

# MAINE STATE LEGISLATURE

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DECEMBER SPECIAL SESSION

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

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**Legislative Document**

**No. 196**

H. P. 155

House of Representatives, Dec. 15, 1933.

Introduced under suspension of rules on motion of Mr. Duquette of Biddeford. Tabled pending motion of Mr. Stern of Biddeford that the bill be given its several readings and passed to be engrossed under suspension of the rules without reference to a committee.

HARVEY R. PEASE, Clerk.

Presented by Mr. Stern of Biddeford.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND  
THIRTY-THREE

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**AN ACT to Amend an Act to Redraft the Charter of the City of Biddeford.**

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**Emergency preamble.** Whereas, chapter 66 of the private and special laws of 1933 being an act entitled "An Act to Redraft the Charter of the City of Biddeford" was duly approved on March 29, 1933; and

Whereas, certain serious questions have been raised as to the effectiveness and meaning of said act which until eliminated will cause confusion and obstruct the orderly administration of the affairs of the city and be most injurious to its welfare and that of its citizens; and

Whereas, in the judgment of the legislature these facts create an emergency within the meaning of section 16, of Article XXXI of the constitution of Maine, 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. Ratification.** Chapter 66 of the private and special laws of 1933 being an act entitled "An Act to Redraft the Charter of the City of Biddeford" shall be deemed to have taken effect 90 days after its approval, to wit, June 28, 1933, without formal acceptance by vote of the voters of

the city or otherwise, and all acts purporting to have been done or performed under authority of said chapter 66 including the election held on December 4, 1933, are hereby ratified, confirmed and validated.

**Sec. 2. P. & S. L., 1933, c. 66, § 23, amended.** Section 23 of chapter 66 of the private and special laws of 1933 is hereby repealed and the following enacted in place thereof:

**'Sec. 23. Fiscal year.** The municipal, financial and fiscal year shall commence on the 1st Monday of January and terminate on the 1st Monday of January following.'

**Sec. 3. P. & S. L., 1933, c. 66, § 6, amended.** Section 6 of chapter 66 of the private and special laws of 1933 is hereby amended to read as follows:

**'Sec. 6. Finance committee; budget; report.** On the 1st Monday of January, annually, or as soon thereafter as conveniently possible, the mayor shall nominate a finance committee consisting of 2 members of the city council subject to the confirmation of the remaining members of said board and of which committee the mayor shall be a member ex-officio. It shall be the duty of the finance committee, on or before the 1st day of March of each year, to report to the city council a budget of proposed expenditures of all the various departments of the city government, including the school department, fire department, police department, street department, pauper department, and all other principal or subordinate departments of the city, including a contingent fund. Such budget, with such modifications as ~~shall may~~ be made by the city council, shall be the basis for the annual appropriations for the ~~ensuing year~~ **current municipal, financial and fiscal year.** No department or officer of the city government shall have authority to contract any debt or liability for the city in excess of the appropriation made by the city council for the department sought to be charged, **provided, however, that before the annual appropriations vote shall have been passed the city council may make appropriation for current departmental expenses chargeable to the appropriation, when passed, for the current fiscal or municipal year, to an amount sufficient to cover the necessary expenses of the various departments until said annual appropriation vote is in force.** After the annual appropriations have been passed, no subsequent expenditures shall be authorized for any object unless provision for the same shall be made by a special transfer from the appropriation of another department, contingent fund or other source of income, or by expressly creating therefor a city debt, but no debt shall be created unless the resolution authorizing the same is passed by the affirmative vote of 2/3 of the entire city council voting by yeas and nays. No department, official or agent of the city shall have any authority to con-

tract any indebtedness against the city for supplies and materials, without first making requisition for such necessary supplies and materials to the finance committee of the said city and receiving its approval therefor, and any attempted indebtedness or contract incurred in contravention hereof shall be null and void ab initio as to the city. The city council shall not vote, assess or appropriate any money for any object or purpose for which towns are not authorized to vote, assess or appropriate money, except for such purposes as are authorized by this act. Neither the city council nor any officer of the city shall have the authority to make any contract or do anything binding the city or imposing upon the city any liability to pay money, until a definite amount of money shall have been appropriated for the liquidation of all pecuniary liability under said contract, and the amount of said appropriation shall be the maximum limit of the liability of the city under any such contract; said contract to be, ab initio, null and void as to the city for any other or further liability.'

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