

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

NEW DRAFT

E I G H T Y - S I X T H L E G I S L A T U R E

Legislative Document

No. 868

H. P. 1551

House of Representatives, March 9, 1933.

Reported by Mr. Sargent from Committee on Legal Affairs and laid on table to be printed under joint rules.

HARVEY R. PEASE, Clerk.

New Draft of H. P. 629, L. D. 204.

S T A T E O F M A I N E

I N T H E Y E A R O F O U R L O R D N I N E T E E N H U N D R E D T H I R T Y -
T H R E E

AN ACT to Establish a Board of Finance of the City of Waterville.

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

Sec. 1. Board of finance authorized; nominations; terms of office; vacancies; officers; removal. There is hereby established in the city of Waterville a board of finance for a period of 10 years to be composed of 3 members, all citizens of Waterville, who shall be appointed by the chief justice of the supreme judicial court, one for 1 year, one for 2 years, and one for 3 years; and at the expiration of the term of office of each of said members, the term of the office of the successor of each member shall be 3 years and shall be likewise appointed. In case of vacancy, the chief justice shall appoint a successor to fill out the unexpired term. No member of the city government, municipal officer, or employee of the city of Waterville shall, while holding such office or so employed, be a member of the board, and not more than 2 members of the board shall at any time be members of the same political party. The board shall elect annually from its members a chairman and a clerk. On the motion of two-thirds of the municipal officers, a petition may be addressed to any justice of the superior court praying for the removal of any member or members of the board for just cause alleged, and after due notice to the member or members affected, the said justice shall, on hearing, determine the fact of cause for removal, if any there be, and issue his decree for removal

from the board of said member or members, or, finding no cause for removal he shall decree accordingly.

Sec. 2. Authority of board. The board shall have supervision over the financial affairs of the city, and no appropriations shall be made and no debt incurred except with the approval or upon the recommendations of the board, which approval shall be in writing. No department of the city shall expend any money or incur any liability except with the written approval of the board; provided that the board may at any time and from time to time authorize in writing any department of the city to make expenditures or incur liabilities without such approval until further notice from the board. Without limiting the generality of the foregoing, the board shall exercise the following specific powers:

(a) To advise the city government in its preparation of annual budget and appropriations, and to be empowered to approve or veto any action of said government thereon.

(b) To supervise the expenditure of any appropriation provided for by the city government and to the extent that the board may approve or veto any order or proposal having to do with expenditure of municipal funds by the city, its government, its departments, its officers or agents.

(c) To require departments or any official or employee therein or any municipal officer from time to time to render reports.

(d) To provide for special audit of city books and affairs, if and when necessary, and the city shall pay the necessary and reasonable expenses incident thereto.

(e) To veto or approve all loans, including bond and note issues, proposed by the city government or any official or department thereof.

(f) To veto or approve the proposed tax rate established for the city to finance its budget appropriations.

(g) To veto or approve all contracts entered into by the city government or any department involving expenditures beyond the current municipal year.

(h) To approve and require, when in the opinion of the board city finances permit, payments on the principal and interest of city obligations of whatever nature.

(i) To approve and require, when in the opinion of the board city finances permit, payments or allocations of funds into a sinking fund for the payment of any particular obligations of the city or for application to indebtedness not due for a term of years.

(j) To approve or require, when in the opinion of the board it would be advantageous to the city, the refunding of any outstanding obligations of the city.

(k) To exercise exclusive authority over expenditures for the purposes outlined in sub-paragraphs (h), (i) and (j) of this section to the exclusion of any other body authorized to appropriate funds under the city charter, and on the written order of the board requiring payment provided for in said 3 preceding sub-paragraphs, the city treasurer shall issue the check of the city or transfer funds in the amount named, or affix his signature as treasurer to any note or obligation required to be issued, all as so directed by the board.

(l) To exercise such other exclusive authority to the exclusion of other officers or departments of the city, as the purposes of this act may require.

(m) To provide for clerical or other assistance at the expense of the city from time to time as the board may find necessary.

Sec. 3. Exceptions for requirements of general law. Nothing herein contained shall be construed as affecting any general law of the state requiring municipalities to expend or set aside funds for the defined purposes provided for by such laws.

Sec. 4. Exception for requirement of public debt amortization fund. Nothing herein contained shall be construed as affecting chapter 67 of the private and special laws of 1927 being "An Act Relating to the Establishing and Administration of a Public Amortization Fund in the City of Waterville."

Sec. 5. Exclusive authority and substitution. In order to carry out the provisions of this act, any exercise of authority vested by the city charter for the city of Waterville by special act or acts in the city government or in any department or official shall to the extent necessary for this act be considered in abeyance during the term of the board or any extension thereof, provided that the board may on its own election in writing exercise the power of substitution from time to time, with the right of withdrawal thereof, revesting said power and authority for the time being so considered in abeyance in said government, department or official.

Sec. 6. Salaries. The salaries of the members of said board shall be one dollar per year for each member and shall be paid by the city.

Sec. 7. Annual report. The board shall make an annual report advising the citizens and the city government of its doings and make recommendations therein.

Sec. 8. Unconstitutionality of part of act not to affect whole. If any part or section of this act be decided by the courts to be unconstitutional or invalid, the same shall not affect the validity of the act as a whole, or any part thereof which can be given effect without the part so decided to be unconstitutional or invalid.

Sec. 9. Referendum. This act shall be submitted for approval or rejection.

tion to the qualified voters of the city of Waterville at a special election held for the purpose and warrants shall be issued for such election in manner now provided by law for holding municipal elections, notifying and warning the qualified voters of said city to meet in the several ward rooms of said city, there to cast their ballots concerning the acceptance of this act. The vote shall be taken by ballot at said election in answer to the question: "Shall an act passed by the legislature in the year 1933, entitled, 'An Act to Establish a Board of Finance of the City of Waterville', be accepted?" Which shall be printed on the official ballots and at said election the voters of said city in favor of accepting the act shall vote "Yes" and those opposed shall vote "No". Otherwise said ballots shall be in the form provided by law when a constitutional amendment is submitted to the vote of the people. The provisions of the law relating to the preparation of voting lists for municipal elections shall apply to such election and said election shall in all other respects be conducted according to law, and the results thereof shall be determined in the manner now provided by law for the determination of the election of mayor. If a majority of the valid ballots cast as aforesaid shall be in favor of accepting the same, then this act shall forthwith take effect as herein provided. So much of this act as authorizes the submission of this act to the voters of Waterville shall take effect as provided in the constitution, but it shall not take further effect unless adopted by said voters as hereinbefore provided.