

MAINE STATE LEGISLATURE

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NEW DRAFT.

SEVENTY-EIGHTH LEGISLATURE

SENATE

NO. 391

In Senate, March 23, 1917.

*Reported by Mr. Wood from Committee on Legal Affairs
and two thousand copies printed under joint rules.*

W. E. LAWRY, Secretary.

STATE OF MAINE

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

AN ACT to grant a new charter to the city of Auburn.

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

ARTICLE I.

GRANT OF POWERS TO THE CITY.

Section 1. The inhabitants of the city of Auburn shall
2 continue to be a municipal corporation under the name of
3 the city of Auburn and as such shall have, exercise, and
4 enjoy all the rights, immunities, powers, and privileges and
5 shall be subject to all the duties, liabilities, and obligations
6 provided for herein, or otherwise pertaining to or incum-
7 bent upon said city as a municipal corporation; and may

8 enact ordinances, by-laws, and regulations not inconsistent
9 with the constitution and laws of the state of Maine.

ARTICLE II.

CITY COUNCIL.

Section 1. Powers Vested in the Council. All the powers
2 granted to the city by this charter and by the laws of this
3 state, except as otherwise provided by this charter, are here-
4 by vested in the city council, which shall exercise its powers
5 in the manner hereinafter provided; except that the general
6 management, care and conduct of the schools shall be vested
7 in a school committee. The members of the city council
8 shall be the municipal officers of the city of Auburn for all
9 purposes required by statute or ordinance. The city coun-
10 cil is hereby constituted overseers of the poor of the city
11 of Auburn. As such they may authorize a clerk or agent
12 to sign and send the written notices and the written answers
13 referred to in sections thirty-five and thirty-six of chapter
14 twenty-nine of the revised statutes; and such written notices
15 and written answers shall have the same effect as if signed
16 and sent by the members of the city council themselves.

Sect. 2. Composition and Term of the Council. The
2 council shall be composed of the mayor and five other
3 members. The members other than the mayor shall be
4 elected one from each ward by and from the qualified
5 voters thereof. The mayor shall be ex-officio president of
6 the council. The members of the council shall hold office
7 for a term of two years or until their successors are elected

8 and qualified. Members of the council other than the mayor
9 shall serve without compensation.

Sect. 3. Vacancies in the Council. In case of the death,
2 resignation, or removal from office of any member of the
3 council, more than six months prior to the next regular city
4 election, the vacancy shall be filled by a special election
5 which shall be held in the ward from which the vacancy
6 occurs, the warrants for which shall be issued by the mayor.

Any member of the council who shall have been convicted
2 of a crime while in office shall thereby forfeit his office.

Sect. 4. Organization. Regular Meetings. The council
2 shall meet at the usual place for holding meetings at ten
3 o'clock a. m., on the first Monday in January following the
4 regular city election, at which time the mayor-elect and the
5 councilmen-elect shall be sworn to the faithful discharge of
6 their duties by a justice of the peace or by the city clerk.
7 Thereafter the council shall meet at such time and place
8 as may be prescribed by ordinance or resolution, except that
9 it shall meet regularly twice each month.

Sect. 5. Special Meetings. Special meetings may be
2 called by the mayor, or by a majority of all the members
3 of the council. Notice of such meeting shall be served in
4 person upon, or left at the usual dwelling place of, each
5 member of the council and the city manager.

Sect. 6. Quorum. A majority of the members of the
2 council shall constitute a quorum for the transaction of

3 business, but a smaller number may adjourn from time to
4 time or compel attendance of absent members.

Sect. 7. Rules and Procedure. The council shall keep a
2 record of its proceedings and shall be the judge of the
3 qualification and election of its own members. The council
4 may determine its own rules of procedure and punish mem-
5 bers for misconduct. The meetings of the council shall be
6 open to the public. The council shall act only by ordinance,
7 order, or resolve; and all ordinances, orders, and resolves,
8 except resolves making appropriations, shall be confined to
9 one subject which shall be clearly expressed in the title.
10 The appropriation resolves shall be confined to the subject
11 of appropriations. No ordinance and no appropriation re-
12 solve shall be passed until it has been read on two separate
13 days, except when the requirement of a reading on two
14 separate days has been dispensed with by a four-fifths vote
15 of the voting members of the council. The yeas and nays
16 shall be taken upon the passage of all ordinances and en-
17 tered on the record of the proceedings of the council by
18 the clerk. The yeas and nays shall be taken on the passage
19 of any order or resolve when called for by any member of
20 the council. Every ordinance shall require on final passage
21 the affirmative vote of a majority of the voting members
22 of the council. Every ordinance shall be published in full
23 within ten days after its final passage, and shall take effect
24 and be in force after its approval by some justice of the
25 supreme judicial court.

