

MAINE STATE LEGISLATURE

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NEW DRAFT.

SEVENTY-SIXTH LEGISLATURE

HOUSE

NO. 549

House of Representatives, March 18, 1913.

Reported by Mr. Smith of Auburn from Committee on Judiciary, and ordered printed under joint rules.

W. R. ROIX, Clerk.

STATE OF MAINE

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

AN ACT to amend the Charter of the City of Auburn and
provide a Commission Form of Government.

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, in-
16 terest, welfare and good order of the said body politic;
17 and under the same name shall be known in law, and be
18 capable of contracting and being contracted with, suing
19 and being sued, impleading and being impleaded, answer-
20 ing and being answered unto, in all courts and places and
21 in all matters whatever: may take, hold and purchase, lease,
22 grant and convey such real and personal or mixed prop-
23 erty or estate as the purposes of the corporation may re-
24 quire, within or without the limits thereof, and make, have
25 and use a corporate seal, and change and renew the same
26 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6 excepted from repeal, are hereby repealed.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 hundred
4 and sixty-eight, together with the following acts additional

5 to or amendatory of the aforesaid act, shall be and are
6 hereby specifically excepted from repeal as aforesaid, and
7 shall be and are hereby made and constituted integral parts
8 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 the
17 existing laws of this state; and shall also have power and
18 authority to establish the grade of any way, county road,
19 or street in said city; and any person aggrieved by the de-
20 cision of the city council in laying out, widening or altering
21 any way or street, or in establishing the grade of any way,
22 county road or street, may, so far as relates to damages,
23 have them assessed by a committee or jury, as is now by
24 law provided, respecting the laying out and altering of
25 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,
29 as to said council appears necessary for the safety, con-
30 venience and accommodation of foot passengers, and may
31 direct or permit posts or trees to be placed along the edge

32 of sidewalks, next to the traveled part of the street, for
33 hitching places, or for shade or ornament.

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

'Sect. 18. The city council shall have power, on such
48 terms and conditions as they think proper, to authorize or
49 empower any person or corporation to place in any street,
50 for 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
29 by 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
4 affairs 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 continue
3 until ten o'clock in the forenoon on the first day of the
4 January next following. Provided, that when the first day
5 of January comes on Sunday, the municipal year shall con-
6 tinue until 10 o'clock the following day.

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

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

(3) At the third annual city election held after the ac-
14 ceptance and under the provisions of this act, there shall
15 be elected at the annual city election one alderman for the

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

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

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

(6) The above mentioned officers shall be elected by and
29 form the qualified voters of the city and may be residents
30 of any part thereof.

(7) Members of the city council elected under the pro-
32 visions of this section or of sections twenty-three or twenty-
33 four of this act shall serve for the terms for which they
34 were severally elected or until their successors are duly
35 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 nom-
7 inations to be held as provided in this act.

(2) There shall not be printed on the official ballots to be used at a preliminary election for nominations the name of any person as a candidate for nomination unless such person shall have filed, within the time limit fixed by section eleven of this act, the statement of his candidacy, and the petition for nomination required by the provisions of that section.

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

No special election of mayor or an alderman shall be held until after the expiration of forty days from the calling of the preliminary election for nominations. At every preliminary election for nominations the polls shall be opened at eight o'clock in the forenoon and kept open until four o'clock in the afternoon, and except as otherwise provided in this act every such preliminary election for nominations shall be called by the same officers and held in the same manner as an annual city election, the polling places shall be designated, provided and furnished, official ballots, special ballots, ballot boxes, voting lists, specimen ballots, blank forms, apparatus and supplies shall be provided for every such preliminary election for nominations in the same number, kind and manner and by the same officials as at an annual

21 city election, and the same officers shall officiate as at any
22 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 candi-
2 date for mayor or alderman, and who is a candidate for such
3 office, may have his name, as such candidate, printed on the
4 official ballots to be used at a preliminary election for nomi-
5 nations provided that he shall, at least ten days before such
6 preliminary election for nominations, file with the city clerk
7 a statement in writing of his candidacy in the following
8 form:

STATEMENT OF CANDIDATE.

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

18 political party or any committee or convention representing
19 or acting for any political party or organization.

STATE OF MAINE.

21 Androscoggin, ss.

Subscribed and sworn to on this _____ day of
23 _____, 19—, before me.

Signed _____

Justice of the Peace,

(Notary Public)

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

PETITION FOR NOMINATION.

INDIVIDUAL CERTIFICATE.

