

# MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

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ONE HUNDRED AND THIRTEENTH LEGISLATURE

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Legislative Document

NO. 2135

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H.P. 1568 House of Representatives, January 25, 1988  
Approved for introduction by a majority of the  
Legislative Council pursuant to Joint Rule 26.  
Reference to the Committee on Legal Affairs suggested and  
ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative VOSE of Eastport.

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STATE OF MAINE

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

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1           **AN ACT to Allow Initiative Rights to Local**  
2           **Voters on Laws Pertaining Only to Their**  
3           **Municipality, Village Corporation or**  
4           **Quasi-Municipal Corporation.**  
5

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

8           **30 MRSA c. 250 is enacted to read:**



1 corporation voters equal to at least 20% of the number  
2 of votes cast within the boundaries of the  
3 quasi-municipal corporation at the last gubernatorial  
4 election, but in no case less than 10 voters, the  
5 officers of the quasi-municipal corporation shall  
6 notify the municipal officers of the affected  
7 municipalities. The municipal officers of the  
8 affected municipalities shall provide, by order, for  
9 the establishment of a charter commission for the  
10 revision of the charter of the quasi-municipal  
11 corporation or for the preparation of a new charter  
12 for the quasi-municipal corporation in the form and  
13 manner provided in this chapter.

14 3. Petition procedure. The following procedure  
15 shall be used in the alternative method set out in  
16 subsection 2.

17 A. Any 5 of the quasi-municipal corporation  
18 voters may file with the clerk of the affected  
19 municipalities an affidavit stating that they will  
20 constitute the petitioners' committee, circulate  
21 the petition and file it in proper form. The  
22 affidavit shall state the names and addresses of  
23 the members and specify the address to which all  
24 notices to the committee are to be sent.

25 The petitioners' committee may designate  
26 additional quasi-municipal corporation voters, who  
27 are not members of the committee, to circulate the  
28 petition.

29 Promptly after the affidavit is filed, the clerks  
30 shall issue petition blanks to the committee.

31 B. The petition forms shall be printed on paper  
32 of uniform size and may consist of as many  
33 individual sheets as are reasonably necessary.  
34 Petition forms shall be prepared by each clerk at  
35 the expense of the petitioners' committee. All  
36 petition blanks from the affected municipalities  
37 must be the same.

38 (1) Petition forms shall carry the following  
39 legend in bold lettering at the top of each

1 form on its face.

2 "Quasi-municipal corporation of ...  
3 Municipality(ies) of ..."

4 "Each of the undersigned voters  
5 respectfully requests the municipal  
6 officers of the above named  
7 municipality(ies) to establish a Charter  
8 Commission for the purpose of revising  
9 the Charter of the Quasi-municipal  
10 Corporation of ... or in preparing a New  
11 Quasi-municipal Corporation Charter."

12 Each signature affixed to a petition shall be  
13 in ink or other indelible instrument and  
14 shall be followed by the place of residence  
15 of the voter with street and number, if any.  
16 No petition may contain any party or  
17 political designation.

18 (2) The clerk of each affected municipality  
19 shall note the date of each petition form  
20 issued and all petitions, unless sooner  
21 filed, shall become void for every purpose on  
22 the 120th day after the date of issue.

23 (3) Each petition form shall have printed on  
24 its back an affidavit to be executed by the  
25 circulator stating: That the circulator  
26 personally circulated the petition; the  
27 number of signatures on the petition; that  
28 all the signatures were affixed in the  
29 circulator's presence; that the circulator  
30 believes them to be genuine signatures of the  
31 persons whose names they purport to be; that  
32 each signer has signed no more than one  
33 petition form; and that each signer had an  
34 opportunity to read the petition before  
35 signing.

36 (4) Petition forms shall be assembled as one  
37 instrument and filed at one time with the  
38 clerk that supplied the forms. The clerk  
39 shall note the date of filing on the petition.

