

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

---

---

# SEVENTY-SECOND LEGISLATURE

---

---

HOUSE.

No. 559

---

---

## STATE OF MAINE.

---

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

---

Amendment A to bill in new draft entitled "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:*

Amend section 1 of said bill by striking from the tenth line 2 thereof "two" and inserting instead thereof the word 'one.'

Amend section 4 of said bill by striking out the word 4 "second" in the ninth line thereof, and inserting in place 5 thereof the word 'record.'

Strike out sections 6 and 7 of said bill and insert instead 7 thereof the following sections:

'Section 6. Should the first question referred to in section 9 5 of this act be decided in the affirmative, the revision 10 and consolidation contained in the act of 1905, entitled 'An 11 Act to revise, consolidate and amend the charter and laws

12 of the city of Augusta,' which revision is hereinafter called  
13 the 'revised charter,' is hereby declared to be thereupon  
14 amended as provided in the following clauses of this section,  
15 lettered A to K inclusive :

A. Amend section 2 by substituting for the first sentence  
2 thereof the following: "The administration of all the fiscal,  
3 prudential and municipal affairs of said city, with the gov-  
4 ernment thereof, shall be vested in one principal magistrate,  
5 to be styled the mayor, and one council to be denominated  
6 the board of aldermen, all of whom shall be inhabitants of  
7 said city; which magistrate and board shall constitute and  
8 be called the city council; all of whom shall be sworn to the  
9 faithful performance of the duties of their respective offices;  
10 provided, the city council shall not vote, assess or appro-  
11 priate any money for any object or purpose for which the  
12 town of Augusta is not authorized to vote, assess and appro-  
13 priate money, except for such purposes as are authorized by  
14 this act."

B. Amend section 3 by striking out the third, fourth and  
2 fifth sentences thereof, and inserting instead thereof the  
3 following: "He may call special meetings of the city coun-  
4 cil, when in his opinion the interests of the city require it,  
5 by a notice in one or more of the papers printed in the city,  
6 or by causing a summons or notification to be given in hand  
7 or left at the usual dwelling place of each member thereof.  
8 He shall from time to time communicate to the city council  
9 such information, and recommend such measures as the  
10 business and interests of the city may in his opinion require.  
11 He shall preside in the city council but shall have therein  
12 only a casting vote."

Said section is<sup>f</sup> further amended by striking from the last  
14 sentence thereof the words "and common council."

C. Amend section 4 by substituting for the first sentence  
2 thereof the following: "The executive powers of said city

3 generally, and the administration of police, with all the  
4 powers of the selectmen of the town of Augusta, shall be  
5 vested in the mayor and aldermen as fully as if the same had  
6 been herein particularly enumerated; all other powers not  
7 vested in the inhabitants of said town, and all powers granted  
8 by this act, shall be vested in the city council.”

Said section is further amended by striking out in the  
10 second sentence thereof the words “by concurrent vote.”

Said section is further amended by striking therefrom all  
12 that part thereof commencing with the words “the city coun-  
13 cil may by ordinance,” and ending with the words “and other  
14 police officers.”

D. Amend section 5 so that the same shall read as follows:  
2 “Every law, act, ordinance or bill appropriating money  
3 having passed the city council, shall be presented to the  
4 mayor, and if he approve the same he shall sign it; if not, he  
5 shall return it in seven days, with his objections, to the city  
6 council, which shall enter the objections at large on its jour-  
7 nal, and proceed to reconsider said law, act, ordinance or  
8 bill, if upon such reconsideration, two-thirds of the whole  
9 number of the board of aldermen shall agree to pass it, it  
10 shall have the same effect as if signed by the mayor. In  
11 calculating said requisite two-thirds, a fraction exceeding  
12 one-half shall be considered a unit.”

E. Amend section 6 by striking from the fifth sentence  
2 thereof the words “mayor and board of aldermen,” and  
3 inserting instead thereof the words ‘city council.’

F. Amend section 7 by striking from the fourth sentence  
2 thereof the words “mayor and board of aldermen,” and  
3 inserting instead thereof the words ‘city council.’

G. Amend section 11, if the same shall be adopted as pro-  
2 vided in section 2 of the act of 1905 entitled “An Act to  
3 revise, consolidate and amend the charter and laws of the  
4 city of Augusta,” by striking from the first line thereof the

5 words "mayor and aldermen," and inserting instead thereof  
6 the words 'city council.'

H. Amend section 31 so that the same shall read as follows: "The mayor shall be elected from the citizens at large, by the qualified electors of the city, voting in their respective wards; one alderman shall be elected by each ward, being a resident in the ward where elected; all said officers shall be elected by ballot, by a majority of the votes given, and shall hold their offices one year from the third Monday of March, and until others shall be elected in their places."

