

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
104th LEGISLATURE

HOUSE AMENDMENT " A " to H. P. 838, L. D. 1076, Bill, "AN ACT Authorizing the Legislative Bodies of Municipalities to Reapportion Council Districts."

Amend said Bill by striking out all after the enacting clause and inserting in place thereof the following:

'R. S., T. 30, §5353, repealed and replaced. Section 5353 of Title 30 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 5353. Reapportionment

1. Adoption by ordinance. Districts established for the purpose of electing, from each district, an equal number of municipal officers may be adjusted, by ordinance, by the legislative body of the municipality subject to the following conditions:

A. Territory. Each district shall be formed of compact, contiguous territory, as nearly rectangular as possible, and its boundary lines shall follow the center lines of streets.

B. Voters. Each district shall contain as nearly as possible the same number of qualified voters, determined from the registration for the last presidential election, but districts shall not differ in number of registered voters by more than 10% of the voters in the smallest district created.

C. Form. The ordinance shall include a map and a description

(Over)

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of the districts.

D. Effect. The ordinance shall be effective as of the 30th day after adoption by the legislative body. The new districts and boundaries, as of the effective date, shall supersede previous districts and boundaries for the purposes of the next regular municipal election, including nominations.

2. Failure to enact ordinance. The legislative body shall enact the reapportionment ordinance in the calendar year following a presidential election and at least 60 days prior to a regular municipal election. If the legislative body fails to do so, all municipal officers to be elected shall be elected at large and shall serve until their terms expire. Such at-large elections shall continue until the legislative body enacts an ordinance in accordance with subsection 1, except that the ordinance shall be enacted at least 60 days prior to a regular municipal election.

3. Referendum. The qualified voters of the municipality, except where the legislative body is the town meeting, shall have power to require reconsideration by the legislative body of any such adopted ordinance and, if the legislative body fails to repeal an ordinance so reconsidered, to approve or reject it at a municipal election.

A. Commencement of proceedings; petitioners' committee; affidavit. Any 5 qualified voters may commence referendum proceedings by filing with the municipal clerk an affidavit stating they will constitute the petitioners' committee

and be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and citing the ordinance sought to be reconsidered.

Promptly after the affidavit of the petitioners' committee is filed the clerk shall issue the appropriate petition blanks to the petitioners' committee.

B. Petitions.

(1) Number of signatures. Petitions must be signed by qualified voters of the municipality equal in number to at least 15% of the total number of qualified voters registered to vote at the last presidential election.

(2) Form and content. All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the address of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance sought to be reconsidered.

(3) Affidavit of circulator. Each paper of a petition shall have attached to it when filed an affidavit executed by the circulator thereof stating that he personally

circulated the paper, the number of signatures thereon,
that all the signatures were affixed in his presence, that
he believes them to be the genuine signatures of the
persons whose names they purport to be and that each
signer had an opportunity before signing to read the
full text of the ordinance sought to be reconsidered.

(4) Time for filing petitions. Petitions must be
filed within 30 days after adoption by the legislative
body of the ordinance sought to be reconsidered.

C. Procedure after filing.

(1) Certificate of clerk; amendment. Within 20 days after
the petition is filed, the municipal clerk shall complete
a certificate as to its sufficiency, specifying, if it is
insufficient, the particulars wherein it is defective and
shall promptly send a copy of the certificate to the
petitioners' committee by registered mail. A petition
certified insufficient for lack of the required number
of valid signatures may be amended once if the petitioners'
committee files a notice of intention to amend it with
the clerk within 2 days after receiving the copy of his
certificate and files a supplementary petition upon
additional papers within 10 days after receiving the copy
of such certificate. Such supplementary petition shall

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comply with the requirements of subparagraphs (2)
and (3) of paragraph B, and within 5 days after it
is filed the clerk shall complete a certificate as
to the sufficiency of the petition as amended and
promptly send a copy of such certificate to the
petitioners' committee by registered mail as in the
case of an original petition. If a petition or
amended petition is certified sufficient, or if a
petition or amended petition is certified insufficient
and the petitioners' committee does not elect to
amend or request review under subparagraph (2) within
the time required, the clerk shall promptly present
his certificate to the legislative body and the
certificate shall then be a final determination as to
the sufficiency of the petition.

(2) Review. If a petition has been certified
insufficient and the petitioners' committee does not
file notice of intention to amend it or if an
amended petition has been certified insufficient, the
committee may, within 2 days after receiving the copy
of such certificate, file a request that it be reviewed
by the legislative body. The legislative body shall
review the certificate at its next meeting following
the filing of such request and approve or disapprove
it, and such determination shall then be a final
determination as to the sufficiency of the petition.

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(3) Court review, new petition. A final determination as to the sufficiency of a petition shall be subject to court review. A final determination of insufficiency, even if sustained upon court review, shall not prejudice the filing of a new petition for the same purpose.

D. Suspension of effect of ordinance. When petition is filed with the clerk, the ordinance sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when:

(1) There is a final determination of insufficiency of the petition; or

(2) The petitioners' committee withdraws the petition; or

(3) The council repeals the ordinance; or

(4) Thirty days have elapsed after a vote of the municipality on the ordinance.

E. Action on petitions.

(1) Action by legislative body. When a petition has been finally determined sufficient, the legislative body shall promptly reconsider the referred ordinance by voting its repeal. If the legislative body fails to repeal the referred ordinance within 30 days after the date the petition was finally determined sufficient, it shall submit the referred ordinance to the voters of the municipality.

(2) Submission to voters. The vote of the municipality

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on a referred ordinance shall be held not less than
30 days and not later than one year from the date of
the final vote of the legislative body thereon. If no
regular municipal election is to be held within the
period prescribed in this subsection, the legislative
body shall provide for a special election; otherwise,
the vote shall be held at the same time as such
regular election, except that the legislative body
may in its discretion provide for a special election
at an earlier date within the prescribed period.
Copies of the referred ordinance shall be made available
at the polls.

(3) Form of ballot. The form of the ballot for the
repeal of such ordinance shall be substantially as
follows:

"Shall the ordinance entitled ' _____ '
be repealed?"

Yes / No /

(The voters shall indicate their choice by a cross or
check mark placed in the appropriate box under the words
YES or NO.)

(4) Withdrawal of petitions. A petition may be withdrawn
at any time prior to the 15th day preceding the day
scheduled for a vote of the town by filing with the
town clerk a request for withdrawal signed by at least 4
members of the petitioners' committee. Upon the filing
of such request the petition shall have no further force

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or effect and all proceedings thereon shall be terminated.

F. Results of election. If a majority of the qualified electors voting on a referred ordinance vote against it, it shall be considered repealed upon certification of the election results.'

Filed by Mr. Moreshead of Augusta.

Reproduced and distributed under the direction of the Clerk of the House.

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