1           4. Procedure after filing. Within 20 days after  
2 the petition is filed, each clerk shall complete a  
3 certificate of its sufficiency or insufficiency,  
4 specifying, if it is insufficient, the particulars in  
5 which it is defective, shall promptly send a copy of  
6 the certificate to the petitioners' committee by mail  
7 and shall file a copy with the municipal officers and  
8 the officers of the quasi-municipal corporation.

9           A. A petition certified insufficient for lack of  
10 the required number of valid signatures may be  
11 amended once, if the petitioners' committee files  
12 a notice of intention to amend it with the  
13 appropriate clerk within 2 days after receiving  
14 the copy of the certificate.

15           Within 10 days after the date of filing of the  
16 notice of intention, the committee may file a  
17 supplementary petition to correct the deficiencies  
18 in the original petition. The supplementary  
19 petition shall comply with the requirements for an  
20 original petition under subsection 3.

21           B. Within 5 days after the filing of a  
22 supplementary petition, the clerk shall complete  
23 and file a certificate of its sufficiency in the  
24 manner provided for an original petition.

25           C. When an original or supplementary petition has  
26 been certified insufficient, the committee may  
27 file, within 2 days after receiving the copy of  
28 the clerk's certificate, a request with the  
29 municipal officers for review.

30           The municipal officers shall inspect the petitions  
31 in substantially the same form, manner and time as  
32 a recount hearing under section 2064 and shall  
33 make due certificate thereof, copies of which  
34 shall be filed with the clerk and mailed to the  
35 committee. The certificate of the municipal  
36 officers shall be a final determination of the  
37 sufficiency of the petitions.

38           D. Any petitions finally determined to be

1 insufficient shall become void and of no further  
2 force or effect. Such petitions shall be stamped  
3 void by the clerk and shall be sealed and retained  
4 by the clerk in the manner required for secret  
5 ballots.

6 5. Election procedure. Within 30 days after the  
7 adoption of an order under subsection 1 or the receipt  
8 of a certificate or final determination of sufficiency  
9 under subsection 4, the municipal officers of the  
10 affected municipalities shall submit by order the  
11 question for establishment of a charter commission to  
12 the voters at the next regular or special municipal  
13 election held in not less than 60 days.

14 A. The question to be submitted to the voters  
15 shall be in substance as follows:

16 "Shall a Charter Commission be established  
17 for the purpose of revising the Charter of  
18 the Quasi-municipal Corporation of ... or  
19 establishing a New Charter?"

20 §5503. Charter commission; membership; procedure

21 1. Membership. The charter commission of the  
22 quasi-municipal corporation shall consist of several  
23 voters in the community, elected as provided in this  
24 section, and 3 members appointed by the municipal  
25 officers.

26 A. Voter members may be elected by one of the  
27 following methods.

28 (1) Six voter members shall be elected in  
29 the same manner as the municipal officers,  
30 except that they shall be elected at large  
31 and without party designations.

32 (2) One voter shall be elected from each  
33 voting district or ward in the same manner as  
34 municipal officers, except that the voter  
35 shall be elected without party designation.

36 Election of voter members may be held at the same

1 municipal election as the referendum for the  
2 charter commission, but shall be held within 90  
3 days of such referendum election. The names of  
4 the candidates shall be arranged alphabetically by  
5 surname immediately below the question relating to  
6 the charter commission.

7 B. Appointive members must be residents of the  
8 affected municipalities, but only one may be a  
9 municipal officer. Appointments shall be made in  
10 accordance with municipal custom or bylaws and  
11 shall be made by the municipal officers within 30  
12 days after the adoption of the charter commission.

13 2. Organization. The clerk after receiving  
14 notice of the appointment of the members by the  
15 municipal officers, shall immediately notify the  
16 appointed and elected members of the charter  
17 commission of the date, time and place of the  
18 organizational meeting of the charter commission. The  
19 clerk shall set the date, time and place and shall  
20 give 7 days' notice.

21 The charter commission shall organize by electing from  
22 its members a chairman, vice-chairman and a secretary  
23 and shall file notice of these officers with the  
24 clerks of the affected municipalities. Vacancies  
25 occurring on the commission shall be filled by vote of  
26 the commission from voters of the affected  
27 municipalities, except that a vacancy among appointive  
28 members shall be filled promptly by the municipal  
29 officers. Members shall serve without compensation  
30 but shall be reimbursed from the commission's account  
31 for expenses lawfully incurred by them in the  
32 performance of their duties.