I. Amend section 32 by inserting before the sentence "The city marshal may be removed by the city council," the sentence: 'The city marshal, with the advice and consent of the city council, shall appoint a deputy city marshal and other police officers.'

J. Amend section 33 by substituting in the first sentence thereof for the words "one alderman and two common councilmen," the words 'and one alderman.'

Also, by striking from the remainder of said section the words, "and common councilmen" or "common councilman" or "common councilmen," wherever they occur.

Also, by striking out the last sentence of said section and inserting thereof the following: "The aldermen elect shall meet on the third Monday of March at ten of the clock in the forenoon, and take the oath required by this act, which shall be administered by the mayor or any justice of the peace."

K. Amend section 34 so that the same shall read as follows: "The city clerk shall be the clerk of the city council, of the board of aldermen and of the municipal officers; he shall perform such duties as shall be by them prescribed; and shall perform all duties and exercise all the powers by law incumbent upon, or vested in, the town clerk of the town of Augusta; he shall give notice in one or two of the papers

8 printed in said city, of the time and place of regular ward  
9 meetings; but the place of regular ward meetings, and also  
10 the day and hour, when not fixed by law, shall be determined  
11 by the board of aldermen. The board of aldermen may  
12 choose a president pro tempore, who, in the absence of the  
13 mayor, shall preside at meetings of the city council. Each  
14 board shall keep a record of its proceedings, and the board  
15 of aldermen shall judge of the election of its own members;  
16 and in case of failure of election, or vacancy by death, resig-  
17 nation or otherwise, may order new elections. A quorum  
18 of the city council for the transaction of business shall con-  
19 sist of a majority of the board of aldermen whether the  
20 mayor be present or absent. All meetings of the city coun-  
21 cil shall be open and public, and the presiding officer shall  
22 have the power of moderators of town meetings, and when  
23 any two members shall request it, the vote shall be taken by  
24 yeas and nays, which shall be recorded by the clerk.''

Sect. 7. Should the second as well as the first question  
2 referred to in section 5 of this act be decided in the affirma-  
3 tive, section 2 of the revised charter, as amended by clause  
4 A of the preceding section, is hereby declared to be there-  
5 upon further amended by adding thereto the provisions of  
6 section 2 of this act.

Sect. 8. Should the first question referred to in section 5  
2 of this act be decided in the negative, and the second in the  
3 affirmative, all of the amendments referred to in the two  
4 preceding sections of this act are declared inoperative, but  
5 section 2 of said revised charter is hereby declared in such  
6 case to be thereupon amended as follows:

By striking out the word "eight" in the first sentence  
8 thereof, and inserting thereof the word 'eleven,' and by add-  
9 ing at the end thereof the provisions of section 2 of this act.

Sect. 9. Should the third question referred to in section  
2 5 of this act be decided in the affirmative, section 6 of said

3 revised charter is hereby declared to be thereupon amended  
4 by striking out the first sentence thereof, and inserting  
5 instead thereof the provisions of section 3 of this act.

Sect. 10. Should the fourth question referred to in section  
2 5 of this act be decided in the affirmative, said revised charter  
3 is hereby declared to be thereupon amended by striking from  
4 section 4 thereof the words "street commissioners." Sec-  
5 tion 9 thereof is thereupon amended by striking therefrom  
6 the words "commissioner of streets," and inserting instead  
7 thereof the words 'highway commissioners.' Said revised  
8 charter is also amended thereupon by inserting as a separate  
9 section immediately preceding the present section 34 of said  
10 revised charter, the provisions of section 4 of this act.

Sect. 11. All existing acts, public and private, including  
2 said revised charter, and all ordinances of the city of  
3 Augusta inconsistent herewith, are hereby modified so as to  
4 conform to the provisions of this act; but this section shall  
5 take effect only as to such acts, parts of acts, revised charter  
6 and ordinances as are inconsistent with such of said first  
7 four sections as shall be accepted in the manner provided in  
8 this act, and when such accepted sections respectively take  
9 effect.

Sect. 12. Such of the provisions of this act as shall be  
2 accepted as herein provided, shall be incorporated in said  
3 revised charter only by way of amendment thereto as pro-  
4 vided in sections 6 to 10 inclusive of this act.

Sect. 13. Except as qualified by sections 5 and 11, this act  
2 shall take effect when approved.





STATE OF MAINE.

---

HOUSE OF REPRESENTATIVES,  
Augusta, March 16, 1905.

Presented by Mr. LITTLEFIELD of Rockland and ordered printed.

E. M. THOMPSON, *Clerk.*