

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND EIGHTH LEGISLATURE

FIRST REGULAR SESSION

January 5, 1977 to July 25, 1977

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PUBLIC LAWS
OF THE
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1977

Sec. 208. 38 MRSA § 1303, sub-§ 2, as enacted by PL 1973, c. 387, is repealed as follows:

2. Commissioner. "Commissioner" means the Commissioner of the Department of Environmental Protection.

Sec. 209. PL 1975, c. 499, § 72, as enacted by PL 1975, c. 623, § 83 and as repealed and replaced by PL 1975, c. 649, § 2, c. 699, § 2 and by c. 740, § 138, is repealed and the following enacted in its place:

Sec. 72. Effective date. Sections 2 to 71 of this Act shall become effective May 1, 1976.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective April 14, 1977

CHAPTER 79

AN ACT Concerning Membership on Municipal Charter Commissions.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the importance of the home rule powers granted to the municipalities in the Constitution of the State of Maine is well recognized; and

Whereas, one important aspect of this power is the implementing language in the statutes providing methods to revise the municipality's charters; and

Whereas, because of this language some municipalities cannot have a balanced representation from each ward or voting district on a charter commission; and

Whereas, the Legislature feels that municipalities should have greater options in determining the membership of a charter commission; and

Whereas, further delay in creating charter commissions to revise or amend municipal charters which are outdated is unnecessary and would frustrate local government operations; and

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

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

Sec. 1. 30 MRSA § 1913, sub-§ 1, first ¶, as enacted by PL 1969, c. 563, is repealed and the following enacted in its place:

The charter commission shall consist of several voters in the community, elected as provided in this section, and 3 members appointed by the municipal officers.

Sec. 2. 30 MRSA § 1913, sub-§ 1, ¶ A, as amended by PL 1975, c. 329, § 2, is repealed and the following enacted in its place:

A. Voter members may be elected by one of the following methods:

(1) Six voter members shall be elected in the same manner as the municipal officers, except that they shall be elected at large and without party designations; or

(2) One voter shall be elected from each voting district or ward in the same manner as municipal officers, except that they shall be elected without party designation.

Election of voter members may be held at the same municipal election as the referendum for the charter commission, but shall be held within 60 days of such referendum election. The names of the candidates shall be arranged alphabetically by surname immediately below the question relating to the charter commission.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective April 14, 1977

CHAPTER 80

AN ACT to Require that Newly-constructed or Reconstructed Public Buildings be Made Accessible to the Physically Handicapped.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, since the enactment of chapter 367 of the public laws of 1967, passed by the 103rd Legislature, there has been ample evidence for the need to set forth in law more specific standards of construction necessary to assure that our public buildings are made accessible to all of the public; and

Whereas, this Act relates primarily to those new public buildings to be constructed with either state or federal funds; and

Whereas, it is recognized that most new construction of public buildings in this State begins during the first half of any calendar year; and