

# MAINE STATE LEGISLATURE

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SEVENTY-SIXTH LEGISLATURE

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HOUSE

NO. 247

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*House of Representatives, Feb. 14, 1913.*

*Mr. Smith moved to take from the table, and on motion of same gentleman the bill was tabled again for printing pending reference to a committee.*

*W. R. ROIX, Clerk.*

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STATE OF MAINE

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

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AN ACT to provide a Charter for the City of Auburn.

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

Section 1. The inhabitants of the city of Auburn shall  
2 continue to be a body politic and corporate, by the name  
3 and style of the city of Auburn, and as such they and their  
4 successors by that name shall have, exercise and enjoy all  
5 the rights, immunities, powers, privileges and franchises  
6 that are now possessed and enjoyed by the said city, and  
7 that are not inconsistent with this act, or are herein granted  
8 and conferred, or that may hereafter be granted or con-  
9 ferred; and shall be subject to all the duties and obligations

10 now pertaining to or incumbent on the said city as a cor-  
11 poration that are not inconsistent with this act, and may  
12 ordain and establish, in the manner prescribed by law for  
13 other cities in the state, such acts, laws, regulations and  
14 ordinances, not inconsistent with the constitution and laws  
15 of this state, as shall be needful for the government, inter-  
16 est, welfare and good order of the said body politic; and  
17 under the same name shall be known in law, and be  
18 capable of contracting and being contracted with, suing and  
19 being sued, impleading and being impleaded, answering and  
20 being answered unto, in all courts and places and in all  
21 matters whatever; may take, hold and purchase, lease, grant  
22 and convey such real and personal or mixed property or  
23 estate as the purposes of the corporation may require, with-  
24 in or without the limits thereof, and make, have and use a  
25 corporate seal, and change and renew the same at pleasure.

Sect. 2. The act entitled "An Act to incorporate the City  
2 of Auburn," approved February twelfth in the year of our  
3 Lord one thousand eight hundred and sixty-eight, and all  
4 acts additional to or amendatory of the said act, excepting  
5 such portions of the said acts as may herein specifically be  
6 excepted from repeal, are hereby repealed.

Sect. 3. The following sections of the act entitled "An  
2 Act to incorporate the City of Auburn," approved February  
3 twelfth in the year of our Lord one thousand eight hun-  
4 dred and sixty-eight, together with the following acts ad-  
5 ditional to or amendatory of the aforesaid act, shall be and

6 are hereby specifically excepted from repeal as aforesaid,  
7 and shall be and are hereby made and constituted integral  
8 parts of this act:

An Act to incorporate the City of Auburn, approved Feb-  
10 ruary twelfth in the year of our Lord one thousand eight  
11 hundred and sixty-eight.

'Sect. 16. The city council shall have the same power and  
13 authority to lay out, widen, alter, establish and discontinue  
14 town ways and streets in said city, and be subject to the  
15 same rules and restrictions relating thereto, that the select-  
16 men and the inhabitants now have and are subject to by  
17 the existing laws of this state; and shall also have power  
18 and authority to establish the grade of any way, county  
19 road, or street in said city; and any person aggrieved by  
20 the decision of the city council in laying out, widening or  
21 altering any way or street, or in establishing the grade of  
22 any way, county road or street, may, so far as relates to  
23 damages, have them assessed by a committee or jury, as  
24 is now by law provided, respecting the laying out and alter-  
25 ing of highways.

'Sect. 17. The city council shall have power to appropri-  
27 ate, set off, and reserve as sidewalks, such portion of the  
28 several streets in said city, now or hereafter established, as  
29 to said council appears necessary for the safety, convenience  
30 and accommodation of foot passengers, and may direct or  
31 permit posts or trees to be placed along the edge of side-  
32 walks, next to the traveled part of the street, for hitching

33 places, or for shade or ornament. So much of the several  
34 streets in said city as shall be appropriated and reserved  
35 as sidewalks, agreeable to the provisions of this act, shall  
36 be taken and deemed to be reserved exclusively for the  
37 accommodation, convenience and use of persons traveling  
38 on foot; and said city shall not be liable to damages for any  
39 injury done or occasioned in consequence of any cart, car-  
40 riage, wagon, or other vehicle, or any team, or animal, strik-  
41 ing against any of said sidewalks, or the posts or trees set  
42 or placed there for the purposes aforesaid. The several  
43 sidewalks on the streets in said city, as at present used, shall  
44 be taken and deemed to be the proper and lawful reserva-  
45 tion for that purpose, until altered, or otherwise established,  
46 by proper authority.

‘Sect. 18. The city council shall have power, on such terms  
48 and conditions as they think proper, to authorize or em-  
49 power any person or corporation to place in any street, for  
50 such time as may be necessary, any materials for making  
51 or repairing any street, sidewalk, crosswalk, bridge, water-  
52 course, or drain, or for erecting and repairing any building  
53 or fences, also to lay gas pipes in any street; provided, that  
54 not more than one-third of the width of the street shall be  
55 so occupied; and such materials so placed and excavations  
56 made for laying gas pipe, by virtue of any license obtained  
57 as aforesaid, shall not be considered an incumbrance or  
58 nuisance in said street, and the city shall not be liable for  
59 any damages occasioned by the same.’

