

MAINE STATE LEGISLATURE

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(EMERGENCY)

ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 1087

H. P. 814

House of Representatives, February 24, 1971

Referred to Committee on Legal Affairs. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. McTeague of Brunswick.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

AN ACT Amending the Law Relating to Home Rule.

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

Whereas, the amendment of local municipal charters has been ceded exclusively to the several municipalities of the State of Maine by the Legislature; and

Whereas, the municipal home rule legislation which enables these changes to be made requires that they be voted on at a regular or special municipal election; and

Whereas, many such changes may be of such a nature as to require action prior to any regular or special municipal election which may be forthcoming; and

Whereas, federal matching funds, bond issues and similar financial transactions may require changes in municipal charters to be made prior to any forthcoming regular or special municipal election in order to receive the funds or issue the bonds; 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. R. S., T. 30, § 1914, sub-§ 1, amended. Subsection 1 of section

1914 of Title 30 of the Revised Statutes, as enacted by chapter 563 of the public laws of 1969, is further amended to read as follows:

1. Municipal officers. The municipal officers may determine that amendments to the municipal charter are necessary and, by order, provide that such proposed amendments be placed on a ballot at the next regular municipal election held not less than ~~60~~ 30 days after such order is passed; or they may order a special election to be held not less than 30 days from the date of the order for the purpose of voting on the proposed amendments.

A. Each amendment shall be limited to a single subject, ~~matter~~ but more than one section of the charter may be amended as long as it is germane to that subject.

B. Alternative statements of a single amendment are prohibited.

Sec. 2. R. S., T. 30, § 1914, sub-§ 2, ¶ A, amended. Paragraph A of subsection 2 of section 1914 of Title 30 of the Revised Statutes, as enacted by chapter 563 of the public laws of 1969, is amended to read as follows:

A. Each amendment is limited to a single subject ~~matter~~, but more than one section of the charter may be amended as long as it is germane to that subject.

Sec. 3. R. S., T. 30, § 1914, sub-§ 3, amended. The 3rd sentence of subsection 3 of section 1914 of Title 30 of the Revised Statutes, as enacted by chapter 563 of the public laws of 1969, is repealed and the following enacted in place thereof:

No more than one subject may be included in a petition.

Sec. 4. R. S., T. 30, § 1914, sub-§ 4, ¶¶ A, B & C, repealed and replaced. Paragraphs A, B and C of subsection 4 of section 1914 of Title 30 of the Revised Statutes, as enacted by chapter 563 of the public laws of 1969, are repealed and the following enacted in place thereof:

A. Within 10 days of receipt of a report that a petition is sufficient, the municipal officers shall by order provide for a public hearing on the proposed amendment. The notice of the hearing shall be published in a newspaper having general circulation in the municipality at least 7 days prior to the hearing, and shall contain the text of the proposed amendment and a brief explanation. The hearing shall be conducted by the municipal officers or a committee appointed by them.

B. Within 7 days after the public hearing, the municipal officers or the committee appointed by them shall file with the municipal clerk a report containing the final draft of the proposed amendment and a written opinion by an attorney admitted to the bar of this State that the proposed amendment is not in conflict with the general laws or the Constitution. In the case of a committee report, a copy shall be filed with the municipal officers.

C. Upon the filing of the final report, the municipal officers shall order the proposed amendment to be submitted to the voters at the next regular or

special municipal election held not more than 60 days after the filing of the final report. If there is no such election to be held within that time, the municipal officers shall order a special election to be held within that time for the purpose of voting on the proposed amendment. Unrelated charter amendments shall be submitted to the voters as separate questions.

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

STATEMENT OF FACT

The purpose of this bill is reflected in the emergency preamble.