

# MAINE STATE LEGISLATURE

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# ACTS AND RESOLVES

AS PASSED BY THE

## Ninety-sixth Legislature

OF THE

# STATE OF MAINE

Published by the Director of Legislative Research in accordance with subsection VI of section 26 of chapter 9 of the Revised Statutes of 1944.

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KENNEBEC JOURNAL  
AUGUSTA, MAINE  
1953

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**Private and Special Laws**

OF THE

**STATE OF MAINE**

As Passed by the Ninety-sixth Legislature

**1953**

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Referendum; effective date; return to secretary of state. This act shall take effect 90 days after the adjournment of the legislature, only for the purpose of permitting its submission to the legal voters of the city of Bangor at the next regular city election called and held for the purpose at the regular voting places of the city by the officers of the city of Bangor authorized to call such election. A check list shall be used at such election. The city clerk shall prepare the required ballots on which he shall reduce the subject matter of this act to the following question: "Shall the Act Amending the Charter of the City of Bangor Relative to Changes in Organization, Powers and Duties, passed by the 96th legislature, be accepted?" and the voters shall indicate by a cross or check mark placed against the words "Yes" or "No" their opinion of the same. The result shall be declared by the municipal officers and due certificate thereof filed by the city clerk with the secretary of state.

This act shall take effect for all the purposes hereof immediately upon its acceptance by a majority of the legal voters at said election.

Effective August 8, 1953

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## Chapter 114

### AN ACT Amending the Charter of the City of Bangor Relative to Business and Financial Provisions.

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

Sec. 1. P. & S. L., 1931, c. 54, Art. VI, § 1, repealed and replaced. Section 1 of article VI of chapter 54 of the private and special laws of 1931 is hereby repealed and the following enacted in place thereof:

'Sec. 1. Accounts and records. Accounts shall be kept by the auditor, showing the financial transactions of all departments of the city. Forms for all such accounts shall be prescribed by the auditor, with the approval of the city manager. The city auditor shall have the authority and shall be required to:

(a) Supervise and be responsible for the disbursement of all moneys and have control over all expenditures to ensure that budget appropriations are not exceeded;

(b) Maintain a general accounting system for the city government and each of its offices, departments and agencies; keep books for and exercise

financial budgetary control over each office, department and agency; keep separate accounts for the items of appropriation contained in the city budget, each of which accounts shall show the amount of the appropriation, the amounts paid therefrom, the unpaid obligations against it and the unencumbered balance; require reports of receipts and disbursements from each receiving and spending agency of the city government to be made daily or at such intervals as he may deem expedient;

(c) Submit to the council through the city manager a monthly statement of all receipts and disbursements in sufficient detail to show the exact financial condition of the city;

(d) Prepare for the city manager, as of the end of each fiscal year, a complete financial statement and report;

(e) Approve all proposed expenditures; unless he shall certify that there is an unencumbered balance of appropriation and available funds, no appropriation shall be encumbered and no expenditure shall be made.'

Sec. 2. P. & S. L., 1931, c. 54, Art. VI, § 3, repealed and replaced. Section 3 of article VI of chapter 54 of the private and special laws of 1931 is hereby repealed and the following enacted in place thereof:

'Sec. 3. Additional appropriations. Appropriations in addition to those contained in the budget shall be made only if the auditor certifies that there is available general fund cash surplus sufficient to meet such appropriations.'

Sec. 3. P. & S. L., 1931, c. 54, Art. VI, § 6, repealed and replaced. Section 6 of article VI of chapter 54 of the private and special laws of 1931 is hereby repealed and the following enacted in place thereof:

'Sec. 6. Transfers. The city manager may at any time transfer any unencumbered appropriation balance or portion thereof from one classification of expenditure to another within the same department, office or agency. At the request of the city manager, the council may by order transfer any unencumbered appropriation balance or portion thereof from one department, office or agency to another.'

Sec. 4. P. & S. L., 1931, c. 54, Art. VI, § 8, repealed and replaced. Section 8 of article VI of chapter 54 of the private and special laws of 1931 is hereby repealed and the following enacted in place thereof:

