

# MAINE STATE LEGISLATURE

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February 22, 1967

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Addendum to Opinion dated February 15, 1967.

ADDENDUM:

Having received our opinion of February 15, 1967, you now wish to know whether the reference opinion is in tune with a certain note appearing in the 1966 Maine Town Meeting Manual (fifth edition) on page 29, i.e.: "The law provides a method by which an article may be placed on the secret ballot by petition. NOTE: This does not permit the selectmen to place an article on the ballot by their own act alone." We view the quoted language as not being in conflict with the reference opinion. As was stated in our opinion, the words "such particular article" referred only to the circumstances which are stated in 30 M.R.S.A. § 2061 (4). It is our opinion that the plural articles set forth in 20 M.R.S.A. § 222 may be voted upon by the legal voters in a municipality sans resort to the provisions of 30 M.R.S.A. § 2061 (4). In other words, the procedure set forth in section 2061 (4) is not the exclusive procedure whereby townspeople may vote upon the questions set forth in 20 M.R.S.A. § 222. It should be noted that section 222 requires only that the statutory articles be acted upon at a meeting called and held in the manner provided by the applicable Maine statutes.

We have said that the procedure outlined in section 2061, (4), is not the exclusive manner by which a vote may be effected concerning section 222 articles; but it may be one of the procedures which the townspeople choose to utilize when voting upon an article concerning a dissolution petition. In the event that a proper petition is presented to the selectmen requesting the printing of a section 222 article on the ballot, then it will be necessary for the procedures set forth in 2061, (4), to be followed in their entirety. This means that the hearing specified in section 2061, (4), must properly take place; and that it must occur in accordance with the language of section 2061, (4).

Care should be taken to distinguish that petition described in section 2061, (4), from the petition described in 30 M.R.S.A. § 2051, (4), to wit:

"4. If the selectmen unreasonably refuse to call a town meeting, it may be called by a justice of the peace in the county on the written petition of a number of voters equal to at least 10% of the number of votes cast in the town at the last gubernatorial election, but in no case less than 10."

I trust that this addendum sufficiently apprises you of the status of the February 15, 1967 opinion, i.e., that the opinion is based solely upon the facts which are stated therein. Of course, additional facts might very well require a different conclusion than that stated in the reference opinion.

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JWB/eh