

MAINE STATE LEGISLATURE

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(EMERGENCY)
FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 612

S. P. 226

In Senate, February 4, 1981

Referred to the Committee on Election Laws. Sent down for concurrence and ordered printed.

MAY M. ROSS, Secretary of the Senate

Presented by Senator Pierce of Kennebec.

Cosponsors: Representative Jacques of Waterville, Representative Kany of Waterville and Representative Fitzgerald of Waterville.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

AN ACT Relating to Reapportionment for Municipal Officers.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, present law requires municipalities to enact reapportionment ordinances at least 60 days prior to a regular municipal election in the calendar year following a presidential election; and

Whereas, this statute would require that several municipalities immediately enact a reapportionment ordinance since those municipalities are to have municipal elections in the near future; and

Whereas, United States census data is not yet available in order for those municipalities to enact such ordinances; and

Whereas, the present law must be changed prior to the date on which the ordinances are presently required, in order to remedy this problem; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

30 MRSA § 5353, sub-§ 2, as enacted by PL 1969, c. 353, § 2, is amended to read:

2. Failure to enact ordinance. The legislative body shall enact the reapportionment ordinance ~~in the calendar year following a presidential election~~ **and no later than 18 months following the official publication of the latest decennial census as required by the United States Code, Title 13, Section 141, paragraph (c); provided that ordinance is enacted at least 60 90 days prior to a regular municipal election occurring within that 18-month period.** If the legislative body fails to do so, all municipal officers to be elected shall be elected at large and shall serve until their terms expire. Such at-large elections shall continue until the legislative body enacts an ordinance in accordance with subsection 1, except that the ordinance shall be enacted at least ~~60~~ 90 days prior to a regular municipal election.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

STATEMENT OF FACT

This bill would remedy the timing problem which the present statute now creates for several municipalities. As proposed, municipalities would still have to adopt such reapportionment ordinances, but would have some additional time, i.e., the reapportionment ordinance would only need to be adopted within 90 days before any regular municipal election occurring within the 18-month period. Also as proposed, the 60 days advance period would be changed to 90 days to conform with new municipal election filing requirements.