

MAINE STATE LEGISLATURE

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SEVENTY-SIXTH LEGISLATURE

HOUSE NO. 164

House of Representatives, Feb. 5, 1913.

*Tabled pending reference to a committee, by Mr. Smith of
Auburn, and ordered printed.*

W. R. ROIX, Clerk.

STATE OF MAINE

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

AN ACT to amend "An Act to incorporate the city of Au-
burn," approved February twelfth, in the year of our Lord
one thousand eight hundred and sixty-eight.

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

Section 1. The act entitled "An Act to incorporate the
2 city of Auburn," approved February twelfth in the year of
3 our Lord one thousand eight hundred and sixty-eight, is
4 hereby amended as follows:

Sect. 2. By striking out all of section two of said act af-
6 ter the word five, and inserting in place thereof the words
7 'which shall constitute and be called the city council', so that
8 said section as amended shall read as follows:

Sect. 2. The government of said city, and the adminis-
10 tration of all its fiscal, prudential and municipal affairs, shall

11 be vested in one principal magistrate, to be styled the mayor,
12 and one council of five, which shall constitute and be called
13 the city council.'

Sect. 2. By striking out all of sections three, four, five,
2 six, seven, eight, nine, ten, eleven, twelve and thirteen of said
3 act and inserting in place of said sections the following:

'Sect. 3. The division of said city into five wards shall
5 continue as at present, provided, that it shall be the duty of
6 the city council at least once in ten years and not oftener
7 than once in five years, to review, and if necessary, alter
8 said wards and the boundaries thereof, in such manner as
9 to preserve, as nearly as may be, an equal number of inhabi-
10 tants in each ward.'

'Sect. 4. The annual election of the city of Auburn shall be
2 held on the last Monday in November; and every special
3 election relating to municipal affairs shall be held on a Mon-
4 day.

'Sect. 5. The municipal year shall begin at ten o'clock
2 in the forenoon on the first Monday of January, and shall
3 continue until ten o'clock in the forenoon on the first Mon-
4 day of the January next following.

'Sect. 6. I. At the first city election held after the accept-
2 ance and under the provisions of this act, there shall be
3 elected, the mayor for the term of five municipal years next
4 following his election; and five aldermen to represent each
5 of the wards in said city, and who, for convenience of the
6 first election, shall be elected as follows:

(1) For ward one, one alderman for the term of one
8 municipal year next following his election.

(2) For ward two, one alderman for the term of two mu-
10 nicipal years next following his election.

(3) For ward three, one alderman for the term of three
12 municipal years next following his election.

(4) for ward four, one alderman for the term of four
14 municipal years next following his election.

(5) For ward five, one alderman for the term of five mu-
16 nicipal years next following his election.

II. At the second such annual city election, there shall be
18 elected one alderman for ward one, for the term of five mu-
19 nicipal years next following his election.

III. At the third such annual city election, there shall be
21 elected one alderman for ward two, for the term of five mu-
22 nicipal years next following his election.

IV. At the fourth such annual city election there shall be
24 elected one alderman for ward three, for the term of five
25 municipal years next following his election.

V. At the fifth such annual city election there shall be
27 elected one alderman for ward four for the term of five
28 municipal years next following his election.

VI. And at the sixth such annual city election there shall
30 be elected a mayor and one alderman for ward five, each
31 for the term of five municipal years next following their
32 election. And so on.

VII. The above mentioned officers shall be elected by
34 and from the qualified voters of the city.

VIII. The mayor and members of the city council elected
36 under the provisions of this section or of sections twenty-
37 two or twenty-three of this act, shall serve for the terms for
38 which they were severally elected or until their successors
39 are duly elected and qualified.

'Sect. 7. (1) Except as otherwise provided in section
2 23 of this act there shall not be printed on the official ballots
3 to be used at any annual or special city election of the said
4 city the name of any person as a candidate for the office of
5 mayor or alderman unless such person be nominated as a
6 candidate at a preliminary election for nominations to be
7 held as provided in this act.

(2) There shall not be printed on the official ballots to
9 be used at a preliminary election for nominations the name
10 of any person as a candidate for nomination unless such per-
11 son shall have filed, within the time limit fixed by section
12 ten of this act, the statement of his candidacy and the peti-
13 tion for nomination required by the provisions of that sec-
14 tion.