ARTICLE III.

THE MAYOR.

Section 1. Election and Term. A mayor shall be elected
2 by and from the qualified voters of the city. He shall hold
3 office for a term of two years or until his successor is
4 elected and qualified, except that when elected to fill a va-
5 cancy he shall hold office only for the unexpired term or
6 until his successor is elected and qualified.

Sect. 2. Vacancy. In case of the death, resignation, or
2 removal from office of the mayor more than six months
3 prior to the next regular election, the vacancy for the un-
4 expired term shall be filled by a special election, the war-
5 rants for which shall be issued by the council. Whenever
6 the office of mayor becomes vacant within six months prior
7 to a regular city election, whenever the office of mayor is
8 vacant pending an election, or whenever the mayor, for any
9 reason, is unable to attend to the duties of his office the
10 council shall appoint one of its members to perform the
11 duties of mayor.

Sect. 3. Duties of the Mayor. The mayor shall preside
2 at all meetings of the council and shall perform such other
3 duties, consistent with his office, as the council may impose.
4 He shall have no veto and no vote except in case of a tie.
5 He shall be recognized as the official head of the city for
6 ceremonial purposes, and for all purposes of military law.
7 The title of mayor shall not be considered as conferring

8 upon him any functions of a mayor under the general laws
9 of the state inconsistent with the provisions of this charter.

ARTICLE IV.

SUPERINTENDING SCHOOL COMMITTEE.

Section 1. Composition and Term of the Superintending
2 School Committee. The superintending school committee
3 shall consist of the mayor, ex-officio, and ten other members
4 elected two from each ward by and from the inhabitants
5 thereof. No person shall be ineligible to membership on
6 the superintending school committee on account of sex.
7 They shall hold office for a term of four years or until their
8 successors are elected and qualified.

The five members of the superintending school committee,
2 elected in March nineteen hundred and seventeen for a term
3 of two years, shall continue in office under this charter
4 until the first Monday in January nineteen hundred and
5 nineteen, or until their successors are elected and qualified.

Sect. 2. Organization. The superintending school com-
2 mittee shall meet for organization on the first Monday in
3 January following the regular city election. The members-
4 elect shall be sworn by a justice of the peace to the faithful
5 discharge of their duties. A majority of the whole number
6 to be elected shall be a quorum.

Sect. 3. Powers and Duties of the Superintending School
2 Committee. The superintending school committee shall
3 have all the powers, and shall perform all the duties in
4 regard to the care and management of the public schools

5 of this city which are now conferred and imposed upon the
6 superintending school committee by the laws of this state,
7 except as otherwise provided in this charter.

Sect. 4. Vacancies. Whenever from any cause a vacancy
2 in the superintending school committee shall occur, the city
3 council by a majority vote of all the members shall appoint,
4 for the unexpired term, a resident of the ward where the
5 vacancy exists.

ARTICLE V.

NOMINATIONS AND ELECTIONS.

Section 1. Elections. On the second Wednesday in De-
2 cember in the year nineteen hundred and seventeen and
3 biennially thereafter the qualified voters of each ward shall
4 ballot for a mayor, a councilman, a member of the super-
5 intending school committee, a warden, and a ward clerk;
6 all the votes cast for the several officers shall be sorted,
7 counted, declared and registered in open ward meeting, by
8 causing the names of the persons voted for, and the number
9 of votes given for each to be written on the ward record
10 at length. The ward clerk shall forthwith deliver to the
11 persons elected warden and ward clerk certification of their
12 election, and shall forthwith deliver to the city clerk a cer-
13 tified copy of the record of such election.

In the year nineteen hundred and seventeen, the board of
2 aldermen, and thereafter the city council, shall, as soon as
3 conveniently may be, examine the copies of the records of
4 the several wards certified as aforesaid and shall cause the

5 persons who shall have been elected mayor, councilmen, and
6 members of the superintending school committee to be noti-
7 fied in writing of their election; but if it shall appear that
8 no person shall have been elected to any office, or if the
9 person elected shall refuse to accept the office, warrants
10 for another election shall be issued forthwith. At any elec-
11 tion the person receiving the highest number of votes for
12 an office shall be deemed and declared elected to such office.