33 3. Rules; staff. The charter commission may  
34 adopt rules governing the conduct of its meetings and  
35 proceedings and may employ such legal, research,  
36 clerical or other employees and consultants as are  
37 deemed necessary within the limits of its budget.

38 4. Funding. Affected municipalities shall  
39 provide the quasi-municipal corporation charter  
40 commission, free of charge, with suitable office space



1 and with reasonable access to facilities for holding  
2 public hearings, may contribute clerical and other  
3 assistance to the commission and shall permit it to  
4 consult with and obtain advice and information from  
5 municipal officers, officials and employees during  
6 ordinary working hours. Within 20 days after the  
7 election of a charter commission, the municipal  
8 officers shall credit to the charter commission  
9 account the sum of \$100. Municipalities affected may  
10 appropriate from time to time additional funds to the  
11 charter commission account. Such funds may be raised  
12 by taxation, borrowed or transferred from surplus.

13 In addition to funds made available by the  
14 municipalities, the charter commission account may  
15 receive funds from any other source, public or  
16 private, provided that no contribution of more than \$5  
17 may be accepted from any source other than the  
18 municipalities, unless the name and address of the  
19 person or agency making the contribution and the  
20 amount of the contribution are disclosed in writing  
21 filed with the clerk. Before the termination of its  
22 existence, the charter commission shall file with the  
23 clerk a complete account of all its receipts and  
24 expenditures for public inspection. Any balance  
25 remaining in its account shall be credited to the  
26 municipalities' surplus accounts.

27 5. Hearings; reports; time limits. Within 30  
28 days after the organizational meeting, the charter  
29 commission shall hold a public meeting for the purpose  
30 of receiving information, views, comments and other  
31 material pertinent to its functions.

32 Within 9 months after its election, the charter  
33 commission shall prepare a preliminary report  
34 including the text of the charter or charter revision  
35 which the commission intends to submit to the voters  
36 and any explanatory information the commission deems  
37 desirable, shall cause that report to be printed and  
38 circulated throughout the affected municipalities and  
39 shall provide sufficient copies of the preliminary  
40 report to the clerks to permit its distribution to  
41 each voter requesting it.

1 Within 12 months after its election, the charter  
2 commission shall submit to the municipal officers its  
3 final report, which shall include the full text and an  
4 explanation of the proposed new charter or charter  
5 revision, such comments as the commission deems  
6 desirable, an indication of the major differences  
7 between the current and proposed charters and a  
8 written opinion by an attorney admitted to the bar of  
9 this State that the proposed charter or charter  
10 revision is not in conflict with the Constitution of  
11 Maine or the Constitution of the United States or the  
12 general laws. Minority reports if filed shall not  
13 exceed 1,000 words.

14 The time limits on the preparation and submission of  
15 preliminary and final reports of the charter  
16 commission may be extended by the municipal officers  
17 if an extension is necessary to properly complete the  
18 reports, or to have them printed or circulated or to  
19 secure the written opinion of an attorney. In no  
20 event may the extension be for longer than 24 months  
21 after the election of the charter commission.

22 All public hearings before a charter commission shall  
23 be held within the affected municipalities at such  
24 times and places as may be specified in a notice  
25 published at least 10 days before the hearing in a  
26 newspaper having general circulation in the affected  
27 municipalities. Hearings may be adjourned from time  
28 to time without further published notice.

29 6. Election. Upon the filing of the final  
30 report, the municipal officers shall order the  
31 proposed new charter or charter revision to be  
32 submitted to the voters at the next regular or special  
33 municipal election held at least 30 days after the  
34 filing of the final report.