'Sect. 8. On the second Monday preceding every annual
2 or special city election at which an alderman for either of
3 the wards is to be elected, there shall be held within said
4 ward a preliminary election for nominations for the pur-
5 pose of nominating candidates for such office as, under the
6 provisions of this act, is to be filled at such annual or special
7 city election. And on the second Monday preceding such

8 annual or special election at which a mayor is to be elected,
9 such preliminary election for nominations for the purpose
10 of nominating candidates for said office shall be general
11 throughout the city.

No special election of a mayor or an alderman shall be
2 held until after the expiration of forty days from the calling
3 of the preliminary election for nominations. At every pre-
4 liminary election for nominations the polls shall be opened
5 at six o'clock, in the forenoon and kept open until four
6 o'clock in the afternoon, and except as otherwise provided
7 in this act every such preliminary election for nominations
8 shall be called by the same officers and held in the same
9 manner as the annual city election; the polling places shall
10 be designated, provided and furnished; official ballots, spe-
11 cial ballots, ballot boxes, voting lists, specimen ballots, blank
12 forms, apparatus and supplies shall be provided for every
13 such preliminary election for nominations in the same num-
14 ber, kind and manner and by the same officials as at an an-
15 nual city election, and the same officers shall officiate as at
16 an annual city election.

Sect. 9. The provisions of law relating to election of
2 officers, voting places for elections, election apparatus and
3 blanks, calling and conduct of elections, qualifications of
4 voters, manner of voting at elections, counting and recount-
5 ing votes at elections, corrupt practices, and penalties, shall
6 apply to such preliminary elections for nominations, except
7 as otherwise provided in this act.

‘Sect. 10. Any person who is qualified to vote for a can-
 2 didate for mayor or alderman, and who is a candidate for
 3 such office, may have his name as such candidate, printed on
 4 the official ballots to be used at a preliminary election for
 5 nominations provided that he shall, at least ten days before
 6 such preliminary election for nominations, file with the city
 7 clerk a statement in writing of his candidacy in substantially
 8 the following form:

STATEMENT OF CANDIDATE.

I (.....) on oath declare that I live at num-
 11 ber (street number, if any) on street
 12 in the city of Auburn; that I am a voter therein qualified to
 13 vote for a candidate for (mayor or alderman) for (state the
 14 term) to be voted for at the preliminary elec-
 15 tions for nominations to be held on Monday, the day
 16 of, 19..; that I am not a candidate as a nom-
 17 inee or representative of, or because of any promised sup-
 18 port from, any political party or any committee or conven-
 19 tion representing or acting for any political party or organ-
 20 ization.

(Signed) _____

STATE OF MAINE.

23 Androscoggin, ss.

Subscribed and sworn to on this day of
 25, 19...

Before me,

(Justice of the Peace, or Notary Public).

29 and at the same time shall file therewith a petition for nomi-
 30 ination which shall consist of not less than twenty-five in-
 31 dividual certificates in the following form:

PETITION FOR NOMINATION.

(Individual Certificate).

I, (.....) on oath declare that I live at number
 35 (street number, if any) on Street,
 36 in the city of Auburn; that I am a voter therein qualified to
 37 vote for a candidate for (mayor or alderman) for (state
 38 the term) to be voted for at the preliminary
 39 election for nominations to be held on Monday, the
 40 day of, 19.., and do hereby join in a petition
 41 that the name of (name of candidate) as
 42 a candidate for nomination to the office of (mayor or alder-
 43 man for ward), be printed on the official ballots to
 44 be used at the said preliminary election for nominations.

I declare further that I have not signed any other certificate
 46 for the nomination of any other candidate for the above
 47 mentioned office at the said preliminary election for nomi-
 48 nations; I believe that the said (name of
 49 candidate) is of good moral character and that he is well
 50 qualified to perform the duties of the office, and I certify
 51 also that I join in this petition in the belief that he has not
 52 become a candidate as the nominee or representative of or,
 53 or because of any promised support from, any political party
 54 or any committee or convention representing or acting for
 55 any political party or organization. And I further certify

56 that I have filled this petition out in my own hand, that in
57 signing the same I do so freely and voluntarily in the sin-
58 cere belief that I am acting for the good of my city.

(Signed) _____

STATE OF MAINE.