Sect. 2. Warden and Ward Clerk. The warden and the
2 ward clerk chosen as provided in the preceding section
3 shall be residents of the wards for which they are elected,
4 and shall hold their offices for two years from the first
5 Monday in January following the regular city election, or
6 until others have been chosen and qualified in their stead;
7 the warden and the ward clerk shall be sworn to the faith-
8 ful performance of their duties by the person presiding in
9 the ward meeting, or by the clerk thereof, and a certificate
10 of such oath shall be entered by the clerk on the records
11 of said ward. The warden shall preside at all ward meet-
12 ings with the powers of moderators of town meetings, and
13 if at any meeting the warden shall not be present, the clerk
14 of the ward shall call the meeting to order and preside
15 until a warden pro tempore shall be chosen. If neither the
16 warden nor the clerk shall be present, any legal voter in
17 the ward shall preside until a clerk pro tempore shall be
18 chosen and qualified. The clerk shall record all the pro-
19 ceedings and certify the votes given, and deliver over to

20 his successor in office all such records and journals together
21 with all documents and papers held by him in the capacity
22 of clerk. All ward meetings shall be notified and called by
23 the city council in the manner provided in the laws of this
24 state for notifying and calling town meetings by the select-
25 men of the several towns.

Sect. 3. Nomination by Petition. The nomination of all
2 candidates for elective offices provided for by this charter
3 shall be by petition. The petition of candidates for mayor
4 shall be signed by not less than one hundred qualified voters
5 of the city. The petitions of candidates for councilmen,
6 for the superintending school committee, for warden and
7 for ward clerk shall be signed by at least twenty-five quali-
8 fied voters of the ward wherein the candidates are to be
9 elected. No voter shall sign petitions for more than one
10 candidate for each office to be filled at the election, and
11 should he do so his signature shall be void as to the petition
12 or petitions last filed.

Sect. 4. Signatures to the Forms of Nomination Papers.
2 The signatures to the nomination petition need not all be
3 appended to one paper, but to each separate paper there
4 shall be attached an affidavit of the circulator thereof, stat-
5 ing the number of signers of such paper and that each sig-
6 nature appended thereto was made in his presence and is
7 the genuine signature of the person whose name it purports
8 to be. With each signature shall be stated the place of
9 residence of the signer, giving the street and number or

10 other description sufficient to identify the same. The form
11 of the nomination petition shall be substantially as follows:

We, the undersigned electors of the city of Auburn, hereby
2 nominate, whose residence is,
3 for the office of, to be voted for at the elec-
4 tion to be held in the city of Auburn on the
5 day of, 19..; and we individually certify that
6 we are qualified to vote for a candidate for the above office
7 and that we have not signed more nomination petitions of
8 candidates for this office than there are persons to be elected
9 thereto.

10 Name. Street and Number.

(Space for signatures.)

., being duly sworn, deposes and says that he
2 is the circulator of the foregoing petition paper containing
3 signatures, and that the signatures appended
4 thereto were made in his presence and are the signatures
5 of the persons whose names they purport to be.

(Signed)

Subscribed and sworn to before me this day
2 of 19... Justice of the Peace
3 (or Notary Public.)

This petition, if found insufficient by the election authori-
2 ties, shall be returned to at No.
3 Street.

Sect. 5. Filing Nomination Papers. The nomination pa-
2 pers comprising a petition shall be assembled and filed with

3 the city clerk, as one instrument, not earlier than twenty-
4 eight nor later than fourteen days, exclusive of Sundays,
5 before the day of the election. No nomination shall be
6 valid unless the candidate shall file with the city clerk in
7 writing his acceptance of the nomination, not later than
8 fourteen days before the day of the election.

Sect. 6. Certifying and Publishing the List of Candidates.

2 The city clerk shall certify the list of candidates, and shall
3 cause to be published in one or more newspapers, circu-
4 lating in the city, the names and residence of the candi-
5 dates who have duly filed the above-mentioned petitions.

Sect. 7. Preparation of the Ballot. Specimen ballots and

2 official ballots for use in all city elections shall be provided
3 by the city clerk.

