

MAINE STATE LEGISLATURE

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STATE OF MAINE

ONE - HUNDRETH LEGISLATURE

Legislative Document

No. 1561

House of Representatives, April 25, 1961
Reported by Mrs. Knapp from Committee on Legal Affairs. Printed under
House Rule 36.

HARVEY R. PEASE, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-ONE

COMMITTEE AMENDMENT "A" to H. P. 690, L. D. 968, Bill "An Act to
Grant a New Charter for the Town of Falmouth."

Amend said Bill, in Article II, by striking out all of the last sentence of section 208 and inserting in place thereof the following: 'All meetings of the town council shall be open to the public in accordance with the Revised Statutes of 1954, chapter I, sections 36 to 41.'

Further amend said Bill, in Article V, section 502, by adding after the first sentence the following sentence: 'The budget authority of the council shall be limited to the final determination of the total appropriation to be made to each of the several offices, departments and agencies of the town, including the department of education.'

Further amend said Bill, in Article IX, by striking out all of sections 903 and 904 and by renumbering sections 905 and 906 to be sections 903 and 904.

Further amend said Bill by inserting after Article IX, a new Article X, as follows:

'Article X.

Initiative and Referendum.

Sec. 1001. Petition for overrule of action of council. All ordinances, resolutions or votes, except those making appointments or removals or regulating exclusively the internal procedure of the council, shall be subject to overrule by a referendum as follows:

If, within 10 days after the publication of any such ordinance, resolution or vote, a petition signed by not less than 400 electors of the Town of Falmouth is filed with the town clerk requesting its reference to a referendum the council

shall fix the time and place of such referendum which shall be within 14 days after the filing of the petition, and notice thereof shall be given in the manner provided by law for the calling of a referendum. An ordinance, resolution or vote so referred shall take effect upon the conclusion of such meeting unless at least 500 electors, constituting a majority of those voting thereon, shall have voted in the negative.

Sec. 1002. Petition for enactment of ordinances. Subject to the provisions of section 1001, not less than 200 electors of the town may at any time petition over their personal signatures for the enactment of any proposed lawful ordinance by filing such petition, including the complete text of such ordinance, with the town clerk. The council shall call a referendum, to be held within 30 days from the date of such filing, unless prior to such meeting such ordinance shall be enacted by the council. The call for such referendum shall state the proposed ordinance in full and shall provide for a "yes" or "no" vote as to its enactment. Such ordinance shall take effect on the 10th day after the conclusion of such referendum provided that 500 electors, constituting a majority of those voting thereon, shall have voted in the affirmative.

Any such proposed ordinance shall be examined by the town attorney before being submitted to referendum. The town attorney is authorized to correct the form of such proposed ordinance for the purpose of avoiding repetitions, illegalities and unconstitutional provisions, and to assure accuracy in its text and references and clearness and preciseness in its phraseology, but he shall not materially change its meaning and effect.

Sec. 1003. Petition for submission of amendments of charter to the Legislature. Not less than 200 electors of the town may at any time petition, over their personal signatures, for the submission of an amendment of this charter to the next regular session of the Legislature by filing such petition at least 90 days prior to the next regular session of the Legislature including the complete text of such amendment with the town clerk. The council shall call a referendum to be held at least 60 days prior to the opening of the next regular session of the Legislature. The referendum shall state the proposed amendment and shall provide for a "yes" or "no" vote for its submission to the Legislature. The proposed amendment shall be submitted to the next regular session of the Legislature provided that 500 electors, constituting a majority of those voting thereon, shall have voted in the affirmative.'

Further amend said Bill by renumbering Article X to be Article XI and renumbering sections 1001 to 1010 to be sections 1101 to 1110.

Further amend said Bill by striking out all of renumbered section 1106 and inserting in place thereof the following :

'Sec. 1106. Summons before town council. The clerks of the Supreme Judicial and Superior Courts may issue summons for witnesses to attend and produce books, documents and papers at any meeting of the town council for the Town of Falmouth at which a hearing is had in any matter regarding any alleged dereliction, which summons shall be served as required to be sufficient in matters before the Supreme Judicial or Superior Courts. On complaint of failure to obey summons to the municipal court of the City of Portland, which

court is expressly given jurisdiction to hear such complaints, said municipal court if it finds failure to obey said summons to be without reasonable excuse, shall impose a fine of not less than \$10 nor more than \$100, or by imprisonment for not more than 30 days, or by both. All rights of appeal are to be available as exist in the general laws of the State of Maine.'

Further amend said Bill by striking out all of the first paragraph of the Referendum and inserting in place thereof the following:

'This act shall take effect 90 days after adjournment of the Legislature, only for the purpose of permitting its submission to the legal voters of the Town of Falmouth at any regular or special town election or state-wide election held before January 2nd, 1962, and warrants shall be issued for such election in the manner now provided by law for the holding of municipal elections, notifying and warning the qualified voters of said town to meet in the several ward meetings of said town, there to cast their ballot on the approval or rejection of this act.'