the board for report and recommenda-
16 tions. The council may at any time call upon the board to
17 report with recommendations, and the board of its own vo-
18 lition may also report to the council with recommendations
19 on any matter which, in the opinion of either body, affects
20 the plan of the city.

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

The board shall submit to the council an annual report sum-
2 marizing the activities of the board for the fiscal year, the
3 recommendations made by it to the council during the year
4 and the action of the council during the year on any and all
5 recommendations made by the board in that year.

The city engineer shall serve as chief engineer of the city

2 planning board. The board of health of the city shall ad-
3 vise the planning board from time to time of any municipal
4 improvements within the scope of the planning board which,
5 in the opinion of the board of health, would improve the
6 the healthfulness of the city.

Sect. 12. City Planning Board to be a Park Commission.
2 The planning board shall be a board of park commissioners
3 and as such shall have the powers and duties of park com-
4 missioners provided for by section seventy-four of chapter
5 four of the Revised Statutes of the state of Maine, of the
6 year nineteen hundred and fifteen.

Sect. 13. Board of Health. At its first meeting in nine-
2 teen hundred and eighteen, or as soon thereafter as may be,
3 the city council shall appoint a board of health of three
4 members, one for a term of one year, one for a term of two
5 years, and one for a term of three years, and annually there-
6 after there shall be appointed by the city council one member
7 of the board of health for a term of three years.

The members of the board of health shall hold office until
2 their successors are appointed and qualified. If for any rea-
3 son a vacancy occurs in the membership of the board of
4 health, the vacancy shall be filled forthwith by the council
5 for the expired term.

ARTICLE VII

BUSINESS AND FINANCIAL PROVISIONS

Section 1. Accounts and records. Accounts shall be kept
2 by the auditor showing the financial transactions of all de-

3 partments of the city. Forms for all such accounts shall be
4 prescribed by the auditor with the approval of the city man-
5 ager. Accounts shall be kept in such a manner as to show
6 fully at all times the financial condition of the city. The
7 auditor shall furnish to the manager, prior to the first regu-
8 lar meeting of the council in each month, a report containing
9 in detail the receipts and disbursements of the city on all ac-
10 counts, the expenditures made and the obligations incurred
11 during the preceding calendar month, and a balance sheet
12 showing the financial condition of the city, of the several
13 funds, and the total unexpended balance to the credit of each
14 department.

Sect. 2. Auditing of accounts. All the accounts of the
2 city shall be audited annually by a qualified accountant to be
3 chosen by the council.

Sect. 3. Reports. The auditor shall publish each month a
2 statement of the financial condition of the city.

Each of the administrative officers and boards shall annu-
2 ally, on such a date as may be fixed by the council, render to
3 the manager a full report of the transactions of his depart-
4 ment for the year. On the basis of these reports, the man-
5 ager shall prepare and publish an annual report. In ad-
6 dition to a summary of the services rendered by the various
7 departments the report shall show :

1. Receipts classified according to sources.
2. Expenditures classified according to objects. The
2 classification of receipts and expenditures in the report shall

3 conform in general to the classification in the auditor's books.

3. Balance sheets.

4. Such other financial information as may be required by
2 the council.

Sect. 4. Annual budget. Not later than one month before
2 the end of the fiscal year the city manager shall submit to the
3 council budget estimates for the ensuing fiscal year. This
4 budget shall be compiled from detailed information fur-
5 nished by the administrative officers and boards on blanks,
6 the forms of which shall be designated by the city manager;
7 and shall contain:

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

(b) Itemized statement of appropriations recommended
2 for current expenses, and for permanent improvements, with
3 comparative statements in parallel columns of expenditures
4 for the current and next preceding fiscal year. An increase
5 or decrease in any item shall be indicated.

(c) Itemized statement of estimated revenue from all
2 sources other than taxation; and a statement of taxes re-
3 quired, with comparative figures from the current and the
4 next preceding year.

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

The budget shall be published not later than two weeks
2 after its submission to the council. The council shall fix a
3 time and place for holding a public hearing upon the budget,
4 and shall give public notice of such hearing, which shall be at

5 least ten days before the final passage of the appropriation
6 resolve.

Sect. 5. Appropriation resolve. Not later than one month
2 after the beginning of the fiscal year the council shall pass an
3 annual appropriation resolve, which shall be based on the
4 budget submitted by the city manager.

The total amount appropriated shall not exceed the esti-
2 mated revenue of the city.

