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Chairperson Casey and Honorable Members of the House Municipal Government and Housing Committee:

I, Richard Finnegan, respectfully submit this written testimony in opposition to any legislation that would permit the Scituate Town Council to control, restrict, or otherwise interfere with the authority of the Financial Town Meeting (“FTM”) body.

Under Rhode Island law and long-standing Rhode Island Supreme Court precedent, the Financial Town Meeting is not merely an advisory gathering, it is the legislative body of the town for financial matters and functions as a body corporate exercising the financial powers reserved to the electors of the town. Rhode Island General Laws § 45-3-1 recognizes the corporate character of towns and the authority exercised through town meetings. Rhode Island General Laws § 44-5-1 and related statutes likewise recognize that the power of taxation and appropriations in towns operating under a financial town meeting form of government rests with the electors assembled at the Financial Town Meeting.

The Rhode Island Supreme Court has repeatedly recognized the central role and authority of Financial Town Meetings in municipal finance and appropriations. In *Town of Scituate v. Scituate Teachers' Association*, 296 A.2d 466 (R.I. 1972), the Court discussed the authority of the Financial Town Meeting in determining appropriations and acknowledged that financial decisions ultimately must be presented to and acted upon by the electors assembled at the Financial Town Meeting. The Court recognized that the voters at the Financial Town Meeting are the body empowered to decide whether funds shall be appropriated.

Rhode Island case law has consistently treated the Financial Town Meeting as the town's legislative authority on appropriations and taxation. The electors assembled at the FTM are exercising powers reserved directly to the people. Any attempt by a town council to substantially restrict debate, amendments, or motions at the FTM undermines the authority vested in the electors themselves.

The proposed limitation preventing motions to increase or decrease appropriations by more than \$10,000 impermissibly interferes with the legislative authority of the Financial Town Meeting body. Such a restriction prevents meaningful deliberation and substantially impairs the ability of voters to amend budgets in response to debate occurring at the meeting itself. The Rhode Island Constitution reserves political power to the people. Article I, Section 1 of the Rhode Island Constitution provides that "all free governments are instituted for the protection, safety, and happiness of the people." The Financial Town Meeting is one of the oldest and most direct forms of democratic self-government in Rhode Island. Restricting the ability of electors to make substantive financial motions at the FTM infringes upon the public's constitutional right to participate directly in municipal governance.

The facts surrounding this proposed legislation are also important. At the last Scituate Financial Town Meeting, the voters exercised their lawful authority and voted to fully fund the school budget to the original amount requested by the School Committee. The voters spoke clearly through the democratic process established under Rhode Island law. This legislation appears to be a direct response to that vote. Rather than respecting the will of the voters assembled at the Financial Town Meeting, the proposal would weaken the authority of the FTM body by transferring practical control over appropriations to the Town Council through procedural limitations. If enacted, the legislation would fundamentally alter the balance of authority established under Rhode Island law by allowing the Town Council to constrain the legislative and financial authority of the Financial Town Meeting. The Council should not be permitted to use procedural restrictions to nullify the ability of electors to openly debate and amend town appropriations.

The Financial Town Meeting is intended to be an open public meeting where the electors deliberate and determine the financial priorities of the town. The ability to propose meaningful increases or decreases to appropriations is essential to that process. A \$10,000 cap on motions effectively prevents voters from exercising real legislative authority over substantial budget items.

For these reasons, I respectfully urge the House Committee to reject any legislation that diminishes the authority of the Scituate Financial Town Meeting or permits the Town Council to impose unconstitutional restrictions on the legislative powers exercised by the electors assembled at the FTM.

Respectfully submitted,

Richard Finnegan

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