

MAINE STATE LEGISLATURE

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SEVENTY-FIFTH LEGISLATURE

HOUSE

NO. 191

House of Representatives, Feb. 14, 1911.

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

C. C. HARVEY, Clerk.

STATE OF MAINE

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

AN ACT to amend an act to Revise, Consolidate and Amend
the Charter and Laws of the City of Augusta, and Relating
to the Tenure of Office of the Members of the Fire Depart-
ment of said City.

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

Section 1. Section four of Chapter three hundred seventy-
2 three of the Private and Special Laws of nineteen hundred
3 and five is hereby amended by inserting after the word
4 "city," in the fourteenth line, the words 'except as herein-
5 after provided as to officers and members of the fire de-
6 partment'; said Section is also amended by inserting after
7 the word "aldermen," in the twenty-fourth line, and before
8 the word "the," the following: 'But all members and of-
9 ficers of the fire department shall be continued in the ser-

10 vice of said department without re-election or re-appoint-
11 ment unless removed for inefficiency, or other cause, or
12 retired on arriving at an age limit which may be determined
13 by the city council of said city'; said Section is further
14 amended by inserting after the word "department" in the
15 thirty-seventh line, the words 'in case of vacancy by rea-
16 son of resignation, removal or retirement on account of age
17 limit' so that said section as amended shall read as fol-
18 lows:

'Sect. 4. The executive powers of said city generally,
20 and the administration of police, with all the powers of
21 the selectmen of the town of Augusta, shall be vested in
22 the mayor and aldermen as fully as if the same had been
23 herein particularly enumerated; all other powers not vested
24 in the inhabitants of said town, and all powers granted by
25 this act, shall be vested in the mayor and aldermen and
26 common council of said city, to be exercised by concurrent
27 vote, each board to have a negative upon the other, but
28 all elections of officers by the city council shall be by joint
29 ballot of the two boards in convention. Except as other-
30 wise provided by law, the city council shall annually, on
31 the third Monday of March, or as soon thereafter as con-
32 veniently may be, elect and appoint all the subordinate of-
33 ficers and agents for the city, except as hereinafter pro-
34 vided as to officers and members of the fire department,
35 for the ensuing year, shall define their duties and fix their
36 compensation, in cases where such duties and compensa-
37 tion shall not be defined and fixed by the laws of this state;

38 and may by concurrent vote remove all officers whom they
39 have power to appoint, when in their opinion sufficient
40 cause for removal exists. The city council may by ordi-
41 nance provide for the election of, and prescribe the duties
42 of members of the fire department; provided, that the
43 several fire companies may adopt such rules and regula-
44 tions not inconsistent with such ordinances as they may
45 deem expedient, subject to the approval of the chief en-
46 gineer, mayor and aldermen. But all members and officers
47 of the fire department shall be continued in the service
48 of said department without re-election or re-appointment
49 unless removed for inefficiency, or other cause, or retired
50 on arriving at an age limit which may be determined by
51 the city council of said city. The mayor and board of
52 aldermen in addition to the appointment of any officers to
53 be by them appointed under any law of this state, shall on
54 the third Monday of March, annually, or as soon there-
55 after as conveniently may be, appoint officers to the fol-
56 lowing positions, to the number and with the tenure now
57 or hereafter established by ordinance of the city council,
58 namely, superintendent of burying grounds, inspector or
59 inspectors of any or all city bridges, trustees of the Lith-
60 gow library and reading room, and, upon the nomination
61 of the city marshal, a deputy city marshal and other police
62 officers. Except as otherwise provided by law, all officers
63 shall be chosen and vacancies supplied for the current year,
64 of whom the assessors, city marshal, chief engineer of

65 fire department, in case of vacancy by reason of resigna-
66 tion, removal or retirement on account of age limit, col-
67 lector, overseer of the poor, street engineer, street com-
68 missioners, superintending school committee and treasurer,
69 shall not be members of the city council, and except as
70 herein otherwise directed. The treasurer and collector of
71 taxes may be one and the same person. Except as other-
72 wise provided by law, all the said subordinate officers and
73 agents shall hold their offices during the ensuing year, and
74 until others shall be elected and qualified in their stead,
75 unless sooner removed. All moneys received and collected
76 for or on account of the city, by any officer or agent there-
77 of, shall forthwith be paid into the city treasury. The city
78 council shall take care that moneys shall not be paid from
79 the treasury unless granted or appropriated; shall secure
80 a prompt and just accountability by requiring bonds with
81 sufficient penalty and sureties from all persons trusted with
82 the receipt, custody or disbursement of money; shall have the
83 care and superintendence of city buildings, and the custody
84 and management of all city property, with power to let or
85 sell, what may be legally let or sold; and to take and hold
86 in the name of the city real and personal estate necessary
87 or proper for municipal purposes, not exceeding in aggre-
88 gate at any one time one hundred and fifty thousand dollars,
89 And the city council shall, as often as once a year, cause
90 to be published for the information of the inhabitants, a
91 particular account of receipts and expenditures and a sched-

92 ule of the city property; and no money shall be paid from
93 the treasury unless the same be appropriated by the city
94 council, and upon a warrant signed by the mayor, which
95 warrant shall state the appropriation under which the same
96 is drawn. Provided, however, that the city council may,
97 by ordinance, create a fund consisting of the unexpended
98 balance of all appropriations remaining at the end of each
99 municipal year, and may by such ordinance, define the pur-
100 poses of such fund, and warrants drawn thereon by the
101 mayor for such purpose shall be valid. The subordinate
102 officers and agents of the city, elected or appointed as
103 provided for in this Section, shall enter upon the discharge
104 of their official duties on the first day of April, or as soon
105 thereafter as may be, except in cases of elections to fill
106 vacancies. Officers elected to fill vacancies shall enter im-
107 mediately upon their official duties. The city council may,
108 except as in this charter otherwise provided, by ordinance
109 provide a specific salary for any or all city officers and may
110 further provide that any officer whose salary is so specified
111 shall account for and pay over to the city for its use all
112 statutory fees received by him by virtue of his official
113 position.'