I (_____) on oath declare that I live (at
33 number _____, if any) on (name of street) in the city of
34 Auburn; that I am a voter therein qualified to vote for a
35 candidate for (mayor or alderman) for (state the term)
36 to be voted for at the preliminary election for nominations
37 to be held on Tuesday, the _____ day of _____,
38 19—, and do hereby join in a petition that the name of
39 (name of candidate) as a candidate for nomination to the
40 office of (mayor, or alderman of public safety and charities,
41 or alderman of streets and highways) be printed on the offi-
42 cial ballots to be used at the said preliminary election for
43 nominations.

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

STATE OF MAINE.

56 Androscoggin, ss.

Subscribed and sworn to on this _____ day of
 58 _____, 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
 2 holiday, following the expiration of the time for filing the
 3 above described statements and petitions, the city clerk shall

4 cause to be published in one daily newspaper published in the
 5 city, if there be any, otherwise in a daily newspaper published
 6 in Androscoggin county, the names and residences of the
 7 candidates for nomination who have duly filed the above
 8 mentioned statements and petitions, and the offices and terms
 9 for which they are candidates for nomination, as they are
 10 to appear on the official ballots to be used at the preliminary
 11 election for nominations. The city clerk shall thereupon
 12 prepare the ballots to be used at such preliminary election
 13 for nominations and shall cause them to be printed, and the
 14 ballots so prepared shall be the official ballots and the only
 15 ballots used at such preliminary election for nominations.
 16 They shall be headed on the face of the ballot as follows:

OFFICIAL NOMINATING BALLOT.

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

CITY OF AUBURN.

OFFICIAL NOMINATING BALLOT.

PRELIMINARY ELECTION.

23 (Month) (day) (year)

Attest:

City Clerk.

Sect. 14. The name of each person who has filed a statement and accompanying petition, as aforesaid, and his residence and the title and term of the office for which he is a candidate for nomination shall be printed on the face of the said ballots, and the names of no other candidates, except as otherwise provided in section twenty-four of this act, shall be printed therein. The names of candidates shall be printed in lists arranged in alphabetical order in a single column with the titles of the respective offices. Blank spaces shall be left at the end of each list of candidates for nomination for the different offices, equal to the number to be nominated therefor; in which the voter may insert the name of any person not printed on the ballot for whom he desires to vote for nomination to such office. There shall be printed on the said ballots the name of the several departments of which the officers to be nominated shall, if elected, be the heads, immediately below the titles of the respective offices. There shall also be printed on the said ballots four lines forming a square of half an inch immediately to the right of the name of each candidate and of the spaces left for the insertion of additional names, to receive the cross of the voter. There shall be printed on the said ballots the following directions to voters: "To vote for any person make a cross with a black lead pencil (X) in the square at the right of the name of the person you wish to vote for," printed in bold-faced type directly below the heading; the word "for" immediately before the title of each office for

28 which there are candidates to be nominated; and the words,
29 "vote for one," "vote for two," as the conditions may re-
30 quire, on the same line with, and directly following each
31 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 designation
4 or mark, and there shall not be appended to the name of any
5 candidate any such party or political designation or mark
6 or anything showing how he was nominated or indicating
7 his views or opinions, nor shall any mark, character or de-
8 vice whatsoever be printed on the said ballots, except as
9 provided in sections thirteen and fourteen of this act.

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

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

(2) Before every preliminary election for nominations
5 the city council shall cause to be made a registration of
6 voters to vote at such preliminary election for nominations,

7 and at the city election for which the said preliminary elec-
8 tion for nominations is held. Such registration shall be
9 made in accordance with the provisions of the state law
10 governing registration and it shall include all those who,
11 between the time when the registration books for such reg-
12 istration shall be closed and the date of the city election for
13 which such preliminary election for nominations is held, will
14 become eligible for registration.

Sect. 17. 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. 18. On the first day, not being a legal holiday, fol-
2 lowing such preliminary election for nominations, the city
3 clerk shall canvass the said returns so received from the
4 election officers and shall forthwith determine the result of
5 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
5 used at the annual or special city election, for the making

6 of nominations for which such preliminary election for nomi-
7 inations 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 Andros-
5 coggin county, a call for such election and shall append there-
6 to the names and residences of the candidates nominated at
7 the preliminary election for nominations held for such elec-
8 tion and the offices and terms for which they are candidates,
9 as they are to appear on the official ballots to be used at
10 such election. He shall also, at the same time, cause the
11 chief of police or a police officer to post a copy of said call
12 for election and list of candidates, printed in like form, at
13 all the polling places in the city, and make return for his
14 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 in the act, the laws of the state gov-
5 erning annual city elections, special elections of city officers
6 and special elections in cities shall, as far as they are appli-
7 cable, govern such elections in the 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
7 the other alderman, until the mayor or alderman first chosen
8 is able to attend to the said duties, or until the vacancy is
9 filled as hereinafter provided. The person upon whom such
10 duties devolve shall be called "acting mayor," and, except
11 as otherwise provided in this act, shall possess the powers
12 of mayor, but only in matters not admitting of delay.

