

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 482

S.P. 147

In Senate, January 31, 2019

**An Act To Reduce the Participation Thresholds for Various
Municipal Referenda and To Change the Measurement of Those
Thresholds from Votes Cast for and against the Question to Votes in
Favor of the Question**

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

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator POULIOT of Kennebec.
Cosponsored by Representative DOORE of Augusta and
Representative: WARREN of Hallowell.

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

2 **Sec. 1. 20-A MRSA §1466, sub-§9**, as amended by PL 2013, c. 461, §1, is
3 further amended to read:

4 **9. Required vote.** Before the municipality may withdraw from the regional school
5 unit, the withdrawal agreement must be approved by a majority vote of those casting
6 valid votes in the municipality, and the ~~total~~ number of votes cast ~~for and against~~ in favor
7 of withdrawal at the municipal vote must equal or exceed ~~50%~~ 25% of the total number
8 of votes cast in the municipality for Governor at the last gubernatorial election.

9 **Sec. 2. 30-A MRSA §2105, sub-§4**, as enacted by PL 1987, c. 737, Pt. A, §2 and
10 Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is
11 further amended to read:

12 **4. Effective date.** If a ~~majority~~ more of the ~~ballots~~ votes cast on any question under
13 subsection 1 or 2 favor acceptance than oppose it, the new charter, charter revision,
14 charter modification or charter amendment proposed in that question becomes effective
15 as provided in this subsection, ~~provided as long as~~ the ~~total~~ number of votes cast ~~for and~~
16 ~~against~~ in favor of the question equals or exceeds ~~30%~~ 15% of the total votes cast in the
17 municipality for Governor at the last gubernatorial election.

18 A. Except as provided in subparagraph (1), new charters, charter revisions or
19 charter modifications adopted by the voters take effect on the first day of the next
20 succeeding municipal year.

21 (1) New charters, charter revisions or charter modifications take effect
22 immediately for the purpose of conducting any elections required by the new
23 provisions.

24 B. Charter amendments adopted by the voters take effect on the date determined by
25 the municipal officers, but not later than the first day of the next municipal year.

26 **Sec. 3. 30-A MRSA §7209, sub-§2**, as enacted by PL 1989, c. 216, §2, is
27 amended to read:

28 **2. Requirements for approval.** The voters shall indicate their opinion on this
29 question by a cross or check mark placed against the word "Yes" or "No." Before
30 becoming effective, the deorganization must be approved by at least 2/3 of ~~the voters~~
31 those voting in the general election for or against deorganization and the ~~total~~
32 votes cast ~~for and against~~ in favor of deorganization ~~at the election~~ must equal or exceed
33 ~~50%~~ 1/3 of the total number of votes cast in the municipality for Governor at the last
34 gubernatorial election.

35 SUMMARY

36 This bill changes the requirements for a municipality to withdraw from a regional
37 school unit following a vote on a withdrawal agreement. Current law requires that the
38 total number of votes cast for and against withdrawal equal or exceed 50% of the total

1 votes cast in the municipality for Governor in the last gubernatorial election. This bill
2 requires instead that the number of votes cast in favor of withdrawal equal or exceed 25%
3 of the total votes cast in the municipality for Governor in the last gubernatorial election.
4 A majority vote in favor of withdrawal is still required, and a 2/3 vote in favor of
5 withdrawal is still required if the municipality is part of a school administrative district
6 that was reformulated as a regional school unit pursuant to the school unit consolidation
7 laws.

8 This bill also changes the requirements for a new municipal charter, charter revision,
9 charter modification or charter amendment in a question before the voters to go into
10 effect. Current law requires that the total number of votes cast for and against the
11 question equal or exceed 30% of the total votes cast in the municipality in the last
12 gubernatorial election. This bill requires instead that the number of votes cast in favor of
13 the proposed change equal or exceed 15% of the total votes cast in the municipality in the
14 last gubernatorial election and clarifies that this means votes cast for Governor in that
15 election. Also, while this bill does not change the requirement that a majority of votes
16 cast for and against the proposed change be in favor of it in order for that change to go
17 into effect, it clarifies that blank votes are not counted in that calculation.

18 This bill also changes the requirements for a deorganization of a municipality to go
19 into effect following a vote on final approval. Current law requires that the total number
20 of votes cast for and against deorganization must equal or exceed 50% of the total votes
21 cast in the municipality for Governor in the last gubernatorial election in order for the
22 deorganization to go into effect. This bill requires instead that the number of votes cast in
23 favor of deorganization must equal or exceed 1/3 of the total votes cast in the
24 municipality for Governor in the last gubernatorial election. Also, while this bill retains
25 the requirement that the deorganization be approved by 2/3 of the voters in order for it to
26 go into effect, it clarifies that that means 2/3 of those voting for or against deorganization
27 in that election.