Sect. 4. (1) The administration of city affairs shall be  
2 and hereby is divided and classified under three department  
3 heads as follows:

Department of accounts and finances, of which the mayor  
5 shall be the executive head.

Department of public safety and charities, of which one  
7 alderman shall be the executive head.

Department of streets and highways, of which the other  
9 alderman shall be the executive head.

(2) The following sub-departments shall be and hereby  
11 are created and assigned to the general departments:

To the department of accounts and finances: Valuation,  
13 assessment (except as provided in section twenty-eight),  
14 collection, purchasing, accounting, auditing, treasury, sink-  
15 ing fund, claims, schools, public library, city clerk, printing,  
16 and such other matters as may from time to time be as-  
17 signed to it by the city council.

To the department of public safety and charities: Fire,  
19 police, poor, city alms house, soldiers' relief and state aid,  
20 licenses, elections, legal affairs, parks, public buildings in-  
21 cluding school buildings, liquor agency, health, inspection  
22 of buildings, inspection of milk, inspection of animals,  
23 weights and measures, and such other matters as may from  
24 time to time be assigned to it by the city council.

To the department of streets and highways: Streets, side-  
26 walks, culverts, bridges, street lighting, electrical affairs,  
27 street watering and cleaning, sewers, engineering, and such

28 other matters as may from time to time be assigned to it by  
29 the city council.

Sect. 5. The annual election of the city of Auburn shall  
2 be held on the Tuesday next following the last Monday in  
3 November. Every special election relating to municipal af-  
4 fairs shall be held on a Tuesday.

Sect. 6. The municipal year shall begin at ten o'clock in  
2 the forenoon on the first day of January, and shall con-  
3 tinue until ten o'clock in the forenoon on the first day of  
4 the January next following. Provided, that when the first  
5 day of January comes on Sunday, the municipal year shall  
6 continue until 10 o'clock the following day.

Sect. 7. (1) At the first city election held after the ac-  
2 ceptance and under the provisions of this act, there shall  
3 be elected, the mayor for the term of the three municipal  
4 years next following his election; one alderman for the  
5 department of public safety and charities for the term of  
6 the two municipal years next following his election; and  
7 one alderman for the department of streets and highways  
8 for the term of the one municipal year next following his  
9 election.

(2) At the second annual city election held after the  
11 acceptance and under the provisions of this act there shall  
12 be elected one alderman for the term of the three municipal  
13 years next following his election.

(3) At the third annual city election held after the ac-  
15 ceptance and under the provisions of this act, there shall

16 be elected at the annual city election one alderman for the  
17 term of the three municipal years next following his elec-  
18 tion, and annually thereafter at the annual city election,  
19 the mayor or one alderman, to succeed the mayor or the  
20 alderman who is serving the last year of his term, for the  
21 term of the three municipal years next following his elec-  
22 tion.

(4) The number of aldermen of the said city shall be  
24 two, who shall act with the mayor and with the mayor shall  
25 be called and known as the city council.

(5) Except as aforesaid, and except as to filling vacan-  
27 cies under the provisions of sections twenty-three and twen-  
28 ty-four of this act, no city officers shall be elected at any  
29 city election.

(6) The above mentioned officers shall be elected by and  
31 from the qualified voters of the city and may be residents  
32 of any part thereof.

(7) Members of the city council elected under the pro-  
34 visions of this section or of sections twenty-three or twenty-  
35 four of this act shall serve for the terms for which they  
36 were severally elected or until their successors are duly  
37 elected and qualified.

Sect. 8. (1) Except as otherwise provided in section  
2 twenty-four of this act there shall not be printed on the  
3 official ballots to be used at any annual or special city elec-  
4 tion of the said city the name of any person as a candidate  
5 for the office of mayor or alderman unless such person be



6 nominated as a candidate at a preliminary election for nomi-  
7 inations to be 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  
11 person shall have filed, within the time limit fixed by sec-  
12 tion eleven of this act, the statement of his candidacy, and  
13 the petition for nomination required by the provisions of  
14 that section.

Sect. 9. On the second Tuesday preceding every annual  
2 or special city election at which any officer mentioned in  
3 section seven is to be elected, there shall be held a prelimi-  
4 nary election for nominations for the purpose of nominating  
5 candidates for such offices, as, under the provisions of this  
6 act, are to be filed at such annual or special city election.

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

19 such preliminary election for nominations in the same num-  
 20 ber, kind and manner and by the same officials as at an  
 21 annual city election, and the same officers shall officiate as  
 22 at any annual city election.

Sect. 10. The provisions of law relating to election offi-  
 2 cers, 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 of votes at elections, corrupt practices, and penalties,  
 6 shall apply to such preliminary elections for nominations,  
 7 except as otherwise provided in this act.