35 7. Charter modification summaries. When a  
36 proposed charter revision is submitted to the voters  
37 in separate questions as charter modifications under  
38 section 5505, subsection 1, paragraph A, and the  
39 municipal officers, with the advice of an attorney,  
40 determine that it is not practical to print the  
41 proposed charter modification on the ballot and that a

1 summary would not misrepresent the subject matter of  
2 the proposed modification, a summary of the  
3 modification may be substituted for the text of the  
4 proposed modification in the same manner as a summary  
5 is substituted for a proposed amendment under section  
6 5504.

7 8. Termination. The charter commission shall  
8 continue in existence for 30 days after submission of  
9 its final report to the municipal officers for the  
10 purpose of winding up its affairs, unless judicial  
11 review is sought under section 5507, subsection 3, in  
12 which event the charter commission shall continue in  
13 existence until that review and any subsequent appeals  
14 are finally completed for the purpose of intervening  
15 in such proceedings.

16 §5504. Quasi-municipal corporation charter amendments;  
17 procedure

18 1. Quasi-municipal corporation officers. The  
19 quasi-municipal officers may determine that amendments  
20 to the charter of the quasi-municipal corporation  
21 should be considered and shall notify the municipal  
22 officers of the affected municipalities. The  
23 municipal officers of the affected municipalities  
24 shall provide, by order, for notice and hearing on the  
25 amendments in the same manner as provided in  
26 subsection 5, paragraph A. Within 7 days after the  
27 last hearing, the municipal officers may order the  
28 proposed amendments to be placed on a ballot at the  
29 next regular municipal election held not less than 30  
30 days after the order is passed or they may order a  
31 special election to be held not less than 30 days from  
32 the date of the order for the purpose of voting on the  
33 proposed amendments.

34 A. Each amendment shall be limited to a single  
35 subject, but more than one section of the charter  
36 may be amended as long as the amendment is germane  
37 to that subject.

38 B. Alternative statements of a single amendment  
39 are prohibited.

1           2. Initiative. On the written petition of a  
2 number of quasi-municipal corporation voters equal to  
3 at least 20% of the number of votes cast within the  
4 boundaries of the quasi-municipal corporation at the  
5 last gubernatorial election, but in no case less than  
6 10 voters, the officers of the quasi-municipal  
7 corporation shall notify the municipal officers of the  
8 affected municipalities. The municipal officers of  
9 the affected municipalities shall provide, by order,  
10 that the proposed question affecting the  
11 quasi-municipal corporation be placed on a ballot.

12           3. Petition procedure. The petition forms shall  
13 carry the following legend in bold lettering at the  
14 top of each form on its face.

15                           "Quasi-municipal corporation of ...  
16                                   Municipality(ies) of ..."

17           "Each of the undersigned voters respectfully  
18 requests the municipal officers of the above named  
19 municipality(ies) to provide for the voters of the  
20 quasi-municipal corporation to vote on the  
21 question set out below."

22           No more than one subject may be included in a petition.

23           In all other respects, the form, content and  
24 procedures governing noncharter question petitions,  
25 including procedures relating to filing, sufficiency  
26 and amendments, shall be the same as provided for  
27 charter revision and adoption provisions under section  
28 5502.

29           4. Amendment constituting revision. At the  
30 request of the petitioners' committee, the petition  
31 form shall also contain the following language:

32           "Each of the undersigned voters further requests  
33 that if the municipal officers determine that the  
34 amendment set out below would, if adopted,  
35 constitute a revision of the charter, then this  
36 petition shall be treated as a request for a  
37 charter commission."

1 If upon receipt of a petition containing such  
2 language, the municipal officers determine with the  
3 advice of an attorney that the proposed amendment  
4 would constitute a revision of the charter, they shall  
5 treat the petition as a request for a charter  
6 commission and follow the applicable procedures.

7 5. Action on petition. Action on the petition  
8 shall be as follows.

9 A. Within 10 days of receipt of a report that a  
10 petition is sufficient, the officers of the  
11 quasi-municipal corporation shall provide for a  
12 public hearing on the noncharter question. The  
13 notice of the hearing shall be published in a  
14 newspaper having general circulation in the  
15 affected municipalities at least 7 days before the  
16 hearing and shall contain the text of the question  
17 and a brief explanation. The hearing shall be  
18 conducted by the officers of the quasi-municipal  
19 corporation or a committee appointed by them.

