

MAINE STATE LEGISLATURE

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N I N E T Y - F O U R T H L E G I S L A T U R E

Legislative Document

No. 1382

H. P. 1999

House of Representatives, March 18, 1949.

Referred to Committee on Legal Affairs, sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Williams of Auburn.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-NINE

**AN ACT to Amend the Charter of the City of Auburn to Provide for Two
Councilmen at Large.**

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

Sec. 1. P. & S. L., 1917, c. 201, Art. II, § 2, repealed and replaced. Section 2 of Article II of chapter 201 of the private and special laws of 1917, as amended, is hereby repealed and the following enacted in place thereof:

‘Sec. 2. Composition; election; tenure of office. The council shall be composed of the mayor and 7 other members, 5 of whom shall be elected, 1 from each ward, by and from the qualified voters thereof. The members of the council elected from each ward shall hold office for a term of 2 years or until their successors are elected and qualified. The 2 other members of the council shall be elected at large by and from the qualified voters of the city.

At the 1st election following the adoption of these amendments, the candidate for councilman at large who shall receive the largest number of votes shall be elected for a term of 4 years, or until his successor is elected and qualified, and the candidate for councilman at large who shall receive the 2nd largest number of votes shall be elected for a term of 2 years, or

until his successor is elected and qualified; provided, however, that only 1 of the 2 councilmen at large shall be eligible for election from the same ward.

In event at the 1st election there are 2 candidates for councilman at large from the same ward who receive respectively the 1st and 2nd largest number of votes, the candidate receiving the largest number only shall be declared elected for the 4-year term, and the candidate for councilman at large from another ward receiving the 3rd largest number of votes shall be declared elected for the 2-year term. In subsequent elections, whether regular or special, of a councilman at large, no person shall be eligible to become a candidate for such office who resides in the same ward as the incumbent councilman at large who is serving a term which is not expiring as a result of the election. Members of the council other than the mayor shall serve without compensation.'

Sec. 2. P. & S. L., 1917, c. 201, Art. II, § 3, amended. Section 3 of Article II of chapter 201 of the private and special laws of 1917 is hereby amended to read as follows:

'Sec. 3. **Vacancies; forfeiture of office.** In case of the death, resignation or removal from office of any member of the council more than 6 months prior to the next regular city election, the vacancy caused by the death, resignation or removal from office of any member of the council elected from each ward shall be filled by a special election, which shall be held in the ward from which the vacancy occurs. The vacancy caused by the death, resignation or removal from office of any member of the council elected at large shall be filled by a special election which shall be held throughout the city. The warrant for said election as herein provided shall be issued by the mayor. Any member of the council who shall have been convicted of a felony, any larceny or any other crime involving moral turpitude while in office shall thereby forfeit his office.'

Sec. 3. P. & S. L., 1917, c. 201, Art. II, § 7, amended. Section 7 of Article II of chapter 201 of the private and special laws of 1917, as amended by section 7 of chapter 47 of the private and special laws of 1935, and by section 3 of chapter 24 of the private and special laws of 1941, and by section 2 of chapter 47 of the private and special laws of 1943, is hereby further amended to read as follows:

'Sec. 7. **Rules and procedure.** The council shall keep a record of its proceedings and shall be the judge of the qualification and election of its own members. The council may determine its own rules of procedure and

punish members for misconduct. The meetings of the council shall be open to the public. The council shall act only by oral motion, or written ordinance, order or resolve, except that all acts by the council, whereby funds of the city are appropriated or expended, shall be by written ordinance, order or resolve; and all ordinances, orders and resolves, except resolves making appropriations, shall be confined to one subject which shall be clearly expressed in the title. The appropriation resolves shall be confined to the subject of appropriations. No ordinance, no order for the issue of serial bonds or notes, and no appropriation resolve shall be passed until it has been read on 2 separate days, except when the requirement of a reading on 2 separate days has been dispensed with by a ~~4/5~~ 5/7 yeas or nays vote of the voting members of the council. The yeas and nays shall be taken upon the passage of all ordinances and entered on the record of the proceedings of the council by the clerk. The yeas and nays shall be taken on the passage of any order or resolve when called for by any member of the council. Every ordinance shall require, on final passage, the affirmative vote of a majority of the voting members of the council. Every ordinance shall be published in full within 10 days after its final passage, by posting a copy of the same in 2 public places in the city of Auburn, unless some other method of publication is provided by general law, and shall take effect and be in force from and after the date of said publication.'

