

MAINE STATE LEGISLATURE

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EIGHTIETH LEGISLATURE

HOUSE

NO. 37

House of Representatives, January 25, 1921.

On motion of Mr. Wing of Auburn tabled pending reference and 5000 copies ordered printed.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Winter of Auburn.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND
NINE HUNDRED AND TWENTY-ONE

AN ACT to Amend Chapter Two Hundred One of the Private and Special Laws of Nineteen Hundred Seventeen, Entitled "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:

Chapter two hundred one of the private and special laws 2 of nineteen hundred seventeen entitled "An Act to Grant a 3 New Charter to the City of Auburn," is hereby amended, 4 so that the same shall read as follows:

ARTICLE I.

Grant of Powers to the City.

'Section 1. Corporate existence retained. The inhabit-

2 ants of the city of Auburn shall continue to be a municipal
3 corporation under the name of the city of Auburn and as
4 such shall have, exercise and enjoy all the rights, immuni-
5 ties, powers and privileges, and shall be subject to all the
6 duties, liabilities and obligations provided for herein, or
7 otherwise pertaining to or incumbent upon said city as a
8 municipal corporation; and may enact ordinances, by-laws,
9 and regulations not inconsistent with the constitution and
10 laws of the State of Maine.

ARTICLE II.

City Council.

Section 1. Powers and duties. All the powers granted
2 to the city by this charter and by the laws of this state,
3 except as otherwise provided by this charter, are hereby
4 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 the school committee. The members of the city council
8 shall be the municipal officers of the city of Auburn for
9 all purposes required by statute or ordinance. The city
10 council is hereby constituted overseers of the poor of the
11 city of Auburn. As such they may authorize a clerk or
12 agent to sign and send the written notices and the written
13 answers referred to in sections thirty-five and thirty-six of
14 chapter twenty-nine of the revised statutes; and such writ-
15 ten notices and written answers shall have the same effect
16 as if signed and sent by the members of the city council
17 themselves.

Sect. 2. Composition, election, tenure of office, etc. The
2 council shall be composed of the mayor and ten aldermen.
3 The aldermen shall be elected two from each ward by and
4 from the qualified voters thereof. The mayor shall be ex-
5 officio president of the council. The aldermen shall hold
6 office for the term of two years or until their successors are
7 elected and qualified, except as hereinafter provided in Arti-
8 cle V, section one of this act.

Sect. 3. Vacancies; forfeiture of office. Whenever by
2 reason of death, resignation, disqualification, removal from
3 office, or any other cause, a vacancy in the council shall
4 occur, if such vacancy exists more than six months prior
5 to the next regular city election, the vacancy shall be filled
6 for the remainder of the unexpired term by a special elec-
7 tion which shall be held in the ward from which the va-
8 cancy occurs, and the warrant for such special election shall
9 be issued by the mayor. Any alderman who shall cease to
10 be a resident of the ward from which he was elected or who
11 shall have been convicted of a crime while in office, shall
12 thereby forfeit his office.

Sect. 4. Regular meetings and qualification. 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 alderman-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
9 that it shall meet regularly twice each month.

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

Sect. 6. Quorum. A majority of the council shall con-
2 stitute a quorum for the transaction of business, but a
3 smaller number may adjourn from time to time or compel
4 attendance of absent members.

Sect. 7. Procedure. The council shall keep a record of
2 its proceedings and shall be the judge of the qualification
3 and election of its own members. The council may deter-
4 mine its own rules of procedure and punish members for
5 misconduct. The meetings of the council shall be open to
6 the public. The council shall act only by ordinance, order
7 or resolve; and all ordinances, orders, and resolves, except
8 resolves making appropriations, shall be confined to one
9 subject which shall be clearly expressed in the title. The
10 appropriation resolves shall be confined to the subject of
11 appropriations. No ordinance and no appropriation resolve
12 shall be passed until it has been read on two separate days,
13 except when the requirement of a reading on two separate
14 days has been dispensed with by at least a two-thirds vote
15 of the council. The yeas and nays shall be taken upon the
16 passage of all ordinances and entered on the record of the
17 proceedings of the council by the clerk. The yeas and nays
18 shall be taken on the passage of any order or resolve when
19 called for by any member of the council. Every ordinance

20 shall require on final passage the affirmative vote of a ma-
21 jority of the members of the council. Every ordinance shall
22 be published in full within ten days after its final passage,
23 and shall take effect and be in force after its approval by
24 some justice of the supreme judicial court.