Sect. 11. 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  
 4 on the official ballots to be used at a preliminary election  
 5 for nominations provided that he shall, at least ten days  
 6 before such preliminary election for nominations, file with  
 7 the city clerk a statement in writing of his candidacy in the  
 8 following form:

#### STATEMENT OF CANDIDATE.

I (—————) on oath declare that I live (at  
 11 number ————, if any) on (name of street) in the  
 12 city of Auburn; that I am a voter therein qualified to vote  
 13 for a candidate for (mayor or alderman) for (state the  
 14 term) to be voted for at the preliminary election for nomi-  
 15 nations to be held on Tuesday the ————— day of  
 16 —————, 19—; and that I am not a candidate as a

17 nominee or representative of, or because of any promised  
 18 support from, any political party or any committee or con-  
 19 vention representing or acting for any political party or  
 20 organization.

STATE OF MAINE.

22 Androscoggin, ss.

Subscribed and sworn to on this \_\_\_\_\_ day of \_\_\_\_\_,  
 24 19—, before me.

Signed, \_\_\_\_\_

Justice of the Peace,

(or Notary Public)

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

PETITION FOR NOMINATION.

INDIVIDUAL CERTIFICATE.

I, (\_\_\_\_\_) on oath declare that I live (at  
 34 number \_\_\_\_\_, if any) on (name of street) in the  
 35 city of Auburn; that I am a voter therein qualified to vote  
 36 for a candidate for (mayor or alderman) for (state the  
 37 term) to be voted for at the preliminary election for nomi-  
 38 nations to be held on Tuesday the \_\_\_\_\_ day of  
 39 \_\_\_\_\_, 19—, and do hereby join in a petition that  
 40 the name of (name of candidate) as a candidate for nom-  
 41 nation to the office of (mayor, or alderman of public safety  
 42 and charities, or alderman of streets and highways) be

43 printed on the official ballots to be used at the said pre-  
44 liminary election for nominations.

I declare further that I have not signed any other certifi-  
46 cate 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 candidate) is of  
49 good moral character and that he is well qualified to per-  
50 form the duties of the office, and I certify also that I join  
51 in this petition in the belief that he has not become a can-  
52 didate as the nominee or representative of, or because of  
53 any promised support from, any political party or any com-  
54 mittee or convention representing or acting for any political  
55 party or organization.

## STATE OF MAINE.

57 Androscoggin, ss.

Subscribed and sworn to on this \_\_\_\_\_ day of \_\_\_\_\_,  
59 19—, before me,

(Signed) \_\_\_\_\_,

Justice of the Peace,

(or Notary Public.)

Sect. 12. It shall be the duty of the city clerk to furnish  
2 upon application a reasonable number of forms of such  
3 statements of candidates and of individual certificates of  
4 petition for nomination. All certificates must be of a uni-  
5 form size as determined by the city clerk and each must be  
6 a separate paper.

Sect. 13. On the first day, not being Sunday or a legal holiday, following the expiration of the time for filing the above described statements and petitions, the city clerk shall cause to be published in one daily newspaper published in the city, if there be any, otherwise in a daily newspaper published in Androscoggin county, the names and residences of the candidates for nomination who have duly filed the above mentioned statements and petitions, and the offices and terms for which they are candidates for nomination, as they are to appear on the official ballots to be used at the preliminary election for nominations. The city clerk shall thereupon prepare the ballots to be used at such preliminary election for nominations and shall cause them to be printed, and the ballots so prepared shall be the official ballots and the only ballots used at such preliminary election for nominations. They shall be headed on the face of the ballot as follows:

#### OFFICIAL NOMINATING BALLOT.

Candidates for nomination for (mayor, alderman of public safety and charities, alderman of streets and highways— using titles of any one, two or all three as occasion requires) of the city of Auburn at a preliminary election for nominations held on the ————— day of ————— in the year 19—, and on the back shall have the following heading:



23 the following directions to voters: "To vote for any person  
24 make a cross with a black lead pencil (x) in the square  
25 at the right of the name of the person you wish to vote  
26 for;" printed in bold faced type directly below the heading;  
27 the word "for" immediately before the title of each office  
28 for which there are candidates to be nominated; and the  
29 words "vote for one," "vote for two," as the conditions  
30 may require, on the same line with, and directly following  
31 each title.

Sect. 15. (1) No ballot used at any annual or special  
2 city election or at any preliminary election for nominations  
3 shall have printed thereon any party or political designa-  
4 tion or mark, and there shall not be appended to the name  
5 of any candidate any such party or political designation or  
6 mark or anything showing how he was nominated or indi-  
7 cating his views or opinions, nor shall any mark, character  
8 or device whatsoever be printed on the said ballots, except  
9 as provided in sections thirteen and fourteen of this act.

