

MAINE STATE LEGISLATURE

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SEVENTY-SEVENTH LEGISLATURE

SENATE

NO. 113

In Senate, Feb. 17, 1915.

Ordered, That five hundred copies be printed and that the same be referred to the Committee on Legal Affairs.

Committee on Reference.

Presented by Mr. Swift of Kennebec.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND FIFTEEN

AN ACT to amend the charter of the City of Augusta.

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

Section 1. The municipal election for the choice of mayor,
2 aldermen, councilmen and city constables of the City of Au-
3 gusta, and of wardens and ward clerks of the several wards
4 in said city, shall be held on the second Monday of Decem-
5 ber, annually, instead of on the second Monday of March.
6 Said officers chosen at any annual election shall hold their
7 offices one year from the first Monday of January next fol-
8 lowing their election, and until others shall be elected and
9 qualified in their places; *except* that those that shall be
10 chosen at the election to be held on the second Monday of

11 December in the present year shall hold their offices from
12 the third Monday of March in the year one thousand nine
13 hundred and sixteen until the first Monday of January in
14 the year one thousand nine hundred and seventeen, and
15 until their successors are elected and qualified in their places;
16 provided, however, that if section two of this act shall be
17 accepted, as hereinafter provided, by the electors of said
18 city then the municipal election shall be held biennially, in-
19 stead of annually, beginning with the second Monday of
20 December in the present year, and the aforesaid officers
21 chosen at any biennial election shall hold their offices two
22 years from the first Monday of January next following
23 their election, and until their successors are elected and
24 qualified in their places, *except* that those that shall be
25 chosen at the election to be held on the second Monday of
26 December in the present year shall hold their offices from
27 the third Monday in March in the year one thousand nine
28 hundred and sixteen until the first Monday of January in
29 the year one thousand nine hundred and eighteen, and until
30 their successors are elected and qualified in their places.

Sect. 2. The municipal election for the choice of mayor,
2 aldermen, councilmen and city constables of the City of Au-
3 gusta, and of wardens and ward clerks of the several wards
4 in said city, shall be held once in two years instead of an-
5 nually. If section one of this act shall be accepted by the
6 electors of said city the municipal election shall be held on
7 the second Monday of December in the present year and

8 biennially thereafter on the second Monday of December,
9 and the officers chosen at any biennial December election
10 shall hold their offices two years from the first Monday of
11 January following their election, and until their successors
12 are elected and qualified in their places, except that those
13 that shall be chosen at the December election in the present
14 year shall hold their offices from the third Monday in March
15 in the year one thousand nine hundred and sixteen until
16 the first Monday in January in the year one thousand nine
17 hundred and eighteen, and until their successors are elected
18 and qualified in their places. If said section one shall not
19 be accepted by the electors of said city, then the municipal
20 election shall be held on the second Monday in March in
21 the year one thousand nine hundred and sixteen and bien-
22 nially thereafter on the second Monday in March, and the
23 officers chosen at any biennial March election, beginning with
24 the March municipal election in the year one thousand nine
25 hundred and sixteen which in such case is deemed the first
26 biennial election, shall hold their offices two years from
27 the Monday following the biennial election at which they
28 are elected, and until their successors are elected and quali-
29 fied in their places. Any officer chosen at a special election
30 to fill a vacancy shall hold his office during the unexpired
31 term and until his successor is elected and qualified in his
32 place.

Sect. 3. The mayor shall receive from said city a salary
2 of twelve hundred dollars per year, payable monthly, to be

3 in full for all services rendered the city by him in any ca-
4 pacity.

Sect. 4. The mayor shall appoint all city officers except
2 those that are required by law to be elected by the qualified
3 electors of said city or of the several wards in said city.
4 The appointments shall be made and take effect as soon as
5 convenient after the beginning of the mayor's term of office,
6 and the officers appointed shall hold their offices during the
7 term for which the mayor was elected; except that the com-
8 missioners of streets and the overseer of the poor shall
9 be appointed triennially to hold office for the term of three
10 years, and one assessor shall be appointed each year to hold
11 office for the term of three years. Appointed city officers
12 may be removed from office by the mayor for cause, other-
13 wise they shall serve through their respective terms afore-
14 said and until their successors are appointed and qualified
15 in their places. The mayor shall exercise the same power
16 of appointment to fill a vacancy in any appointive city office,
17 but the person appointed to fill a vacancy due to any cause
18 other than expiration of the term of office shall hold office
19 during the unexpired term of his predecessor. If section
20 five of this act shall be adopted, commissioners of streets
21 shall not be appointed, and the office of commissioner of
22 streets shall be deemed to be abolished when the provisions
23 of said section five for the appointment of one street com-
24 missioner become operative.

