

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 605

S. P. 221

In Senate, February 16, 1979

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

Presented by Senator Huber of Cumberland.

MAY M. ROSS, Secretary of the Senate

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

**AN ACT to Allow Item by Item Referendums on Proposed Town Charter
Amendments Presented by a Municipal Charter Review Commission.**

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

Sec. 1. 30 MRSA § 1912, sub-§ 1, as amended by PL 1975, c. 329, § 1, is further amended to read:

1. Municipal officers. The municipal officers may determine that the revision of the municipal charter **or amendments to the municipal charter** should be considered or that adoption of a new municipal charter 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 § 1912, sub-§ 2, as enacted by PL 1969, c. 563, is amended to read:

2. Alternative method, initiative. On the written petition of a number of voters equal to at least 20% of the number of votes cast in the municipality at the last gubernatorial election, but in no case less than 10, the municipal officers shall, by order, provide for the establishment of a charter commission for the revision of the municipal charter **or amendments to the municipal charter** or for the preparation of a new municipal charter in the form and manner provided in this chapter.

Sec. 3. 30 MRSA § 1912, sub-§ 3, ¶ B, sub-¶ (1), as enacted by PL 1969, c. 563, is amended to read:

(1) Petition forms shall carry the following legend in bold lettering at the top of each form on the face thereof.

Municipality of

“Each of the undersigned voters respectfully requests the municipal officers to establish a Charter Commission for the purpose of revising the Municipal Charter, **amending the Municipal Charter** or preparing a New Municipal Charter.”

Each signature affixed to a petition shall be in ink or other indelible instrument and shall be followed by the place of residence of the voter with street and number, if any. No petition shall contain any party or political designation.

Sec. 4. 30 MRSA § 1912, sub-§ 5, ¶ A, as enacted by PL 1969, c. 563, is amended to read:

A. The question to be submitted to the voters shall be in substance as follows:

“Shall a Charter Commission be established for the purpose of revising the Municipal Charter, **amending the Municipal Charter** or establishing a New Municipal Charter?”

Sec. 5. 30 MRSA § 1913, sub-§ 5, 2nd and 3rd paragraphs, as amended by PL 1971, c. 398, are further amended to read:

Within 9 months after its election, the charter commission shall prepare a preliminary report including the text of the charter or charter revision **or charter amendments** which the commission intends shall be submitted to the voters and any explanatory information the commission deems desirable, shall cause such report to be printed and circulated throughout the municipality, and shall provide sufficient copies of the preliminary report to the municipal clerk to permit its distribution to each voter requesting same.

Within 12 months after its election, the charter commission shall submit to the municipal officers its final report, which shall include the full text and an explanation of the proposed new charter or charter revision **or charter amendments**, such comments as the commission deems desirable, an indication of the major differences between the current and proposed charters **or sections thereof** and a written opinion by an attorney admitted to the bar of this State that the proposed charter or charter revision **or charter amendments** ~~is~~ **are** not in conflict with the Constitution or the general laws. Minority reports if filed shall not exceed 1,000 words.

Sec. 6. 30 MRSA § 1913, sub-§ 6, as enacted by PL 1969, c. 563, is amended to read:

6. Election. Upon the filing of the final report, the municipal officers shall order the proposed new charter or charter revision **or amendments to the charter** to be submitted to the voters at the next regular or special municipal election held at least 30 days after the filing of the final report.

STATEMENT OF FACT

This bill amends Title 30, chapter 201-A, the municipal home rule law. The purpose of this bill is to allow a charter review commission to present via the town council to the voters a group of proposed separate amendments on which the voters can vote separately, that is, "Yes" on some and "No" on others.

As the law now stands, sections 1912 and 1913 restrict the actions of a charter review commission to presenting a charter revision or new charter which then must go to the voters as a single question, as provided in section 1915, subsection 1.

This bill will give municipal voters a greater choice concerning charter revisions presented by a municipal charter revision commission.