Sect. 23. If there be a vacancy, by failure to elect or other-
2 wise, in the city council whether as to the mayor or one or
3 more aldermen, the council shall, within seven days, by its
4 remaining members appoint a special city election to fill the
5 vacancy or vacancies for the unexpired term or terms re-
6 spectively, 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 vacancy
9 or vacancies for the remainder of the said four months. A
10 person elected to fill any such vacancy shall, before entering
11 upon the duties of his office, take oath before the judge of
12 the municipal court of the city of Auburn, or a justice of
13 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,
20 giving 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 signature
24 to such paper is the genuine signature of the person whose
25 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 or
28 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
32 one daily newspaper published in the city, if there be any,
33 otherwise 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 others 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 supple-
44 mentation, 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 fix
55 a date therefor which shall be not less than forty nor more
56 than fifty days after the presentation of the petition by the
57 city clerk to the city council. The city council shall make
58 or cause to be made all arrangements for holding the elec-
59 tion 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. Any
64 person whose removal is thus sought may be a candidate at
65 such election, and unless he request otherwise in writing,
66 the city clerk shall place his name on the official ballot with-
67 out nomination. The candidate receiving the greatest num-
68 ber of votes shall be declared elected. If some person other
69 than the incumbent receive the greatest number of votes, the
70 incumbent shall thereupon be adjudged to be removed from
71 the office. In case a person, other than the incumbent, re-
72 ceiving the greatest number of votes shall fail to make oath
73 before the city clerk or a justice of the peace, within thirty
74 days after his election, faithfully to perform the duties of
75 the office, the office shall be deemed vacant. If the incum-
76 bent receive the greatest number of votes, he shall continue
77 in office until the end of the term he was serving at the time
78 of such election, unless sooner removed by new and like
79 proceedings. The name of no candidate other than that of
80 the person whose removal is sought shall be printed on the
81 official ballots to be used at such election, unless such can-
82 didate be nominated as hereinbefore provided at a prelim-
83 inary 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
3 at least twenty-five per cent. of the aggregate number of
4 votes cast for candidates for mayor or alderman at the last

5 preceding annual city election at which a mayor or alder-
6 man was elected, but not less than two hundred and fifty
7 such voters, and requesting the city council to pass an ordi-
8 nance therein set forth or referred to, shall be filed in the
9 office of the city clerk, the city council shall, provided that
10 the said ordinance be one which the city council shall, after
11 this act takes effect, have a legal right to pass, (a) pass the
12 said ordinance without alteration, within twenty days after
13 the city clerk has attached his certificate of sufficiency to
14 such petition, or (b) forthwith, after the expiration of the
15 twenty days aforesaid appoint a special election, unless an
16 election is fixed for a date within ninety days after the city
17 clerk has attached the aforesaid certificate of sufficiency,
18 and at such special or regular election submit such ordinance
19 without 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
25 for 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 the
29 city clerk has attached the aforesaid certificate of sufficiency,
30 or (d) shall submit the said ordinance to the qualified voters
31 of the city at the next annual city election.

The votes upon such ordinance, submitted as aforesaid, shall be taken by ballot in answer to the question: "Shall the ordinance (stating the nature of the same) be passed?" which shall be printed on the ballots after the list of candidates, if there be any. If a majority of the qualified voters voting on the proposed ordinance shall vote in favor thereof, it shall thereupon become a valid and binding ordinance of the city, subject to any provision of statute law relative to approval, publication or notice, and no such ordinance passed as aforesaid by the city council, upon petition as aforesaid, of which shall be adopted as aforesaid at any such regular or special election, shall be repealed or amended except by the qualified voters of the city voting at any election not specially called for the purpose.

Any number of ordinances requested by petition as aforesaid may be voted upon at the same election in accordance with the provisions of this section, but there shall not be more than one special election in any period of six months for that purpose.

