

# MAINE STATE LEGISLATURE

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(NEW DRAFT OF H.P. 1568, L.D. 2135)  
(NEW TITLE)  
SECOND REGULAR SESSION

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ONE HUNDRED AND THIRTEENTH LEGISLATURE.

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Legislative Document

NO. 2583

H.P. 1888 House of Representatives, March 24, 1988  
Reported by Representative PRIEST from the Committee on  
Legal Affairs and printed under Joint Rule 2.

EDWIN H. PERT, Clerk

Original bill sponsored 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 Concerning Charter Changes in**  
2                   **Quasi-Municipal Corporations or**  
3                   **Districts.**  
4

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

7           **30 MRSA c. 250 is enacted to read:**

8                                   CHAPTER 250

1           QUASI-MUNICIPAL CORPORATIONS OR DISTRICTS

2    §5501. Definitions

3           As used in this chapter, unless the context  
4 indicates otherwise, the following terms have the  
5 following meanings.

6           1. Affected municipalities. "Affected  
7 municipalities" means the municipalities of which part  
8 or all is embraced by the quasi-municipal corporation  
9 or district.

10          2. Charter amendment. "Charter amendment" means  
11 a change in the charter of a quasi-municipal  
12 corporation or district of insufficient magnitude to  
13 require a referendum on the change.

14          3. Charter revision. "Charter revision" means a  
15 change in the charter of a quasi-municipal corporation  
16 or district of sufficient magnitude to require a  
17 referendum on the change.

18          4. Quasi-municipal corporation or district.  
19 "Quasi-municipal corporation or district" means any  
20 governmental unit embracing a portion of a  
21 municipality, a single municipality or several  
22 municipalities which is created by law to deliver  
23 public services but which is not a general purpose  
24 governmental unit. Quasi-municipal corporation or  
25 district does not include School Administrative  
26 Districts or hospital districts.

27          5. Quasi-municipal corporation or district  
28 voters. "Quasi-municipal corporation or district  
29 voters" means the voters within the boundaries of the  
30 quasi-municipal corporation or district.

31    §5502. Charter amendments

32           If, after the board of trustees of the  
33 quasi-municipal corporation or district holds a public  
34 hearing on the proposed amendment, the board  
35 unanimously votes in favor of an amendment to the

1 charter of the quasi-municipal corporation or  
2 district, the board shall submit that amendment to the  
3 joint standing committee of the Legislature having  
4 jurisdiction over utilities to be included in the  
5 annual omnibus legislation as provided in section  
6 5505. The amendment is effective upon the effective  
7 date of the omnibus legislation.

8 §5503. Charter revisions

9 1. Board of trustees and municipal legislative  
10 bodies. If, after the board of trustees of the  
11 quasi-municipal corporation or district holds a public  
12 hearing on the proposed revision, a majority of the  
13 board and a majority of each municipal legislative  
14 body of the affected municipalities vote in favor of a  
15 revision of the charter of the quasi-municipal  
16 corporation or district, the proposed revision shall  
17 be submitted to the quasi-municipal corporation or  
18 district voters in each affected municipality  
19 according to the procedures in section 5504. If the  
20 charter revision passes, the trustees of the  
21 quasi-municipal corporation or district shall submit  
22 that change to the joint standing committee of the  
23 Legislature having jurisdiction over utilities to be  
24 included in the annual omnibus legislation as provided  
25 in section 5505. The revision is effective upon the  
26 effective date of the omnibus legislation.

27 2. Alternative method, initiated petition. On  
28 the written petition of a number of voters equal to at  
29 least 20% of the total number of the votes cast in the  
30 affected municipalities in the last gubernatorial  
31 election, but in no case less than 10 voters, the  
32 proposed revision shall be submitted to the  
33 quasi-municipal corporation or district voters in each  
34 affected municipality according to the procedures in  
35 section 5504. If the charter revision passes, the  
36 trustees of the quasi-municipal corporation or  
37 district shall submit that change to the joint  
38 standing committee of the Legislature having  
39 jurisdiction over utilities to be included in the  
40 annual omnibus legislation as provided in section  
41 5505. The revision is effective upon the effective  
42 date of the omnibus legislation.

1 §5504. Procedure for referenda on charter changes

2 1. Board of trustees of quasi-municipal  
3 corporation or district. When a referendum on a  
4 charter revision is required under section 5503, the  
5 board of trustees of the quasi-municipal corporation  
6 or district shall initiate a corporation or district  
7 referendum and place before the voters the specific  
8 charter revision which has been proposed by the board  
9 or the petitioners.

