

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 835

H. P. 675

House of Representatives, February 28, 1979

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

EDWIN H. PERT, Clerk

Presented by Mr. Churchill of Orland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT to Permit the Lucerne-in-Maine Village Corporation to Revise its Charter.

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

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 sentences:

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, § 5, as last amended by P&SL 1969, c. 200, § 2, is further amended to read:

5. Apportionment of taxes between town and corporation. The Town of Dedham shall ~~annually~~ **monthly** pay over to the treasurer of said village corporation out of taxes collected from the inhabitants and estates within said corporation's territory a sum equal to 45% of all the town taxes, exclusive of ~~School Administrative District assessments levied upon the Town of Dedham by a~~

~~School Administrative District~~ assessments levied and actually paid to the Dedham School Department and exclusive of the state and county tax, collected from said inhabitants and estates.

Sec. 3. P&SL 1927, c. 43, § 7 is repealed and the following enacted in its place: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 Chairman of the Board of Overseers to be elected as set forth in subsections 1 and 2.

1. Beginning summer meeting in 1979. Beginning at the summer meeting in July, 1979, and in every July of odd-numbered years thereafter, the resident voters shall nominate and elect by written ballot a resident voter as a candidate for Chairman 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. Beginning summer meeting in 1980. Beginning at the summer meeting in July, 1980, and in every July of even-numbered years thereafter, the nonresident voters shall nominate and elect by written ballot a nonresident voter as a candidate for Chairman 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 of Maine. 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 of Maine. The code of bylaws 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 aforesaid shall be sworn before anyone authorized to administer oaths in the State

of Maine 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 and 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. 4. P&SL 1927, c. 43, § 9 is repealed.

Sec. 5. P&SL 1927, c. 43, § 9-A is enacted to read:

9-A. Village meetings; dates of meetings; business of meetings; special meetings. The purpose of village meetings is to provide that the voters may 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 may be filled at the winter meeting. 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 or on petition of the voters. If the overseers unreasonably refuse to call a village 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. The petition provided for in the preceding sentence shall require the signatures of not less than 25 legal voters. 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.

Sec. 6. 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~~ **Chairman 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. 7. 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; absentee voting; use of check list at meetings. All natural persons of legal age residing within the limits of the corporation's territory shall be legal resident voters at any meeting of the corporation at which they are present. All natural persons of legal age, other than residents, owning property, excluding those holding property in a fiduciary capacity, shall be legal nonresidents voters at any meeting at which they are present. No person shall be entitled to more than one vote. The overseers of the village corporation shall determine who are the legal voters at any meeting 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. A majority of the votes of those present at any meeting shall be binding on the corporation. Each year a document entitled "Lucerne-in-Maine Village Corporation Ballot for Election of Officers and 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. 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, 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 on a meeting warrant to referendum.

STATEMENT OF FACT

The purpose of this bill is to clarify the rights and responsibilities of the Lucerne-in-Maine Village Corporation and to add others required by present need and by changes in state statutes.