20 B. Within 7 days of the public hearing, the  
21 officers of the quasi-municipal corporation or the  
22 committee appointed by them shall file with the  
23 clerk of the affected municipalities the final  
24 draft of the question and a written opinion by an  
25 attorney admitted to the bar of this State that  
26 the question is not in conflict with the general  
27 laws or the Constitution of Maine or the  
28 Constitution of the United States or the general  
29 laws.

30 C. On all petitions filed more than 120 days  
31 before the end of the current municipal year, the  
32 municipal officers of the affected municipalities  
33 shall order the question to be submitted to the  
34 voters at the next regular or special municipal  
35 election held within that year after the filing of  
36 the final report. If there is no such election to  
37 be held before the end of the current municipal  
38 year, the municipal officers shall order a special  
39 election to be held for the purpose of voting on  
40 the question.

1           6. Summary. When the municipal officers, with  
2 the advice of an attorney, determine that it is not  
3 practical to print the question on the ballot and that  
4 a summary would not misrepresent the subject matter of  
5 the question, the municipal officers shall include in  
6 the order a summary of the question, prepared subject  
7 to the requirements of section 5505, subsection 3,  
8 paragraph B, subparagraph (1), and instructions to the  
9 clerks to include the summary on the ballot in lieu of  
10 the text of the question.

11           §5505. Submission to voters

12           The method of voting at municipal elections when a  
13 question relating to a quasi-municipal corporation  
14 charter revision, a quasi-municipal corporation  
15 charter adoption, a quasi-municipal corporation  
16 charter amendment or a noncharter question affecting a  
17 quasi-municipal corporation is involved shall be in  
18 the manner prescribed for municipal elections under  
19 section 2061.

20           1. Charter revision or adoption. Except as  
21 provided in paragraph A, in the case of a charter  
22 revision or a charter adoption the question to be  
23 submitted to the voters shall be in substance as  
24 follows:

25           "Shall the voters of the quasi-municipal  
26 corporation approve the quasi-municipal  
27 corporation (charter revision) (new charter)  
28 recommended by the charter commission?"

29           A. If the charter commission, in its final report  
30 under section 5503, subsection 5, recommends that  
31 the present charter continue in force with only a  
32 few modifications, those modifications may be  
33 submitted to the voters in as many separate  
34 questions as the commission finds practicable.  
35 The determination to submit the charter revision  
36 in separate questions under this paragraph and the  
37 number and content of these questions must be made  
38 by a majority of the charter commission.

1           (1) If a charter commission decides to  
2 submit the charter revision in separate  
3 questions under this paragraph, each question  
4 to be submitted to the voters shall be in  
5 substance as follows:

6                   "Shall the voters of the quasi-municipal  
7 corporation approve the quasi-municipal  
8 corporation charter modification  
9 recommended by the charter commission  
10 and reprinted (summarized) below?"

11           2. Charter amendment. In the case of a charter  
12 amendment the question to be submitted to the voters  
13 shall be in substance as follows:

14                   "Shall the voters of the quasi-municipal  
15 corporation approve the quasi-municipal  
16 corporation charter amendment reprinted  
17 (summarized) below?"

18           3. Voter information. Information shall be  
19 provided to voters as follows.

20                   A. In the case of a charter revision or charter  
21 adoption, at least 2 weeks before the date of the  
22 election the municipal officers shall cause the  
23 final report of the charter commission to be  
24 printed, shall make copies available to the voters  
25 in the clerks' offices and shall post the report  
26 in the same manner that proposed ordinances are  
27 posted.

28                   B. In the case of a charter amendment, at least 2  
29 weeks before the date of the election the  
30 municipal officers shall cause the proposed  
31 amendment and any summary of that amendment  
32 prepared under this paragraph to be printed, shall  
33 make copies available to the voters in the clerks'  
34 offices and shall post the amendment and any  
35 summary of that amendment in the same manner that  
36 proposed ordinances are posted.

