

MAINE STATE LEGISLATURE

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EIGHTY - SEVENTH LEGISLATURE

Legislative Document

No. 524

S. P. 402

In Senate, Feb. 12, 1935.

Referred to Committee on Appropriations and Financial Affairs and 500 copies ordered printed. Sent down for concurrence.

ROYDEN V. BROWN, Secretary.

Presented by Senator Hussey of Kennebec.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-FIVE

AN ACT Relating to Emergency Municipal Finance Board.

Emergency preamble. Whereas, chapter 284 of the public laws of 1933 created a board of emergency municipal finance, and

Whereas, some of our municipalities have fallen under the provisions of this act, and

Whereas, from the present wording of said act it is impossible for the board to exercise its duties as therein provided, and

Whereas, the finances of certain municipalities are such that immediate action by said board is necessary, and

Whereas, only through said board can municipal relief be furnished, 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 further 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. L., 1933, c. 284, § 6, amended. Section 6 of chapter 284 of the public laws of 1933 is hereby amended to read as follows:

'Sec. 6. May appoint temporary officials. The commissioner or commissioners may, if in their opinion it will be advantageous to said city, town or plantation, declare the offices of auditor, treasurer, collector and assessors, **or any other official in said municipality,** vacant temporarily and appoint ~~from the registered voters of said city, town or plantation~~ successors to any or all of the said offices to serve at the pleasure of the commissioner or commissioners. The appointees shall receive ~~the same salaries on a pro rata basis~~ **such compensation** as the **commissioner or commissioners shall fix, and the former incumbents who shall not receive no compensation** during their absence from office.'

Sec. 2. P. L., 1933, c. 284, § 7, amended. Section 7 of chapter 284 of the public laws of 1933 is hereby amended to read as follows:

'Sec. 7. May make loans. Said board is authorized after having taken over the administration of government and control of the financial affairs of any city, town or plantation as provided hereinbefore, through the commissioner or commissioners in charge thereof, to make temporary loans to the extent of the constitutional debt limit of said city, town or plantation, **and are further empowered to issue negotiable commissioners' certificates, these certificates to be a preferred claim against all the assets of said city, town or plantation operated by the commissioner or commissioners,** and to borrow from the state if and when an amendment to the constitution of the state is adopted authorizing the same, in a sufficient amount to pay the outstanding state taxes of said city, town or plantation and such expenses of said board as shall be allocated thereto, and for other lawful purposes; said obligations to be signed by said commissioner or commissioners and otherwise to be issued in the same manner and form as provided by law upon terms to be determined by said board, and to thereby become the valid debt of such city, town or plantation. **During the time said commissioner or commissioners are in control of the administration of any city, town or plantation, as hereinbefore provided, no suit shall be brought or maintained against such commissioner or commissioners nor against the said municipality, and the enforcement of all claims, liens, debts, judgments, attachments or other actions then pending or subsisting against said municipality shall be suspended and continued until said commissioner or commissioners shall have completed their duties and relinquished their authority over such municipality, except that they may authorize the payment of any such claims in their discretion prior to such relinquishment. During the period of the control by said commissioner or commissioners, the statute of limitations shall not run on any obligations of the city, town or plantation.'**

Sec. 3. P. L., 1933, c. 284, § 8, amended. Section 8 of chapter 284 of the public laws of 1933 is hereby amended to read as follows :

'Sec. 8. Duration of power of board. Said board shall continue in charge of the government and financial affairs of said city, town or plantation until such time as its taxes due the state, or loans made therefor, **expenses or obligations incurred by said commissioner or commissioners, or the board of emergency municipal finance,** shall have been paid, but, in any event, for a period of not less than 1 year.'

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