Sect. 8. Form of Ballot. The names of the candidates

2 nominated as provided in the preceding section shall be
3 arranged according to lot under the title of the office to be
4 filled. Lot shall be drawn by the city clerk, at which draw-
5 ing the candidates or their representatives shall be entitled
6 to be present. The ballots shall be without party mark or
7 designation. The full name and residence of each candi-
8 date shall be given. At the left of each name shall be a
9 square within which the voter shall place a cross to desig-
10 nate his choice. Blank spaces shall be left at the end of
11 the list of the candidates for each office, in which the voter
12 may insert the name of any person not printed on the ballot,
13 for whom he desires to vote.

The ballot shall be printed substantially as follows:

CITY OF AUBURN.
 WARD ()
 REGULAR (OR SPECIAL) CITY ELECTION.
 (Date)
 OFFICIAL BALLOT.

INSTRUCTIONS TO VOTERS
 To vote for any candidate mark a cross (X) in the square at the left of the name.
 If you wrongly mark, tear or deface the ballot return it and obtain another.

For MAYOR	
	John Doe..... (Res.)
	Richard Roe..... (Res.)
 (Res.)
For COUNCIL	
	John Smith..... (Res.)
	William White..... (Res.)
 (Res.)
For SUPERINTENDING SCHOOL COMMITTEE	
	Charles Brown..... (Res.)
	Joe Jones..... (Res.)
 (Res.)
For WARDEN	
	William Doe..... (Res.)
	Charles Roe..... (Res.)
 (Res.)
For WARD CLERK	
	John Jones..... (Res.)
	Charles White..... (Res.)
 (Res.)

Mark a cross (X) in the square at the left of your answer.

	Yes	Shall.....
	No?
	Yes	Shall.....
	No?

Sect. 9. Specimen Ballots. The city clerk shall cause
2 specimen ballots to be posted in public places and adver-
3 tised in the newspapers not later than ten days prior to the
4 city election. Such specimen ballots shall be printed on
5 colored paper and marked specimen ballot, and shall con-
6 tain the names of the certified candidates with the residence
7 of each, instructions to voters, and such measures as may
8 be submitted to the voters. Such ballots shall be without
9 party mark or designation.

Sect. 10. State Election Laws. The provisions of the
2 laws of the state of Maine relating to the qualification of
3 electors, registration, the manner of voting, the duties of
4 election officers, and all other particulars in respect to the
5 management of elections, so far as they may be applicable,
6 shall govern all municipal elections except as otherwise pro-
7 vided in this charter.

ARTICLE VI.

ADMINISTRATIVE OFFICERS.

Section 1. Titles and Appointments. There shall be the
2 following administrative officers and boards.

(a) The following officers and boards shall be appointed
2 by ballot by a majority vote of the voting members of the
3 council: city manager, clerk, city solicitor, treasurer and
4 tax collector, auditor, Auburn water commissioners, asses-
5 sors of taxes, planning board, and board of health.

(b) The following officers and boards shall be appointed
2 by the city manager, subject to confirmation by the city

3 council: city engineer, superintendent of streets, wire in-
4 spector, plumbing inspector, inspector of buildings, city
5 physician, city marshal, chief of the fire department, all
6 other department heads whose positions may be from time
7 to time created by ordinance, and, upon recommendation of
8 heads of departments, all minor officers and employees.

Sect. 2. Power of the Council with Regard to Appointive
2 Offices and Boards. The council shall have power by ordi-
3 nance or resolve:

(a) To create any new appointive office.

(b) To assign or authorize the city manager to assign
2 the duties of two or more offices to one officer.

(c) To divide the duties of any office between two or
2 more offices.

(d) To authorize the appointment of assistants or depu-
2 ties in any office.

Sect. 3. Civil Service Rules for Police and Fire Depart-
2 ments. The city council shall provide by ordinance for a
3 system of civil service rules for the appointment, promo-
4 tion, lay-off, reinstatement, suspension, and removal of the
5 members of the police department and the fire department
6 except that the chief of the fire department and the city
7 marshal shall be appointed or removed as hereinbefore pro-
8 vided.

Sect. 4. Terms of Service. All appointive officers and
2 boards, whose terms are not specified in this charter, shall
3 hold office at the pleasure of the appointing power, except

4 that the city manager, in case the city council proceed to
5 remove him, after six months of service, may demand and
6 be entitled to written charges and a public hearing before
7 the council, upon the question, prior to the date of his re-
8 moval, but pending such hearing the council may suspend
9 him from office. Appointive officers and boards, whose
10 terms are specified in this charter, may be removed by the
11 council upon written charges and after a public hearing on
12 the same.