61 Androscoggin, ss.

Subscribed and sworn to on this day of

63, 19...

Before me,

(Justice of the Peace, or Notary Public).

'Sect. 11. It shall be the duty of the city clerk to furnish
2 upon application a reasonable number of forms for such
3 statements for nomination. All certificates must be of uni-
4 form size as determined by the city clerk and each must be
5 a separate paper.

'Sect. 12. On the first day, not being Sunday or a legal
2 holiday, following the expiration of the time for filing the
3 statements and petitions described in Section ten, the city
4 clerk shall cause to be published in one daily newspaper pub-
5 lished in said city, if any, otherwise in the nearest daily
6 newspaper published in Androscoggin county, the names
7 and residences of the candidates for nomination who have
8 duly filed the said statements and petitions, and the offices
9 and terms for which they are candidates for nomination,
10 as they are to appear on the official ballots to be used for
11 the preliminary election for nominations. The city clerk

10 the end of each list of candidates for nomination for the
11 different offices equal to the number to be nominated there-
12 for, in which the voter may insert the name of any person
13 not printed on the ballot for whom he desires to vote for
14 nomination for such office. There shall also be printed on
15 said ballots four lines forming a square of one-half an inch
16 on a side immediately to the left of the name of each can-
17 didate and of the spaces left for the insertion of additional
18 names, to receive the cross of the voter. There shall also
19 be printed on said ballots the following directions to voters:
20 "To vote for any person make a cross with the official pen-
21 cil provided in the booth, in the square at the left of the
22 name of the person you wish to vote for," which said direc-
23 tions shall be printed in bold faced type directly below the
24 heading; the word "for" shall be printed immediately be-
25 fore the title of each office for which there are candidates
26 to be nominated; and the words "vote for one", "vote for
27 two" as the conditions may require, on the same line, and
28 directly following each title.

'Sect. 14. (1) No ballot used at annual or special elec-
2 tion or at any preliminary election for nominations shall
3 have printed thereon any party or political designation or
4 mark, or anything showing how he was nominated or indi-
5 cating his views or opinions, nor shall any mark, character
6 or device whatsoever be printed on said ballots except as
7 provided in sections twelve and thirteen of this act.

(2) Ballots for all annual and special city elections shall
9 be printed in exact conformity with the rules for printing of

10 ballots for preliminary elections for nominations laid down
11 in sections twelve and thirteen of this act, with the excep-
12 tions that the words "nominating" and "preliminary" shall
13 be omitted from the headings of the face and back, and that
14 the additions specified in sections twenty-three, twenty-four
15 and twenty-five of this act shall be made when required.

"Sect. 15. (1) The provisions of law in relation to nom-
2 inations by caucus shall not be applicable to any municipal
3 nomination or election.

(2) Before every preliminary election for nominations
5 the Board of Registration shall cause to be made a registra-
6 tion of voters to vote at such preliminary election for nom-
7 inations, and at the city election for which said preliminary
8 election for nominations is held. Such registration shall be
9 made in accordance with the provisions of the state law gov-
10 erning registration and it shall include all those who, be-
11 tween the time when the registration books for such regis-
12 tration shall be closed and the date of the city election for
13 which such preliminary election for nominations is held,
14 will become eligible for registration.

"Sect. 16. The election officers shall immediately, upon the
2 closing of the polls at preliminary elections for nominations,
3 count the ballots and ascertain the number of votes cast in
4 the voting places where they officiate, for each person for
5 nomination to each office and shall make return thereof to
6 the city clerk forthwith upon blanks to be furnished as in
7 city elections.

“Sect. 17. On the first day not being a Sunday or a legal
2 holiday, following such preliminary election for nomina-
3 tions, the city clerk shall canvass the said returns so received
4 from the election officers and shall forthwith determine the
5 result of such canvass and publish the same in one daily
6 newspaper published in the city, if there be any; otherwise
7 in the nearest daily newspaper published in Androscoggin
8 County.

“Sect. 18. The two persons receiving at a preliminary
2 election for nominations the greatest number of votes for
3 nomination to an office shall be the only candidates for that
4 office whose names shall be printed on the official ballots to
5 be used at the annual or special city election, for the making
6 of nominations for which such preliminary election for nom-
7 inations was held.