'Sec. 8. Issue of bonds and notes. Money may be borrowed, within the limitations fixed by the constitution and statutes of the state now or hereafter applying to said Bangor, by the issue and sale of bonds or notes pledged on the credit of the city, the proceeds to be used for the payment of indebtedness of the city contracted for the acquisition of land, the construction and equipment of buildings and other permanent public improvements and the payment or refunding of bonds, notes and certificates of indebtedness previously issued. No order providing for borrowing hereunder shall be passed without public notice of the same being given by posting such notice in 2 or more public places in the city of Bangor and by publishing the same at least once in 1 or more newspapers published in said Bangor, such publication to be not less than 10 days before final action by the city council; nor shall any order providing for borrowing hereunder be passed except on the affirmative vote of at least  $\frac{2}{3}$  of all the members of the city council. Any order providing for borrowing hereunder may be amended without further public notice, provided the amount of the borrowing under such order is not thereby increased. Every issue of bonds shall be payable within a fixed term of years; if said bonds are issued in payment of indebtedness incurred for a public improvement the term of such bonds shall not exceed the estimated period of utility of said improvement, but the declaration of the city council embodied in the order authorizing the issue shall be conclusive determination of the estimated period of utility thereof; and the term within which all bonds shall be made payable shall in no case exceed 30 years. Bonds issued shall be made payable as pertains to principal in annual serial installments which shall be equal, except that the last installment may be of lesser amount than the previous installments and interest shall be made payable semiannually. Notes issued for improvements may be made payable in unequal installments but no annual installment shall be less than  $\frac{1}{10}$  of the total amount of the issue. Provided, however, that the whole or any part of any issue of bonds or notes may be made callable before maturity by appropriate recital in the order authorizing the borrowing. Every order for the issue of bonds or notes except notes issued in connection with temporary loans as authorized in section 10 of this article shall provide for a tax levy for each year of an amount necessary to meet the payment of the annual serial installment of principal and the annual interest thereon; and such amounts shall be included in the tax levy for each year until the debt is extinguished.'

Sec. 5. P. & S. L., 1931, c. 54, Art. VI, § 9, repealed. Section 9 of article VI of chapter 54 of the private and special laws of 1931 is hereby repealed.

Sec. 6. P. & S. L., 1931, c. 54, Art. VI, § 10, amended. The 3rd sentence of section 10 of article VI of chapter 54 of the private and special laws of 1931 is hereby repealed and the following enacted in place thereof:

'Money may be borrowed in anticipation of money to be received from the sale of bonds to be issued, in case such bond issue has been authorized. All such loans shall be paid within 6 months after completion and acceptance of the improvement for which the bonds were authorized.'

Sec. 7. P. & S. L., 1931, c. 54, Art. VI, § 15, additional. Article VI of chapter 54 of the private and special laws of 1931 is hereby amended by adding thereto a new section, to be numbered 15, to read as follows:

'Sec. 15. Emergency appropriation. The council shall have the power to appropriate in any one year, without reference to other provisions of this charter, an amount not to exceed 4% of the current annual budget, for the purpose of meeting a public emergency threatening the lives, health or property of citizens; provided such appropriation shall require at least 7 affirmative votes in the council. In the absence of available general fund cash surplus sufficient to meet such emergency appropriation, the council may, in accordance with the procedure set forth in section 8 of this article, authorize the issuance of notes to fund such emergency appropriation.'

Sec. 8. P. & S. L., 1931, c. 54, Art. VI, § 16, additional. Article VI of chapter 54 of the private and special laws of 1931 is hereby amended by adding thereto a new section, to be numbered 16, to read as follows:

'Sec. 16. Capital improvement reserve. The council may appropriate annually an amount not in excess of the equivalent of a tax of \$2 per \$1000 of assessed valuations to a fund to be known as the "Capital Improvement Fund" established for the purpose of paying the cost of capital improvements for which the city is authorized to issue bonds and for no other purpose. The council shall also have the power to transfer to this fund any portion of the general fund cash surplus not otherwise appropriated. It shall not be necessary to specify at the time the appropriation or transfer to this fund is made, the specific improvement or type of improvement for which the funds are intended. Appropriations from this fund shall be made by appropriation resolve which shall be read on 2 separate days in accordance with the provisions of section 8 of article II of this charter.'

Referendum; effective date; return to secretary of state. This act shall take effect 90 days after the adjournment of the legislature, only for the purpose of permitting its submission to the legal voters of the city of Bangor at the next regular city election called and held for the purpose at the

regular voting places of the city by the officers of the city of Bangor authorized to call such election. A check list shall be used at such election. The city clerk shall prepare the required ballots on which he shall reduce the subject matter of this act to the following question: "Shall the Act Amending the Charter of the City of Bangor Relative to Business and Financial Provisions, be accepted?" and the voters shall indicate by a cross or check mark placed against the words "Yes" or "No" their opinion of the same. The result shall be declared by the municipal officers and due certificate thereof filed by the city clerk with the secretary of state.

This act shall take effect for all the purposes hereof immediately upon its acceptance by a majority of the legal voters at said election.

Effective August 8, 1953

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## Chapter 115

### AN ACT to Increase the Borrowing Power of the Town of Hermon School District.

**Emergency preamble.** Whereas, acts passed by the legislature do not become effective until 90 days after adjournment unless passed as emergencies; and

Whereas, since the incorporation of the Town of Hermon School District in 1949, another school building in the town of Hermon has been destroyed by fire; and

Whereas, additional funds will be needed to carry out the building program of the Town of Hermon School District; and

Whereas, it is very desirable that these funds be made available as soon as possible; and

Whereas, it is vitally necessary that this act be voted upon at the earliest possible date; and

Whereas, in the judgment of the legislature, these facts create an emergency within the meaning of the constitution and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,