Sect. 5. Compensation of Officials. The council shall fix
2 by order the salary of the mayor and the salaries of the
3 appointees of the council. Salaries of the appointees of
4 the city manager shall be fixed by the city manager subject
5 to the approval of the council.

Sect. 6. Appointment and Qualifications of the City Man-
2 ager. The city manager shall be chosen by the council
3 solely on the basis of his executive and administrative quali-
4 fications, and need not be a resident of the city of Auburn
5 or the state of Maine at the time of his appointment.

Sect. 7. Powers and Duties of the City Manager. The
2 city manager shall be the administrative head of the city
3 government, and shall be responsible to the council for the
4 administration of all departments. The powers and duties
5 of the city manager shall be as follows:

(a) To see that the laws and ordinances are enforced.

(b) To exercise control over all departments and di-
2 visions created herein, or that may hereafter be created.

(c) To make appointments and removals as provided in
2 this charter.

(d) To attend meetings of the council, except when his
2 removal is being considered, and recommend for adoption
3 such measures as he may deem expedient.

(e) To keep the council fully advised as to the business,
2 financial condition, and future needs of the city.

(f) To perform such other duties as may be prescribed
2 by this charter or required by ordinance of the council.

Sect. 8. Substitute. During the vacancy in the city man-
2 ager's office, and during the absence or disability of the
3 manager, the council may designate a properly qualified per-
4 son to perform the duties of manager and fix his compen-
5 sation.

Sect. 9. Duties of Administrative Officers other than the
2 Manager. Duties of administrative officers other than the
3 manager may be prescribed by the council. Such duties
4 shall not be inconsistent with the provisions of this charter.

Sect. 10. Assessors of Taxes. At its first meeting in
2 January, nineteen hundred and eighteen, or as soon there-
3 after as may be, the city council shall appoint three asses-
4 sors of taxes, one for a term of one year, one for a term
5 of two years, and one for a term of three years; and an-
6 nually thereafter there shall be appointed by the city coun-
7 cil one assessor for a term of three years. The assessors
8 shall hold office until their successors are appointed and
9 qualified. If for any reason, a vacancy occurs in the mem-

10 bership of the board of assessors, the vacancy shall be filled
11 forthwith by the council, for the unexpired term. The as-
12 sessors thus appointed shall exercise the same powers and
13 be subject to the same duties and liabilities that similar
14 officers of the several towns and cities in the state may
15 exercise, and are subject to, under the laws of the state.

Sect. 11. Composition and Term of City Planning Board.

2 The city planning board shall consist of three members,
3 each to serve three years, except that at the first appoint-
4 ment under this charter one shall be appointed for one year,
5 one for two years, and one for three years, and thereafter
6 one shall be appointed each year.

Sect. 12. Duties and Powers of the City Planning Board.

2 It shall be the duty of the city planning board to keep itself
3 informed of the progress of city planning in this and other
4 countries, to make studies and recommendations for the im-
5 provement of the plan of the city with a view to the present
6 and future movement of traffic, the convenience, health,
7 recreation, general welfare, and other needs of the city
8 dependent on the city plan; to consider and report upon the
9 designs and their relations to the city plan, of all new public
10 ways, lands, buildings, bridges, and all other public places
11 and structures, of additions to and alterations in those al-
12 ready existing, and of the layout or plotting of new sub-
13 divisions of the city. All acts of the council or of any other
14 branch of the city government affecting the city plan shall
15 be submitted to the board for report and recommendations.

16 The council may at any time call upon the board to report
17 with recommendations, and the board of its own volition
18 may also report to the council with recommendations on
19 any matter which, in the opinion of either body, affects the
20 plan of the city.

Any matter referred by the council to the board shall be
2 acted upon by the board within thirty days of the date of
3 reference, unless a longer or shorter period is specified by
4 the council.

The board shall submit to the council an annual report
2 summarizing the activities of the board for the fiscal year,
3 the recommendations made by it to the council during the
4 year and the action of the council during the year on any
5 and all recommendations made by the board in that year.

The city engineer shall serve as chief engineer of the city
2 planning board. The board of health of the city shall ad-
3 vise the planning board from time to time of any municipal
4 improvements within the scope of the planning board which,
5 in the opinion of the board of health, would improve the
6 healthfulness of the city.

Sect. 13. City Planning Board to be a Park Commission.
2 The planning board shall be a board of park commissioners
3 and as such shall have the powers and duties of park com-
4 missioners provided for by section eighty-four of chapter
5 four of the Revised Statutes.

