

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

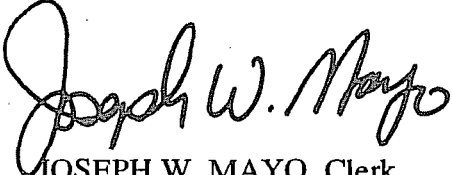
No. 1339

H.P. 998

House of Representatives, April 26, 1993

An Act to Allow for the Recall of Municipal Officials.

Reference to the Committee on State and Local Government suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative SIMONEAU of Thomaston.
Cosponsored by Representatives: BARTH of Bethel, LINDAHL of Northport, PLOURDE of Biddeford.

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

4 Sec. 1. 30-A MRSA §2602, sub-§1, ¶¶F and G, as amended by PL
5 1989, c. 104, Pt. C, §§8 and 10, are further amended to read:

6 F. Failure to qualify for the office within 10 days after
7 written demand by the municipal officers; ~~or~~

8 G. Failure of the municipality to elect a person to
9 office; or

10 Sec. 2. 30-A MRSA §2602, sub-§1, ¶H is enacted to read:

11 H. The successful recall of an elected official pursuant to
12 section 2608.

13 Sec. 3. 30-A MRSA §2608 is enacted to read:

14 **§2608. Recall of elected municipal officials**

15 Any person holding an elective municipal office is subject
16 to recall and discharge by the legal voters of the municipality
17 subject to the following provisions.

18 1. Petition. A petition demanding recall and reciting that
19 the municipal official has committed some act or acts of
20 malfeasance or misfeasance while in office or has violated the
21 oath of office and describing those acts in 200 words or less
22 must be signed by a number of voters qualified to vote in the
23 recall election at least equal to 35% of the number of votes cast
24 for all candidates for that person's office at the preceding
25 election.

26 2. Filing. This petition must be filed with the town clerk
27 who shall verify the signatures and call a special election if
28 required. In the event that the person being recalled is the
29 town clerk, the chief municipal officer shall carry out this duty.

30 3. Election. A recall election must be held within 30 days
31 of the verification of the signatures on the petition.

32 4. Ballot. The ballot at the election must describe in not
33 more than 200 words the recalled officer's justification for the
34 actions complained of in the petition.

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STATEMENT OF FACT

This bill provides for citizen recall of elected municipal officials for malfeasance, misfeasance or violation of oath while

in office. A petition setting forth the complaint must be signed
2 by 35% of the total number of votes cast for that office in the
preceding election. An election must be held within 30 days of
4 verification of the petition.