ARTICLE III

The Mayor

Section 1. Eligibility, election and tenure of office. The
2 mayor shall be elected by and from the qualified voters of
3 the city. He shall hold office for a term of two years or
4 until his successor is elected and qualified, except that when
5 elected to fill a vacancy he shall hold office only for the
6 unexpired term or until his successor is elected and qualified.

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

Sect. 3. Powers and duties. The mayor shall be the chief
2 executive magistrate of the city. He shall preside at all
3 meetings of the council and shall have a voice and vote in

4 all proceedings and actions of the council. He shall ap-
5 point all administrative and executive officers and heads of
6 departments, subject to confirmation by the aldermen. He
7 shall cause the laws, ordinances and regulations of the city
8 to be faithfully executed and enforced, and exercise a gen-
9 eral supervision over the conduct of all officers. He shall
10 from time to time communicate to the council such infor-
11 mation, and recommend such measures, as the business and
12 interest of the city may in his opinion require. He shall
13 receive a salary which shall be fixed by the aldermen, and
14 which shall not be diminished during his term of office.
15 He shall exercise all the functions of a mayor under the
16 general laws of the state not inconsistent with the pro-
17 visions of this charter.

ARTICLE IV

Superintending School Committee

Section 1. Composition, eligibility, election, tenure of
2 office, special provision. The superintending school com-
3 mittee shall consist of the mayor, ex-officio, and ten other
4 members elected two from each ward by and from the quali-
5 fied voters thereof. They shall hold office for a term of four
6 years or until their successors are elected and qualified.

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

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

Sect. 3. Powers and duties. The superintending school
2 committee shall have all the powers, and shall perform all
3 the duties in regard to the care and management of the pub-
4 lic schools of this city which are now conferred and im-
5 posed upon the superintending school committee by the laws
6 of this state, 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. Date of elections and procedure as to deter-
2 mining result. On the third Monday in November in the
3 year nineteen hundred and twenty-one the qualified voters
4 of each ward shall ballot for mayor, one alderman for one
5 year, one alderman for two years, one member of the super-
6 intending school committee for four years, a warden and
7 a ward clerk; on the third Monday in November in the year
8 nineteen hundred and twenty-two the qualified voters in each

9 ward shall ballot for one alderman to serve for two years,
10 and biennially from the year nineteen hundred and twenty-
11 one the qualified voters in each ward shall ballot for mayor,
12 one alderman for two years, one member of the superin-
13 tending school committee for four years, a warden and a
14 ward clerk; and on the alternate biennial years from the
15 year nineteen hundred and twenty-two the qualified voters
16 in each ward shall ballot for one alderman to serve for two
17 years. All the votes cast for the several officers shall be
18 sorted, counted, declared and registered in open ward meet-
19 ing, by causing the names of the persons voted for and the
20 number of votes given for each to be written on the ward
21 record at length. The ward clerk shall forthwith deliver
22 to the persons elected warden and ward clerk certification
23 of their election, and shall forthwith deliver to the city clerk
24 a certified copy of the record of such election.

The city council shall, as soon as conveniently may be,
2 examine the copies of the records of the several wards cer-
3 tified as aforesaid and shall cause the persons who shall
4 have been elected mayor, aldermen, and members of the
5 superintending school committee to be notified in writing
6 of their election; but if it shall appear that no person shall
7 have been elected to any office, or if the person elected shall
8 refuse to accept the office, warrants for another election
9 shall be issued forthwith. At any election the person re-
10 ceiving the highest number of votes for an office shall be
11 deemed and declared elected to such office.

