

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 152

H. P. 116

House of Representatives, January 9, 1975

Referred to Committee on Local and County Government. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Rolde of York.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

AN ACT to Require a Second Election on Any Adoption, Revision or Amendment of a Municipal Charter Invalidated Because of Procedural Error.

Be it enacted by the People of the State of Maine, as follows:

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

4. Resubmission upon judicial invalidation for procedural error.

A. Any charter adoption, revision or amendment invalidated by the Superior Court on account of a procedural error shall be resubmitted in accordance with section 1915 within 60 days of its invalidation to the voters of the municipality involved. However, the municipal officers need not reprint copies of the charter commission's final report, but shall make previously printed copies of the report available to voters in the clerk's office and shall post the report in the same manner that proposed ordinances are posted.

B. If a charter is adopted, revised or amended in the 2nd election in accordance with section 1915, subsection 4, the charter shall be deemed to have been adopted without procedural error which materially or substantially affects its adoption, revision or amendment. The charter shall in that case be deemed to have been adopted, revised or amended on the date of the 2nd election in accordance with section 1915, subsection 4.

STATEMENT OF FACT

This Act provides that any charter which has been adopted or amended and which is later judicially invalidated on procedural grounds shall be resubmitted to a municipal election within 60 days after the invalidation. If the election again approves the charter or its amendment, the charter will be deemed to have been adopted or amended despite any procedural error.