Before the annual appropriation resolve has been passed the
2 council may make appropriations for current departmental
3 expenses, chargeable to the appropriations of the year when
4 passed, to an amount sufficient to cover the necessary ex-
5 penses of the various departments until the annual appropri-
6 ation resolve is in force.

Sect. 6. Transfers. The council in the appropriation re-
2 solve shall provide for a reserve fund from which transfers
3 may be made only by vote of the council, and no transfer of
4 any money shall be made from any fund other than this re-
5 serve fund until the end of the fiscal year, at which time,
6 after all warrants have been paid out of the various funds,
7 the auditor shall transfer to this reserve fund any remaining
8 balance or balances in these various funds, except balances in
9 the school fund; the council may then authorize a transfer
10 from the reserve fund to any other fund in which there is an
11 overdraft created by any actual emergency.

Sect. 7. Borrowing. The borrowing of money by and for
2 the city shall be limited as to form and purpose according to

3 provisions eight and nine of Article VII of this charter. The
4 credit of the city shall not in any manner be loaned to, or in
5 aid of, any individual, association, or corporation except that
6 suitable provisions may be made for the aid and support of
7 the poor of the city.

Sect. 8. Bond issues. Money may be borrowed by the
2 issue and sale of bonds, pledged on the credit of the city, for
3 the purchase of land, the construction and equipment of
4 buildings and other permanent public improvements, and the
5 payment or refunding of bonds, notes and certificates of in-
6 debtedness previously issued. No order providing for the
7 issue of bonds shall be passed without public notice at least
8 two weeks before final action by the council, and the ap-
9 proval of five-sixths of all the members of the council. Every
10 issue of bonds shall be payable within a term of years, not
11 to exceed the period of utility of the improvement for which
12 they are issued, and in no case to exceed thirty years. Bonds
13 issued after the adoption of this charter shall be payable in
14 equal annual serial installments, including principal and in-
15 terest. Every order for the issue of bonds shall provide for
16 a tax levy for each year to meet the annual serial installment
17 of principal and interest, and such amounts shall be included
18 in the tax levy for each year.

Sect. 9. Temporary loans. Money may be borrowed in
2 anticipation of receipts from taxes during any fiscal year,
3 but the aggregate amount of such loan at any time shall not
4 exceed eighty per cent of the revenue from taxes received

5 during the preceding fiscal year. All such loans shall be paid
6 out of the receipts from taxes for the fiscal year in which
7 they are issued. Money may also be borrowed in anticipa-
8 tion of revenue from bond issue in case such bond issue has
9 been authorized.

Sect. 10. Sinking fund. Until the bonded indebtedness of
2 the city of Auburn, in force at the time of the adoption of
3 this charter, is paid, the city council shall raise and set apart
4 each year for a sinking fund, a sum equivalent to two per
5 cent of the total appropriation for that year. The sinking
6 fund shall be applied only to the payment of that bonded in-
7 debtedness of the city, the payment of which has not been
8 provided for by serial installments.

This sinking fund shall be invested in the bonds of the city
2 or in such other bonds as savings banks in this state may
3 from time to time be authorized to hold for investment, or
4 may be deposited in such savings banks.

Sect. 11. Payments. Money shall be paid out only on
2 warrants on the city treasury issued by the auditor and
3 countersigned by the city manager.

The auditor shall examine all pay rolls, bills, and other
2 claims and demands against the city and shall issue no war-
3 rant for payment unless he finds that the claim is in proper
4 form, correctly computed and duly certified, and legally pay-
5 able.

The auditor may require any claimant to make oath to the

2 validity of a claim, may investigate any claim, and for such
3 purpose or purposes may examine witnesses under oath.

Sect. 12. Purchasing of supplies. The purchasing agent
2 shall purchase all supplies for the city and for the several
3 officers and boards thereof, except supplies for the schools
4 which he shall purchase only upon requisition by the super-
5 intending school committee.

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

The city manager shall act as purchasing agent until the
2 council by ordinance shall provide for the appointment of a
3 purchasing agent.

ARTICLE VIII.

PUBLIC UTILITIES.

Section 1. Franchises. All public utility franchises, and
2 all renewals, amendments, and extensions thereof shall be
3 granted or made only by a five-sixths vote of the council.
4 No franchise and no renewal, amendment, or extension
5 thereof shall be granted or made within three months after
6 the application therefor is filed with the city clerk, nor
7 within thirty days after the publication in full of the pro-
8 posed franchise in its final form, nor until a public hearing
9 has been held thereon. No public utility franchise shall be
10 transferable except with the approval of the council.