Sect. 2. Warden and ward clerk; eligibility, tenure, qualification, powers and duties, vacancies; ward meetings; how called. The warden and the ward clerk chosen as provided in the preceding section shall be residents of the wards for which they are elected, and shall hold their offices for two years from the first Monday in January following the regular city election, or until others have been chosen and qualified in their stead; the warden and the ward clerk shall be sworn to the faithful performance of their duties by the person presiding in the ward meeting, or by the clerk thereof, and a certificate of such oath shall be entered by the clerk on the records of said ward. The warden shall preside at all ward meetings with the powers of moderators of town meetings, and if at any meeting the warden shall not be present, the clerk of the ward shall call the meeting to order and preside until a warden pro tempore shall be chosen. If neither the warden nor the clerk shall be present, any legal voter in the ward shall preside until a clerk pro tempore shall be chosen and qualified. The clerk shall record all the proceedings and certify the votes given, and deliver over to his successor in office all such records and journals together with all documents and papers held by him in the capacity of clerk. All ward meetings shall be notified and called by the city council in the manner provided in the laws of this state for notifying and calling town meetings by the selectmen of the several towns.

Sect. 3. Nominations for elective offices to be made by

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

Sect. 4. Form of nomination paper. The signatures to
2 the nomination petition need not all be appended to one
3 paper, but to each separate paper there shall be attached
4 an affidavit of the circulator thereof, stating the number of
5 signers of such paper and that each signature appended
6 thereto was made in his presence and is the genuine signa-
7 ture of the person whose name it purports to be. With
8 each signature shall be stated the place of residence of the
9 signer, giving the street and number or other description
10 sufficient to identify the same. The form of the nomina-
11 tion petition shall be substantially as follows:

We, the undersigned electors of the city of Auburn, here-
2 by nominate _____, whose residence is _____,
3 for the office of _____, to be voted for at the election
4 to be held in the city of Auburn on the _____ day of
5 _____, 19 ; and we individually certify that we are

6 qualified to vote for a candidate for the above office and
 7 that we have not signed more nomination petitions of can-
 8 didates 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 thereto
 4 were made in his presence and are the signatures of the
 5 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 sufficient by the election authorities,
 2 shall be returned to _____ at No. _____ Street,
 3 _____.

Sect. 5. Filing of nomination paper; must be accom-
 2 panied by acceptance. The nomination papers comprising
 3 a petition shall be assembled and filed with the city clerk,
 4 as one instrument, not earlier than twenty-eight nor later
 5 than fourteen days, exclusive of Sundays, before the day
 6 of the election. No nomination shall be valid unless the
 7 candidate shall file with the city clerk in writing his accept-
 8 ance of the nomination, not later than fourteen days before
 9 the day of the election.

Sect. 6. List of candidates to be published. The city clerk shall certify the list of candidates, and shall cause to be published in one or more newspapers, circulating in the city, the names and residence of the candidates who have duly filed the above mentioned petitions.

Sect. 7. Ballots, etc., to be furnished by city clerk. Specimen ballots and official ballots for use in all city elections shall be provided by the city clerk.

Sect. 8. Form of ballot; candidates' names to be arranged by lot. The names of the candidates nominated as provided in the preceding section shall be arranged according to lot under the title of the office to be filled. Lot shall be drawn by the city clerk, at which drawing the candidates or their representatives shall be entitled to be present. The ballots shall be without party mark or designation. The full name and residence of each candidate shall be given. At the right of each name shall be a square within which the voter shall place a cross to designate his choice. Blank spaces shall be left at the end of the list of the candidates for each office, in which the voter may insert the name of any person not printed on the ballot, 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 right of the name.

If you wrongly mark, tear or deface the ballot return it and obtain another.

FOR MAYOR

John Doe	(Res.)	<input type="checkbox"/>	<input type="checkbox"/>
Richard Doe	(Res.)	<input type="checkbox"/>	<input type="checkbox"/>
	(Res.)	<input type="checkbox"/>	<input type="checkbox"/>

FOR ALDERMAN

John Smith	(Res.)	<input type="checkbox"/>	<input type="checkbox"/>
William White	(Res.)	<input type="checkbox"/>	<input type="checkbox"/>
	(Res.)	<input type="checkbox"/>	<input type="checkbox"/>

FOR SUPERINTENDING SCHOOL COMMITTEE

Charles Brown	(Res.)	<input type="checkbox"/>	<input type="checkbox"/>
Joe Jones	(Res.)	<input type="checkbox"/>	<input type="checkbox"/>
	(Res.)	<input type="checkbox"/>	<input type="checkbox"/>