Sect. 5. In place of the two commissioners of streets, 2 respectively of the Eastern and Western Districts in said 3 City of Augusta, there shall be one street commissioner who 4 shall have all the powers and perform all the duties hereto- 5 fore pertaining to the two commissioners of streets. The 6 street commissioner shall be a trained road builder and shall 7 receive a salary of two thousand dollars per year, payable 8 monthly, to be in full for all services rendered said city in 9 any capacity. On the third Monday of March in the year 10 one thousand nine hundred and sixteen, or as soon there- 11 after as convenient, the mayor shall appoint the street com- 12 missioner to hold office three years from the date of his ap- 13 pointment and until his successor is appointed and qualified; 14 and thereafter the street commissioner shall be appointed 15 triennially; but the mayor may remove the street commis- 16 sioner from office for cause at any time and appoint another 17 in his place for the unexpired term or for the term of three 18 years, subject, however, to removal from office for cause. 19 Likewise the mayor may fill a vacancy at any time occurring, 20 and from whatever cause, in the office of street commis- 21 sioner, by appointing another person for the unexpired term 22 or for the full term of three years.

Sect. 6. Sections one, two, three, four and five of this 2 act shall take effect only when accepted, as hereinafter pro- 3 vided, by the electors of said city qualified to vote in a mu- 4 nicipal election. Said sections shall be submitted to be 5 voted upon by the qualified electors of said city at an elec-

tion to be especially called and held for that purpose on the second Monday of September in the year one thousand nine hundred and fifteen. Said election shall be called, advertised and conducted according to the law relating to municipal elections in said city. The ballots to be used in said election shall be in such form as to permit each of said first five sections of this act to be voted on separately by an expression of the voter's opinion on the following five questions relating respectively to said first five sections of this act:

'Section 1. Shall the municipal elections, in the City of Augusta, for the election of mayor, aldermen, councilmen, constables and ward officers henceforth be held on the second Monday of December in order that the municipal year may begin on the first Monday of January?'

'Sect. 2. Shall the mayor, aldermen, councilmen, constables and ward officers be elected biennially to hold office for the term of two years?'

'Sect. 3. Shall the mayor's salary be changed to twelve hundred dollars per year?'

'Sect. 4. Shall all the city officers, other than those elected by the people, be appointed by the mayor to serve through the mayor's term of office, excepting that the commissioners of streets, assessors and overseer of the poor are to be appointed for three-year terms, and all appointed officers to be subject to removal from office by the mayor for cause.'

Sect. 5. Shall the mayor appoint one street commissioner,
33 to be a trained road builder, in place of the two commission-
34 ers of streets and to hold office for the term of three years
35 unless removed from office by the mayor for cause?
36 Opposite and to the right of each of said questions shall
37 be printed the two words "Yes," "No" with the usual
38 squares in which the voter is to mark in the manner re-
39 quired by law to express his opinion. Other brief and suit-
40 able explanation of the subject matter submitted may be
41 printed on the ballots which in other respects shall conform
42 with all the requirements of law. Such of the sections so
43 submitted as shall receive more affirmative than negative
44 votes at said election shall be deemed to have been accepted
45 and shall thereupon be in full force and effect. The result
46 of said election shall be declared by the mayor and aldermen,
47 and due certificate thereof filed with the city clerk and with
48 the secretary of state. A printed copy of the full text of
49 this act shall be posted with each notice of said election, and
50 two copies shall be kept posted in each voting place in said
51 city during said election.'

Sect. 7. All acts and parts of acts inconsistent herewith,
2 and all provisions of the charter and ordinances of the said
3 City of Augusta inconsistent with this act are hereby modi-
4 fied so as to conform to the provisions of this act; but this
5 section shall take effect as to the subject matter covered by
6 sections one, two, three, four and five of this act when and

7 only so far as said first five sections or any of them are final-
8 ly accepted by the electors of said City of Augusta, as pro-
9 vided in section six.