“Sect. 19. On the tenth and two succeeding days, not be-
2 ing Sundays or legal holidays, preceding the day fixed for an
3 annual or special city election, the city clerk shall cause to
4 be published in one daily newspaper published in said city,
5 if there be any, otherwise in the nearest daily newspaper
6 published in Androscoggin County, a call for such election
7 and shall append thereto the names and residences of the
8 candidates nominated at the preliminary election for nomi-
9 nations held for such election and the offices and terms for
10 which they are candidates, as they are to appear on the of-
11 ficial ballots to be used at such election. He shall also, at
12 the same time, cause to be posted by the chief of police or a

13 police officer, a copy of said call for election and list of can-
14 didates, printed in like form, at all the polling places in the
15 city, and make return of his doings.

“Sect. 20. The person receiving the greatest number of
2 votes for any office at an annual or special city election shall
3 be elected to said office and shall be so declared, but except
4 as here provided and as otherwise provided in the act, the
5 laws of the state governing annual city elections, special
6 elections of city officers and special elections in cities shall
7 so far as they are applicable, govern such elections in the
8 city of Auburn.

“Sect. 21. Upon the death, resignation or absence of the
2 mayor, or upon his inability to perform the duties of his
3 office, the city council shall elect one of their number as
4 ‘acting mayor’, who shall perform the duties of said office
5 until the mayor is able to attend to his duties, or until the
6 vacancy is filled as hereinafter provided. The acting mayor,
7 thus chosen shall possess all the powers of mayor.

“Sect. 22. If there be a vacancy by a failure to elect or
2 otherwise, in the office of mayor or in the city council, the
3 council shall, within seven days, by its remaining members
4 appoint a special city election to fill the vacancy or vacancies
5 for the unexpired term or terms respectively, except that if
6 such vacancy or vacancies occur less than four months be-
7 fore the annual city election, the city council shall by its re-
8 maining members fill such vacancy or vacancies for the re-
9 mainder of the four months. If office of a councilman is to

10 be filled, he shall be from the ward of his predecessor. A
11 person elected by said council to fill any such vacancy shall
12 before entering upon the duties of his office, take oath before
13 the judge of the municipal court of the city of Auburn, or
14 a Justice of the Peace faithfully to perform the same.

“Sect. 23. The mayor, or any member of the city council
2 may be removed at any time after the first six months of
3 his term has expired by the voters qualified to vote at city
4 elections by the following method of procedure: A petition
5 signed by a number of such voters equal to at least twenty-
6 five per cent of the aggregate number of votes cast for can-
7 didates for mayor or alderman at the last preceding annual
8 city election at which a mayor or alderman was elected, but
9 not less than five hundred voters, and demanding an election
10 of a successor of the person whom they seek to remove, shall
11 be filed in the office of the city clerk. Such petition shall
12 contain a general statement of the grounds on which the re-
13 moval is sought. It need not be on one paper, but may con-
14 sist of several distinct papers each containing such demand
15 substantially on the same grounds; and all papers containing
16 such demand and statement which in any one day shall be
17 filed in the office of the city clerk shall be deemed parts of
18 the same petition. Each signer shall add to his signature his
19 place of residence, giving the street and the number, if any,
20 One signer for every such paper shall make oath upon his
21 information and belief before a notary public or justice of
22 the peace, that the statements therein made are true, and that

23 each signature to such paper is the genuine signature of the
24 person whose name it purports to be.

Within ten days after the date of filing such petition the
26 city clerk shall examine the petition to ascertain whether or
27 not it is signed by the requisite number of qualified voters
28 as above prescribed, and shall attach to such petition his
29 certificate showing the result of said examination, and shall
30 publish his said certificate in the next following issue of one
31 daily newspaper published in said city, if any, otherwise in
32 the nearest daily newspaper published in Androscoggin
33 County. If from the city clerk's certificate so published the
34 petition appears to be signed by an insufficient number of
35 voters, but over ninety per cent of the required number, it
36 may be supplemented within ten days after the date of such
37 certificate by other papers signed and sworn to as aforesaid,
38 and all such other papers containing a like demand and state-
39 ment and signed and sworn to as aforesaid, which shall be
40 filed in the office of the city clerk within the said ten days,
41 shall be deemed supplemental to the original petition.

