

MAINE STATE LEGISLATURE

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NEW DRAFT.

SEVENTY-SECOND LEGISLATURE

HOUSE.

No. 521

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND FIVE.

AN ACT to abolish the common council of the city of Augusta,
and otherwise to amend the charter of said city.

*Be it enacted by the Senate and House of Representatives in
Legislature assembled, as follows:*

Section 1. The co-ordinate branch of the city government
2 of the city of Augusta, denominated in its charter the
3 common council, is hereby abolished.

All powers, rights and privileges granted, and all duties
5 and obligations imposed upon said common council by said
6 charter or by amendments thereof, or by any other law, shall
7 hereafter be exercised and performed by the board of alder-
8 men of said city.

When, in the exercise of any of the powers or in perform-
10 ance of any of the duties conferred by section two of this act,

11 said board of aldermen or a quorum thereof present and
12 voting are evenly divided, the mayor of said city, if present
13 and presiding over said board, shall have the deciding vote.
14 All the powers granted to said board of aldermen by this act
15 are subject to the veto power of said mayor, to be exercised
16 in the manner and with the effect provided in said charter,
17 and subsequent amendments thereof. The mayor and board
18 of aldermen shall constitute the city council of said city.

Sect. 2. On and after the third Monday of March, A. D.
2 1906, said board of aldermen shall consist of eleven members,
3 of which eight shall have the qualifications and be chosen as
4 now provided by law; but the other three members of said
5 board shall be residents of said city qualified to vote in its
6 municipal affairs, and shall be chosen at large on the second
7 Monday of March, A. D. 1906, and annually thereafter at
8 the municipal election by the qualified electors of said city
9 in the manner now provided by law for the election of mayor
10 of said city. On the official ballot such of the candidates for
11 aldermen as have been lawfully nominated to be chosen at
12 large shall be designated as candidates "for aldermen at
13 large." The three aldermen at large shall hold office for
14 the same term as is by law provided for the other members
15 of said board.

Sect. 3. On the second Monday of March, A. D. 1906,
2 and annually thereafter at the municipal election in said
3 city, the electors of said city qualified to vote in municipal
4 elections shall elect, in the manner provided for the election
5 of mayor, one assessor who shall hold office for three years
6 from the Monday next following his election, or until his
7 successor is chosen and qualified. After this section takes
8 effect said city council may elect an assessor only when
9 necessary to fill a vacancy until the Monday following the
10 next municipal election, at which municipal election the

11 qualified electors of said city shall elect an assessor to fill
12 such vacancy for the unexpired term.

Sect. 4. On the second Monday of March, A. D. 1906,
2 the electors of said city qualified to vote in municipal elec-
3 tions shall elect, in the manner provided for the election of
4 mayor, three highway commissioners, to hold office for one,
5 two and three years respectively from the third Monday of
6 March, 1906. After their election, said highway commis-
7 sioners shall meet and determine by lot which of them shall
8 serve for one, which for two and which for three years, and
9 shall make a second thereof. Annually thereafter said elec-
10 tors at the municipal election shall elect, in manner afore-
11 said, one highway commissioner to hold office for three
12 years from the Monday next following such election, or until
13 his successor is elected and qualified. In case of a vacancy
14 occurring in the office of highway commissioner, the
15 municipal officers of said city shall by ballot elect a highway
16 commissioner to fill such vacancy until the next municipal
17 election, when the electors of said city shall elect a highway
18 commissioner to hold said office during such unexpired
19 term.

Said highway commissioners, having been sworn according
21 to law, shall constitute a board, and annually on the third
22 Monday of March, or as soon thereafter as convenient shall
23 meet and organize by appointing one of their number chair-
24 man and another clerk for the ensuing year. They may
25 adopt rules, not inconsistent with law, for the orderly con-
26 duct of their business. Their clerk shall be sworn as such,
27 and shall keep a true record of the doings of the board,
28 which record shall be open to public inspection.