(2) Ballots for all annual and special city elections shall  
11 be printed in exact conformity with the rules for printing  
12 of ballots for preliminary elections for nominations laid  
13 down in sections thirteen and fourteen of this act, with  
14 the exceptions that the words "nominating" and "prelim-  
15 inary" shall be omitted from the headings of face and back,  
16 and that the additions specified in sections twenty-four,  
17 twenty-five and twenty-six of this act shall be made when  
18 required.

Sect. 16. (1) The provisions of law in relation to nominations by caucus shall not be applicable to any municipal nomination or election.

(2) Before every preliminary election for nominations the city council shall cause to be made a registration of voters to vote at such preliminary election for nominations, and at the city election for which the said preliminary election for nominations is held. Such registration shall be made in accordance with the provisions of the state law governing registration and it shall include all those who, between the time when the registration books for such registration shall be closed and the date of the city election for which such preliminary election for nominations is held, will become eligible for registration.

Sect. 17. The election officers shall immediately, upon the closing of the polls at preliminary elections for nominations, count the ballots and ascertain the number of votes cast in the voting places where they officiate, for each person for nomination to each office, and shall make return thereof to the city clerk forthwith upon blanks to be furnished as in city elections.

Sect. 18. On the first day, not being a legal holiday, following such preliminary election for nominations, the city clerk shall canvass the said returns so received from the election officers and shall forthwith determine the result of such canvass and publish the same in one daily newspaper



6 published in the city, if there be any; otherwise in a daily  
7 newspaper published in Androscoggin county.

Sect. 19. The two persons receiving at a preliminary elec-  
2 tion for nominations the greatest number of votes for nomi-  
3 nation to an office shall be the only candidates for that office  
4 whose names shall be printed on the official ballots to be used  
5 at the annual or special city election, for the making of nom-  
6 inations for which such preliminary election for nomina-  
7 tions was held.

Sect. 20. On the tenth and two succeeding days, not being  
2 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 the city,  
5 if there be any, otherwise in a daily newspaper published in  
6 Androscoggin county, a call for such election and shall ap-  
7 pend thereto the names and residences of the candidates  
8 nominated at the preliminary election for nominations held  
9 for such election and the offices and terms for which they  
10 are candidates, as they are to appear on the official ballots  
11 to be used at such election. He shall also, at the same time,  
12 cause the chief of police or a police officer to post a copy of  
13 said call for election and list of candidates, printed in like  
14 form, at all the polling places in the city, and make return  
15 for his doings.

Sect. 21. The person receiving the greatest number of  
2 votes for any office at an annual or special city election shall  
3 be elected to the said office and shall be so declared, but ex-

4 cept as here provided and as otherwise provided in the act,  
5 the laws of the state governing annual city elections, special  
6 elections of city officers and special elections in cities shall,  
7 as far as they are applicable, govern such elections in the  
8 city of Auburn.

Sect. 22. Upon the death, resignation or absence of the  
2 mayor, or upon his inability to perform the duties of his  
3 office, one of the two aldermen shall be chosen, by lot drawn  
4 by the city clerk in the presence of both aldermen; to per-  
5 form them, and if he also be absent or unable from any  
6 cause to perform said duties, they shall be performed by the  
7 other alderman, until the mayor or alderman first chosen is  
8 able to attend to the said duties, or until the vacancy is filled  
9 as hereinafter provided. The person upon whom such du-  
10 ties devolve shall be called "acting mayor," and, except as  
11 otherwise provided in this act, shall possess the powers of  
12 mayor, but only in matters not admitting of delay.

Sect. 23. If there be a vacancy, by failure to elect or oth-  
2 erwise, in the city council, whether as to the mayor or one  
3 or more aldermen, the council shall, within seven days, by  
4 its remaining members appoint a special city election to fill  
5 the vacancy or vacancies for the unexpired term or terms  
6 respectively, except that if such vacancy or vacancies occur  
7 less than four months before the annual city election, the  
8 city council shall, by its remaining members, fill such va-  
9 cancy or vacancies for the remainder of the said four  
10 months. A person elected to fill any such vacancy shall,

11 before entering upon the duties of his office, take oath before  
12 the judge of the municipal court of the city of Auburn, or  
13 a justice of the peace faithfully to perform the same.

Sect. 24. Any member of the city council may be removed  
2 at any time after said member has held said office for four  
3 months but not before 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 two hundred and fifty such voters, and de-  
10 manding an election of a successor of the person whom they  
11 seek to remove, shall be filed in the office of the City Clerk.

Such petition shall contain a general statement of the  
13 grounds on which the removal is sought. It need not be  
14 on one paper, but may consist of several distinct papers each  
15 containing such demand substantially upon the same  
16 grounds; and all papers containing such demand and state-  
17 ment, which in any one day shall be filed in the office of the  
18 city clerk, shall be deemed parts of the same petition. Each  
19 signer shall add to his signature his place of residence, giv-  
20 ing the street and street number, if any. One signer of  
21 every such paper shall make oath upon his information and  
22 belief before a notary public or a justice of the peace that  
23 the statements therein made are true, and that each signa-

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

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

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

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

78 he was serving at the time of such election, unless sooner  
79 removed by new and like proceedings. The name of no  
80 candidate other than that of the person whose removal is  
81 sought shall be printed on the official ballots to be used at  
82 such election, unless such candidate be nominated as here-  
83 inbefore provided at a preliminary election for nominations.

