

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
107TH LEGISLATURE

COMMITTEE AMENDMENT " A " to H.P. 116, L. D. 152, Bill,  
"AN ACT to Require a Second Election on Any Adoption, Revision  
or Amendment of a Municipal Charter Invalidated Because of  
Procedural Error."

Amend said Bill by striking out all of the title and  
inserting in place thereof the following: 'AN ACT to Amend  
the Requirements for Adopting, Revising or Amending a Municipal  
Charter.'

Further amend said Bill by striking out everything after  
the enacting clause and inserting in place thereof the following:

'Sec. 1. 30 MRSA §1912, sub-§1, as enacted by PL 1969,  
c. 563, is amended to read:

1. Municipal officers. The municipal officers may  
determine that the revision of the municipal charter ~~is-necessary~~  
should be considered or that adoption of a new municipal charter  
~~is-necessary~~ should be considered and, by order, provide for  
the establishment of a charter commission to carry out such  
purpose as provided in this chapter.

Sec. 2. 30 MRSA §1913, sub-§1, ¶A, 2nd sentence, as enacted  
by PL 1969, c. 563, is amended to read:

Election of voter members ~~shall~~ 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.

Sec. 3. 30 MRSA §1913, sub-§4, 2nd ¶, 2nd sentence, as  
enacted by PL 1969, c. 563, is amended to read:

~~Within-30-days-after-submission-of-its-final-report~~ Prior to the  
termination of its existence, the charter commission shall file  
with the clerk a complete account of all its receipts and

expenditures for public inspection.

Sec. 4. 30 MRSA §1913, sub-§5, as last amended by PL 1971, c. 398, is further amended by adding after the 3rd paragraph a new paragraph to read:

The time limits on the preparation and submission of preliminary and final reports of the charter commission may be extended by the municipal officers, but in no event for longer than 24 months after the election of the charter commission, if such extension shall be necessary to properly complete such reports, or to have them printed or circulated or to secure the written opinion of an attorney.

Sec. 5. 30 MRSA §1913, sub-§7, as enacted by PL 1969, c. 563, is amended to read:

7. Termination. The charter commission shall continue in existence for 30 days after submission of its final report to the municipal officers for the purpose of winding up its affairs; unless judicial review is sought under section 1919, subsection 3, in which event the charter commission shall continue in existence until such review and any appeals therefrom are finally completed for the purpose of intervening in such proceedings.

Sec. 6. 30 MRSA §1914, sub-§1, 1st sentence, as last repealed and replaced by PL 1973, c. 304, is amended to read:

The municipal officers may determine that amendments to the municipal charter ~~are necessary~~ should be considered and, by order, provide for notice and hearing on them in the same manner as provided in subsection 4, paragraph A.

Sec. 7. 30 MRSA §1919, sub-§1, as enacted by PL 1969,  
c. 563, is amended by adding at the end a new sentence to read:

The charter commission may intervene as a party in any such proceeding.

Sec. 8. 30 MRSA §1919, sub-§2, as enacted by PL 1969,  
c. 563, is amended by adding at the end a new sentence to read:

The charter commission shall be served with notice of the petition for declaratory judgment or with notice of the preliminary petition for leave and may intervene as a party in any proceeding.

Sec. 9. 30 MRSA §1919, sub-§3, as enacted by PL 1969,  
c. 563, is amended by adding after the first sentence a new sentence to read:

The charter commission shall be served with notice of the petition for judicial review and may intervene as a party in such proceeding.

Sec. 10. 30 MRSA §1919, sub-§4 is enacted to read:

4. Resubmission upon judicial invalidation for procedural error. Upon a determination that the procedures whereby any charter was adopted, revised or amended are invalid, the Superior Court may, on its own motion or the motion of any party, order the resubmission of such charter adoption, revision or amendment to the voters. Such order shall require only the minimum procedures on resubmission to the voters that are necessary to cure the material and substantial errors or omissions. The Superior Court may also recommend or order other curative

procedures to provide for valid charter adoption, revision or amendment.'

Statement of Fact

The purpose of this amendment is to amend the laws relating to municipal charter adoption revision or amendment so as to avoid overly restrictive procedural requirements and to provide the charter commission with standing to intervene as a party in any challenge to such procedures.

Reported by the Committee on Local and County Government.

Reproduced and distributed under the direction of the Clerk  
of the House.  
5/13/75

(Filing No. H-311)