

# MAINE STATE LEGISLATURE

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# 119th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1999

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Legislative Document

No. 714

H.P. 507

House of Representatives, January 26, 1999

**An Act to Allow Multipart Referendum Questions for Referenda at the  
Municipal Level.**

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

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative GLYNN of South Portland.  
Cosponsored by Senator AMERO of Cumberland and  
Representatives: BUMPS of China, CIANCHETTE of South Portland, GERRY of Auburn,  
MUSE of South Portland.

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

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4       **Sec. 1. 20-A MRSA §1352, sub-§1**, as amended by PL 1989, c. 414, §5, is further amended to read:

6           **1. Municipal officers.** The warrant shall must direct the  
8 municipal officers within the district to call a referendum on a  
10 date and time determined by the board of directors. A warrant  
12 shall must be prepared and distributed at least 30 days prior to  
14 the date of the referendum, except that a warrant for a school  
16 district budget referendum held in accordance with section 1305,  
18 subsection 2, shall must be prepared and distributed at least 14  
20 days prior to the date of the referendum. A warrant for a  
22 multipart referendum question must be prepared and distributed at  
24 least 30 days prior to the date of the referendum.

18           A. The warrant shall must be directed to a resident of the  
20 district by name, ordering the resident to notify the  
22 municipal officers of each of the municipalities within the  
24 district, to call a town meeting or city election on the  
date specified by the board of directors. No other date may  
be used. The person who serves the warrant shall make a  
return on the warrant stating the manner of services and the  
time when it was given.

26           B. The warrant shall must be served on the municipal clerk  
28 of each of the municipalities within the district by  
30 delivering an attested copy of the warrant in hand within 3  
32 days of the date of the warrant. The municipal clerk, on  
34 receipt of the warrant, shall immediately notify the  
municipal officers within the municipality. The municipal  
officers shall forthwith meet, countersign and have the  
warrant posted.

36           C. The warrants and other notices for the referendum shall  
must be in the same manner as provided in Title 21-A.

38       **Sec. 2. 20-A MRSA §1352, sub-§3** is enacted to read:

40           **3. Multipart referendum question.** Notwithstanding  
42 subsection 2, when a special referendum is called, the local body  
44 authorized to propose referenda articles may set forth articles  
46 that provide voters multiple options in response to the  
48 referendum question, from which the voter may select only one.  
The article must conform as much as possible to the forms for  
other articles as outlined in this section. The article must be  
written so that a vote cast in the affirmative for one option  
results in a negative vote cast for all other options for that  
article. The option that receives a plurality of affirmative  
votes cast prevails. The multiple options offered

2 for each article and the form of the question must be established  
3 and agreed upon by the proposing authority.

4 **Sec. 3. 20-A MRSA §1353, sub-§3, ¶¶A, B and D, as enacted by PL**  
5 **1981, c. 693, §§5 and 8, are amended to read:**

6  
7 A. The municipal clerk shall, within 24 hours of the  
8 determination of the results of the vote in the  
9 municipality, certify and send to the board of directors the  
10 total number of votes cast in the affirmative and in the  
11 negative on each article. In the case of a multipart  
12 referendum question, the municipal clerk shall, within 24  
13 hours of the determination of the results of the vote in the  
14 municipality, certify and send to the proposing authority  
15 the total number of votes cast in the affirmative for each  
16 option on each article.

17 B. As soon as all of the results from all of the  
18 municipalities have been returned to the board of directors,  
19 the board shall meet and compute the total number of votes  
20 cast in all of the municipalities within the district in the  
21 affirmative and in the negative on each article. In the  
22 case of a multipart referendum, as soon as all of the  
23 results from all the municipalities have been returned to  
24 the proposing authority, they shall meet and compute the  
25 total number of votes cast in all of the municipalities  
26 within the district in the affirmative for each option on  
27 each article.

28 D. If the board of directors determines that the total  
29 number of votes cast on an article in the affirmative is  
30 equal to or less than those cast in the negative, they shall  
31 declare that the article has not passed. In the case of a  
32 multipart referendum question, if the proposing authority  
33 determines that the number of votes cast for one option for  
34 an article are greater than the number of votes cast for any  
35 other option for the same article, they shall declare that  
36 the article has passed.

37 **Sec. 4. 20-A MRSA §1353, sub-§4 is enacted to read:**

38  
39 **4. Multipart referendum: tie vote. In the event of a tie**  
40 **vote in which no option receives a plurality in a multipart**  
41 **referendum, a run-off election must be held within 30 days,**  
42 **following the method of calling a district referendum as outlined**  
43 **in this section and section 1352.**

44 **Sec. 5. 20-A MRSA §4102, sub-§4, ¶D is enacted to read:**

2 D. Notwithstanding this section, when a referendum is  
3 called, the proposing authority may set forth articles that  
4 provide voters multiple options in response to the  
5 referendum question, from which the voter may select only  
6 one. The article must conform as much as possible to the  
7 forms for other articles as outlined in this section. The  
8 article must be written so that a vote cast in the  
9 affirmative for one option results in a negative vote cast  
10 for all other options for the article. The option that  
11 receives a plurality of affirmative votes cast prevails.  
12 The multiple options offered for each article and the form  
13 of the question must be established and agreed upon by the  
14 proposing authority.

15 **Sec. 6. 30-A MRSA §2528, sub-§5, ¶C is enacted to read:**

16 C. When a referendum is called, the municipality may set  
17 forth articles that provide voters multiple options in  
18 response to the referendum question, from which the voter  
19 may select only one. The article must conform as much as  
20 possible to the forms for other articles as outlined in  
21 this section. The article must be written so that a vote  
22 cast in the affirmative for one option results in a negative  
23 vote cast for all other options for that article. The  
24 option that receives a plurality of affirmative votes cast  
25 prevails. The multiple options offered for each article and  
26 the form of the question must be established and agreed upon  
27 by the governing body of the municipality.

30 **SUMMARY**

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34 This bill authorizes governing bodies at a local level to  
set forth referendum questions constructed to offer multiple  
choices to the voter.