The city clerk shall, within ten days after such supple-
43 mental petition, make a like examination of the amended pe-
44 tition, and attach thereto a new certificate, and publish the
45 same as aforesaid, and if it appears from such new certifi-
46 cate so published that the petition still lacks the requisite
47 number of signatures, it shall be returned to the person who
48 filed it, without prejudice however to the filing of a new
49 petition to the same effect.

If a petition as originally filed or as supplemented shall be
51 certified by the city clerk and published as sufficient, he shall
52 present it to the city council without delay and the city coun-
53 cil shall grant the election demanded, and shall fix a date
54 therefor which shall be not less than forty nor more than
55 fifty days after the presentation of the petition by the clerk
56 to the city council. The city council shall make or cause to
57 be made all arrangements for holding the election demanded,
58 and it shall be called, held and conducted, returns thereof
59 shall be made and results thereof shall be declared, in all
60 respects as in the case of other city elections. The suc-
61 cessor of any officer so removed shall hold the office during
62 the unexpired term of his predecessor. Any person whose
63 removal is thus sought may be a candidate at such election,
64 and unless he request otherwise in writing, the city clerk
65 shall place his name on the official ballot without nomina-
66 tion. The candidate receiving the greatest number of votes
67 shall be declared elected. If some person other than the in-
68 cumbent receive the greatest number of votes the incum-
69 bent shall be adjudged to be removed from the office. In
70 case a person other than the incumbent, receiving the great-
71 est number of votes, shall fail to make oath before the city
72 clerk or a justice of the peace, within thirty days after his
73 election, faithfully to perform the duties of the office, the
74 office shall be deemed vacant. If the incumbent receive the
75 greatest number of votes, he shall continue in office until
76 the end of the term he was serving at the time of such elec-

77 tion, unless sooner removed by new and like proceedings.
78 The name of no candidate other than that of the person
79 whose removal is sought shall be printed on the official bal-
80 lots to be used at such election, unless such candidate is nom-
81 inated as herein provided at a preliminary election for nom-
82 inations.

“Sect. 24. If a petition signed by a number of voters of
2 said city qualified to vote at city elections, equal to at least
3 twenty-five per cent. of the aggregate number of votes cast
4 for candidates for mayor or alderman at the last preceding
5 annual city election, but not less than five hundred such
6 voters, and requesting the city council to pass an ordinance
7 therein set forth or referred to, shall be filed in the office
8 of the city clerk, the city council shall, provided that the
9 said ordinance be one which the city council shall after this
10 act takes effect, have a legal right to pass, (a) pass the
11 said ordinance without alteration, within twenty days after
12 the city clerk has attached his certificate of sufficiency to
13 such petition, or (b) forthwith after the expiration of the
14 twenty days aforesaid appoint a special election, unless an
15 election is fixed for a date within ninety days after the city
16 clerk has attached the aforesaid certificate of sufficiency,
17 and at such special or regular city election submit such ordi-
18 nance without alteration to the voters of said city qualified
19 as aforesaid.

If, however, a petition otherwise like the above described
21 petition, but signed by a number of such qualified voters

22 equal to at least ten per cent., but less than twenty-five per
23 cent. of the aggregate number of votes cast as aforesaid for
24 candidates for mayor or alderman, and not less than two
25 hundred such voters, shall be filed as aforesaid, the city
26 council shall (c) pass the ordinance therein set forth or
27 referred to, without alteration, within twenty days after
28 the city clerk shall have attached his certificate of sufficiency
29 thereto, or (d) shall submit the said ordinance to the city
30 council, shall have the city clerk's certificate of sufficiency
31 or insufficiency attached thereto and may be supplemented in
32 the same manner as petitions filed under section twenty-
33 three.

"Sect. 25. If during the fourteen days next following
2 the day on which the monthly summary of proceedings is
3 filed with the city clerk as provided in section a peti-
4 tion signed by a number of voters of said city, qualified to
5 vote at city elections equal to at least twenty-five per cent.
6 of the aggregate number of votes cast for candidates for
7 mayor or councilman at the last preceding annual city
8 election at which a mayor or councilman was elected but
9 not less than five hundred such voters, and protesting against
10 the passage of any ordinance, shall be filed in the office of
11 the city clerk, such ordinance shall be suspended from go-
12 ing into operation, and it shall be the duty of the city coun-
13 cil to reconsider the same, and if the council do not so re-
14 consider and rescind their vote, they shall submit it as pro-
15 vided in subdivision (b) of section twenty-four to the qual-

16 ified voters of the city, and such ordinance shall not go into
17 effect or become operative unless a majority of voters qual-
18 ified as aforesaid, voting on the ordinance submitted, shall
19 vote in favor thereof.

