

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 1192
6

7 H.P. 842

House of Representatives, April 1, 1985

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

10 EDWIN H. PERT, Clerk

Presented by Representative Melendy of Rockland.

11 Cosponsored by Representative Cote of Auburn, Representative Smith of
Island Falls and Representative Seavey of Kennebunkport.

12 STATE OF MAINE
13

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

17 AN ACT Requiring Impartial Summaries of
18 Charter Amendments.
19

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

22 Sec. 1. 30 MRSA §1914, last ¶, as enacted by PL
23 1969, c. 563, is amended to read:

24 Where the municipal officers, with the advice of
25 an attorney, determine that it is not practical to
26 print the proposed amendment on the ballot and that a
27 summary would not misrepresent the subject matter of
28 the proposed amendment, the municipal officers shall
29 include in the order a summary of the proposed amend-
30 ment, prepared subject to the requirements of section
31 1915, subsection 3, paragraph B, subparagraph (1),
32 and instruction to the clerk to include on the ballot
33 the summary in lieu of the text of the proposed
34 amendment.

35 Sec. 2. 30 MRSA §1915, sub-§3, ¶B, as enacted by
36 PL 1969, c. 563, is amended to read:

1 B. In the case of a charter amendment, at least
2 2 weeks prior to the date of the election the mu-
3 nicipal officers shall cause the proposed amend-
4 ment and any summary thereof of that amendment
5 prepared under this paragraph to be printed,
6 shall make copies available to the voters in the
7 clerk's office and shall post the amendment and
8 any summary thereof in the same manner that pro-
9 posed ordinances are posted.

10 (1) The summary of a proposed amendment
11 must be prepared by the municipal officers
12 with the advice of an attorney. The summary
13 must fairly describe the content of the pro-
14 posed amendment and shall not contain infor-
15 mation designed to promote or oppose the
16 amendment.

17 STATEMENT OF FACT

18 This bill allows the municipal officers of a city
19 or town, with the advice of an attorney, to prepare
20 and make available summaries of proposed charter
21 amendments before they are voted on in the election.
22 Current law only requires summaries to be prepared
23 when it is impracticable to print the entire proposed
24 amendment on the ballot. In that case, a summary is
25 prepared and substituted for the amendment on the
26 ballot. Under this bill, summaries could be produced
27 for each amendment, similar to the Attorney General's
28 statements on statewide referenda. These summaries
29 will be available to voters before the election, but
30 will not appear on the ballots. The provisions of
31 current law are retained so that short summaries will
32 still replace an amendment whenever it is impractica-
33 ble to print the text of the amendment.

1 Also, present law does not require these short
2 amendment summaries prepared by municipal officers to
3 be fair and impartial. This bill will ensure that
4 all amendment summaries, those appearing on the bal-
5 lot and those used for voter information, will repre-
6 sent fair and impartial descriptions of the amend-
7 ments' content and will not contain information de-
8 signed to oppose or support the passage of an amend-
9 ment.

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