Said board of highway commissioners within said city
30 shall have all the powers and perform all the duties by law
31 pertaining to road commissioners of towns, and such other

32 powers and duties relative to the care, control, improve-
33 ment, repair, construction and protection of the public
34 streets, roads, ways, bridges and sewers in said city as said
35 municipal officers or the city council of said city may law-
36 fully confer on said board. Said board of highway com-
37 missioners shall also have the care of the sewers in said city,
38 and shall contract for and have charge of all repairs, con-
39 struction, improvement and extension of all sewers, streets
40 and public ways authorized by said city council. Said board
41 of highway commissioners shall not make any contract or
42 incur any liability on behalf of said city involving an indebt-
43 edness or expenditure of money in excess of the amount
44 appropriated for such purpose by said city council.

Said board of highway commissioners shall report in such
46 form and at such times as the mayor or board of aldermen
47 may require.

Section seventy-one of chapter twenty-three of the
49 Revised Statutes shall not apply to said board of highway
50 commissioners.

Said board of highway commissioners shall certify to the
52 board of aldermen each month prior to the regular meeting
53 of the aldermen all such bills as are due for material
54 furnished or work done by authority of said board of high-
55 way commissioners.

Said highway commissioners shall hold no other office
57 under the charter or ordinances of said city, and shall not be
58 directly or indirectly interested in any contract for labor or
59 material to be furnished said city or to any department
60 thereof.

Said highway commissioners shall receive in full for their
62 services such stated salary as shall be fixed in advance by
63 the city council for the then current municipal year, and
64 shall receive no other compensation from said city except

65 the amount actually expended by them for necessary travel-
66 ling expenses.

Sect. 5. The first four sections of this act shall take effect
2 only when accepted, as hereinafter provided, by the electors
3 of said city qualified to vote in a municipal election. Said
4 sections shall be submitted to be voted upon by the qualified
5 electors of said city at an election to be especially called for
6 the purpose and held on Monday the nineteenth day of June,
7 A. D., 1905. Said election to be called, advertised, held and
8 conducted as provided by law relating to municipal elections
9 in said city. The question of the adoption of the aforesaid
10 four sections shall be submitted to said electors in the follow-
11 ing form:

‘Section 1. Shall the common council be abolished?’

‘Section 2. Shall the membership of the board of alder-
14 men be increased by three aldermen to be elected at large?’

‘Section 3. Shall the assessors be elected by the people?’

‘Section 4. Shall three highway commissioners to hold
17 office one, two and three years, and their successors to hold
18 office for three years, be elected by the people, in place of the
19 two street commissioners?’

The city clerk of said city shall prepare the ballots to be
21 used at said election in such form that each elector may
22 plainly indicate by a cross placed under the word “yes” or
23 “no” his opinion on each of said questions separately. Such
24 of said sections so submitted as shall have more affirmative
25 than negative votes at said election shall be deemed to have
26 been accepted. Section one, if accepted, shall take effect on
27 the third Monday of March, A. D., 1906. Sections two,
28 three and four, if accepted, shall take effect as provided in
29 the respective sections. The result of said election shall be
30 declared by the municipal officers of said city, and duly
31 certified by the city clerk to the secretary of State. A

32 printed copy of the first four sections of this act shall be
33 posted at the time and places specified by law for posting
34 notices of said election, and in at least two conspicuous
35 places in each voting place during said election.

Sect. 6. All acts and parts of acts, and all ordinances of
2 said city, inconsistent with the first four sections of this act
3 are hereby repealed; but this repeal shall take effect only as
4 to such acts, parts of acts and ordinances are are incon-
5 sistent with such of said four first sections as shall be
6 accepted in manner aforesaid, and when such accepted sec-
7 tions respectively take effect.

Sect. 7. Except as qualified by sections five and six, this
2 act shall take effect when approved.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES,

Augusta, March 9, 1905.

Reported by Mr. HALE from Committee on Judiciary and ordered
printed under joint rules.

E. M. THOMPSON, *Clerk.*