37                   (1) The summary of a proposed amendment must  
38 be prepared by the municipal officers with

1 the advice of an attorney. The summary must  
2 fairly describe the content of the proposed  
3 amendment and shall not contain information  
4 designed to promote or oppose the amendment.

5 4. Effective date. If a majority of the ballots  
6 cast on any question under subsection 1 or 2 favor  
7 acceptance, the new charter, charter revision, charter  
8 modification or charter amendment becomes effective as  
9 provided in this subsection, provided that the total  
10 number of votes cast for and against the question  
11 equals or exceeds 30% of the total votes cast in the  
12 municipality at the most recent gubernatorial election.

13 A. Charter revisions, charter modifications or  
14 new charters adopted by the voters become  
15 effective immediately after ratification by the  
16 Legislature but only for the purpose of conducting  
17 necessary elections; otherwise, charter revisions,  
18 charter modifications and new charters become  
19 effective on the first day of the next succeeding  
20 municipal year.

21 B. Charter amendments adopted by the voters and  
22 ratified by the Legislature become effective on  
23 the first day of the next succeeding municipal  
24 year or on a date determined by the municipal  
25 officers, whichever occurs first.

26 §5506. Initiative affecting quasi-municipal  
27 corporations

28 For any question affecting only a quasi-municipal  
29 corporation which does not need a change in the  
30 corporation's charter to accomplish, the following  
31 procedures apply.

32 1. Initiative. On the written petition of a  
33 number of quasi-municipal corporation voters equal to  
34 at least 20% of the number of votes cast within the  
35 boundaries of the quasi-municipal corporation at the  
36 last gubernatorial election, but in no case less than  
37 10 voters, the officers of the quasi-municipal  
38 corporation shall notify the municipal officers of the  
39 affected municipalities. The municipal officers of



1 the affected municipalities shall provide, by order,  
2 that the proposed question affecting the  
3 quasi-municipal corporation be placed on a ballot.

4 2. Petition procedure. The petition forms shall  
5 carry the following legend in bold lettering at the  
6 top of each form on its face.

7 "Quasi-municipal corporation of ...  
8 Municipality(ies) of ..."

9 "Each of the undersigned voters respectfully  
10 requests the municipal officers of the above named  
11 municipality(ies) to provide for the voters of the  
12 quasi-municipal corporation to vote on the  
13 question set out below."

14 No more than one subject may be included in a petition.

15 In all other respects, the form, content and  
16 procedures governing noncharter question petitions,  
17 including procedures relating to filing, sufficiency  
18 and amendments, shall be the same as provided for  
19 charter revision and adoption provisions under section  
20 5502.

21 3. Action on petition. Action on the petition  
22 shall be as follows.

23 A. Within 10 days of receipt of a report that a  
24 petition is sufficient, the officers of the  
25 quasi-municipal corporation shall provide for a  
26 public hearing on the noncharter question. The  
27 notice of the hearing shall be published in a  
28 newspaper having general circulation in the  
29 affected municipalities at least 7 days before the  
30 hearing and shall contain the text of the question  
31 and a brief explanation. The hearing shall be  
32 conducted by the officers of the quasi-municipal  
33 corporation or a committee appointed by them.

34 B. Within 7 days of the public hearing, the  
35 officers of the quasi-municipal corporation or the  
36 committee appointed by them shall file with the  
37 clerk of the affected municipalities the final

1 draft of the question and a written opinion by an  
2 attorney admitted to the bar of this State that  
3 the question is not in conflict with the general  
4 laws or the Constitution of Maine or the  
5 Constitution of the United States or the general  
6 laws, and no charter changes are necessary.

7 C. On all petitions filed more than 120 days  
8 before the end of the current municipal year, the  
9 municipal officers of the affected municipalities  
10 shall order the question to be submitted to the  
11 voters at the next regular or special municipal  
12 election held within that year after the filing of  
13 the final report. If there is no such election to  
14 be held before the end of the current municipal  
15 year, the municipal officers shall order a special  
16 election to be held for the purpose of voting on  
17 the question.

