

# MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1991

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Legislative Document

No. 201

H.P. 141

House of Representatives, January 30, 1991

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

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative RICHARDS of Hampden.

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STATE OF MAINE

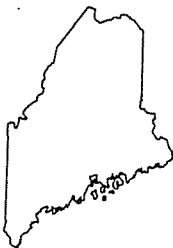
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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY-ONE

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**An Act to Permit the Amendment of Municipal Ordinances at Town Meetings.**

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

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4        **Sec. 1. 30-A MRSA §3002, sub-§3-A** is enacted to read:

6        3-A. Amendment at town meeting. The selectmen may offer  
8        amendments to an ordinance submitted to a town meeting. Citizens  
10        of the municipality may suggest amendments for the selectmen to  
12        offer.

14        A. The moderator shall record the final language of any  
16        amendment offered by the selectmen and shall ensure by  
18        written or oral means that this language is available to the  
20        voters at town meetings.

22        B. Amendments offered by the selectmen must relate to the  
24        subject matter of the proposed ordinance and may not  
26        constitute major revisions of the ordinance.

28        C. Amendments offered by the selectmen must be submitted to  
30        the town meeting for action in the same manner as the  
32        ordinance to which the amendments pertain. This paragraph  
34        does not require the posting of proposed amendments or any  
36        other action before the day of the town meeting.

38        **Sec. 2. 30-A MRSA §3002, sub-§4**, as amended by PL 1989, c.  
40        104, Pt. C, §§8 and 10, is further amended to read:

42        **4. Application.** Subsections 1, 2 and 3 and 3-A do not  
44        apply to ordinances which that may be enacted by the municipal  
46        officers.

48        **Sec. 3. Application.** This Act applies to any town meeting  
50        held on or after the effective date of this Act.

52

### STATEMENT OF FACT

      This bill permits town selectmen to offer proposed  
      amendments to ordinances submitted to town meetings. Current law  
      has been interpreted to require a straight up or down vote on  
      ordinances brought before a town meeting. The ordinance can not  
      be amended at the meeting. If changes to the proposed ordinance  
      are desired, the town must call and hold a subsequent town  
      meeting to enact the amendments or the amended ordinance. This  
      procedure entails delay and financial cost to towns.

      The bill allows the voters of a town to consider proposed  
      amendments at the time the ordinance is brought before a town  
      meeting. To eliminate confusion at the meeting, only the board  
      of selectmen may offer proposed amendments, but citizens of the  
      town may request that the selectmen offer certain amendments.

2 The town meeting moderator is responsible for recording the final  
language of any proposed amendment and for providing this  
4 language to the voters. The scope of proposed amendments is  
restricted by requiring that the amendment pertain to the subject  
6 matter of the ordinance and by prohibiting amendments that amount  
to a wholesale revision of the ordinance. These provisions  
8 protect the rights of citizens to fair notice of potential  
actions at the town meeting. Finally, the bill requires any  
proposed amendment to be approved by the voters in the same  
10 manner as the ordinance that it amends, whether by vote in open  
town meeting or by secret ballot.