

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

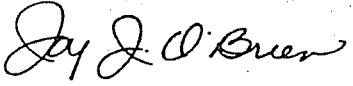
Legislative Document

No. 728

S.P. 282

In Senate, March 13, 1989

Reference to the Committee on State and Local Government suggested and ordered printed.


JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator GAUVREAU of Androscoggin.

Cosponsored by Senator HOLLOWAY of Lincoln, Representative ANTHONY of South Portland and Representative WENTWORTH of Wells.

STATE OF MAINE

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

An Act to Clarify the Voting Requirements for a Board Containing 3 or More Members.



1 **Be it enacted by the People of the State of Maine as follows:**

3 **1 MRSA §71, sub-§3 is amended to read:**

5 **3. Authority to 3 or more.** Words giving authority to 3 or
7 more persons authorize a majority to act, when the enactment does
9 not otherwise determine. A majority of a quorum may not act
unless the enactment so provides.

11 **STATEMENT OF FACT**

13
15 This bill clarifies a legal controversy regarding the number
17 of votes needed to legally act when a board or agency has 3 or
19 more persons and the law or ordinance establishing the board does
21 not specifically state the necessary votes needed for legal
23 action. This bill makes it clear that a majority of the entire
board must act in conjunction with each other in order for a
particular matter to be resolved. It also makes it clear that a
majority of a quorum is not sufficient to take legally binding
action unless the enactment itself provides that a majority of a
quorum can take legally binding action.