

MAINE STATE LEGISLATURE

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NEW DRAFT "B"

EIGHTY-SECOND LEGISLATURE

H. P. No. 1298

H. D. No. 527

House of Representatives, April 7, 1925.

Five hundred copies ordered printed.

CLYDE R. CHAPMAN, Clerk.

STATE OF MAINE

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

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

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

Section 1. Within sixty days after the passage of this
2 act, the governor shall appoint with the advice and consent
3 of 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-eight, and one to serve
9 until July first, nineteen hundred and twenty-nine, and
10 thereafter as the terms of office expire in each year, one

11 member for a term of three years. Vacancies in the com-
12 mission shall be filled for the unexpired term by the govern-
13 or. Proceedings for the removal of any member of said
14 finance commission for cause, shall be brought on petition
15 of either a majority of the city council or ten resident real
16 estate tax payers and shall be heard by a justice of the
17 supreme judicial or superior courts, after due notice and
18 service 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 contem-
3 plated and to enable the mayor and council to receive the
4 reports and findings of said commission as a basis for such
5 laws, ordinances or administrative orders as may be deemed
6 necessary, justices of the peace and all other magistrates
7 are empowered to issue subpoenas and compel the attendance
8 of witnesses and the production of evidence in any proceed-
9 ings before the finance commission. Witnesses summoned
10 to appear before the finance commission shall receive the

11 same fees for travel and attendance as if summoned to
12 appear before and in attendance upon the superior court;
13 witnesses refusing or neglecting to appear or refusing to
14 testify may be subject to procedure set forth in section one
15 hundred and twenty, chapter eighty-seven, of the revised
16 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 of
2 indebtedness shall be issued, executed or delivered to bind
3 said city of Lewiston until the same have been approved
4 by said commission. The vote of approval by said com-
5 mission shall be filed in the office of the city clerk. This
6 section shall not apply to bonds, notes, certificates or evi-
7 dence of indebtedness now authorized but not yet issued
8 by said city.

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

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

Sect. 7. 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, pre-
6 sents, gratuities or secret discounts to his own use on ac-
7 count of such contracts, or from the profits in any mate-
8 rials, supplies or labor, furnished or done or to be furnished
9 or done for the city, he shall, upon conviction, be fined not
10 more than five hundred dollars, or by imprisonment for
11 not more than one year.

Sect. 8. Chapter one hundred and forty-four of the priv-
2 ate and special laws of nineteen hundred and twenty-one is
3 hereby repealed. As soon as this act takes effect, the said
4 finance commission shall have full control and exercise all
5 the powers, and be charged with all the duties relative to
6 the construction, maintenance, care and control of the
7 streets, highways, bridges, sidewalks, drains and sewers in
8 said city, subject, however, to the general laws of the city.
9 No member of the finance commission shall be eligible to

10 the city council, school board, or hold any city office except
11 as herein authorized.

Sect. 9. 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
5 report and budget as provided for in sections five, six and
6 seven of chapter one hundred and forty-three of said priv-
7 ate 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
13 said commission whenever requested by them, of the con-
14 dition of any appropriation.

Sect. 10. As soon as this act takes effect, the finance
2 commission 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
6 known and designated as the "Lewiston Water Commission."

Sect. 11. The finance commission shall have the right to
2 conduct or operate two or more departments under one
3 superintendent, clerk or head, if in their opinion it is bene-
4 ficial for the interest of the city to make such change. This
5 section shall not apply to the board of assessors, school

6 department, police or fire departments; the mayor, how-
7 ever, may appoint a superintendent of the municipal lighting
8 plant, who shall be skilled in the science of electricity; such
9 appointment shall be subject to section six of this act; said
10 superintendent shall be charged with all the powers and
11 duties 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. 12. 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 estab-
13 lish an office in the city building, and shall keep said office
14 open for the transaction of public business during the usual
15 municipal business hours, and all expenses necessary thereto
16 shall be paid by said city.

Sect. 13. 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
5 and twenty-one, not inconsistent with this act.

Sect. 14. All acts and parts of acts inconsistent herewith,
2 and all provisions of the charter and ordinances of said
3 city of Lewiston, inconsistent with this act, are hereby modi-
4 fied so as to conform to the provisions of this act.

Sect. 15. This act shall be submitted for approval or
2 rejection to the qualified voters of the city of Lewiston at
3 an election to be held on the first Tuesday in October in
4 the year nineteen hundred and twenty-five, and warrants
5 shall be issued for such election in the manner now provided
6 by law for the holding of municipal elections, notifying and
7 warning the qualified voters of said city to meet in the sev-
8 eral ward meetings of said city, there to cast their ballot
9 concerning the approval or rejection of this act.

Said ballot shall be in the form provided by law when a
2 constitutional amendment is submitted to the vote of the
3 people. The provisions of law relating to the preparation
4 of voting lists for municipal elections shall apply to such
5 election and said election shall in all other respects be con-
6 ducted as municipal elections in said city are now conducted
7 by law, and the results thereof shall be determined in the
8 manner now provided by law for the determination of the
9 election of mayor. If a majority of the valid ballots de-
10 posited as aforesaid shall favor the acceptance of this act,
11 then this act shall take effect on the date of its acceptance
12 by the voters, and the mayor shall forthwith make pro-
13 clamation of the fact.