The city council may submit a proposition for the repeal of any such ordinance, or for amendations thereof, to be voted upon at any succeeding annual city election; and should such proposition so submitted receive a majority of the votes cast thereon at such election, the ordinance shall thereby be repealed or amended accordingly.

The votes upon such repeal or amendment at an annual city election shall be taken by ballot in answer to the ques-

59 tion: "Shall the ordinance (stating the nature of the same)
60 be repealed, or amended (stating the nature of the amend-
61 ment)?" which shall be printed on the ballots after the list
62 of candidates if there be any.

The city council may also submit any ordinance proposed
64 by them to the qualified voters at any annual or special city
65 election, to be voted on by ballot at such election, and the
66 manner in which such an ordinance shall be submitted to the
67 voters, and the form in which the question shall be printed
68 on the official ballots shall be as prescribed for ordinances
69 submitted by petition, and amendments or repeals submitted
70 by the city council as aforesaid.

Whenever any such ordinance or proposition is required
72 by this act to be submitted at any election as aforesaid, the
73 city clerk shall cause it to be published twice in one daily
74 newspaper published in the said city, if there be any, and
75 in the nearest daily newspaper published in Kennebec coun-
76 ty; such publication to be not more than twenty nor less
77 than five days before the submission of the ordinance or
78 proposition to be voted on.

Petitions under the provisions of this section may consist
80 of one or more distinct papers. In each of such papers the
81 ordinance, the passage of which is requested, shall be set
82 forth or referred to, and all such papers filed in any one day
83 in the office of the city clerk shall be considered parts of
84 the same petition. Such petitions shall be signed, sworn to
85 as to signatures, examined, re-examined, presented to the

86 city council, shall have the city clerk's certificate of suffi-
87 ciency or insufficiency attached thereto, and may be supple-
88 mented in the same manner as petitions filed under section
89 twenty-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,
5 qualified to vote at city elections, equal to at least twenty-
6 five per cent of the aggregate number of votes cast for can-
7 didates for mayor or aldermen 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 pro-
10 testing against the passage of any ordinance, shall be filed
11 in the office of the city clerk, such ordinance shall be sus-
12 pended from going into operation, and it shall be the duty
13 of the city council to reconsider the same, and if the said
14 council do not so reconsider and rescind its vote, they shall
15 submit it, as is provided in subdivision (b) of section
16 twenty-five, to the qualified voters of the city, and the said
17 ordinance shall not go into effect or become operative unless
18 a majority of the voters qualified as aforesaid, voting on
19 the ordinance submitted, shall vote in favor thereof. The
20 votes upon such ordinance shall be taken by ballot in an-
21 swer to the question: "Shall the ordinance (stating the
22 nature of the same) take effect?" which shall be printed on
23 the ballots 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
27 forth or referred to, and all such papers filed in any one
28 day in the office of the city clerk, shall be considered parts
29 of the same petition. Such petitions shall be signed, sworn
30 to as to signatures, examined, re-examined, presented to the
31 city council shall have the city clerk's certificate of suffi-
32 ciency or insufficiency attached thereto, and may be supple-
33 mented in the same manner as petitions filed under section
34 twenty-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
12 shall keep a journal of its proceedings which shall be a
13 public record. The mayor or acting mayor shall preside
14 at all meetings of the council, and shall have the right to
15 vote on all questions coming before it; he shall have no
16 power to veto any measure, but every resolution or ordin-

17 ance passed by the council shall be signed by him, and must
18 be attested by the city clerk, and be recorded, before it shall
19 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
4 all liabilities now had, possessed and exercised by or im-
5 posed upon the mayor, aldermen, common council, assessors,
6 board of fire commissioners, overseers of the poor and
7 street commissioner, as had, possessed and exercised by
8 them, acting severally or collectively in councils, boards,
9 commissions or committees, except as the same may be in-
10 consistent 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 pub-
16 lic safety and charities shall be chairman of the board of
17 overseers of the poor.

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

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

Sect. 31. The city council shall, at the said first meeting
2 and at every annual meeting thereafter, elect by majority
3 vote the following officers: a city clerk, a treasurer, an
4 auditor, a purchasing agent, a collector of taxes, a super-
5 intendent of streets and highways, a chief of police, a chief
6 of fire department, a city solicitor, a city physician, a civil
7 engineer, one member of the school committee to serve for
8 three years, and one trustee of the Auburn Water Com-
9 missioners to serve for six years, and such other officers
10 as may be necessary or are required by law. Such other
11 officers and assistants as shall be provided for by ordinance,
12 or may be necessary to the proper and efficient conduct of
13 the affairs of the city, or are required by statute, shall be
14 appointed by the heads of the several departments subject
15 to approval 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 9 of the department concerned and countersigned by the 10 mayor, except that when such contracts or instruments con- 11 cern the department of accounts and finances they shall be 12 signed 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 4 every year. The city council shall provide by ordinance for 5 the time of holding regular meetings, and special meetings 6 may be called from time to time by the mayor or the two 7 aldermen.