Sect. 25. If a petition, signed by a number of the voters  
2 of the said city qualified to vote at city elections equal to at  
3 least twenty-five per cent. of the aggregate number of votes  
4 cast for candidates for mayor or alderman at the last pre-  
5 ceding annual city election at which a mayor or alderman  
6 was elected, but not less than two hundred and fifty such  
7 voters, and requesting the city council to pass an ordinance  
8 therein set forth or referred to, shall be filed in the office  
9 of the city clerk, the city council shall, provided that the  
10 said ordinance be one which the city council shall, after this  
11 act takes effect, have a legal right to pass, (a) pass the said  
12 ordinance without alteration, within twenty days after the  
13 city clerk has attached his certificate of sufficiency to such  
14 petition, or (b) forthwith, after the expiration of the twen-  
15 ty days aforesaid appoint a special election, unless an elec-  
16 tion is fixed for a date within ninety days after the city clerk  
17 has attached the aforesaid certificate of sufficiency, and at  
18 such special or regular election submit such ordinance with-  
19 out alteration to the voters of the city qualified as afore-  
20 said.

If, however, a petition otherwise like the above described  
22 petition, but signed by a number of such qualified voters  
23 equal to at least ten per cent., but less than twenty-five per  
24 cent. of the aggregate number of votes cast as aforesaid for  
25 candidates for mayor or aldermen, and not less than one  
26 hundred such voters, shall be filed as aforesaid, the city  
27 council shall (c) pass the ordinance therein set forth or  
28 referred to, without alteration, within twenty days after  
29 the city clerk has attached the aforesaid certificate of suf-  
30 ficiency, of (d) shall submit the said ordinance to the city  
31 council, shall have the city clerk's certificate of sufficiency  
32 or insufficiency attached thereto, and may be supplemented  
33 in the same manner as petitions filed under section twenty-  
34 four.

Sect. 26. If during the fourteen days next following the  
2 day on which the monthly summary of proceedings is filed  
3 with the city clerk as provided in section thirty-five, a peti-  
4 tion, signed by a number of the voters of the said city, quali-  
5 fied to vote at city elections, equal to at least twenty-five per  
6 cent. of the aggregate number of votes cast for candidates  
7 for mayor or aldermen at the last preceding annual city  
8 election at which a mayor or alderman was elected, but not  
9 less than two hundred and fifty such voters, and protesting  
10 against the passage of any ordinance, shall be filed in the  
11 office of the city clerk, such ordinance shall be suspended  
12 from going into operation, and it shall be the duty of the  
13 city council to reconsider the same, and if the said council

14 do not so reconsider and rescind its vote, they shall submit  
15 it, as is provided in subdivision (b) of section twenty-five,  
16 to the qualified voters of the city, and the said ordinance  
17 shall not go into effect or become operative unless a major-  
18 ity of the voters qualified as aforesaid, voting on the ordi-  
19 nance submitted, shall vote in favor thereof. The votes  
20 upon such ordinance shall be taken by ballot in answer to  
21 the question: "Shall the ordinance (stating the nature of  
22 the same) take effect?" which shall be printed on the ballots  
23 after the list of candidates if there be any.

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

Sect. 27. The city of Auburn shall be governed by a city  
2 council, consisting of the mayor and two aldermen chosen  
3 as provided in this act, each of whom shall have the right  
4 to vote on all questions coming before the council. Two  
5 members of the council shall constitute a quorum, and the  
6 affirmative vote of two members shall be necessary to adopt



7 any motion, resolution or ordinance, or pass any measure.  
8 Upon every vote the yeas and nays shall be called and re-  
9 corded, and every motion, resolution or ordinance shall be  
10 reduced to writing and read before the vote is taken there-  
11 on. The city clerk shall be the clerk of the council, and shall  
12 keep a journal of its proceedings which shall be a public  
13 record. The mayor or acting mayor shall preside at all  
14 meetings of the council, and shall have the right to vote on  
15 all questions coming before it; he shall have no power to  
16 veto any measure, but every resolution or ordinance passed  
17 by the council shall be signed by him, and must be attested  
18 by the city clerk, and be recorded, before it shall take effect.

Sect. 28. The city council shall have and possess and its  
2 members shall severally exercise all executive, legislative  
3 and judicial powers and duties, and be subject to any and all  
4 liabilities now had, possessed and exercised by or imposed  
5 upon the mayor, aldermen, common council, assessors, Board  
6 of Fire Commissioners, overseers of the poor and street  
7 commissioner, as had, possessed and exercised by them, act-  
8 ing severally or collectively in councils, boards, commis-  
9 sions or committees, except as the same may be inconsistent  
10 with any of the provisions of this act.