The vote upon such ordinance shall be taken by ballot in
21 answer to the question: "Shall the ordinance (stating its
22 nature) take effect?", which shall be printed on the ballots
23 after the list of candidates, if any.

Petitions under the provisions of this section may consist
25 of one or more distinct papers. In each of such papers
26 the ordinance the passage of which is protested, shall be
27 set forth or referred to, and all such papers filed in any one
28 day shall be considered parts of the same petition. Such
29 petitions shall be signed, sworn to as to signatures exam-
30 ined, re-examined, presented to the city council, shall have
31 the city clerk's certificate of sufficiency or insufficiency at-
32 tached thereto and may be supplemented in the same man-
33 ner as petitions filed under section twenty-three.

"Sect. 26. A majority of said council shall constitute a
2 quorum, and the affirmative vote of three members shall
3 be necessary to adopt any motion, resolution or ordinance,
4 or pass any measure. Upon every vote the yeas and nays
5 shall be called and recorded, and every motion, resolution
6 or ordinance shall be reduced to writing and read before
7 the vote is taken thereon. The city clerk shall be the clerk
8 of the council, and shall keep a journal of its proceedings,
9 which shall be a public record. The mayor or acting mayor

10 shall preside at all meetings of the council and must sign
11 every resolution or ordinance passed by the council and his
12 signature must be attested by the city clerk before such res-
13 olution or ordinance may become operative. The mayor
14 shall be chairman of all committees of the council, and shall
15 be chief executive magistrate of the city. He shall cause all
16 laws and regulations of the city to be faithfully executed
17 and enforced, exercise a general supervision over the conduct
18 of all subordinate officers, and cause their violations and
19 neglect of duty to be punished. He shall recommend such
20 measures to the council as the business interests of the city
21 may in his opinion require, and keep said council constantly
22 informed of all matters coming to his attention which con-
23 cern the city.

"Sect. 27. The executive powers of the city generally,
2 and the administration of police, and all legislative and ju-
3 dicial powers and duties and any and all liabilities, now
4 had, possessed and exercised by or imposed upon, the may-
5 or, aldermen, common council, overseers of the poor and
6 street commissioner, as had, possessed and exercised by
7 them, acting severally, or collectively, in councils, boards,
8 commissions or committees, except as the same may be in-
9 consistent with the provisions of this act, are hereby vested
10 in and imposed upon the said board of mayor and council.

"Sect. 28. All present existing offices, councils, boards,
2 commissions and committees which are inconsistent with
3 the provisions of this act are hereby abolished, and the ten-

4 ure of office of office holders whose offices are so inconsis-
5 ent shall terminate at ten o'clock in the forenoon of the first
6 Monday in January of the year next following the accept-
7 ance of this act.

“Sect. 29. The mayor and city council elected as provid-
2 ed in this act shall meet at ten o'clock in the forenoon of
3 the first Monday in January of each year, beginning with
4 the year next following the acceptance of this act, and those
5 of them whose term of office then begin shall severally take
6 oath before the judge of the municipal court of the city
7 of Auburn, or a justice of the peace, to perform faithfully
8 the duties of their respective offices.

“Sect. 30. The city council shall, at the said first meet-
2 ing and at every such first meeting annually thereafter,
3 elect by majority vote all such officers as are now chosen
4 by the city council of Auburn at its first meeting, except-
5 ing as the same may be inconsistent with the provisions of
6 this act; and such other officers and assistants as shall be
7 provided for by ordinance, or may be necessary to the prop-
8 er and efficient conduct of the affairs of the city, or are re-
9 quired by statute. Any person elected or appointed to any
10 office by the city council may at any time be removed from
11 such office by vote of a majority of said council. Vacancies
12 in any such offices from whatever cause they may arise,
13 may be filled in the manner provided for the original elec-
14 tion or appointment at any regular or special meeting
15 thereof.

"Sect. 31. All notes or bonds which the city is authorized to issue shall be signed by the city treasurer and countersigned by the mayor. All contracts and instruments other than notes and bonds, requiring the assent of the city council, shall be signed by the mayor.