FOR WARDEN

William Doe	(Res.)	<input type="checkbox"/>	<input type="checkbox"/>
Charles Doe	(Res.)	<input type="checkbox"/>	<input type="checkbox"/>
	(Res.)	<input type="checkbox"/>	<input type="checkbox"/>

FOR WARD CLERK

John Jones	(Res.)	<input type="checkbox"/>	<input type="checkbox"/>
Charles White	(Res.)	<input type="checkbox"/>	<input type="checkbox"/>
	(Res.)	<input type="checkbox"/>	<input type="checkbox"/>

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

Shall	Yes	<input type="checkbox"/>
.....	No	<input type="checkbox"/>
Shall	Yes	<input type="checkbox"/>
.....	No	<input type="checkbox"/>

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

Sect. 10. State laws not inconsistent applicable. The pro-
2 visions of the laws of the state of Maine relating to the
3 qualification of electors, registration, the manner of voting,
4 the duties of election officers, and all other particulars in
5 respect to the management of elections, so far as they may
6 be applicable, shall govern all municipal elections except as
7 otherwise provided in this charter.

ARTICLE VI

Administrative Officers

Section 1. Enumeration. There shall be the following
2 administrative officers and boards, to be appointed and con-
3 firmed as provided in article three, section three, of this
4 charter: City clerk, city solicitor, treasurer, tax collector,
5 auditor, assessors of taxes, planning boards, local health
6 officer, city engineer, superintendent of streets, wire in-
7 spector, plumbing inspector, inspector of buildings, city
8 marshal, chief of the fire department, and such other de-
9 partment heads, whose positions may be from time to time

10 created by ordinance. All minor officers and employees,
11 except in the police and fire departments, shall be appointed
12 by the heads of their respective departments, subject to con-
13 firmation by the city council.

Sect. 2. General superintendent; appointment; powers and
2 duties. A general superintendent of all administrative de-
3 partments may be appointed by the mayor, subject to con-
4 firmation by the aldermen, who shall have, under the direc-
5 tion of the mayor and aldermen, general supervision and
6 direction of the work of all departments; who shall attend
7 all meetings of the council, keep it fully informed as to the
8 business, financial condition and future needs of the city,
9 recommend for adoption such measures and course of pro-
10 cedure as he may deem expedient, and perform such other
11 duties as the mayor and aldermen may direct.

Sect. 3. Scope of ordinance or resolve. The council shall
2 have power by ordinance or resolve:

(a) To create any new appointive office.

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

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

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

Sect. 4. Civil service commission. The civil service com-
2 mission, the ordinance relating to the same, and the rules
3 and regulations thereof, shall continue in full force and

4 effect, and the appointment, promotion, lay-off, reinstatement, suspension, and removal of the members of the police department and the fire department shall continue to be governed and regulated thereby, and by such other and further ordinances and regulations not inconsistent herewith as may from time to time be adopted.

Sect. 5. Appointive officers; tenure, removal. All appointive officers and boards, whose terms are not specified in the charter, shall hold office at the pleasure of the appointing power. Appointive officers and boards, whose terms are specified in this charter, may be removed by the council for misconduct in office, upon written charges specifying the nature of such misconduct. The officer or board shall be entitled to seven days' personal notice in writing, containing a copy of the charges and specifications, and to a public hearing. No officer or board shall be required to make a defense until a prima facie case shall have been presented to the council upon the charges. A majority vote of the council shall be necessary for removal.

Sect. 6. Salaries. The mayor shall be entitled to a salary which shall be fixed by the council, and which shall not be diminished during his term of office. Salaries of all appointive officers and boards shall be fixed by the council.

Sect. 7. Duties of administrative officers prescribed by council. Duties of administrative officers may be prescribed by the council. Such duties shall not be inconsistent with the provisions of this charter.