The mayor and the two aldermen shall be and are hereby  
12 constituted assessors and overseers of the poor, and as such  
13 assessors and overseers shall perform all the duties required  
14 by such law of the said officers.

The mayor shall be first assessor and the alderman of public safety and charities shall be chairman of the board of overseers of the poor.

Sect. 29. All present existing officers, councils, boards, commissions and committees which are inconsistent with the provisions of this act shall be abolished, and the tenure of office of office-holders whose offices are so inconsistent, shall terminate, at ten o'clock in the forenoon of the first of January of the year next following the acceptance of this act.

Sect. 30. The city council elected as provided in this act shall meet at ten o'clock in the forenoon of the first day in January of each year, unless the same comes on Sunday, in which case they shall meet the following day, beginning with the year next following the acceptance of this act, and those of them whose terms of office then begin shall severally take oath before the judge of the municipal court of the city of Auburn, or a justice of the peace, to perform faithfully the duties of their respective offices.

Sect. 31. The city council shall, at the said first meeting and at every annual meeting thereafter, elect by majority vote the following officers: a city clerk, a treasurer, an auditor, a purchasing agent, a collector of taxes, a superintendent of streets and highways, a chief of police, a chief of fire department, a city solicitor, a city physician, a civil engineer, one member of the school committee to serve for three years, and one trustee of the Auburn Water Commissioners

9 to serve for six years, and such other officers as may  
10 be necessary or are required by law. Such other officers  
11 and assistants as shall be provided for by ordinance, or may  
12 be necessary to the proper and efficient conduct of the af-  
13 fairs of the city, or are required by statute, shall be appoint-  
14 ed by the heads of the several departments subject to ap-  
15 proval by the city council.

Any person elected or appointed to any office by the city  
17 council may at any time be removed from such office by  
18 vote of a majority of the said council.

Vacancies in any of the offices mentioned in this section,  
20 from whatever cause they may arise, may be filled in the  
21 manner provided for the original election or appointment,  
22 and if filled by election of the city council such election may  
23 be made at a regular or at a special meeting thereof.

Sect. 32. The mayor shall have general oversight of all  
2 departments of the city government and report to the city  
3 council for its action all matters requiring attention in  
4 either. All notes or bonds which the city is authorized to  
5 issue shall be signed by the city treasurer and countersigned  
6 by the mayor and one alderman. All contracts and instru-  
7 ments other than notes and bonds, requiring the assent of  
8 the city shall be signed by the alderman who is the head of  
9 the department concerned and countersigned by the mayor,  
10 except that when such contracts or instruments concern  
11 the department of accounts and finances they shall be signed  
12 by the mayor and countersigned by one alderman.

Sect. 33. After the first meeting, or the annual meeting, 2 of the city council above provided for, regular meetings of 3 the city council shall be held at least once each week of every 4 year. The city council shall provide by ordinance for the 5 time of holding regular meetings, and special meetings may 6 be called from time to time by the mayor or the two alder- 7 men.

Sect. 34. No order, resolution or vote appropriating mon- 2 ey in excess of five hundred dollars, or making; or author- 3 izing the making of any contract involving a liability on 4 the part of the city in excess of five hundred dollars, nor 5 any order, resolution, or vote ordering any street improve- 6 ment or sewer, or granting any franchise, or giving any 7 right to occupy or use the streets, highways, bridges or pub- 8 lic places in the city for any purpose for which municipal 9 consent may be necessary, shall be passed by the city coun- 10 cil unless it be proposed in writing and remain on file in the 11 office of the city clerk and be published by him twice in one 12 daily newspaper of the city, if there be any, and in one of 13 the daily newspapers published in Androscoggin county, at 14 least one week before its final passage, except an order, res- 15 olution or vote for the immediate preservation of the public 16 peace, health or safety, which contains a statement of its 17 urgency.

Such orders, resolutions or votes as are required to be pub- 19 lished under the provisions of this section shall be subject 20 to the provisions of section twenty-six limiting the passage

21 of ordinances, save only that petitions in protest must be  
22 filed within the fourteen days next following the final pass-  
23 age of any such order, resolution, or vote as hereinbefore  
24 provided.

Sect. 35. The city council shall each month print in  
2 pamphlet form an itemized statement of all receipts and  
3 expenditures of the city and a summary of its proceedings  
4 during the preceding month, shall file a copy thereof in the  
5 office of the city clerk, who shall note thereon the date of  
6 such filing, and shall furnish copies thereof to the public  
7 library, to the newspapers published in the city, if there be  
8 any, and to the newspapers published in Androscoggin coun-  
9 ty, and to persons who shall apply therefor at the office of  
10 the city clerk. At the end of the municipal year it shall  
11 cause a full and complete examination of all books and ac-  
12 counts of the city to be made by a certified public account-  
13 ant, and shall publish the result of such examination in the  
14 manner above provided for the publication of statements  
15 of monthly receipts and expenditures.

