

MAINE STATE LEGISLATURE

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1 (New Draft of H.P. 1783, L.D. 1773)
2 SECOND REGULAR SESSION
3

4 ONE HUNDRED AND TENTH LEGISLATURE
5

6 **Legislative Document**

No. 2105

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8
9 H. P. 2257 House of Representatives, March 26, 1982
Reported by Representative Swazey from the Committee on Local
and County Government and printed under Joint Rules No. 2.

EDWIN H. PERT, Clerk

10
11 **STATE OF MAINE**
12

13 IN THE YEAR OF OUR LORD
14 NINETEEN HUNDRED AND EIGHTY-TWO
15

16 **AN ACT to Amend the Charter of the**
17 **Lucerne-in-Maine Village Corporation.**
18

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

20 **Sec. 1. P&SL 1927, c. 43, §2, 2nd sentence, as enacted**
21 **by P&SL 1979, c. 30, §1, is amended to read:**

22 The total expenditures, within a fiscal year, shall not
23 exceed the total appropriations made for that year by the
24 voters at the annual winter meeting unless another village
25 corporation meeting is held within the fiscal year at which
26 additional appropriations are made.

27 **Sec. 2. P&SL 1927, c. 43, §7, first ¶, last sentence,**
28 **as repealed and replaced by P&SL 1979, c. 30, §2, is amended**
29 **to read:**

1 At the ~~annual~~ summer meeting of the village corporation, one
2 overseer, who is a resident voter as defined in section 12,
3 shall be elected to a one-year term by the resident voters;
4 one overseer, who is a nonresident voter as defined in
5 section 12, shall be elected to a one-year term by the non-
6 resident voters; and there shall be a President of the Board
7 of Overseers to be elected as set forth in subsections 1 and
8 2.

9 **Sec. 3. P&SL 1927, c. 43, §7, sub-§1, first sentence,**
10 as enacted by P&SL 1979, c. 30, §2, is amended to read:

11 At the summer meeting in ~~every July of~~ odd-numbered years,
12 the resident voters shall nominate and elect by written bal-
13 lot a resident voter as a candidate for President of the
14 Board of Overseers.

15 **Sec. 4. P&SL 1927, c. 43, §7, sub-§2, first sentence,**
16 as enacted by P&SL 1979, c. 30, §2, is amended to read:

17 At the summer meeting in ~~every July of~~ even-numbered years,
18 the nonresident voters shall nominate and elect by written
19 ballot a nonresident voter as a candidate for President of
20 the Board of Overseers.

21 **Sec. 5. P&SL 1927, c. 43, §9-A, as enacted by P&SL**
22 **1979, c. 30, §4, is repealed and the following enacted in**
23 **its place:**

24 Sec. 9-A. Village meetings; dates of meetings; busi-
25 ness of meetings; special meetings. The purpose of village
26 meetings is to provide a means for voters to exercise their
27 powers under the town meeting form of government and to pro-
28 vide for the election of village officers and other elected
29 officials, appropriation of funds, levying of taxes,
30 approval of warrants, adoption of bylaws and ordinances and
31 any other business that may legally come before the meeting.
32 There shall be 2 regular village meetings, one to be known
33 as the annual meeting and held at such time as the overseers
34 shall determine and one to be known as the summer meeting
35 and held at such time in the month of July or the month of
36 August as the overseers shall determine. The primary busi-
37 ness of the annual meeting is to appropriate and vote to
38 raise, or to appropriate or vote to raise, by tax levy the
39 moneys necessary to carry on the business of the corporation
40 and for any other legal purpose which the village corpora-
41 tion is authorized to undertake. Any other business of the
42 village may be dealt with at the annual meeting, except the
43 election of officers. The primary business of the summer
44 meeting is to elect the officers for the ensuing year. Any

1 other business of the village may be dealt with at this
2 meeting, except voting to raise moneys by tax levy. Not-
3 withstanding the preceding provisions, a vacancy in any
4 office arising from any cause prior to a regularly scheduled
5 meeting shall be filled in accordance with section 16.
6 Appropriations from the General Fund or from other funds
7 that may from time to time exist may be made at the summer
8 meeting in the event of cogent circumstances that demand
9 that action. The Board of Overseers may call special meet-
10 ings whenever deemed necessary. On the written petition of
11 at least 25 legal voters, the Board of Overseers shall
12 either insert a particular article in the next warrant
13 issued or shall within 60 days call a special meeting for
14 its consideration. If the overseers unreasonably refuse to
15 call a corporation meeting upon petition of the voters, it
16 may be called in the manner provided for by law for the
17 calling of town meetings in the same circumstances. All
18 meetings shall be held within the territorial limits of the
19 village corporation or within the Town of Dedham or within
20 an adjacent town at a readily accessible and convenient
21 location. Copies of all budget proposals, the warrant and
22 the document entitled "Lucerne-In-Maine Village Corporation
23 Ballot for Election of Officers and Referendum Questions,"
24 when appropriate, shall be mailed to each legal voter at his
25 last known address at least 15 days prior to the date of any
26 meeting. The annual meeting may be held in conjunction with
27 the summer meeting at the discretion of the overseers.

28 Sec. 6. P&SL 1927, c. 43, §11, first 2 sentences, as
29 amended by P&SL 1979, c. 30, §5, are further amended to
30 read:

31 Each and every year ~~an~~ the annual winter meeting shall be
32 held at the time and place determined in accordance with
33 section 9-A, at which a majority of the legal voters there
34 assembled shall determine the amount of money to be raised
35 for the corporate purposes during and for that year, or the
36 ensuing fiscal year if the annual meeting is held prior to
37 the beginning of the fiscal year. A certificate signed by
38 the President of the Board of Overseers and attested by the
39 clerk shall thereupon, and before within 45 days after the
40 final adjournment of the annual meeting of the Town of
41 Dedham, be filed with the assessors of the Town of Dedham,
42 which certificate shall recite the amount of money to be
43 raised in accordance with the vote of the said that meeting
44 of the village corporation.

45 Sec. 7. P&SL 1927, c. 43, §12, 7th sentence, as
46 repealed and replaced by P&SL 1979, c. 30, §6, is amended to
47 read:

1 Each year a document entitled "Lucerne-In-Maine Village Cor-
2 poration Ballot for Election of Officers and/or Referendum
3 Questions" shall be mailed to all voters prior to the annual
4 summer meeting and may be mailed to all voters prior to the
5 annual ~~winter~~ meeting.

6 **Sec. 8. P&SL 1927, c. 43, §16, first sentence, as**
7 **amended by P&SL 1979, c. 30, §7, is further amended to read:**

8 In the event of the death or resignation of any overseer or
9 officer, his place may be filled by vote of a majority of
10 the board of overseers, and the new officer or overseer so
11 elected shall hold his office until the next annual or
12 summer ~~or winter~~ meeting at which time ~~said~~ the office shall
13 become vacant and his successor shall be elected at that
14 meeting.

15 STATEMENT OF FACT

16 This new draft replaces the original bill. The fiscal
17 year was amended in Lucerne and Dedham to be July 1st to
18 June 30th. This new draft amends the time of the annual
19 winter meeting to a date set by the Board of Overseers.
20 They may choose to hold this meeting in conjunction with the
21 summer meeting in July or August. These changes will allow
22 the Village Corporation enough flexibility to schedule its
23 meeting to:

- 24 1. Better coincide with the fiscal year; and
25 2. Only hold one town meeting, in July or August, if
26 they so desire.

27 This new draft also makes minor technical changes in
28 the village charter.

29 5252031882