"Sect. 32. After the first meeting, or the annual meeting, of the city council above provided for, regular meetings of the city council shall be held at least once each week of every year. The city council shall provide by ordinance for the time of holding such regular meetings, and special meetings may be called from time to time by the mayor or by three aldermen.

"Sect. 33. Every law, act, ordinance or bill appropriating money, having passed the council, shall be presented to the mayor, and if he approves the same he shall sign it; if not, he shall return it within seven days to the council, with his objections, and the city clerk shall thereupon enter his objections at large on the journal, and the city council shall then proceed to reconsider the law, act, ordinance or bill appropriating money. If upon such reconsideration a majority of the council shall agree to pass the measure, it shall have the same effect as if signed by the mayor, and it shall be the duty of the mayor to sign any warrant necessary for the execution of such law, act, ordinance or bill appropriating money, and in case of his refusal the council may order the treasurer to pay the same, and their order shall be sufficient authority for the treasurer to pay the same.

“Sect. 34. Sections fourteen, fifteen, sixteen, seventeen
2 and eighteen of the aforesaid ‘Act to incorporate the city
3 of Auburn’ are hereby amended by renumbering said sec-
4 tions as ‘Sections 34, 35, 36, 37 and 38 respectively.’

“Sect 35. Sections nineteen and twenty of said act are
2 hereby amended by striking out all of said sections and in-
3 serting in place thereof the following :

‘Sect. 39. ‘The city council shall not vote, assess or ap-
5 propriate any money, for any object or purpose for which
6 the said city was not authorized to vote, assess and appro-
7 priate money before the acceptance of this act, and except
8 as authorized by this act. Neither the city council, nor any
9 agent or officer of said city, shall borrow or hire any money
10 for or on account of said city, or the inhabitants thereof,
11 except for purposes for which said city was prior to the ac-
12 ceptance of this act not authorized to do, except as other-
13 wise provided in this act; and all notes, bonds, obligations
14 or orders, given by the city council, or by the officer or
15 agent thereof, for money or property obtained for any other
16 purpose shall be void.

‘No order, resolution or vote appropriating money in ex-
18 cess of five hundred dollars, or making or authorizing the
19 making of any contract involving a liability on the part of
20 the city in excess of five hundred dollars, nor any order,
21 resolution or vote ordering any street improvement or sew-
22 er, or granting any franchise, or giving any right to occupy

23 or use the streets, highways, bridges or public places in the
24 city for any purpose for which municipal consent may be
25 necessary, shall be passed by the city council unless it be
26 proposed in writing and remain on file in the office of the
27 city clerk, and be published by him twice in one daily news-
28 paper published in said city if there be any, otherwise in
29 the nearest daily newspaper published in Androscoggin
30 county, at least one week before its final passage, except
31 an order, resolution or vote for the immediate preservation
32 of the public health, peace or safety, which contains a state-
33 ment of its urgency.

Such orders, resolutions or votes as are required to be
35 published under the provisions of this section shall be sub-
36 ject to the provisions of section twenty-four limiting the
37 passage of ordinances, save only that petitions in protest
38 must be filed within the fourteen days next following the
39 final passage of any such order, resolution or vote as here-
40 inbefore provided.

"Sect. 36. Section 40 of said act shall read: 'Section 40.
2 The city council shall each month print in pamphlet form
3 an itemized statement of all receipts and expenditures of
4 the city and a summary of its proceedings during the pre-
5 ceding month, shall file a copy thereof in the office of the
6 city clerk, who shall note thereon the date of such filing,
7 and shall furnish copies thereof to the newspapers pub-
8 lished in the city if any, and to the nearest daily newspaper
9 published in Androscoggin county, and to persons who shall

10 apply therefor at the office of the city clerk. At the end of
11 the municipal year it shall cause a full and complete exam-
12 ination of all accounts and books of the city to be made
13 by the auditor, and shall publish the result of such exam-
14 ination in the manner above provided for the publication
15 of statements of monthly receipts and expenditures.’ ”