Sect. 2. Right of Regulation. All orders providing for
2 grants, renewals, amendments or extensions of public
3 utility franchises shall retain to the city the following rights :

(a) To repeal the same by order at any time for non-use,
2 or for failure to begin construction within the time pre-
3 scribed, or otherwise to comply with the terms prescribed ;

(b) To require proper and adequate extension of plant
2 and service, and the maintenance of the plant and fixtures at
3 the highest practicable standard of efficiency ;

(c) To establish reasonable standards of service and
2 quality of products and prevent unjust discrimination in ser-
3 vice or rates ;

(d) To impose such other regulations as may be con-
2 ducive to the safety, welfare, and accommodation of the
3 public.

ARTICLE IX.

MISCELLANEOUS PROVISIONS

Sect. 1. Members of City Council Ineligible for Certain
2 Offices. No member of the city council shall during the term
3 for which he was chosen be eligible for any other office the
4 salary of which is payable by the city, or shall during such
5 term hold any such office.

Sect. 2. No Personal Interest. No officer or employee of
2 the city, elected or appointed, shall be interested directly or
3 indirectly in any contract for work or materials, or the pur-
4 chase thereof, to be furnished or performed for the city. No
5 such officer or employee, except a policeman or fireman, shall

6 accept or receive from any person, firm, or corporation act-
7 ing under a franchise or license from the city, any frank,
8 free pass, free ticket, or free service, or accept directly or
9 indirectly from any such person, firm, or corporation, any
10 service upon terms more favorable than those granted to the
11 public generally. This provision shall not apply however to
12 any free service now or hereafter provided for by contract,
13 franchise or ordinance.

Sect. 3. Submission of the Act to the Voters of Auburn.
2 This act shall be submitted for approval or rejection to the
3 qualified voters of the city of Auburn at an election to be
4 held the second Monday in September in the year nineteen
5 hundred and seventeen and warrants shall be issued for such
6 election in the manner now provided by law for the holding
7 of municipal elections, notifying and warning the qualified
8 voters of said city to meet in the several ward meetings of
9 said city, there to cast their ballot for the approval or rejec-
10 tion of this act. The question proposed on said ballot shall
11 be substantially in the following form:

“Shall an act passed by the legislature in the year nineteen
2 hundred and seventeen, approved (insert date) entitled ‘An
3 Act to Grant a New Charter to the City of Auburn’ be ac-
4 cepted,” otherwise said ballot shall be in form provided by
5 law when a constitutional amendment is submitted to the
6 vote of the people. The provisions of law relating to the
7 preparation of voting lists for municipal elections shall apply
8 to such election and said election shall in all other respects be

9 conducted as municipal elections in said city are now con-
10 ducted by law, and the results thereof shall be determined in
11 the manner now provided by law, for the determination of
12 the election of mayor. If a majority of the ballots deposited
13 as aforesaid shall reject, this act shall not go into effect, but
14 if a majority of the electors voting at said ward meetings
15 shall approve, then this act shall take effect as herein pro-
16 vided.

Sect. 4. When the Provisions of the Act Shall Take Effect.
2 So much of this act as authorizes the submission of the ac-
3 ceptance of this charter to the electors of the city of Auburn
4 shall take effect as provided in the constitution of the state,
5 but it shall not take further effect unless accepted by the
6 electors of the city of Auburn as hereinbefore provided. If
7 accepted by the electors of the city then this act for the pur-
8 pose of nominating and electing officers hereunder shall take
9 effect on the date of its adoption by the electors, and for all
10 other purposes this act shall take effect on the first Monday
11 in January in the year nineteen hundred and eighteen.

Sect. 5. Ordinances Continued in Force. All ordinances
2 in force at the time when this charter takes effect, not incon-
3 sistent with the provisions of this charter, shall continue in
4 force until amended or repealed.

Sect. 6. Present Contracts, etc., Continued. All rights,
2 actions, proceedings, prosecutions, and contracts of the city,
3 or any of its departments, pending or unexecuted when this
4 charter goes into effect and not inconsistent therewith shall

5 be enforced, continued or completed in all respects as
6 though begun or executed hereunder.

Sect. 7. Acts Repealed. In case this act is approved in
2 the manner herebefore provided, all acts and parts of acts
3 inconsistent herewith are hereby repealed.