Sect. 8. Assessors of taxes; appointment, tenure of office, 2 vacancies, powers and duties. There shall be three assessors 3 of taxes, appointed as provided in this charter, for a term 4 of three years. Each of the present assessors shall con- 5 tinue in office until the end of the term for which he was 6 appointed, and one assessor shall be appointed annually for 7 a term of three years at the first meeting of the council in 8 January of each year, and shall hold office until his suc- 9 cessor is appointed and qualified. If, for any reason, a va- 10 cancy occurs in the membership of the board of assessors, 11 the vacancy shall be filled forthwith in the manner of the 12 original appointment, for the unexpired term. The assessors 13 thus appointed shall exercise the same powers and be sub- 14 ject to the same duties and liabilities that similar officers 15 of the several towns and cities in the state may exercise, 16 and are subject to, under the laws of the state.

Sect. 9. City planning board. The city planning board 2 shall consist of three members, each to serve three years. 3 Each of the present members shall continue in office until 4 the end of the term for which he was appointed, and one 5 member shall be appointed annually for the term of three 6 years.

Sect. 10. Powers and duties of planning board; city engi- 2 neer to be chief engineer of board; local health officer to 3 submit recommendations. It shall be the duty of the city 4 planning board to keep itself informed of the progress of 5 city planning in this and other countries, to make studies

6 and recommendations for the improvement of the plan of
7 the city with a view to the present and future movement of
8 traffic, the convenience, health, recreation, general welfare,
9 and other needs of the city dependent on the city plan; to
10 consider and report upon the designs and their relations
11 to the city plan, of all new public ways, lands, buildings,
12 bridges, and all other public places and structures of addi-
13 tions to and alterations in those already existing, and of the
14 layout or plotting of new sub-divisions of the city. All acts
15 of the council or of any other branch of the city govern-
16 ment affecting the city plan shall be submitted to the board
17 for report and recommendations. The council may at any
18 time call upon the board to report with recommendations,
19 and the board of its own volition may also report to the
20 council with recommendations on any matter which, in the
21 opinion of either body, affects the 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
2 city planning board. The local health officer of the city

3 shall advise the planning board from time to time of any
4 municipal improvements within the scope of the planning
5 board, which, in his opinion, would improve the healthful-
6 ness of the city.

Sect. 11. Planning board to act as park commissioners.
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. 12. Local health officer. A local health officer shall
2 be appointed as provided by article six, section one of this
3 charter, subject to the approval of the state commission of
4 health. Such officer shall take the place of a local board
5 of health. His duties shall be as provided by chapter one
6 hundred and seventy-two of the public laws of nineteen hun-
7 dred and nineteen and acts amendatory thereof and addi-
8 tional thereto.

ARTICLE VII.

Business and Financial Provisions.

Section 1. Accounts to be audited; report to be sub-
2 mitted. Accounts shall be kept by the auditor showing the
3 financial transactions of all departments of the city. Forms
4 of all such accounts shall be prescribed by the auditor with
5 the approval of the city council. Accounts shall be kept
6 in such a manner as to show fully at all times the financial
7 condition of the city. The auditor shall prepare, prior to
8 the first regular meeting of the council in each month, a

9 report containing in detail the receipts and disbursements
10 of the city of all accounts, the expenditures made and the
11 obligations incurred during the preceding calendar month,
12 and a balance sheet showing the financial condition of the
13 city, of the several funds, and the total unexpended balance
14 to the credit of each department.

Sect. 2. Auditor to be qualified accountant. All the ac-
2 counts of the city shall be audited annually by a qualified
3 accountant to be chosen by the council.

Sect. 3. Auditor to publish monthly statement. Reports
2 of other administrative officers. The auditor shall publish
3 each month a statement of the financial condition of the
4 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 council a full report of the transactions of his de-
4 partment for the year. An annual report shall be prepared
5 and published, which, in addition to a summary of the
6 services rendered by the various departments, 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. Budget estimates to be prepared. Not later than
2 one month before the end of the calendar year budget esti-
3 mates for the ensuing calendar year shall be compiled from
4 detailed information furnished by the administrative offi-
5 cers and boards on blanks approved by the council, and
6 which shall contain:

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

(b) Itemized statement of appropriations recommended
2 for current expenses, and for permanent improvements,
3 with comparative statements in parallel columns of expendi-
4 tures for the current and next preceding fiscal year. An
5 increase 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 deemed advisable
2 by the 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 of
6 the appropriation resolve.

