

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eightieth Legislature

OF THE

STATE OF MAINE

1921

Including Acts and Resolves of the Special Session held in 1920.

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Private and Special Laws

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purchased by him without a vote of the city council authorizing the same when the amount of such a purchase would exceed the sum of one thousand dollars.

Sec. 10. Fire department to be reorganized. Said fire commissioner shall proceed to reorganize the department according to the spirit of this act. He shall be the sole judge of the number and qualifications of its members and shall exclude political considerations in all of his appointments. No member of the present department shall be considered a permanent member until appointed by the fire commissioner. Said fire commissioner is hereby given full power and authority to make such rules and regulations for the government and efficiency of the department as he may deem advisable and which shall be consistent with the laws of the state and ordinances of the city.

Sec. 11. Budget estimate to be filed with city council; invoice to be made of fire department property. Said fire commissioner shall file with the city council annually an estimate of the amount of money required by him for the conduct of his department. He shall approve all bills contracted by him and submit the same to the city auditor before payment. He shall proceed to make a schedule of all the apparatus, tools, materials and property now in his department and shall record all additions thereto that shall from time to time be made, keeping said inventory in a book which he shall provide for that purpose.

Sec. 12. Vacancy, how filled. In case of vacancy in the office of fire commissioner, caused by death, resignation, removal or otherwise, the mayor of said city shall appoint a successor who shall serve for a like term of five years unless sooner removed for cause.

Sec. 13. Present fire department to act until reorganization is perfected. Pending the reorganization of said fire department under the provisions of this act, the department as at present organized and constituted shall continue to operate.

Sec. 14. Inconsistent statutes repealed. All acts and parts of acts inconsistent with this act are hereby repealed.

Approved April 7, 1921.

Chapter 143.

An Act to Amend the Charter of the City of Lewiston and to Provide for a City Auditor.

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

Sec. 1. Appointment of city auditor; tenure; bond; qualification; vacancy, how filled. A city auditor for the City of Lewiston shall be appointed by the mayor, he shall hold his office for a term of four

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years from the date of his appointment. He shall give to the treasurer of the City of Lewiston a bond, for the faithful discharge of his duties, with sureties, or with a surety company authorized to do business in the state, as surety, to be approved by the mayor, with the advice and consent of the city council. Said bond shall not be less than ten thousand nor more than fifteen thousand dollars. He shall be a competent accountant. Vacancy occurring during a term shall be filled for the unexpired term.

Sec. 2. Shall examine all accounts and demands against city; may require affidavits; accounts to be itemized and rendered in duplicate; shall keep a record of approval of claims. The city auditor shall examine all accounts and demands against the city, including all matters requiring the payment of money from the city treasury. In the examination of claims, accounts and demands he may require affidavits that articles have been furnished, services rendered, and expenses incurred as therein specified; and the affidavits for articles furnished, services rendered, and expenses incurred, for or by any officer, institution, commission, or board of trustees, may be made by the disbursing agent or any officer thereof having special knowledge of the matter. All accounts and demands against the city shall be fully itemized and rendered in duplicate and filed with the city auditor for his approval before payment. He shall in all cases, after he has approved a claim, account or demand, or any matter requiring the payment of money from the treasury, make a certificate specifying the amount due and allowed thereon, the name of the party to whom such amount is due or payable and the particular head, expenditure, department or appropriation to which it is chargeable.

Sec. 3. Original bills and vouchers to be preserved; certified copies of contracts to be filed with auditor. The auditor shall keep on file in his department, all original bills and vouchers on which moneys have been or may be paid from the treasury. He shall also keep on file all affidavits filed with him in relation to the auditing of any matters before him. All boards, commissions, agents or public officers authorized to make contracts under which moneys may be payable from the city, shall at once file with the auditor certified copies of any and all contracts made by them.

Sec. 4. Account of receipts and expenditures to be kept under separate head; accounts to be investigated and may be rejected in whole or in part; shall have access to all books and papers of various departments; accounts shall be kept as directed by auditor; auditor shall notify department heads of condition of account; claims shall not be approved when there is no specific appropriation, unless authorized by city council. The auditor shall keep a

distinct account of all city receipts and expenditures under appropriate heads. He shall keep a statement of all property belonging to the city and of all debts and obligations due to and from the city. He shall investigate all accounts, demands, bills, vouchers or claims against the city, including those made by any city officer, agent, department, trustee, or commission. And if, after said investigation, the amount demanded seems to be excessive or improper, he may reject the account or claim, in whole or in part, and if the person presenting such account or claim is dissatisfied therewith, the auditor shall report the same to the city council, with a separate certificate therefor. He shall have free access to all the books and papers of the several departments, commissions, boards or trustee of the city. Every officer, department, commission or board of trustees shall keep books of accounts in such form and in such manner as the auditor shall direct, and they shall at all times make such reports to the auditor as he may require. He shall from time to time, notify the said officers, agents, heads of departments, commissions and trustees, who are entrusted with the expenditure of public moneys of the city, of the condition of the specific appropriation which they are entrusted to expend, showing the balance of such appropriation unexpended. The auditor shall not approve nor issue his certificate for the payment of any bill or account unless there is a specific appropriation or fund for the payment thereof, or an expenditure is authorized by the city council to be paid out of the contingent fund or otherwise authorized by law.