Sect. 14. Board of Health. At its first meeting in nine-
2 teen hundred and eighteen, or as soon thereafter as may

3 be, the city council shall appoint a board of health of three
4 members, one for a term of one year, one for a term of
5 two years, and one for a term of three years, and annually
6 thereafter there shall be appointed by the city council one
7 member of the board of health for a term of three years.

The members of the board of health shall hold office until
2 their successors are appointed and qualified. If for any
3 reason a vacancy occurs in the membership of the board
4 of health, the vacancy shall be filled forthwith by the council
5 for the unexpired term.

ARTICLE VII.

BUSINESS AND FINANCIAL PROVISIONS.

Section 1. Accounts and Records. Accounts shall be
2 kept by the auditor showing the financial transactions of all
3 departments of the city. Forms for all such accounts shall
4 be prescribed by the auditor with the approval of the city
5 manager. Accounts shall be kept in such a manner as to
6 show fully at all times the financial condition of the city.
7 The auditor shall furnish to the manager, prior to the first
8 regular meeting of the council in each month, a report con-
9 taining in detail the receipts and disbursements of the city
10 on all accounts, the expenditures made and the obligations
11 incurred during the preceding calendar month, and a bal-
12 ance sheet showing the financial condition of the city, of
13 the several funds, and the total unexpended balance to the
14 credit of each department.

Sect. 2. Auditing of Accounts. All the accounts of the

2 city shall be audited annually by a qualified accountant to
3 be chosen by the council.

Sect. 3. Reports. The auditor shall publish each month
2 a statement of the financial condition of the city.

Each of the administrative officers and boards shall an-
2 nually, on such a date as may be fixed by the council, render
3 to the manager a full report of the transactions of his de-
4 partment for the year. On the basis of these reports, the
5 manager shall prepare and publish an annual report. In
6 addition to a summary of the services rendered by the vari-
7 ous departments the report shall show :

1. Receipts classified according to sources.
2. Expenditures classified according to objects. The
2 classification of receipts and expenditures in the report shall
3 conform in general to the classification in the auditor's
4 books.
3. Balance sheets.
4. Such other financial information as may be required
2 by the council.

Sect. 4. Annual Budget. Not later than one month be-
2 fore the end of the fiscal year the city manager shall sub-
3 mit to the council budget estimates for the ensuing fiscal
4 year. This budget shall be compiled from detailed infor-
5 mation furnished by the administrative officers and boards
6 on blanks, the forms of which shall be designated by the
7 city manager ; and shall contain :

(a) Exact statement of the financial condition of the
2 city.

(b) Itemized statement of appropriations recommended
2 for current expenses, and for permanent improvements, with
3 comparative statements in parallel columns of expenditures
4 for the current and next preceding fiscal year. An increase
5 or decrease in any item shall be indicated.

(c) Itemized statement of estimated revenue from all
2 sources other than taxation; and a statement of taxes re-
3 quired, with comparative figures from the current and the
4 next preceding year.

(d) Such other information as may be required by the
2 council.

The budget shall be published not later than two weeks
2 after its submission to the council. The council shall fix
3 a time and place for holding a public hearing upon the
4 budget, and shall give the public notice of such hearing,
5 which shall be at least ten days before the final passage
6 of the appropriation resolve.

Sect. 5. Appropriation Resolve. Not later than one
2 month after the beginning of the fiscal year the council
3 shall pass an annual appropriation resolve, which shall be
4 based on the budget submitted by the city manager.

The total amount appropriated shall not exceed the esti-
2 mated revenue of the city.

Before the annual appropriation resolve has been passed
2 the council may make appropriations for current depart-

3 mental expenses, chargeable to the appropriations of the
4 year when passed, to an amount sufficient to cover the nec-
5 essary expenses of the various departments until the annual
6 appropriation resolve is in force.

Sect. 6. Transfers. The council in the appropriation
2 resolve shall provide for a reserve fund from which trans-
3 fers may be made only by vote of the council, and no trans-
4 fer of any money shall be made from any fund other than
5 this reserve fund until the end of the fiscal year, at which
6 time, after all warrants have been paid out of the various
7 funds, the auditor shall transfer to this reserve fund any
8 remaining balance or balances in these various funds, ex-
9 cept balances in the school fund; the council may then au-
10 thorize a transfer from the reserve fund to any other fund
11 in which there is an overdraft created by any actual emer-
12 gency.