Sec. 4. P. & S. L., 1917, c. 201, Art. V, § 1, amended. Section 1 of Article V of chapter 201 of the private and special laws of 1917, as amended by section 6 of chapter 47 of the private and special laws of 1943, is hereby further amended to read as follows:

'Sec. 1. Date of elections and procedure as to determining results. On the 2nd Monday in September in the year ~~1945, and biennially thereafter;~~ **1951**, the qualified voters of each ward shall ballot for a mayor, a councilman, **2 councilmen at large**, a member of the superintending school committee, a warden and a ward clerk; ~~all~~. **The 2 councilmen at large shall be elected as provided in section 1 of Article II and biennially thereafter, the qualified voters of each ward shall ballot for a mayor, a councilman, 1 councilman at large, a member of the superintending school committee, a warden and a ward clerk.** All the votes cast for the several officers shall be sorted, counted, declared and registered in open ward meeting by causing the names of the persons voted for and the number of votes given for each to be written on the ward record at length. The ward clerk shall forthwith deliver to the persons elected warden and ward clerk, certification of their election, and shall forthwith deliver to the city clerk a certified copy of the record of such election.

Thereafterwards, the city council shall, as soon as conveniently may be, examine the copies of the records of the several wards certified as aforesaid, and shall cause the persons who shall have been elected mayor, councilmen, **councilman at large**, and members of the superintending school committee to be notified in writing of their election; but if it shall appear that no person shall have been elected to any office, or if the person elected shall refuse to accept the office, warrants for another election shall be issued forthwith. At any election, the person receiving the highest number of votes for an office shall be deemed and declared elected to such office, **except as specially provided hereinbefore with reference to councilman at large.**'

Sec. 5. P. & S. L., 1917, c. 201, Art. V, § 3, amended. Section 3 of Article V of chapter 201 of the private and special laws of 1917 is hereby amended to read as follows:

'Sec. 3. Nominations for elective offices to be made by petition. The nomination of all candidates for elective offices provided for by this charter shall be by petitions. The petition of candidates for mayor shall be signed by not less than 100 qualified voters of the city. The petitions of candidates for councilman, for the superintending school committee, for warden and for ward clerk shall be signed by at least 25 qualified voters of the ward wherein the candidates are to be elected. **The petition of the candidates for the councilman at large shall be signed by 100 qualified voters of the entire city.** No voter shall sign petitions for more than one candidate for each office to be filled at the election, and should he do so his signature shall be void as to the petition or petitions last filed, **excepting that the voters may sign the petitions for 2 candidates for councilman at large for the 1st election following the acceptance of these amendments.**'

Sec. 6. P. & S. L., 1917, c. 201, Art. VII, § 8, amended. The 2nd sentence of section 8 of Article VII of chapter 201 of the private and special laws of 1917 is hereby amended to read as follows:

'No order providing for the issue of bonds or notes shall be passed without public notice by putting a notice of the same in 2 public places in the city of Auburn and advertising same in a daily newspaper published in Androscoggin county at least 2 weeks before final action by the council, and the approval of $\frac{4}{5}$ $\frac{5}{7}$ of the voting members of the council.'

Sec. 7. Referendum. This act shall take effect 90 days after the adjournment of this legislature only for the purpose of permitting its acceptance or rejection by the legal voters of the city of Auburn at the next general election therein, or at a special state election, or at any prior city elec-

tion notified and called by the mayor and council, in the manner prescribed by the charter of said city of Auburn.

The question proposed on said ballot shall be substantially in the following form:

“Shall an act passed by the legislature in 1949, entitled, ‘An Act to Amend the Charter of the City of Auburn to Provide Two Councilmen at Large,’ be accepted?” Otherwise said ballot shall be in form provided by law when a constitutional amendment is submitted to the vote of the people.

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