

# MAINE STATE LEGISLATURE

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# 117th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1995

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Legislative Document

No. 567

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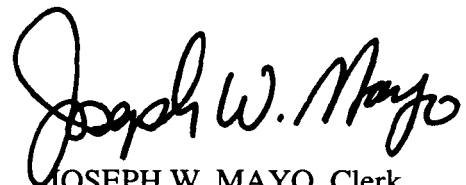
H.P. 410

House of Representatives, February 17, 1995

**An Act Relating to Municipal Clerks Who Chair Boards of Voter  
Registration.**

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Reference to the Committee on Legal and Veterans Affairs suggested and ordered printed.

  
JOSEPH W. MAYO, Clerk

Presented by Representative WINN of Glenburn.

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

4 **Sec. 1. 21-A MRSA §103, sub-§3**, as enacted by PL 1985, c. 161,  
§6, is amended to read:

6 **3. Term of office.** Each member nominated by the municipal  
committees of the major political parties and appointed to the  
8 board shall serve for 3 years and until his the member's  
successor is appointed and sworn. The member nominated by the  
10 clerk of the municipality and appointed to the board shall serve  
for 4 years and until his that member's successor is appointed  
12 and sworn, except that, when the member nominated by the clerk  
and appointed to the board is the clerk of the municipality, the  
14 clerk's tenure as member ends when the clerk's tenure as clerk  
ends, unless sooner removed from office on the board.

16 **Sec. 2. 21-A MRSA §103, sub-§8**, as amended by PL 1991, c. 862,  
18 §2, is further amended to read:

20 **8. Removal from office.** A member of the board may be  
removed from office at any time during the member's term by the  
22 appointing authority if the appropriate nominating authority  
nominates a replacement, except that when the chair of the board  
24 is the clerk of the municipality, the chair may also be removed  
from office at any time during the chair's term by the municipal  
26 officers, for good cause, after notice and opportunity to be  
heard. When the clerk of the municipality is removed from the  
28 board, the municipal officers may appoint a replacement of their  
choice. The Any replacement nominee member shall serve out the  
30 remainder of the replaced member's term.

32 **Sec. 3. Retroactivity.** That section of this Act that amends  
the Maine Revised Statutes, Title 21-A, section 103, subsection 8  
34 applies retroactively to October 9, 1991.

36 **STATEMENT OF FACT**

38  
40 Under current law, a municipal clerk serving as chair of the  
board of voter registration who does not nominate a successor can  
42 not be removed by the municipal officers, regardless of conduct  
in office on the board. This bill corrects the problem and  
44 allows the municipal officers to remove a clerk from the board  
for cause.

46 This bill also provides that a clerk who is appointed as  
48 chair of the board is not subject to the chair's usual 4-year  
term but continues in office as long as the clerk continues in  
office as clerk, unless sooner removed as a board member.