Sect. 7. Borrowing. The borrowing of money by and
2 for the city shall be limited as to form and purpose accord-
3 ing to provisions eight and nine of Article VII of this
4 charter. The credit of the city shall not in any manner
5 be loaned to, or in aid of, any individual, association, or
6 corporation except that suitable provisions may be made for
7 the aid and support of the poor of the city.

Sect. 8. Bond Issues. Money may be borrowed by the
2 issue and sale of bonds or notes, pledged on the credit of
3 the city, for the acquisition of land, the construction and
4 equipment of buildings and other permanent public im-

5 improvements, and the payment or refunding of bonds, notes
6 and certificates of indebtedness previously issued. No or-
7 der providing for the issue of bonds shall be passed with-
8 out public notice by posting a notice of the same in two
9 public places in the city of Auburn and advertising same
10 in two daily newspapers published in Androscoggin county
11 at least two weeks before final action by the council, and
12 the approval of four-fifths of all the members of the coun-
13 cil. Every issue of bonds shall be payable within a term
14 of years, not to exceed the period of the useful life of the
15 improvement for which they are issued, and in no case to
16 exceed thirty years. Bonds issued after the adoption of
17 this charter shall be payable in equal annual serial instal-
18 ments, including principal and interest. Every order for
19 the issue of bonds shall provide for a tax levy for each
20 year to meet the annual serial instalment of principal and
21 interest, and such amounts shall be included in the tax levy
22 for each year until the debt is extinguished.

Sect. 9. Temporary Loans. Money may be borrowed in
2 anticipation of receipts from taxes during any fiscal year,
3 but the aggregate amount of such loan at any time shall
4 not exceed eighty per cent of the revenue from taxes re-
5 ceived during the preceding fiscal year. All such loans shall
6 be paid out of the receipts from taxes for the fiscal year
7 in which they are issued. Money may also be borrowed
8 in anticipation of revenue from bond issue in case such
9 bond issue has been authorized.

Sect. 10. Sinking Fund. Until the bonded indebtedness
2 of the city of Auburn, in force at the time of the adoption
3 of this charter, is paid, the city council shall raise and set
4 apart each year for a sinking fund, a sum equivalent to two
5 per cent of the total appropriation for that year. The sink-
6 ing fund shall be applied only to the payment of that bonded
7 indebtedness of the city, the payment of which has not been
8 provided for by serial instalments.

The sinking fund shall be invested in the bonds of the
2 city or in such other bonds as savings banks in this state
3 may from time to time be authorized to hold for invest-
4 ment, or may be deposited in such savings banks.

Sect. 11. Payments. Money shall be paid out only on
2 warrants on the city treasury issued by the auditor and
3 countersigned by the city manager.

The auditor shall examine all pay rolls, bills, and other
2 claims and demands against the city and shall issue no
3 warrant for payment unless he finds that the claim is in
4 proper form, correctly computed and duly certified, and
5 legally payable.

The auditor may require any claimant to make oath to the
2 validity of a claim, may investigate any claim, and for such
3 purpose or purposes may examine witnesses under oath.

Sect. 12. Bonds of Officers. The city council shall re-
2 quire bonds, with sufficient sureties, from all persons trusted
3 with the collection, custody, or disbursement of the public
4 moneys.

Sect. 13. Collection and Custody of City Moneys. All
2 moneys received by any officer, employee, or agent of the
3 city for, or in connection with, the business of the city
4 shall forthwith be paid into the city treasury, and shall be
5 deposited with such responsible banking institutions as the
6 council may determine. All interest from such deposits
7 shall accrue to the benefit of the city.

Sect. 14. Purchasing of Supplies. The purchasing agent
2 shall purchase all supplies for the city and for the several
3 officers and boards thereof, except supplies for the schools
4 which he shall purchase only upon requisition by the super-
5 intending school committee.

The purchasing agent shall see to the delivery of supplies
2 to each department and take and file receipts therefor. He
3 shall conduct all sales of property unfit or unnecessary for
4 the city's use, after such sales have been authorized by the
5 council.

The city manager shall act as purchasing agent until the
2 council by ordinance shall provide for the appointment of a
3 purchasing agent.

ARTICLE VIII.

PUBLIC UTILITIES.