Sec. 5. Auditor shall make annual examination of accounts of city treasurer; auditor's records shall be open to public inspection.

The city auditor shall annually, between the first day of February and the fifth day of March, examine the books, accounts and vouchers of the city treasurer, and report the result of such examination to the city council. The books, accounts, vouchers, affidavits and other records and papers in his office relating to public business shall be open for inspection to the citizens of said Lewiston at all reasonable times and for all proper purposes.

Sec. 6. Auditor shall make annual report to city council; how report shall be made up. He shall, on or before the first Monday of May, of each year, submit to the city council a report, showing a full and accurate statement of the financial condition of the city and of the financial transactions thereof for the preceding year, ending on the last day of each February. Said report shall contain a statement of the receipts by, and the payments from the city treasury, and a statement of the receipts by, appropriations for, and expenditures of each department, commission and board of trustees, for the preceding year; the latter statement shall be so made that it will show a separate statement in detail of each department of the city, for said year. All salaries and other general charges and appropriations shall likewise appear in said report.

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Sec. 7. Budget estimate to be filed with auditor by department heads; auditor shall tabulate estimates and submit budget estimate to city council. On or before the first Monday of April of each year, the heads of the various departments, city institutions, commissions and boards of trustees, who are entrusted with the expenditure of public moneys, shall file with the auditor a written estimate in detail of the necessary expenditures of the department, institution or commission, of which they are in charge, for the following year, together with the estimated income. This estimate shall be divided into, first, fixed charges; second, other charges; third, extraordinary or unusual expenses. A written statement showing the reason for all estimated expenditures, other than fixed charges, shall be filed with said estimate. Said auditor shall tabulate these statements under the various heads, and annually on or before the last Monday of April shall submit to the city council a report showing these tabulated statements, including the reasons given for estimated expenditures, other than fixed charges, together with an estimate of the ordinary revenues of the city, and such other means as the city auditor may be able to point out for defraying the expenses of the city, so that said report shall show the estimated revenues and income of the city, and the estimated expenditures of the city for the year following.

Sec. 8. Appropriations not to be exceeded; penalty for violation. No officer or agent of the city, or officer or member of any department thereof, whose duty it is to expend money under an appropriation by the city council, shall contract any bill or incur any obligation on behalf of the city in excess of the appropriation, or wages fixed by law, and whoever exceeds in his expenditure said appropriation, shall not have any claim for reimbursement. Any such officer or agent of the city, or officer or member of any department thereof, who shall knowingly or wilfully violate the provisions of this section shall upon conviction be fined two hundred dollars, and imprisoned in the discretion of the court for not less than three months.

Sec. 9. City officers not to be pecuniarily interested in city contracts; penalty for receiving secret discounts on city contracts. No member of a commission, trustee, heads of department, agent or other person holding a place of trust in the city, shall be pecuniarily interested directly or indirectly in any contracts made in behalf of the city, and any violation thereof is void and shall not be approved by said auditor; and if any such officer or person receives any drawbacks, presents, gratuities or secret discounts to his own use on account of such contracts, or from the profits in any materials, supplies or labor, furnished or done for the city, he shall upon conviction be fined not less than two hundred dollars, and imprisoned for not less than three months.

Sec. 10. Salary of auditor; may employ assistance. The auditor shall receive an annual salary of twenty-five hundred dollars. He may employ such assistance as may be necessary for the dispatch of public business. He shall be furnished an office in the city building and all expenses authorized under this act shall be paid by the said city, including premium on said bond.

Sec. 11. Accounts shall be opened by auditor with collector of taxes and with treasurer. The auditor shall open an account with the collector of taxes, charging him with the whole amount of taxes committed, also the supplementary tax and all interest due; he shall also open an account with the treasurer, charging him with the amount of loans and sums of money that may be borrowed for the city, and all securities and sums receivable, in order that the value and description of all personal property belonging to the city may be seen at any time in his books.

Sec. 12. List of current prices of articles used in various city departments to be kept on file by auditor. The auditor shall keep on file in his office a list of the current prices of supplies and materials used in the several departments of the city.

Sec. 13. Auditor shall publish in newspapers a monthly report. He shall, between the fifth and the tenth day of each month, cause to be published in the newspapers of said city, a report showing the receipts and expenditures of each department for the preceding month.

Sec. 14. Inconsistent statutes repealed. All acts and parts of acts inconsistent with this act are hereby repealed.

Approved April 7, 1921.

Chapter 144.

An Act to Abolish the Board of Public Works of the City of Lewiston and to Provide for a Highway Commission.

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

Sec. 1. Office of Lewiston Highway Commission established. A commission to be known as the Lewiston Highway Commission is hereby established in and for the City of Lewiston, which shall have and exercise all the powers, and be charged with all the duties relative to the construction, maintenance, care and control of the streets, highways, bridges, sidewalks, drains and sewers in said city, subject, however, to the general laws of the state.

Sec. 2. Commission to consist of three members. Said commission shall consist of three members, all of whom shall be a resident of said Lewiston, and each member shall be sworn by the city clerk of said