

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES (Filing No. H-397)
109TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 675, L.D. 835, Bill, "AN ACT to Permit the Lucerne-in-Maine Village Corporation to Revise its Charter."

Amend the bill by striking out all of the title and inserting in its place the following:

'AN ACT to Amend the Charter of the Lucerne-in-Maine Village Corporation.'

Further amend the bill by striking out everything after the enacting clause and inserting in its place the following:

'Sec. 1. P&SL 1927, c. 43, §2, as amended by P&SL 1937, c. 96, is further amended by adding at the end the following new sentences:

The total expenditures, within a fiscal year, shall not exceed the total appropriations made for that year by the voters at the annual winter meeting unless another village corporation meeting is held within the fiscal year at which additional appropriations are made. The overseers may make expenditures in excess of the total appropriation for any general category in the budget, such as general administration, protection or health; provided a reduction in expenditures in an equal dollar amount is made in another general category or other general categories in the budget.
The excess expenditures in any one general category

shall not exceed 10% of the appropriated amount for that general category. Notwithstanding the foregoing limitation the overseers may make excess expenditures in excess of 10% of the appropriated amount for any general category in the budget in the event of a disaster such as fire, flood or other disaster which requires emergency action, subject to the limitation on total expenditures contained in

this section. The corporation has the same powers and duties as a town under the Maine Revised Statutes, Title 30, chapter 239, subchapters V and VI, as amended, and shall enjoy such provisions of the home rule power granted to all municipalities under the Constitution of Maine, Article VIII, and the Maine Revised Statutes, Title 30, section 1917, as are necessary to carry out these powers and duties. When there is a conflict between the zoning ordinances of the corporation and those of the Town of Dedham, the more restrictive provisions shall apply.

Sec. 2. P&SL 1927, c. 43, §7, is repealed and the following enacted in its place:

Sec. 7. Officers; adoption of bylaws; officers to be sworn; treasurer to give bond; budget committee established. The officers of the corporation shall be a board of 3 overseers, a treasurer and a clerk, and such other officers as the bylaws of the corporation may require. At the annual summer meeting of the village corporation, one overseer, who is a resident voter as defined in section 12, shall be elected to a one-year term by the resident voters; one overseer, who is a nonresident voter as defined in section 12, shall be elected to a one-year term by the nonresident voters; and there shall be a President of the Board of Overseers to be elected as set forth in subsections 1 and 2.

1. At the summer meeting in every July of odd-numbered years, the resident voters shall nominate and elect by written ballot a resident voter as a candidate for President of the Board of Overseers. The nonresident voters shall then approve or disapprove of this candidate by written ballot. If the nonresident voters disapprove of the candidate, then the election process shall be repeated until a satisfactory candidate is elected and approved. The resident voters shall not select the same candidate for this process. The nonresident voters shall not reject more than 2 such candidates.

2. At the summer meeting in every July of even-numbered years, the nonresident voters shall nominate and elect by written ballot a nonresident voter as a candidate for President of the Board of Overseers. The resident voters shall then approve or disapprove of this candidate by written ballot. If the resident voters disapprove of the candidate, then the election process shall be repeated until a satisfactory candidate is elected and approved. The nonresident voters shall not select the same candidate for this process. The resident voters shall not reject more than 2 such candidates.

The 3 overseers, when elected as provided in this section, shall forthwith proceed to elect a treasurer and a clerk. The treasurer and clerk shall be residents of the State. No person shall hold more than one office at any one time nor shall any person holding office serve as legal counsel for the corporation. Any nonresident officers shall be permanent residents of an area included within a radius of 25 miles of the fire station at Lucerne. The corporation is empowered to adopt at any legal meeting called for that purpose a code of bylaws for the proper management of its business affairs and other purposes connected therewith, provided the bylaws are not repugnant to the laws of the State. The code of by-

laws may be amended or altered at any legal meeting of the corporation in the call for which notice of the proposed change has been given. The officers shall be sworn before anyone authorized to administer oaths in the State and the treasurer shall give bond to the corporation in such sum as the overseers may direct, which bond shall be approved by the overseers. There shall be established a budget committee consisting of not less than 4 nor more than 6 members who shall be appointed by the Board of Overseers. The budget committee shall be responsible for studying the finances, expenditures, books of account and other financial documents of the corporation with the view to developing a financial plan that is in the best interests of the village community. The budget committee shall hold no less than 5 public hearings annually in the process of preparing the budget recommendations for the ensuing fiscal year and shall hold no less than 2 of these hearings during the summer period comprised of the months of July and August.

Sec. 3. P&SL 1927, c. 43, § 9 is repealed.