Section 1. Franchises. All public utility franchises, and
2 all renewals, amendments, and extensions thereof shall be
3 granted or made only by a four-fifths vote of the voting
4 members of the council. No franchise and no renewal or
5 amendment thereof shall be granted or made within three

6 months after the application therefor is filed with the city clerk, nor within thirty days after the publication in full of the proposed franchise in its final form, nor until a public hearing has been held thereon. No public utility franchise shall be transferable except with the approval of the council.

Sect. 2. Right of Regulation. All orders providing for grants, renewals, amendments or extensions of public utility franchises shall retain to the city the following rights:

(a) To repeal the same by order at any time for non-use, or for failure to begin construction within the time prescribed, or otherwise to comply with the terms prescribed:

(b) To require proper and adequate extension of plant and service, and the maintenance of the plant and fixtures at the highest practicable standard of efficiency:

(c) To establish reasonable standards of service and quality of products and prevent unjust discrimination in service or rates;

(d) To impose such other regulations as may be conducive to the safety, welfare, and accommodation of the public.

ARTICLE IX.

MISCELLANEOUS PROVISIONS.

Section 1. Members of City Council Ineligible for Certain Offices. No member of the city council shall during the term for which he was chosen be eligible for any other

4 office the salary of which is payable by the city, or shall dur-
5 ing such term hold any such office.

Sect. 2. No Personal Interest. No officer or employee of
2 the city, elected or appointed, shall be interested directly or
3 indirectly in any contract for work or materials, or the pur-
4 chase thereof, to be furnished or performed for the city. No
5 such officer or employee, except a policeman or fireman,
6 shall accept or receive from any person, firm, or corpora-
7 tion acting under a franchise or license from the city, any
8 frank, free pass, free ticket, or free service, or accept di-
9 rectly or indirectly from any such person, firm, or corpora-
10 tion, any service upon terms more favorable than those
11 granted to the public generally. This provision shall not
12 apply however to any free service now or hereafter provided
13 for by contract, franchise or ordinance.

Sect. 3. Submission of the Act to the Voters of Auburn.
2 This act shall be submitted for approval or rejection to the
3 qualified voters of the city of Auburn at an election to be
4 held the second Monday in September in the year nineteen
5 hundred and seventeen and warrants shall be issued for such
6 election in the manner now provided by law for the holding
7 of municipal elections, notifying and warning the qualified
8 voters of said city to meet in the several ward meetings
9 of said city, there to cast their ballot for the approval or
10 rejection of this act. The question proposed on said ballot
11 shall be substantially in the following form:

“Shall an act passed by the legislature in the year nine-

2 teen hundred and seventeen, approved (insert date) entitled
3 'An Act to Grant a New Charter to the City of Auburn be
4 accepted,' otherwise said ballot shall be in form provided by
5 law when a constitutional amendment is submitted to the
6 vote of the people. The provisions of law relating to the
7 preparation of voting lists for municipal elections shall
8 apply to such election and said election shall in all other re-
9 spects be conducted as municipal elections in said city are
10 now conducted by law, and the results thereof shall be de-
11 termined in the manner now provided by law, for the de-
12 termination of the election of mayor. If a majority of the
13 ballots deposited as aforesaid shall reject, this act shall not
14 go into effect, but if a majority of the electors voting at said
15 ward meetings shall approve, then this act shall take effect as
16 herein provided."

Sect. 4. When the Provisions of this Act Shall Take
2 Effect. So much of this act as authorizes the submission of
3 the acceptance of this charter to the electors of the city of
4 Auburn shall take effect as provided in the constitution of
5 the state, but it shall not take further effect unless accepted
6 by he electors of the city of Auburn as hereinbefore pro-
7 vided. If accepted by the electors of the city, then this act
8 for the purpose of nominating and electing officers hereunder
9 shall take effect on the date of its adoption by the electors,
10 and for all other purposes this act shall take effect on the
11 first Monday in January in the year nineteen hundred and
12 eighteen.

Sect. 5. Ordinances Continued in Force. All ordinances
2 in force at the time when this charter takes effect, not in-
3 consistent with the provisions of this charter, shall continue
4 in force until amended or repealed.

Sect. 6. Present Contracts, etc., Continued. All rights,
2 actions, proceedings, prosecutions, and contracts of the city
3 or any of its departments, pending or unexecuted when this
4 charter goes into effect and not inconsistent therewith shall
5 be enforced, continued or completed in all respects as though
6 begun or executed hereunder.

Sect. 7. Acts Repealed. In case this act is approved in
2 the manner hereinbefore provided, all acts and parts of acts
3 inconsistent herewith are hereby repealed.