

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 408

H.P. 309 House of Representatives, February 19, 1987
Reference to the Committee on Legal Affairs suggested and
ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative VOSE of Eastport.
Cosponsored by Senator RANDALL of Washington.

STATE OF MAINE

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

1 AN ACT to Amend the Law Concerning Frequency
2 of Local Option Question Elections.
3

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

6 Sec. 1. 28 MRSA §101, next to the last para-
7 graph, as repealed and replaced by PL 1977, c. 630,
8 §2, is amended to read:

9 Where a municipality has voted in favor of ac-
10 cepting or not accepting a ballot question, the vote
11 shall be effective until repealed according to the
12 procedure established in the next paragraph. ~~No local~~
13 ~~option vote shall be taken on the same question more~~
14 ~~often than once in any 2-year period. If the vote is~~
15 ~~in the affirmative, another vote on the same question~~
16 ~~may not be taken within 2 years. If the vote is in~~

1 the negative, another vote on the same question may
2 not be taken within one year.

3 Sec. 2. 28 MRSA §103, 3rd ¶ is amended to read:

4 The affirmative or negative vote, as cast, on
5 each such local option question, shall prevail in
6 such unincorporated place, unless and until changed
7 by another such local option vote, subsequently held,
8 on petition to said Secretary of State as provided.
9 ~~No such local option vote shall be taken more often~~
10 ~~than once in any 2-year period.~~ If the vote is in the
11 affirmative, another vote on the same question may
12 not be taken within 2 years. If the vote is in the
13 negative, another vote on the same question may not
14 be taken within one year.

15 STATEMENT OF FACT

16 This bill changes the frequency at which local
17 option elections may be held based on the outcome of
18 the vote. If the vote was in the affirmative, that
19 is, in favor of the ballot question, then that munic-
20 ipality or unincorporated place may not hold another
21 local option election on that particular question for
22 at least 2 years. This is to allow businesses which
23 rely on that affirmative vote to recoup at least part
24 of their investment by not rescinding the result for
25 at least 2 years. If the result is in the negative,
26 that is, defeating the ballot question, then that mu-
27 nicipality or unincorporated place may hold another
28 election after only one year.

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