

MAINE STATE LEGISLATURE

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EIGHTY - SEVENTH LEGISLATURE

Legislative Document

No. 409

H. P. 1073

House of Representatives, Feb. 5, 1935.

Referred to Committee on Legal Affairs and 500 copies ordered printed.
Sent up for concurrence.

HARVEY R. PEASE, Clerk.

Presented by Mr. Flanders of Auburn.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-FIVE

AN ACT Relating to the Charter of the City of Auburn.

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

Sec. 1. P. & S. L., 1917, c. 201, art. II, § 5, amended. Section 5 of article II of chapter 201 of the private and special laws of 1917 is hereby amended by striking out the whole of said section and inserting the following in place thereof:

'Sec. 5. Special meetings. Special meetings may be called by the mayor, or shall be called by the mayor or city manager on the written request of a majority of the voting members of the council addressed to the mayor or the city manager. Notice of such meeting shall be served in person upon, or left at the usual dwelling place of, each member of the council including the mayor and the city manager.'

Sec. 2. P. & S. L., 1917, c. 201, art. II, § 6, amended. Section 6 of article II of chapter 201 of the private and special laws of 1917 is hereby amended to read as follows:

'Sec. 6. Quorum. A majority of the **voting** members of the council shall constitute a quorum for the transaction of business, but a smaller num-

ber may adjourn from time to time or compel attendance of absent members.'

Sec. 3. P. & S. L., 1917, c. 201, art. II, § 7, amended. Section 7 of article II of chapter 201 of the private and special laws of 1917 is hereby amended to read as follows :

'Sec. 7. Rules and procedure. The council shall keep a record of its proceedings and shall be the judge of the qualification and election of its own members. The council may determine its own rules of procedure and punish members for misconduct. The meetings of the council shall be open to the public. The council shall act only by ordinance, order, or resolve; and all ordinances, orders, and resolves, except resolves making appropriations, shall be confined to one subject which shall be clearly expressed in the title. The appropriation resolves shall be confined to the subject of appropriations. No ordinance, **no order for the issue of serial bonds or notes** and no appropriation resolve shall be passed until it has been read on 2 separate days, except when the requirement of a reading on 2 separate days has been dispensed with by a $\frac{4}{5}$ **yea or nay** vote of the voting members of the council. The yeas and nays shall be taken upon the passage of all ordinances and entered on the record of the proceedings of the council by the clerk. The yeas and nays shall be taken on the passage of any order or resolve when called for by any member of the council. Every ordinance shall require on final passage the affirmative vote of a majority of the voting members of the council. Every ordinance shall be published in full within 10 days after its final passage, and shall take effect and be in force after its approval by some justice of the supreme judicial court.'

Sec. 4. P. & S. L., 1917, c. 201, art. VI, § 1, amended. Section 1 of article VI of chapter 201 of the private and special laws of 1917 is hereby amended by striking out all of said section and inserting in place thereof the following :

'Sec. 1. Titles and appointments. There shall be the following administrative officers and boards :

(a) The following officers and boards shall be appointed by ballot by a majority vote of the voting members of the council; city manager, clerk, city solicitor, treasurer, tax collector, auditor, assessors of taxes, planning board, trustees of the Auburn Water District, trustees of the Auburn Sewerage District and a health officer subject to the approval of the state commissioner of health.

(b) The following officers and boards shall be appointed by the city manager, subject to confirmation by the city council; city engineer, superintendent of streets, wire inspector, plumbing inspector, building inspector, sealer of weights and measures, city physician, city marshal, police matron, chief of the fire department and all other department heads whose positions may be from time to time created by ordinance. Upon recommendation of heads of departments he shall appoint all minor officers and employees.'

Sec. 5. P. & S. L., 1917, c. 201, art. IV, § 12, ¶ 4, amended. The fourth paragraph of section 12 of article VI of chapter 201 of the private and special laws of 1917 is hereby amended to read as follows:

'The city engineer shall serve as chief engineer of the city planning board. The ~~board of health~~ **health officer** of the city shall advise the planning board from time to time of any municipal improvements within the scope of the planning board which, in the opinion of the ~~board of health~~ **health officer**, would improve the healthfulness of the city.'

Sec. 6. P. & S. L., 1917, c. 201, art. VI, § 13, amended. Section 13 of article VI of chapter 201 of the private and special laws of 1917 is hereby amended by striking out the whole of said section and inserting in place thereof the following:

'**Sec. 13. City planning board to be the park commission and tree wardens.** The planning board shall be a board of park commissioners who shall also serve as tree wardens, and as such, shall have all the powers and duties of park commissioners and of tree wardens provided for by sections 107 to 121 inclusive of chapter 5 of the revised statutes.'

Sec. 7. P. & S. L., 1917, c. 201, art. VI, § 14, amended. Section 14 of article VI of chapter 201 of the private and special laws of 1917 is hereby amended by striking out the whole of said section and inserting in place thereof the following:

'**Sec. 14. Health officer.** The health officer shall take the place of the local board of health as provided by section 87 of chapter 1 of the public laws of 1933 and shall exercise the powers and perform the duties of said board of health. He shall be a physician duly qualified and registered to practice medicine in the state.'

Sec. 8. P. & S. L., 1917, c. 201, art. VII, § 8, amended. Section 8 of article VII of chapter 201 of the private and special laws of 1917 is hereby

amended by striking out the whole of said section and inserting in place thereof the following :

'Sec. 8. Bonds and notes issued. Money may be borrowed by the issue and sale of bonds or notes, pledged on the credit of the city, for the acquisition of land, the construction and equipment of buildings, the paving of roads, and other public improvements having a useful life of not less than 5 years, and the payment or refunding of bonds, notes and certificates of indebtedness previously issued. No order providing for the issue of bonds or notes shall be passed without public notice by putting a notice of the same in 2 public places in the city of Auburn and advertising same in a daily newspaper published in Androscoggin county at least 2 weeks before final action by the council, and the approval of 4/5 of the voting members of the council. Every issue of bonds or notes shall be payable within a term of years, not to exceed the period of the useful life of the improvement for which they are issued, and in no case to exceed 30 years. Bonds or notes issued after the adoption of this charter shall be payable in equal annual serial instalments as to principal. Every order for the issue of bonds or notes shall provide for a tax levy for each year to meet the annual serial instalment of principal and such interest as may accrue in each respective year, and such amounts shall be included in the tax levy for each year until the debt is extinguished.'

Sec. 9. P. & S. L., 1917, c. 201, art. VII, § 9, amended. Section 9 of article VII of chapter 201 of the private and special laws of 1917 is hereby amended to read as follows :

'Sec. 9. Temporary loans. Money may be borrowed in anticipation of receipts from taxes during any fiscal year, but the aggregate amount of such loan at any time shall not exceed 80% of the revenue from taxes received during the preceding fiscal year. All such loans shall be paid out of the receipts from taxes for the fiscal year in which they are issued. **Money may also be borrowed in anticipation of revenue from bond or note issues in case such bond or note issues have been authorized.'**

Sec. 10. P. & S. L., 1917, c. 201, art. VII, § 10, amended. Section 10 of article VII of chapter 201 of the private and special laws of 1917 is hereby amended to read as follows :

'Sec. 10. Sinking fund. Until the bonded indebtedness of the city of Auburn, in force at the time of the adoption of this charter, is paid, the

city council shall raise and set apart each year for a sinking fund, a sum equivalent to 2% of the total appropriation for that year **or such amounts as together with accrued interest will meet the maturing obligations.** The sinking fund shall be applied only to the payment of that bonded indebtedness of the city, the payment of which has not been provided for by serial instalments.

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