

# MAINE STATE LEGISLATURE

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# 118th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1997

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Legislative Document

No. 170

S.P. 60

In Senate, January 14, 1997

### **An Act to Allow Members of Cooperatives to Vote by Proxy.**

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Reference to the Committee on Business and Economic Development suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator CAREY of Kennebec.

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

4 Sec. 1. 13 MRSA §1602 is repealed.

6 Sec. 2. 13 MRSA §1604 is enacted to read:

8 **§1604. Voting by proxy**

10 Unless specified otherwise in an association's articles of incorporation or bylaws, members are permitted to vote by proxy.

12 1. Appointment of agent. The appointment of one or more agents to vote on behalf of the member must be by written proxy executed by the member or by the member's duly authorized attorney-in-fact. A telegram, cablegram or facsimile appearing to have been transmitted may be considered to satisfy this requirement.

18 2. Duration. A proxy is valid for only 11 months from the date of its execution, unless otherwise expressly and conspicuously provided in the proxy.

22 3. Revocation. A proxy is revocable at the pleasure of the person executing it. A proxy may be revoked, without limitation, by an instrument that in terms revokes the proxy or by a subsequent duly executed proxy. The authority of a proxy holder is not revoked by death or supervening incapacity of the member executing the proxy unless, before the authority is exercised, written notice of death or incapacity is filed with the corporate officer responsible for maintaining the list of members. The presence at a members' meeting of the member appointing a proxy does not of itself revoke the proxy. A member may revoke an appointment of a proxy by giving notice to the corporate officer responsible for maintaining a list of members or by giving notice in open meeting of the members.

38 **SUMMARY**

40 This bill removes the prohibition on members of cooperatives voting by proxy. The bill allows a cooperative to prohibit voting by proxy in the articles of incorporation or bylaws. If a cooperative does not prohibit voting by proxy in its articles of incorporation or bylaws, members of the cooperative may vote by proxy.