

MAINE STATE LEGISLATURE

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NINETY - EIGHTH LEGISLATURE

Legislative Document

No. 548

S. P. 203

In Senate, February 7, 1957.

Referred to the Committee on Legal Affairs, sent down for concurrence and ordered printed.

CHESTER T. WINSLOW, Secretary

Presented by Senator Curtis of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-SEVEN

AN ACT Amending the Charter of the City of Portland.

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

Sec. 1. P. & S. L., 1923, c. 109, Art. VI, § 1, sub-§§ (a) and (b), amended. Subsections (a) and (b) of section 1 of Article VI of chapter 109 of the private and special laws of 1923, as amended by section 5 of chapter 72 of the private and special laws of 1947, are hereby further amended to read as follows:

'(a) The following officers and boards shall be appointed by ballot by the vote of 5 members of the city council: city manager, city clerk, corporation counsel, ~~treasurer and tax collector, auditor~~ assessors of taxes, health officer, trustees of Evergreen Cemetery, 2 members of board of registration under section 11 of chapter 3 of the Revised Statutes of ~~1944~~ 1954, and they may elect 9 constables at large.

(b) The following officers shall be appointed by the city manager, subject to confirmation by the city council: commissioner of public works, director of parks and recreation, city electrician, chief of police, chief of the fire department, director of public welfare, city physician upon recommendation of the health officer, inspector of buildings who shall give all his time to the work of his office and who shall not have any interest, direct or indirect, in any building or material concern, personnel director, **director of finance** and all other department heads whose position may from time to time be created by ordinance.'

Sec. 2. P. & S. L., 1923, c. 109, Art. VII, § 1, amended. Section 1 of Article VII of chapter 109 of the private and special laws of 1923, as amended by section 12 of chapter 72 of the private and special laws of 1947, is hereby further amended to read as follows:

Sec. 1. Accounts and records. Accounts shall be kept by the ~~auditor~~ **director of finance**, showing the financial transactions of all departments of the city. The general accounting system shall be recommended by the ~~auditor~~ **director of finance** and prescribed by the city manager, with the approval of the city council. Accounts shall be kept in such a manner as to show fully at all times the financial condition of the city. The ~~auditor~~ **director of finance** shall furnish to the city manager each month a report containing in detail the receipts and disbursements of the city on all accounts, and for each appropriation item, the expenditures made and the obligations incurred during the preceding calendar month, and the total unencumbered balance. **All the accounts of the city shall be audited annually by a qualified accountant to be chosen by the city council.**

Sec. 3. P. & S. L., 1923, c. 109, Art. VII, § 2, amended. Section 2 of Article VII of chapter 109 of the private and special laws of 1923 is hereby amended to read as follows:

Sec. 2. Director of finance to be treasurer and collector. ~~All the accounts of the city shall be audited annually by a qualified accountant to be chosen by the city council.~~ The director of finance shall have and perform for the City of Portland all of the powers and duties imposed by law upon ~~treasurers and collectors of taxes.~~

Sec. 4. P. & S. L., 1923, c. 109, Art. VII, § 3, amended. The 1st sentence of section 3 of Article VII of chapter 109 of the private and special laws of 1923 is hereby amended to read as follows:

~~The ~~auditor~~ director of finance shall publish each month a statement of the financial condition of the city.~~

Sec. 5. P. & S. L., 1923, c. 109, Art. VII, § 6, repealed and replaced. Section 6 of Article VII of chapter 109 of the private and special laws of 1923, as amended by section 14 of chapter 72 of the private and special laws of 1947 and by section 1 of chapter 28 of the private and special laws of 1953, is hereby repealed and the following enacted in place thereof:

Sec. 6. Transfers. All appropriations in the annual budget shall lapse at the close of the fiscal year unless specifically continued by order of the city council, and the unencumbered balances shall be transferred to the surplus account.

Sec. 6. P. & S. L., 1923, c. 109, Art. VII, § 7, amended. Section 7 of Article VII of chapter 109 of the private and special laws of 1923 is hereby amended to read as follows:

Sec. 7. Borrowing. The borrowing of money by and for the city shall be limited as to form and purpose by the provisions of section 8 and section 9 of ~~this article seven of this charter.~~ The credit of the city shall in no manner be loaned to any individual, association or corporation.

Sec. 7. P. & S. L., 1923, c. 109, Art. VII, § 9, amended. The last sentence of section 9 of Article VII of chapter 109 of the private and special laws of 1923 is hereby amended to read as follows:

'This section shall not limit in any way the power granted to towns and cities to borrow money as contained in ~~chapter four, section sixty two~~ of the Revised Statutes of the State of Maine and acts amendatory thereof and additional thereto.'

Sec. 8. P. § S. L., 1923, c. 109, Art. VII, § 11, amended. Section 11 of Article VII of chapter 109 of the private and special laws of 1923 is hereby amended to read as follows:

'Sec. 11. Payments. Money shall be paid out only on warrants on the city treasury issued by the ~~auditor and countersigned by the city manager and a member of the city council to be designated from time to time by said city council~~ director of finance.

The ~~auditor~~ director of finance shall examine all payrolls, bills and other claims and demands against the city, and shall issue no warrant for payment until he finds that the claim is in proper form, correctly computed, duly certified and legally due and payable.

The ~~auditor~~ director of finance may require any claimant to make oath to the validity of his claim, may investigate any claim, and for such purpose or purposes may examine witnesses under oath.'

Sec. 9. P. & S. L., 1923, c. 109, Art. VII, § 13, amended. Section 13 of Article VII of chapter 109 of the private and special laws of 1923 is hereby amended to read as follows:

'Sec. 13. Collection and custody of city moneys. All moneys received by any officer, employee or agent of the city belonging to the city, or for or in connection with the business of the city, shall forthwith be paid by the officer, employee or agent receiving the same into the city treasury, and shall then be deposited by the ~~city treasurer~~ director of finance with some responsible banking institution or institutions to be chosen by said city council. All interest from all deposits of money belonging to the city shall accrue to the benefit of the city.'

Sec. 10. P. & S. L., 1923, c. 109, Art. III, repealed; and Articles IV through IX of said chapter 109 renumbered to be Articles III through VIII. Article III, consisting of sections 1 to 11, inclusive, of chapter 109 of the private and special laws of 1923, is hereby repealed; and Articles IV to IX, inclusive, are hereby renumbered to be Articles III to VIII, inclusive.