Sect. 5. Annual appropriation resolve. Not later than
2 one month after the beginning of the calendar year the
3 council shall pass an annual appropriation resolve, which
4 shall be based on the budget.

The total amount appropriated shall not exceed the estimated revenue of the city.

Before the annual appropriation resolve has been passed the council may make appropriations for current departmental expenses, chargeable to the appropriations of the year when passed, to an amount sufficient to cover the necessary expenses of the various departments until the annual appropriation resolve is in force.

Sect. 6. Reserve fund. The council in the appropriation resolve shall provide for a reserve fund from which transfers may be made only by vote of the council, and no transfer of any money shall be made from any fund other than this reserve fund until the end of the calendar year, at which time, after all warrants have been paid out of the various funds, the auditor shall transfer to this reserve fund any remaining balance or balances in these various funds, except balances in the school fund; the council may then authorize a transfer from the reserve fund to any other fund in which there is an overdraft created by any actual emergency.

Sect. 7. Borrowing money limited; suitable provisions to be made for support of poor. The borrowing of money by and for the city shall be limited as to form and purpose according to provisions eight and nine of article seven of this charter. The credit of the city shall not in any manner be loaned to, or in aid of, any individual, association, or corporation except that suitable provisions may be made for the aid and support of the poor of the city.

Sect. 8. Bond issue not to be made without public notice; 2 purposes. Money may be borrowed by the issue and sale 3 of bonds and notes, pledged on the credit of the city, for 4 the acquisition of land, the construction and equipment of 5 buildings, and other permanent public improvements; and 6 the payment or refunding of bonds, notes and certificates 7 of indebtedness previously issued. No order providing for 8 the issue of bonds shall be passed without public notice by 9 posting a notice of the same in two public places in the city 10 of Auburn and advertising same in two daily newspapers 11 in Androscoggin county at least two weeks before final 12 action by the council, and the approval of four-fifths of all 13 the members of the council. Every issue of bonds shall 14 be payable within a term of years, not to exceed the period 15 of the useful life of the improvement for which they are 16 issued, and in no case to exceed thirty years. Bonds issued 17 after the adoption of this charter shall be payable in equal 18 annual serial instalments, including principal and interest. 19 Every order for the issue of bonds shall provide for a tax 20 levy for each year to meet the annual serial instalment of 21 principal and interest, and such amounts shall be included 22 in the tax levy 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 calendar 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 calendar year. All such loans

6 shall be paid out of the receipts from taxes for the calendar
7 year in which they are issued. Money may also be bor-
8 rowed in anticipation of revenue from bond issue in case
9 such bond issue has been authorized.

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

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

Sect. 11. Money to be paid out only on warrants; pro-
2 visions. Money shall be paid out only on warrants on the
3 city treasury issued by the auditor and countersigned by the
4 treasurer.

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 to be required of certain officers. The
2 city council shall require bonds, with sufficient sureties, from
3 all persons trusted with the collection, custody, or disburse-
4 ment of the public moneys.

Sect. 13. All receipts to be paid into city treasury. All
2 moneys received by any officer, employee, or agent of the
3 city for, or in connection with, the business of the city shall
4 forthwith be paid into the city treasury, and shall be de-
5 posited 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. Purchase of supplies. All supplies for the city
2 and for the several officers and boards thereof, shall be
3 purchased by a purchasing agent to be appointed by the
4 council. Such agent shall give bond for the faithful per-
5 formance of his duties in such sum and with such surety
6 or sureties as the council may require. The purchasing
7 agent shall see to the delivery of supplies to each depart-
8 ment and take and file receipts therefor. He shall conduct
9 all sales of property unfit or unnecessary for the city's use,
10 after such sales have been authorized by the council. Sup-
11 plies for the schools shall be purchased by the purchasing
12 agent only upon requisition by the superintending school
13 committee.

ARTICLE VIII.

Public Utilities.

Section 1. Public utility franchises, how granted. All
2 public utility franchises, and all renewals, amendments,
3 and extensions thereof shall be granted or made only by a
4 four-fifths vote of all the members of the council. No
5 franchise and no renewal or amendment thereof shall be
6 granted or made within three months after the application
7 therefor is filed with the city clerk, nor within thirty days
8 after the publication in full of the proposed franchise in
9 its final form, nor until a public hearing has been held
10 thereon. No public utility franchise shall be transferable
11 except with the approval of the council.