Sect. 34. No order, resolution or vote appropriating 2 money in excess of five hundred dollars, or making, or au- 3 thorizing the making of any contract involving a liability

4 on 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
8 public places in the city for any purpose for which munici-
9 pal consent may be necessary, shall be passed by the city
10 council unless it be proposed in writing and remain on file
11 in the office of the city clerk and be published by him twice
12 in one daily newspaper of the city, if there be any, and one
13 of the daily newspapers published in Androscoggin county,
14 at least one week before its final passage, except an order,
15 resolution or vote for the immediate preservation of the
16 public peace, health or safety, which contains a statement
17 of its 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 pas-
23 sage 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 newspaper published in the city, if there be
8 any, and to the newspapers published in Androscoggin
9 county, and to persons who shall apply therefor at the office
10 of the city clerk. At the end of the municipal year it shall
11 cause a full and complete examination of all books and
12 accounts 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 pas-
6 sage of ordinances, by vote of the qualified voters of the
7 city, at an annual city election. The city council shall fix
8 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,
9 to 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
10 the alteration of old buildings or the building of new ones,
11 subject to the provisions of chapter eighty-eight of the
12 public laws of nineteen hundred and nine, shall be deter-
13 mined, made, adopted and carried out by, and under the
14 supervision of, the school committee acting jointly with
15 the members of the city council, but no such purchase,
16 alteration of plans, selection or approval of plans for any
17 school building or execution of any such plans for the alter-
18 ation of old buildings or the building of new ones shall be
19 determined, made, adopted or carried out, unless at least
20 two-thirds of the total membership of both bodies acting
21 as one shall vote in favor of such purchase, alteration of
22 plans, acceptance and approval of plans, or execution of
23 any such plans as hereinbefore stated.

The mayor, by the purchasing agent, shall purchase all
25 books, stationery, school apparatus and schoolroom supplies

26 required by the school committee or the superintendent of
27 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 meeting elect one member of said school
37 board to serve for three years, one for two years and one
38 for one year. No person shall be ineligible as a member of
39 the superintending school committee on account of sex.

Sect. 40. If upon any vote for such purchase, alteration
2 of plans, selection or approval of plans for any such 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. 41. Before the first day of April in the year next
2 following the acceptance of this act, the city council, with
3 the advice and assistance of the civil engineer, shall divide
4 the city into not less than five nor more than ten voting

5 precincts. The division shall not be made with any refer-
6 ence 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 laws
13 of the state for polling places. The voting precincts and poll-
14 ing places provided as aforesaid shall serve all the purposes
15 of wards and ward rooms under the state laws governing
16 elections, and all reference to wards, ward rooms and polling
17 places in such state laws shall apply to the voting precincts
18 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
33 or providing more such precincts, up to the number of ten,
34 if the convenience of the voters should warrant such change,
35 but in no case making the number of such precincts less than
36 seven.

Sect. 42. The repeal of the acts specified in section two
2 of this act shall not affect any act done, or any act accruing
3 or accrued or established, or any suit or proceeding had or
4 begun in any civil case before the time when such repeal
5 takes effect, nor shall it affect any offences committed or
6 penalty or forfeiture incurred under the provisions of the
7 acts or parts of acts hereby repealed. All persons who at
8 the time said repeal takes effect shall hold any office under
9 the said acts shall continue to hold them according to the
10 tenure thereof, except as otherwise provided herein; more-
11 over all by-laws and ordinances of the city of Auburn that
12 are in force at the time when the said repeal takes effect,
13 and not inconsistent with the provisions of this act, shall
14 continue in force until they are repealed or amended accord-
15 ing to the provisions herein made for repealing or amend-
16 ing by-laws and ordinances, and all officers elected under
17 such by-laws and ordinances shall continue in office accord-
18 ing to the tenure thereof, except as is otherwise provided
19 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 nine-
21 teen hundred and thirteen, at which special election this act
22 shall be submitted to the qualified voters of the city.

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

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

If on such resubmission the said act should not be so
42 accepted 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 fif-
48 teen 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 elec-
60 tion for the statements of candidates (and petitions accom-
61 panying 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.