

# MAINE STATE LEGISLATURE

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EIGHTY-SECOND LEGISLATURE

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H. P. No. 449

H. D. No. 91

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House of Representatives, Feb. 10, 1925.

Tabled pending reference by Mr. Gagne of Lewiston and 1,000 copies ordered printed.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Gagne of Lewiston.

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STATE OF MAINE

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

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AN ACT to Establish a Finance Commission in the City of  
Lewiston.

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

Section 1. Within sixty days after the passage of this act,  
2 the governor shall appoint with the advice and consent of  
3 the council, a Finance Commission for the City of Lewis-  
4 ton to consist of three persons, inhabitants of and qualified  
5 voters in the city of Lewiston, who shall have been such  
6 for at least five years prior to the date of their appointment.  
7 One commissioner shall be appointed to serve until July  
8 first, nineteen hundred and twenty-seven, one to serve until  
9 July first, nineteen hundred and twenty-eight, and one to  
10 service until July first, nineteen hundred and twenty-nine,

11 and thereafter as the terms of office expire in each year,  
12 one member for a term of three years. Vacancies in the  
13 commission shall be filled for the unexpired term by the gov-  
14 ernor. Proceedings for the removal of any member of said  
15 finance commission for cause, shall be brought on petition  
16 of either a majority of the city council or ten resident real  
17 estate tax payers and shall be heard by a justice of the su-  
18 preme judicial or superior courts, after due notice and serv-  
19 ice of a copy of the charge contained in petition.

Sect. 2. It shall be the duty of the finance commission  
2 from time to time, to investigate any and all matters relating  
3 to appropriations, loans, expenditures, accounts and methods  
4 of administration affecting the city of Lewiston or any de-  
5 partment thereof that may appear to the commission to  
6 require investigation, and to report thereon from time to  
7 time to the mayor and council, giving such reports publicity  
8 as they deem wise. The commission shall make or cause  
9 to be made an annual report to the mayor and council.

Sect. 3. For the purpose of enabling said commission to  
2 perform the duties and carry out the objects herein con-  
3 templated and to enable the mayor and council to receive  
4 the reports and findings of said commission as a basis for  
5 such laws, ordinances or administrative orders as may be  
6 deemed necessary, justices of the peace and all other mag-  
7 istrates are empowered to issue subpoenas and compel the  
8 attendance of witnesses and the production of evidence in  
9 any proceedings before the finance commission. Witnesses

10 summoned to appear before the finance commission shall  
11 receive the same fees for travel and attendance as if sum-  
12 moned to appear before and in attendance upon the superior  
13 court; witnesses refusing or neglecting to appear or refus-  
14 ing to testify may be subject to procedure set forth in sec-  
15 tion one hundred and twenty, chapter eighty-seven, of the  
16 revised statutes of Maine.

Sect. 4. The finance commission shall have the right to  
2 disapprove or reduce in amount, any item of indebtedness,  
3 and said commission in case it shall disapprove the whole  
4 or any part of any act or vote of the mayor or council to  
5 raise or appropriate money by taxation or otherwise, shall  
6 exercise its power of veto thereof within ten days after the  
7 act or vote shall have been presented to it; otherwise, such  
8 act or vote shall become effective and binding.

Sect. 5. No bonds, notes, certificates or other evidence  
2 of indebtedness shall be issued, executed or delivered to bind  
3 said city of Lewiston until the same have been approved by  
4 said commission. The vote of approval by said commis-  
5 sion shall be filed in the office of the city clerk. This section  
6 shall not apply to bonds, notes, certificates or evidence of  
7 indebtedness now authorized but not yet issued by said city.

Sect. 6. The finance commission shall have general super-  
2 vision and control over the expenditure of all money appro-  
3 priated by the city council, including all matters requiring  
4 the payment of money from the city treasurer, and shall  
5 make such rules and regulations to govern purchases, sales,

6 payments, fixing of salaries and wages, and letting of con-  
7 tracts by any and all city departments, committees, boards,  
8 trustees, commissions, officials or agents as they may deem  
9 necessary to insure economy and efficiency. Said commis-  
10 sion shall regulate the number of persons to be employed  
11 in all departments of said city.

Sect. 7. The mayor may make any appointment and the  
2 city council may elect any and all city officials, heads of de-  
3 partments, trustees, servants, or agents which said mayor  
4 and council were by virtue of law or a city ordinance au-  
5 thorized to make on January first, nineteen hundred and  
6 twenty-five, but such appointments or elections by said may-  
7 or and council shall be subject to the written approval of a  
8 majority of the finance commission, such approval to be  
9 filed in the office of the city clerk within five days after such  
10 appointment or election; should the finance commission fail  
11 to approve any appointment or election so made by said  
12 mayor and council within said five days, it shall then file  
13 written notice of its disapproval in the city clerk's office and  
14 said finance commission shall then become vested with power  
15 of appointment or election which it may exercise and re-  
16 cord the same in said clerk's office; should the mayor or  
17 city council fail or refuse to appoint or elect as herein pro-  
18 vided, such appointment or election shall be made by said  
19 commission. No member of the finance commission shall  
20 be eligible to the city council, school board, or hold any city  
21 office.