18 4. Summary. When the municipal officers, with  
19 the advice of an attorney, determine that it is not  
20 practical to print the question on the ballot and that  
21 a summary would not misrepresent the subject matter of  
22 the question, the municipal officers shall include in  
23 the order a summary of the question, prepared subject  
24 to the requirements of section 5505, subsection 3,  
25 paragraph B, subparagraph (1), and instructions to the  
26 clerks to include the summary on the ballot in lieu of  
27 the text of the question.

28 §5507. Recording

29 Within 3 days after the results of the election  
30 have been declared and the Legislature has ratified  
31 any charter adoption, revision or amendment, the  
32 clerks shall prepare and sign triplicate certificates  
33 setting forth any charter that has been adopted or  
34 revised and any charter amendment approved. One  
35 certificate shall be recorded in the Department of the  
36 Secretary of State, one certificate shall be deposited  
37 in the Law and Legislative Reference Library and one  
38 certificate shall be deposited in the office of each  
39 clerk of the affected municipalities.

40 §5508. Judicial review

1           1.   Petition. The Superior Court may enforce this  
2 chapter upon petition of 10 voters of the  
3 quasi-municipal corporation or on petition of the  
4 Attorney General. The charter commission may  
5 intervene as a party in any such proceeding.

6           2.   Declaratory judgment. A petition for  
7 declaratory relief under Title 14, chapter 707, may be  
8 brought on behalf of the public by the Attorney  
9 General or, by leave of the court, by 10 voters of the  
10 quasi-municipal corporation. In the case of the  
11 petition of 10 voters, the Attorney General shall be  
12 served with notice of the preliminary petition for  
13 leave and may intervene as a party at any stage of the  
14 proceedings. The petitioners shall be liable for  
15 costs, which may include reasonable attorneys' fees.  
16 The charter commission shall be served with notice of  
17 the petition for declaratory judgment or with notice  
18 of the preliminary petition for leave and may  
19 intervene as a party in any proceeding.

20           3.   Judicial review. Judicial review to determine  
21 the validity of the procedures by which any  
22 quasi-municipal corporation charter is adopted,  
23 revised or amended, or by which any noncharter  
24 question affecting the quasi-municipal corporation is  
25 approved, may be had by petition of 10 voters of the  
26 quasi-municipal corporation brought within 30 days  
27 after the election at which the charter, revision or  
28 amendment is approved. The charter commission shall  
29 be served with notice of the petition for judicial  
30 review and may intervene as a party in the  
31 proceeding. If no such petition is filed within that  
32 period, compliance with all the procedures required by  
33 this chapter and the validity of the manner in which  
34 that charter adoption, revision or amendment was  
35 approved shall be conclusively presumed. No charter  
36 adoption, revision or amendment shall be deemed  
37 invalid on account of any procedural error or omission  
38 unless it is shown that the error or omission  
39 materially and substantially affected the adoption,  
40 revision or amendment.

41           4.   Resubmission upon judicial invalidation for

1 procedural error. Upon a determination that the  
2 procedures by which any charter was adopted, revised  
3 or amended are invalid, the Superior Court may order,  
4 on its own motion or the motion of any party, the  
5 resubmission of that charter adoption, revision or  
6 amendment to the voters. That order shall require  
7 only the minimum procedures on resubmission to the  
8 voters that are necessary to correct the material and  
9 substantial errors or omissions. The Superior Court  
10 may also recommend or order other corrective  
11 procedures to provide for valid charter adoption,  
12 revision or amendment.

13

#### STATEMENT OF FACT

14 This bill sets out separate procedures for the  
15 consideration of revisions and amendments to the  
16 charters of quasi-municipal corporations. The  
17 procedures also apply to noncharter questions which  
18 affect the municipality. The procedures track those  
19 procedures in current law which apply to municipal  
20 charters.

21 The procedures require approval by the voters,  
22 then ratification by the Legislature when necessary,  
23 before the charter changes are effective. No  
24 legislative action is necessary for noncharter  
25 questions once the voters of the quasi-municipal  
26 corporation approve the measure.

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