10 2. Method of calling a corporation or district  
11 referendum. A corporation or district referendum  
12 shall be initiated by a warrant prepared and signed by  
13 a majority of the board of trustees. The warrant  
14 shall be countersigned by the municipal officers in  
15 each municipality where the warrants are posted.

16 A. The warrant shall direct the municipal  
17 officers of the affected municipalities to call a  
18 referendum on a date and time determined by the  
19 board of trustees. A warrant shall be prepared  
20 and distributed at least 30 days prior to the date  
21 of the referendum.

22 (1) The warrant shall be directed to a  
23 resident of one of the affected  
24 municipalities by name ordering the resident  
25 to notify the municipal officers of each of  
26 the affected municipalities to call a town  
27 meeting or city election on the date  
28 specified by the board of trustees. No other  
29 date may be used. The person who serves the  
30 warrant shall make a return on the warrant  
31 stating the manner of service and the time  
32 when it was given.

33 (2) The warrant shall be served on the  
34 municipal clerk of each of the affected  
35 municipalities by delivering an attested copy  
36 of the warrant in hand within 3 days of the  
37 date of the warrant. The municipal clerk, on  
38 receipt of the warrant, shall immediately  
39 notify the municipal officers within the

1 municipality. The municipal officers shall  
2 forthwith meet, countersign and have the  
3 warrant posted.

4 (3) The warrants and other notices for the  
5 referendum shall be in the same manner as  
6 provided in Title 21-A.

7 B. The warrant shall set forth the articles to be  
8 acted on in each municipal referendum. The  
9 articles shall have the following form.

10 "Shall the charter of the quasi-municipal  
11 corporation or district of \_\_\_\_\_  
12 \_\_\_\_\_ be revised to \_\_\_\_\_  
13 \_\_\_\_\_  
14 (insert summary of revision)?

15 Yes No "

16 3. Referendum procedures. The following  
17 procedures shall apply to a corporation or district  
18 referendum.

19 A. The board of trustees shall prepare and  
20 furnish the required number of ballots for  
21 carrying out the referendum as posted, including  
22 absentee ballots. It shall prepare and furnish  
23 all other materials necessary to fulfill the  
24 requirements for voting procedures.

25 B. Voting shall be held and conducted as follows.

26 (1) The voting at referenda held in towns  
27 shall be held and conducted in accordance  
28 with Title 30, sections 2054 and 2061 to  
29 2065, even though the town has not accepted  
30 the provisions of Title 30, sections 2061 and  
31 2062. The facsimile signature of the clerk  
32 under Title 30, section 2061, subsection 5,  
33 paragraph F, shall be that of the chairman of  
34 the board of trustees. If a corporation or  
35 district referendum is called to be held  
36 simultaneously with any statewide election,  
37 the voting in towns shall be held and

1           conducted in accordance with Title 21-A,  
2           except that the duties of the Secretary of  
3           State shall be performed by the board. The  
4           absentee voting procedure of Title 21-A shall  
5           be used, except that the duties of the  
6           Secretary of State shall be performed by the  
7           board.

8           (2) The voting at referenda in cities shall  
9           be held and conducted in accordance with  
10           Title 21-A, including the absentee voting  
11           procedure, except that the duties of the  
12           Secretary of State shall be performed by the  
13           board of trustees.

14           C. The return and counting of votes shall be as  
15           follows.

16           (1) The municipal clerk shall, within 24  
17           hours of the determination of the results of  
18           the vote in the municipality, certify and  
19           send to the board of trustees the total  
20           number of votes cast in the affirmative and  
21           in the negative on the article.

22           (2) As soon as all of the results from all  
23           of the municipalities have been returned to  
24           the board of trustees, the board shall meet  
25           and compute the total number of votes cast in  
26           all of the affected municipalities in the  
27           affirmative and in the negative on the  
28           article.

29           (3) If the board of trustees determines that  
30           there were more votes cast in the affirmative  
31           than in the negative on the article, it shall  
32           declare that the article has passed.

33           (4) If the board of trustees determines that  
34           the total number of votes cast on the article  
35           in the affirmative is equal to or less than  
36           those cast in the negative, it shall declare  
37           that the article has not passed.

38           (5) The board of trustees shall enter its

1 declaration and computations in its records  
2 and send certified copies of it to the clerk  
3 of each affected municipality.

4 4. Reconsideration. The procedure to reconsider  
5 votes taken at a corporation or district referendum  
6 shall be as follows.

7 A. The board of trustees shall, within 60 days,  
8 initiate a new corporation or district referendum  
9 to reconsider the vote of the previous referendum  
10 if, within 7 days of the first referendum, at  
11 least 10% of the number of voters voting for the  
12 gubernatorial candidates in the last gubernatorial  
13 election in the affected municipalities petition  
14 to reconsider a prior corporation or district  
15 referendum vote.