“Sect. 37. Section 41 of said act shall read: ‘Section 41.
2 The salary of the mayor shall be two thousand dollars per
3 annum, in return for which he shall give his whole time to
4 the affairs of the city, and shall make his headquarters in
5 the city building; and the salary of each councilman shall
6 be three hundred dollars per annum. The salaries shall
7 not be changed except upon petition and procedure as pro-
8 vided in section twenty-four for the introduction and pass-
9 age of ordinances, by vote of the qualified voters of the
10 city, at an annual city election. The city council shall fix
11 the salaries of all subordinate officers.’ ”

“Sect. 38. Section 42 of said act shall read: ‘Section 42.
2 No member of the city council shall during the term for
3 which he was chosen be eligible, either by appointment or
4 election of the city council, to any other office the salary of
5 which is payable by the city, nor shall, during such term,
6 hold any such other office. No member of the city coun-
7 cil or purchasing agent shall be interested, directly or indi-
8 rectly, in any contract or job for work or materials, or the
9 profits thereof, to be furnished or performed for the city.’ ”

“Sect. 39. Section 43 of said act shall read: ‘Section 43.

2 At its first meeting the city council shall make a division in
3 an orderly manner of the various subjects and departments
4 of city affairs and assign the special care and oversight over
5 each of said departments to one of their number, or to any
6 committee appointed from their number for the purpose
7 by the mayor. The city council may make rules for the
8 conduct of its business.'”

“Sect. 40. Section 44 of said act shall read: ‘Section 44.
2 Wherever in the present city charter or any amendment
3 made thereto prior to the acceptance of this act, the words
4 ‘third Monday in March’ shall appear therein, the first Mon-
5 day in January shall be understood. The repeal of any act
6 or part of an act accomplished by the provisions of this act
7 shall not affect any act done, or any act accruing or accrued
8 or established, or any suit or proceeding had or begun in any
9 civil case before the time when such repeal takes effect, nor
10 shall it affect any offenses committed or penalty or forfeiture
11 incurred under the provisions of the acts or parts of acts
12 hereby repealed. All persons who at the time said repeal
13 takes effect shall hold any office under the said acts shall
14 continue to hold them according to the tenure thereof, ex-
15 cept as otherwise provided herein; moreover all by-laws and
16 ordinances of the city of Auburn that are in force at the
17 time when said repeal takes effect and not inconsistent with
18 the provisions of this act, shall continue in force until they
19 are repealed or amended according to the provisions herein
20 made for repealing or amending by-laws and ordinances, and

21 all officers elected under such by-laws and ordinances shall
22 continue in office according to the tenure thereof except as
23 is otherwise provided herein.’ ”

“Sect. 41. Section 45 of said act shall read: ‘Section 45.
2 Chapter one hundred and seventy-three of the private and
3 special laws of 1883 and amendments thereto are hereby re-
4 pealed, provided, nevertheless, that said act shall continue
5 in force and all officers elected thereunder shall continue in
6 office until the first Monday in January next following the
7 acceptance of this act. The superintending school commit-
8 tee for the city of Auburn shall be constituted and chosen on
9 and after that time pursuant to the provisions of the general
10 statutes and laws of this state, and shall have and possess
11 all the powers and be charged with all the duties of such
12 committees as provided for by general law of the state.’ ”

“Sect. 42. This act shall take effect and be in force when
2 the same shall have been accepted by the inhabitants of said
3 city, qualified to vote in city affairs, called for that purpose
4 by the city council of the city of Auburn; provided that it
5 shall be accepted within five years from the passage of this
6 act; but not more than one election for that purpose shall
7 be called in any one year. At such elections the inhabitants
8 of said city shall vote by written ballot, those in favor of
9 accepting this act indicating by a cross in the square oppo-
10 site the word ‘Yes’, and those opposed by making a similar
11 cross on their ballot opposite the word ‘No’; and said bal-
12 lots shall have printed on them ‘Shall an act passed by the

13 legislature in the year 1913, entitled An act to amend 'An
14 act to incorporate the city of Auburn', approved February
15 12, 1868, be accepted' and if a majority of all the ballots re-
16 ceived are in favor of accepting the same, it shall then be-
17 come a law and take effect."

Sect. 43. All acts and parts of acts inconsistent with this
2 act are hereby repealed from and after the time when this
3 act shall have been accepted as aforesaid, and the govern-
4 ment shall have been organized as herein provided.

Sect. 44. This act shall take effect for the purpose of its
2 submission to the voters of said city, upon its approval by
3 the governor, subject to the provisions of amendment ten
4 of the state constitution.