Sect. 36. The salary of the mayor shall be eighteen hun-  
2 dred dollars per annum and the salary of each alderman  
3 shall be fifteen hundred dollars per annum. The salaries  
4 shall not be changed except upon petition and procedure as  
5 provided in section twenty-five for the introduction and  
6 passage of ordinances, by vote of the qualified voters of  
7 the city, at an annual city election. The city council shall  
8 fix the salaries of all subordinate officers.

Sect. 37. No member of the city council shall during the  
2 term for which he was chosen be eligible, either by appoint-  
3 ment or by election of the city council, to any other office  
4 the salary of which is payable by the city, nor shall, during  
5 such term, hold any such other office.

Neither the purchasing agent nor any member of the city  
7 council shall be interested, directly or indirectly, in any con-  
8 tract or job for work or materials, or the profits thereof, to  
9 be furnished or performed for the city.

Sect. 38. The city council may make rules for the con-  
2 duct of its business. The mayor may be a member of any  
3 of its committees.

Sect. 39. The duties of the superintending school com-  
2 mittee, as prescribed by the laws of the State, except as  
3 herein otherwise provided, shall be performed by a school  
4 committee of three members, which shall also and in like  
5 manner have charge of the high school.

The purchase of any site for a school building, the pur-  
7 chase of any building for school purposes, the plans for any  
8 alteration of any school building, the plans for any new  
9 school building, and the execution of any such plans for the  
10 alteration of old buildings or the building of new ones, sub-  
11 ject to the provisions of chapter eighty-eight of the public  
12 laws of nineteen hundred and nine, shall be determined,  
13 made, adopted and carried out by, and under the supervision  
14 of, the school committee acting jointly with the members of  
15 the city council, but no such purchase, alteration of plans,

16 selection or approval of plans for any school building or  
17 execution of any such plans for the alteration of old build-  
18 ings or the building of new ones shall be determined, made,  
19 adopted or carried out, unless at least two-thirds of the to-  
20 tal membership of both bodies acting as one shall vote in  
21 favor of such purchase, alteration of plans, acceptance and  
22 approval of plans, or execution of any such plans as herein-  
23 before stated.

The mayor, by the purchasing agent, shall purchase all  
25 books, stationery, school apparatus and schoolroom sup-  
26 lies required by the school committee or the superintendent  
27 of schools acting for them, but all ordinary repairs of school  
28 buildings and supplies, of furniture for such buildings shall  
29 be made and purchased by the city council on recommenda-  
30 tion by the school committee or the superintendent of  
31 schools acting for them.

The terms of office of the members of the superintending  
33 school committee whose terms of office have not expired  
34 when the first election by the city council is held under this  
35 act, shall expire when said first election is held and the city  
36 council shall at said first meeting elect one member of said  
37 School Board to serve for three years, one for two years  
38 and one for one year. No person shall be ineligible as a  
39 member of the superintending school committee on account  
40 of sex.

Sect. 39 A. If upon any vote for such purchase, altera-  
2 tion of plans, selection or approval of plans for any school

3 building, or execution of any such plans on alteration of  
4 old buildings or the building of new ones, it shall be impos-  
5 sible to obtain a two-thirds vote of said joint bodies acting  
6 as one, either for or against, then and in such a case, the  
7 same proceedings may be had by petition and vote of the  
8 people upon such question as is provided for in Section 25,  
9 of this chapter in relation to ordinances.

Sect. 40. Before the first day of April in the year next  
2 following the acceptance of this act, the city council, with the  
3 advice and assistance of the civil engineer, shall divide the  
4 city into not less than five nor more than ten voting pre-  
5 cincts. The division shall not be made with any reference  
6 to the old ward lines or regard for the number of voters  
7 living in each precinct, but shall be made solely to serve the  
8 convenience of voters in voting at municipal, county, state  
9 and national elections. The city council shall specify, ap-  
10 point or provide a polling place for each of the aforesaid  
11 voting precincts, and furnish each such polling place with  
12 such furniture and appurtenances as are required by the  
13 laws of the state for polling places. The voting precincts  
14 and polling places provided as aforesaid shall serve all the  
15 purposes of wards and ward rooms under the state laws  
16 governing elections, and all reference to wards, ward rooms  
17 and polling places in such state laws shall apply to the voting  
18 precincts and polling places aforesaid.

The city council shall cause the division so made, and the  
20 polling places so provided, to be published at least twice in



21 one daily newspaper published in the city, if there be any,  
22 otherwise in a daily newspaper published in Androscoggin  
23 county, on the completion of such division, and shall cause  
24 the said lists to be posted at the several polling places. The  
25 names of qualified voters, as published and posted, shall be  
26 grouped severally under the names of the streets, roads,  
27 avenues or lanes on which the said voters live, and arranged  
28 alphabetically in each group.