Sect. 8. No member of the commission shall be pecuni-  
2 arily interested, directly or indirectly, in any contracts made  
3 by it in behalf of the city, and any violation thereof is void  
4 and shall not be approved by the city auditor; and if any  
5 member of said commission receives any drawbacks, pres-  
6 ents, gratuities or secret discounts to his own use on ac-  
7 count of such contracts, or from the profits in any materials,  
8 supplies or labor, furnished or done or to be furnished or  
9 done for the city, he shall, upon conviction, be fined not less  
10 than two hundred dollars, and imprisoned for not less than  
11 six months.

Sect. 9. Chapter one hundred and forty-four of the pri-  
2 vate and special laws of nineteen hundred and twenty-one  
3 is hereby repealed. The mayor may appoint, subject, how-  
4 ever, to the provisions of sections six and seven of this act,  
5 a superintendent of streets and sewers, who shall have ex-  
6 ecutive charge of the work under the direction and control  
7 of the finance commission, which commission shall have and  
8 exercise all the powers, and be charged with all the duties  
9 relative to the construction, maintenance, care and control  
10 of the streets, highways, bridges, sidewalks, drains and sew-  
11 ers in said city, subject, however, to the general laws of  
12 the state.

Sect. 10. Within the time specified in sections five, six and  
2 seven of chapter one hundred and forty-three of the private  
3 and special laws of nineteen hundred and twenty-one, the  
4 auditor shall furnish this commission with a copy of the re-

5 port and budget as provided for in sections five, six and  
6 seven of chapter one hundred and forty-three of said pri-  
7 vate and special laws. As early as practicable after the first  
8 Monday in June, the city council shall pass an annual re-  
9 solve, which shall be based on the budget submitted by the  
10 auditor under the direction of the said finance commission.  
11 The total amount appropriated shall not exceed the esti-  
12 mated revenue of the city. The auditor shall notify the said  
13 commission whenever requested by them, of the condition  
14 of any appropriation.

Sect. 11. As soon as this act takes effect, the finance com-  
2 mission shall have full charge and control over the water  
3 department of said city, and shall be vested with all the  
4 powers and be charged with all the duties heretofore con-  
5 ferred either by law or a city ordinance upon a board known  
6 and designated as the "Lewiston Water Commission."

Sect. 12. The finance commission shall have the right to  
2 conduct or operate two or more departments under one su-  
3 perintendent, clerk or head, if in their opinion it is beneficial  
4 for the interest of the city to make such change. This sec-  
5 tion shall not apply to the board of assessors, school depart-  
6 ment, police or fire departments; the council, however, may  
7 elect a superintendent of the municipal lighting plant, who  
8 shall be skilled in the science of electricity; such election  
9 shall be subject to sections six and seven of this act; said  
10 superintendent shall be charged with all the powers and du-  
11 ties heretofore conferred upon the superintendent of the

12 municipal lighting plant, superintendent of fire alarms, po-  
13 lice alarms or signals, and inspector of wires.

Sect. 13. As soon as this act takes effect each member  
2 of the finance commission shall be sworn by the city clerk  
3 of said city, to the faithful discharge of his duties; they  
4 shall, upon receiving the oath, organize by the choice of  
5 one of its members as chairman, and shall elect a secretary,  
6 whose duty it shall be to keep a record of the proceedings  
7 of said commission, to notify members of meetings and  
8 perform such other duties as the commission may require.  
9 Each commissioner shall receive an annual salary of thirty-  
10 five hundred dollars, payable in equal monthly installments  
11 by the city treasurer, which sum shall be in full compensa-  
12 tion for all services. Said finance commission shall establish  
13 an office in the city building, and shall keep said office open  
14 for the transaction of public business during the usual mu-  
15 nicipal business hours, and all expenses necessary thereo  
16 shall be paid by said city.

Sect. 14. This act shall not effect any section or part of  
2 any section contained in chapters one hundred and forty-  
3 one, one hundred and forty-two and one hundred and forty-  
4 three of the private and special laws of nineteen hundred and  
5 twenty-one, not inconsistent with this act.

Sect. 15. All acts and parts of acts inconsistent herewith,  
2 and all provisions of the charter and ordinances of said city  
3 of Lewiston, inconsistent with this act, are hereby modified  
4 so as to conform to the provisions of this act.