

MAINE STATE LEGISLATURE

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N I N E T I E T H L E G I S L A T U R E

Legislative Document

No. 280

H. P. 644

House of Representatives, January 29, 1941.

Referred to the Committee on Legal Affairs and 1,000 copies ordered printed. Sent up for concurrence.

HARVEY R. PEASE, Clerk.

Presented by Mr. Conant of Auburn by request.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-ONE

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

Emergency preamble. Whereas, the 89th legislature, by chapter 69 of the private and special laws, amended the charter of the city of Auburn, and

Whereas, by said amendment, through inadvertence, the city council of the city of Auburn was deprived of the power of appointment of trustees of the Auburn Water District and trustees of the Auburn Sewerage District, and of a health officer, and

Whereas, no other method is provided by law for the appointment of the trustees of said Auburn Water District and said Auburn Sewerage District and said health officer, and

Whereas, other inconsistencies appear in the charter of said city of Auburn, and

Whereas, as a result thereof, the functions of said Auburn Water District and said Auburn Sewerage District and said city of Auburn have been dangerously impaired, and

Whereas, these facts create an emergency within the meaning of section 16 of Article XXXI of the constitution and require the following legislation

as immediately necessary for the preservation of the public peace, health and safety; now, therefore

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

Sec. 1. 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, as amended by section 4 of chapter 47 of the private and special laws of 1935, and as amended by section 1 of chapter 69 of the private and special laws of 1939, is hereby repealed and the following enacted in place thereof:

'Sec. 1. Enumeration. There shall be of 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, as provided in section 10 of article VI of the charter of said city of Auburn, planning board as provided by section 11 of article VI of the charter of said city of Auburn, and a health officer, for 3 years, subject to the approval of the state commissioner of health and welfare. Said health officer shall appoint plumbing inspectors for a term of 1 year subject to the approval of said commissioner as now provided by general law.

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, inspector of buildings, sealer of weights and measures, city physician, police matron and all other department heads whose positions may be from time to time created by ordinances. Upon recommendation of heads of departments, he shall appoint all minor officers and employees.'

Sec. 2. P. & S. L., 1917, c. 201, Art. VI, additional. Article VI of chapter 201 of the private and special laws of 1917 is hereby amended by adding thereto a new section to be numbered section 1-A, and to read as follows:

'Sec. 1-A. Trustee of Auburn Water District and Auburn Sewerage District. The city council annually, in the month of March, shall elect by ballot by a majority vote of the voting members of the council, a trustee of the Auburn Water District to serve for a term of 6 years, and the city council shall annually, in the month of March elect by ballot by a majority vote of the voting members of the council a trustee of the Auburn Sewerage District to serve for a term of 6 years.'

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, as amended by section 3 of chapter 47 of the private and special laws of 1935, is hereby further 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 4/5 yeas or nays 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, **by posting a copy of same in 2 public places in said city unless some other method of publication is provided by general law**, and shall take effect and be in force after its approval by some justice of the supreme judicial court **or superior court of the state of Maine.'**

Sec. 4. 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, as amended by section 8 of chapter 47 of the private and special laws of 1935, is hereby further amended to read as follows:

'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. **A declaration by the city council by a majority vote of the voting members thereof as to the useful life of the improvement for which such bonds are issued shall be conclusive.** 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. 5. P. & S. L., 1935, c. 47, § 7, amended. Section 7 of chapter 47 of the private and special laws of 1935 is hereby amended to read as follows:

'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 **or is a person approved by the commissioner of health and welfare of the state of Maine on the basis of experience in public health administration.'**

Emergency clause. In view of the emergency cited in the preamble this act shall take effect when approved.