16 B. A reconsideration referendum is not valid  
17 unless the number of persons voting in that  
18 referendum is at least equal to the number who  
19 voted in the prior corporation or district  
20 referendum.

21 C. If the margin of the vote being reconsidered  
22 was between 10% and 25%, the petitioners shall  
23 post a bond with the petition equal to the actual  
24 and reasonable costs of the new referendum. If  
25 the margin of the vote being reconsidered exceeded  
26 25%, the petitioners shall post an additional bond  
27 equal to the actual and reasonable costs which may  
28 be incurred as a result of the delay of an  
29 authorization or approval granted in the prior  
30 corporation or district referendum. If the  
31 petitioners are successful, the bonds shall be  
32 canceled.

33 §5505. Annual omnibus legislation

34 The joint standing committee having jurisdiction  
35 over utilities shall report each year an omnibus bill  
36 including all amendments to and revisions of the  
37 charters of quasi-municipal corporations or districts  
38 which have been submitted to the committee as provided  
39 in this chapter.



1 §5506. General provisions

2 1. Other legislation not precluded. This chapter  
3 does not preclude the introduction of any legislation  
4 concerning quasi-municipal corporation or district  
5 charter amendments or revisions.

6 2. Effect of contrary charter provisions. Any  
7 portion of the charter of any quasi-municipal  
8 corporation or district which is contrary to this  
9 chapter has no effect.

10 3. Trustees' compensation; water districts and  
11 sewer districts. This chapter does not affect the  
12 procedures concerning changes in the compensation of  
13 trustees of water districts and sewer districts as  
14 provided in Title 35-A, section 6303, subsection 4,  
15 and Title 38, section 1252, subsection 5.

16 STATEMENT OF FACT

17 This new draft provides simplified methods for  
18 changing the charters of quasi-municipal corporations  
19 or districts.

20 The methods for changing the charters of  
21 quasi-municipal corporations or districts depend on  
22 whether the proposed change is considered substantive,  
23 and therefore a revision of the charter, or  
24 non-substantive, and therefore considered an amendment  
25 to the charter. This distinction is made in the  
26 methods of changing the charters of municipalities,  
27 and the same concepts are to be used in changing the  
28 charters of quasi-municipal corporations or districts.

29 If an amendment is proposed, the change will be  
30 effective after two steps are followed. First, the  
31 board of trustees, after holding a public hearing,  
32 must unanimously vote in favor of the proposed  
33 amendment. Second, the Legislature must ratify the  
34 amendment. This may be accomplished by the board of  
35 trustees submitting the proposed amendment to the  
36 joint standing committee of the Legislature having  
37 jurisdiction over utilities which will include it in

1 an omnibus bill on charter changes. If the proposed  
2 change is substantive and thus considered a charter  
3 revision, the revision must have the backing of a  
4 majority of the board of trustees and a majority of  
5 each municipal legislative body of the municipalities  
6 covered by the quasi-municipal corporation, must be  
7 approved by the voters and then must be ratified by  
8 the Legislature. As an alternative, a charter  
9 revision may be initiated by citizens' petition, which  
10 then requires a referendum vote and enactment by the  
11 Legislature before becoming effective. The referendum  
12 procedures mirror those of School Administrative  
13 Districts provided in Title 20-A.

14 A public meeting of the board of trustees may  
15 serve as a public hearing if the public is notified in  
16 advance of the meeting that the proposed charter  
17 change is on the agenda.

18 These provisions are not intended to preclude any  
19 Legislator from introducing legislation to effect a  
20 charter change without first going through the local  
21 voting procedures.

22 The Maine Revised Statutes, Title 30, section  
23 5506, subsection 2, clarifies what would happen in the  
24 rare situation when the charter of a quasi-municipal  
25 corporation or district actually spells out a method  
26 for making changes in that charter. If the situation  
27 does occur, this section provides that, if the charter  
28 provisions conflict with the method for charter  
29 changes provided in this Act, this Act will govern.  
30 This avoids the question of whether a general law,  
31 such as this Act, or a Private and Special Law, which  
32 creates these corporations and districts, governs when  
33 they conflict.

34 Title 30, section 5506, subsection 3, clarifies  
35 that changes in the compensation of trustees of water  
36 districts and sewer districts can still be made  
37 through the procedures provided in Title 35-A and  
38 Title 38 without amending the districts' charters.  
39 This chapter is not intended to eliminate that avenue  
40 of change, but actual amendments or revisions of the

1 charters can be made through the procedures provided  
2 in this chapter.

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