

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 930

6
7 H.P. 658

House of Representatives, March 6, 1985

8 Reference to the Committee on Local and County Government suggested
9 and ordered printed.

10 EDWIN H. PERT, Clerk

Presented by Representative Beaulieu of Portland.

11
12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-FIVE
16

17 AN ACT to Increase Citizen Participation in
18 the Municipal Charter Revision
19 Process.
20

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

23 30 MRSA §1915, sub-§1, as enacted by PL 1969, c.
24 563, is repealed and the following enacted in its
25 place:

26 1. Charter revision or adoption. In the case of
27 a charter revision or a charter adoption, the ques-
28 tion or questions to be submitted to the voters shall
29 be in substance as follows:

30 A. "Shall the municipality approve the (charter
31 revision) (new charter) recommended by the
32 charter commission?"; for a charter adoption or
33 if a charter commission finds that the charter
34 revision cannot practicably be separated into
35 more than one question as provided in paragraph
36 B, subparagraph (1); or

1 B. "Shall the municipality approve the charter
2 revision provision reprinted (summarized) be-
3 low?"; for each separate question if the charter
4 commission finds that the charter revision can
5 practicably be separated into more than one ques-
6 tion as provided in subparagraph (1).

7 (1) The charter commission, after submit-
8 ting its final report under section 1913,
9 subsection 5, shall determine whether the
10 proposed charter can practicably be sepa-
11 rated into more than one question on which
12 the voters may vote. In making this deter-
13 mination, the charter commission shall des-
14 ignate a "core" proposal which contains all
15 the provisions necessary or appropriate for
16 the effective implementation of the proposed
17 charter revision. This "core" proposal
18 shall be submitted to the voters as a single
19 question under paragraph B. The charter
20 commission shall then attempt to isolate ar-
21 reas of the charter revision which, if not
22 approved by the voters, will not prevent the
23 effective implementation of the remainder of
24 the charter provisions, if approved by the
25 voters. These areas shall be submitted to
26 the voters in as many separate secondary
27 questions under paragraph B as the charter
28 commission finds practicable and convenient.
29 If a "core" proposal is designated under
30 this subparagraph, it must be approved by a
31 majority of the voters under subsection 4
32 before any of the secondary provisions ap-
33 proved by a majority of the voters may take
34 effect.

35 (a) If one or more minority reports
36 are filed under section 1913, subsec-
37 tion 5, the charter commission may in-
38 clude any recommendations found in the
39 minority report that are determined by
40 a majority of the commission not to be
41 inconsistent with all the provisions of
42 the "core" proposal of the charter re-
43 vision, as alternative choices for the
44 secondary questions submitted to the
45 voters. Proper instructions, such as

1 "Vote for either A or B," or "Vote for
2 one of the following," shall be printed
3 on the ballot to aid the voter in vot-
4 ing correctly on these questions. Ma-
5 ajority or minority status of proposed
6 charter revision provisions offered as
7 alternative choices under this division
8 may be printed on the ballot. An al-
9 ternative choice submitted to the vot-
10 ers under this division does not take
11 effect unless the core proposal is ap-
12 proved and a majority of those voting
13 on the secondary question under subsec-
14 tion 4 also approve of the alternative
15 choice.

16 STATEMENT OF FACT

17 This bill allows municipal charter revisions to
18 be submitted to the voters in more than one question.
19 Present law requires a charter revision to be submit-
20 ted in a single question. This practice raises the
21 possibility that a voter may vote against an entire
22 charter revision only because of a single, controver-
23 sial part of that revision.

24 To prevent this from happening, and to increase
25 the overall level of participation of the municipal
26 voter, this bill requires the charter commission is-
27 suing the revision to designate a "core" proposal
28 that contains all of the charter provisions that are
29 necessary to the effective implementation of the pro-
30 posed charter. Then the commission must designate
31 certain areas that can be separated from the "core"
32 provisions to be voted on independently. Any rele-
33 vant minority report recommendations may be included
34 as alternative choices for these secondary questions.
35 When the municipal citizens vote on these proposals,
36 the "core" proposal must receive a majority of the
37 vote before the secondary provisions can be effec-
38 tive, if they receive a majority. Alternative
39 choices must also receive a majority vote in order to
40 be effective.

