

# MAINE STATE LEGISLATURE

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L.D. 2010

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES (Filing No. H-731)  
110TH LEGISLATURE  
SECOND REGULAR SESSION

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COMMITTEE AMENDMENT "A" to H.P. 2069, L.D. 2010,  
Bill, "AN ACT to Clarify the Effect of an Attorney's Opinion  
on the Procedures for Initiating Amendments to Municipal  
Charters."

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Amend the Bill by inserting before the enacting clause  
the following:

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

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Whereas, the ability of citizens to petition for con-  
sideration of amendments or revisions to municipal charters  
is an important right; and

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Whereas, this right has been hindered and thwarted in  
the past due to confusion over whether a petition is seeking  
a charter amendment or revision; and

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Whereas, confusion has also existed about the ability  
to remove certain elected municipal officials from office  
prior to the expiration of their terms; and

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Whereas, it is important to clarify these rights of  
Maine citizens; and

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

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Further amend the Bill by inserting after the enacting  
clause the following:

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'Sec. 1. 20 MRSA §476, as last amended by PL 1979, c.  
691, §5, is further amended to read:

1 COMMITTEE AMENDMENT "A" to H.P. 2069, L.D. 2010

2 §476. Applicability of provisions to certain towns or cit-  
3 ies

4 Sections 471 and 472 shall not apply to cities or towns  
5 whose charters specify the methods of selection, removal and  
6 term of office of a school committee or board of education;  
7 nor to towns, cities and incorporated districts authorized  
8 by private and special laws to choose school committees  
9 other than those herein provided for.'

10 Further amend the Bill by inserting at the beginning of  
11 the first line after the enacting clause the following:  
12 'Sec. 2.'

13 Further amend the Bill by striking out all of the last  
14 paragraph before the statement of fact (page 2, lines 5 to  
15 21 in L.D.) and inserting in its place the following:

16 'Sec. 3. 30 MRSA §1914, sub-§4, ¶B, first sentence, as  
17 repealed and replaced by PL 1971, c. 362, §4, is amended to  
18 read:

19 Within 7 days after the public hearing, the municipal  
20 officers or the committee appointed by them shall file  
21 with the municipal clerk a report containing the final  
22 draft of the proposed amendment and a written opinion  
23 by an attorney admitted to the bar of this State that  
24 the proposed amendment is not in conflict with the gen-  
25 eral laws or the Constitution of Maine or the Constitu-  
26 tion of the United States.

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

29 STATEMENT OF FACT

30 This amendment makes the bill emergency legislation.  
31 It also deletes the provision of the bill that sought to  
32 clarify the effect of an attorney's opinion as to the con-  
33 stitutionality or legality of a proposed municipal charter  
34 amendment on the ability of the municipal officers to place  
35 the proposed charter amendment on a ballot. Finally, the  
36 amendment adds a section to make it clear that municipal

1 COMMITTEE AMENDMENT "A" to H.P. 2069, L.D. 2010

2 charters may provide for the removal of school board or com-  
3 mittee members.

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

3/31/82

(Filing No. H-731)