Sect. 2. City to reserve certain rights. All orders pro-
2 viding for grants, renewals, amendments or extensions of
3 public utility franchises shall retain to the city the follow-
4 ing rights:

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

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

(c) To establish reasonable standards of service and
2 quality of products and prevent unjust discrimination in
3 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. Offices incompatible. No member of the city council shall during the term for which he was chosen be eligible for any other office the salary of which is payable by the city, or shall during such term hold any such office, except that the mayor may act as general superintendent with the approval of the council, and in such case shall be entitled to such salary as may be fixed by the council.

Sect. 2. City officers and employees not to be personally interested in contracts for labor, materials, etc.; not to accept favors from firm or corporation holding city franchise; exceptions. No officer or employee of the city, elected or appointed, shall be interested directly or indirectly in any contract for work or materials, or the purchase thereof, to be furnished or performed for the city. No such officer or employee, except a policeman or fireman, shall accept or receive from any person, firm, or corporation acting under a franchise or license from the city, any frank, free pass, free ticket, or free service, or accept directly or indirectly from any such person, firm, or corporation, any service upon terms more favorable than those granted to the public generally. This provision shall not apply, however, to any free service now or hereafter provided for by contract, franchise or ordinance.

Sect. 3. Referendum provision, date of meeting, form of
2 question, procedure. This act shall be submitted for ap-
3 proval or rejection to the qualified voters of the city of
4 Auburn at an election to be held the second Monday in
5 September in the year nineteen hundred and twenty-one
6 and warrants shall be issued for such election in the man-
7 ner now provided by law for the holding of municipal elec-
8 tions, notifying and warning the qualified voters of said
9 city to meet in the several ward meetings of said city, there
10 to cast their ballot for the approval or rejection of this act.
11 The question proposed on said ballot shall be substantially
12 in the following form:

“Shall an act passed by the legislature in the year nine-
2 teen hundred and twenty-one, approved (insert date), en-
3 titled ‘An Act to Amend Chapter Two Hundred One of
4 the Private and Special Laws of Nineteen Hundred Seven-
5 teen, entitled An Act to Grant a New Charter to the City
6 of Auburn,’ be accepted,” otherwise said ballot shall be in
7 form provided by law when a constitutional amendment is
8 submitted to the vote of the people. The provisions of law
9 relating to the preparation of voting lists for municipal
10 elections shall apply to such election and said election shall
11 in all other respects be conducted as municipal elections of
12 said city are now conducted by law, and the results thereof
13 shall be determined in the manner now provided by law
14 for the determination of the election of mayor. If a major-
15 ity of the ballots deposited as aforesaid shall reject, this

16 act shall not go into effect, but if a majority of the electors
17 voting at said ward meetings shall approve, then this act
18 shall take effect as herein provided.

Sect. 4. Date when effective. So much of this act as
2 authorizes the submission of the acceptance of this charter
3 to the electors of the city of Auburn shall take effect as pro-
4 vided in the constitution of the state, but it shall not take
5 further effect unless accepted by the electors of the city
6 of Auburn as hereinbefore provided. If accepted by the
7 electors of the city, then this act for the purpose of nom-
8 inating and electing officers hereunder shall take effect on
9 the date of its adoption by the electors, and for all other
10 purposes this act shall take effect on the first Monday in
11 January in the year nineteen hundred and twenty-two.

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

Sect. 6. Existing contracts not invalidated, unless incon-
2 sistent. All rights, actions, proceedings, prosecutions, and
3 contracts of the city or any of its departments, pending or
4 unexecuted when this charter goes into effect and not in-
5 consistent therewith shall be enforced, continued or com-
6 pleted in all respects as though begun or executed here-
7 under.

Sect. 7. Inconsistent statutes repealed when act becomes
2 effective. In case this act is approved in the manner here-

3 inbefore provided, all acts and parts of acts inconsistent
4 herewith are hereby repealed. Nothing in this act shall be
5 construed as repealing any act relating to the Auburn Wa-
6 ter Commissioners, the Auburn Sewerage District, or the
7 determination of ward lines of the city.