After three years from the first division into voting pre-  
30 cincts as above provided, and at the end of any three year  
31 period thereafter, the city council may revise the aforesaid  
32 division changing the lines of the several voting precincts or  
33 providing more such precincts, up to the number of ten, if  
34 the convenience of the voters should warrant such change,  
35 but in no case making the number of such precincts less  
36 than seven.

Sect. 41. The repeal of the acts specified in section two of  
2 this act shall not affect any act done, or any act accruing or  
3 accrued or established, or any suit or proceeding had or be-  
4 gun in any civil case before the time when such repeal takes  
5 effect, nor shall it affect any offences committed or penalty  
6 or forfeiture incurred under the provisions of the acts or  
7 parts of acts hereby repealed. All persons who at this time  
8 said repeal takes effect shall hold any office under the said  
9 acts shall continue to hold them according to the tenure  
10 thereof, except as otherwise provided herein; moreover  
11 all by-laws and ordinances of the city of Auburn that are in

12 force at the time when the said repeal takes effect, and not  
13 inconsistent with the provisions of this act, shall continue  
14 in force until they are repealed or amended according to  
15 the provisions herein made for repealing or amending by-  
16 laws and ordinances, and all officers elected under such by-  
17 laws and ordinances shall continue in office according to the  
18 tenure thereof, except as is otherwise provided herein.

Sect. 42. Petitions addressed to the board of aldermen  
2 and signed by qualified voters of the city, requesting that a  
3 special election be held at which this act shall be submitted  
4 to the qualified voters of the said city, may be filed in the  
5 office of the city clerk at any time on or before the second  
6 Tuesday of August, in the year nineteen hundred and thir-  
7 teen. Each signer of any such petition shall add to his sig-  
8 nature the name of the street on which he lives at the time  
9 of signing, and the street number of his house if there be  
10 any. Any petition need not be sworn to. Within the seven  
11 days next after the said second Tuesday of August, the city  
12 clerk shall examine the petitions so filed and ascertain the  
13 aggregate number of qualified voters of the city who have  
14 signed them and he shall forthwith present the petition to  
15 the board of aldermen with his certificate setting forth the  
16 aggregate number of qualified voters of the city who have  
17 so signed. If it shall appear from the said certificate that  
18 such aggregate number is at least one hundred and fifty, the  
19 board of aldermen shall forthwith call a special election to  
20 be held on the second Tuesday of September in the year

21 nineteen hundred and thirteen, at which special election this  
22 act shall be submitted to the qualified voters of the city.

This act shall take effect, as hereinafter provided, upon  
24 its acceptance by a majority of the voters voting thereon at  
25 the said special election, or at either of the special elections  
26 hereinafter provided for. The vote shall be taken by ballot  
27 in answer to the question: "Shall an act passed by the leg-  
28 islature in the year nineteen hundred and thirteen entitled  
29 'An Act to provide a charter for the city of Auburn' be ac-  
30 cepted?" which shall be printed on the official ballot.

If, however, the said act be not so accepted at the aforesaid  
32 special election, it may be again submitted in the manner  
33 above prescribed, if a petition made and signed as aforesaid  
34 requesting such resubmission be filed in the office of the  
35 city clerk at any time on or before the second Tuesday of  
36 August in the year nineteen hundred and fourteen and be  
37 found to be sufficiently signed as above provided, at a spe-  
38 cial election to be called for the second Monday of Septem-  
39 ber in the year nineteen hundred and fourteen and held on  
40 that day.

If on such resubmission the said act should not be so ac-  
42 cepted it may be resubmitted a second time, upon petition  
43 as above required, signed as hereinbefore prescribed and  
44 filed as aforesaid at any time on or before the second Tues-  
45 day of August in the year nineteen hundred and fifteen, at  
46 a special election to be called as aforesaid for the second

47 Tuesday of September in the year nineteen hundred and  
48 fifteen and held on that day.

Except in so far as they may be inconsistent with this sec-  
50 tion of this act, all general laws governing and applicable  
51 to a special election of a city officer shall govern and apply  
52 to the special elections at which this act shall be submitted  
53 or resubmitted as aforesaid.

If this act shall be so accepted, it shall take effect on its  
55 acceptance for the annual city election to be held on the  
56 Tuesday next following the last Monday in November in  
57 the year of its acceptance, for the preliminary election for  
58 nominations to be held, under the provisions of this act, on  
59 the second Tuesday preceding the aforesaid annual city  
60 election for the statements of candidates (and petitions ac-  
61 companying statements of candidates) to be filed by persons  
62 whose names are to be printed on the official ballots to be  
63 used at such preliminary election for nominations, and for  
64 all things which appertain and relate to said annual city  
65 election, preliminary election for nominations and state-  
66 ments of candidates and petitions. For all other purposes  
67 it shall take effect at ten o'clock in the forenoon of the first  
68 day of January of the year next following the year of its  
69 acceptance.

Sect. 43. So much of this act as authorizes the submis-  
2 sion of the question of its acceptance to the qualified voters

3 of the said city shall take effect upon its approval by the  
4 governor, subject to the provisions of amendment ten of the  
5 state constitution.