Sec. 4. P&SL 1927, c. 43, § 9-A is enacted to read:

Sec. 9-A. Village meetings; dates of meetings; business of meetings; special meetings. The purpose of village meetings is to provide a means for voters to exercise their powers under the town meeting form of government and to provide for the election of village officers and other elected officials, appropriation of funds, levying of taxes, approval of warrants, adoption of bylaws and ordinances and any other business that may legally come before the meeting. There shall be 2 regularly scheduled annual meetings, one to be known as the winter meeting and held in the month of February and one to be known as the summer meeting and held in the month of July. The date of the month for each such meeting shall be as determined by the Board of Overseers. The primary business of the winter annual meeting is to appropriate and vote to raise, or to appropriate or vote to raise, by tax levy the moneys necessary to carry on the business of the corporation and for any other legal purpose which the village corporation is authorized to undertake. Any other business of the village may be dealt with at the winter meeting, except the election of officers. Notwithstanding the preceding provision, a vacancy in any office arising from any cause shall be filled at the winter meeting, the qualifications and method of electing the successor to be in accordance with those provisions of Section 7 which were applicable to the vacated office. The primary business of the summer annual meeting is to elect the officers for the ensuing year. Any other business of the village may be dealt with at this meeting, except voting to raise moneys by tax levy. Appropriations from the General Fund or from other funds that may from time to time exist may be made at the summer meeting in the event of cogent circumstances that demand that action. The Board of Overseers may call special meetings whenever deemed necessary. On the written petition of at least 25 legal voters, the Board of Overseers shall either insert a particular article in the next warrant issued or shall within 60 days call a special meeting for its consideration. If the overseers unreasonably refuse to call a corporation meeting upon petition

of the voters, it may be called in the manner provided for by law for the calling of town meetings in the same circumstances. All meetings shall be held within the territorial limits of the village corporation or within the Town of Dedham or within an adjacent town at a readily accessible and convenient location. Copies of all budget proposals, the warrant and the document entitled "Lucerne-In-Maine Village Corporation Ballot for Election of Officers and/or Referendum Questions", when appropriate, shall be mailed to each legal voter at his last known address at least 15 days prior to the date of any meeting.

Sec. 5. P&SL 1927, c. 43, §11, first 2 sentences are amended to read:

Each and every year an annual winter meeting shall be held within the territorial limits of the village corporation on the third Saturday of February at the time and place determined in accordance with section 9-A, at which a majority of the legal voters there assembled shall determine the amount of money to be raised for the corporate purposes during and for that year. A certificate signed by the ~~president~~ President of the Board of Overseers and attested by the clerk shall thereupon, and before the annual meeting of the Town of Dedham, be filed with the assessors of the Town of Dedham, which certificate shall recite the amount of money to be raised in accordance with the vote of the said meeting of the village corporation.

Sec. 6. P&SL 1927, c. 43, §12 is repealed and the following enacted in its place:

Sec. 12. Resident voters defined; nonresident voters defined; list of voters to be prepared; use of check list at meetings; election of officers; referendum questions. All natural persons of legal age residing within the limits of the corporation's territory shall be legal resident voters. Residence for voting purposes shall be determined in accordance with the laws of the State. All natural persons of legal age, other than residents, owning property within the territorial limits of Lucerne-In-Maine Village Corporation, excluding persons holding such property in a fiduciary capacity, shall be legal nonresident voters. No person shall be entitled to more than one vote. The overseers of the village corporation shall determine who are the legal voters and shall prepare a list of voters at least 24 hours before every meeting, which shall show which persons the overseers have determined are legal voters, and which lists the overseers may amend or correct at any time before the meeting or during its progress. The vote upon any proposition at any meeting shall be taken and checked by this list upon the demand of 5 legal voters. Each year a document entitled "Lucerne-In-Maine Village Corporation Ballot for Election of Officers and/or Referendum Questions" shall be mailed to all voters prior to the annual summer meeting and may be mailed to all voters prior to the annual winter meeting. This document shall be used for the election of officers by those persons unable to personally attend any meeting and for referendum questions as provided for in this section. An affirmative vote by 2/3 of the combined memberships of the Board of Overseers and the Budget Committee, plus the submission to the Board of Overseers of a petition signed by 10 legal voters, who are not members of the Board of Overseers or of the Budget Committee or

the submission to the Board of Overseers of a petition signed by 15 legal voters shall be required in order to submit an article for a meeting warrant to referendum. Petitions to submit an article for a meeting warrant to referendum must be submitted to the Board of Overseers not less than 36 days prior to the date of the meeting. Any proposed budget item which is determined by the affirmative vote by 2/3 of the combined memberships of the Board of Overseers and the Budget Committee to be a new service and which item is less than 3% of the previous year's total budget, exclusive of any budget items in the previous year related to education expense, may be placed on the document by an affirmative vote by 2/3 of the combined memberships of the Board of Overseers and the Budget Committee, and if the item equals or exceeds that percentage of the previous year's budget it shall be placed on the document. Said determinations by affirmative vote by 2/3 of the combined memberships of the Board of Overseers and the Budget Committee shall be conclusive and shall not be subject to review. A majority of the votes of those present at any meeting shall be binding on the corporation; provided, however, that with regard to items placed on said document a majority of the votes of those present and the votes cast by ballot shall be binding on the corporation.

Sec. 7. P&SL 1927, c. 43, §. 16, amended to read as follows:

Sec. 16. Vacancies, how filled. In the event of the death or resignation of any overseer or officer, his place may be filled by vote of a majority of the board of overseers, and the new officer or overseer so elected shall hold his office until the next annual meeting, ~~or until his successor is elected and qualified,~~ summer or winter meeting at which time said office shall become vacant. The qualifications of the new officer or overseer shall be in accordance with those provisions of Section 7 which were applicable to the vacated office.

Statement of Fact

is to

The purpose of this amendment/add additional changes

to the Lucerne-in-Maine Village Corporation charter.

Reported by the Committee on Local and County Government
 Reproduced and distributed under the direction of the
 Clerk of the House.

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