

# MAINE STATE LEGISLATURE

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Date: 3/1/07

Minority

STATE AND LOCAL GOVERNMENT

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
123RD LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT 'B' to H.P. 185, L.D. 214, Bill, "An Act To Initiate the Intergovernmental Advisory Commission's Blueprint for Government"

Amend the bill by striking out everything after the title and before the summary and inserting in its place the following:

'Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of all of the members elected to each House have determined it necessary to enact this measure.

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

Sec. 1. 30-A MRSA §1301, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and as amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

§1301. Purpose

The purpose of this chapter is to provide a method for each county, by vote of its voters, to determine the structure of county government in that county. The county charter adopted in each county may must determine the officers of the county, their relationship, the administrative structure necessary to perform county functions, the duties of the county budget committee and the organization of county government, subject to the limits of the Constitution of Maine.

Sec. 2. 30-A MRSA §1303 is enacted to read:

§1303. Charter requirement

On the effective date of this section, if a county has not adopted a county charter, the county commissioners shall provide for the establishment of a charter commission for the purpose of preparing a county charter. Elections of the members pursuant to section

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1 1322, subsection 1 must take place at the next regular or special statewide election but no  
2 later than November 2007, and the proposed charter must be submitted to the voters  
3 pursuant to section 1324 at the following regular or special statewide election but no later  
4 than November 2008. If the proposed charter is not approved by the voters, then the  
5 charter commission may develop a new proposed charter to be submitted at the next  
6 regular or special statewide election.

7 **Sec. 3. 30-A MRSA §1321**, as amended by PL 2003, c. 696, §§9 and 10, is further  
8 amended to read:

9 **§1321. Charter adoptions, revisions, procedure**

10 **A** For the purpose of revising a charter, a charter commission may be initiated by the  
11 county commissioners or by petition by voters according to the methods established in  
12 subsections 1 and 2.

13 **1. County commissioners.** The county commissioners may determine that the  
14 ~~adoption of a county charter should be considered or that the~~ revision of a county charter  
15 already adopted under this chapter should be considered and, by order, provide for the  
16 establishment of a charter commission to carry out that purpose as provided in this  
17 chapter.

18 **2. Petition by voters.** On the written petition of a number of voters equal to at least  
19 10% of the number of votes cast in the county at the last gubernatorial election, the  
20 county commissioners shall, by order, provide for the establishment of a charter  
21 commission for the ~~preparation or~~ revision of a county charter in the form and manner  
22 provided in this chapter.

23 **3. Petition procedure.** The following procedure ~~shall~~ must be used in the  
24 alternative method under subsection 2.

25 **A.** Any 5 voters of the county may file an affidavit with the county clerk stating:

- 26 (1) They will constitute the petitioner's committee;  
27 (2) They will circulate the petition and file it in proper form;  
28 (3) The names and addresses of the members; and  
29 (4) The address to which all notices to the committee are to be sent.

30 Promptly after the affidavit is filed, the clerk shall issue petition blanks to the  
31 committee. Petition blanks ~~shall~~ must be issued for each municipality.

32 The petitioner's committee may designate additional voters of the county, who are not  
33 members of the committee, to circulate the petition.

34 **B.** The clerk shall prepare petition forms at the county's expense. The petition  
35 forms ~~shall~~ must be printed on paper of uniform size and may consist of as many  
36 individual sheets as are reasonably necessary.

- 37 (1) Petition forms ~~shall~~ must carry the following legend in bold lettering at the  
38 top of the face of each form.

39 "County of ...."

4018

1 "Each of the undersigned voters respectfully requests the county commissioners  
2 to establish a charter commission for the purpose of revising the county charter ~~or~~  
3 ~~preparing a new county charter.~~"

4 Each signature to a petition must be in ink or other indelible instrument and must  
5 be followed by the residence of the voter with street and number, if any. ~~No~~ A  
6 petition may not contain any party or political designation.

7 (2) The clerk shall note the date of each petition form issued. All petitions must  
8 be filed within 120 days of the date of issue or they are void.

9 (3) Each petition form ~~shall~~ must have printed on its back an affidavit to be  
10 executed by the circulator, stating that the circulator personally circulated the  
11 form, the number of signatures on the form, that all the signatures were signed in  
12 the circulator's presence, that the circulator believes them to be genuine  
13 signatures of the persons whose names they purport to be, that each signer has  
14 signed no more than one petition and that each signer had an opportunity to read  
15 the petition before signing. Before filing the petitions under subparagraph (4),  
16 the circulator shall submit them to the registrar of each municipality concerned  
17 for certification according to Title 21-A, section 354, subsection 7, paragraph B.

18 (4) Petition forms ~~shall~~ must be assembled as one instrument and filed at one  
19 time with the clerk. The clerk shall note the date of filing on the forms.

20 **4. Procedure after filing.** Within 20 days after the petition is filed, the clerk shall  
21 complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars  
22 ~~which~~ that render ~~it~~ the petition defective. The clerk shall promptly send a copy of the  
23 certificate to the petitioners' committee by mail and shall file a copy with the county  
24 commissioners.

25 A. A petition certified insufficient for lack of the required number of valid  
26 signatures may be amended once if the petitioners' committee files a notice of  
27 intention to amend it with the clerk within 2 days after receiving the copy of the  
28 clerk's certificate.

29 Within 10 days after the notice of intention is filed, the committee may file a  
30 supplementary petition to correct the deficiencies in the original petition. This  
31 supplementary petition must in form and content comply with the requirements for an  
32 original petition under subsection 3.

33 B. Within 5 days after a supplementary petition is filed, the clerk shall complete  
34 and file a certificate as to its sufficiency in the manner provided for an original  
35 petition.

36 C. Any petition finally determined to be insufficient is void. The clerk shall stamp  
37 the petition void and seal and retain it in the manner required for secret ballots.

38 **Sec. 4. 30-A MRSA §1351, sub-§1**, as enacted by PL 1987, c. 737, Pt. A, §2 and  
39 Pt. C, §106 and as amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is  
40 further amended to read:

41 **1. Charter powers.** The charter for any county ~~may~~ must provide for:

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10/28

- 1 A. The organization of county government including the number of county
- 2 commissioners;
- 3 B. The election of a county legislative body and the method of selecting officers,
- 4 officials and employees;
- 5 C. The establishment of county departments, agencies, boards or commissions, and
- 6 their descriptions, powers and duties; and the powers and authority of county officers
- 7 or officials to direct, regulate and control these agencies, departments, boards and
- 8 commissions;
- 9 D. The internal activities of county government; ~~and~~
- 10 E. The provisions required for the transition to the new form; and
- 11 F. The membership and duties of the county budget committee.

12 **Sec. 5. 30-A MRSA §1352, sub-§1**, as amended by PL 2003, c. 696, §11, is  
13 further amended to read:

14 **1. Application.** ~~If~~ After a county ~~adopts~~ has adopted a charter, the following general  
15 laws and laws related to that county do not apply if the charter provides for that function:

- 16 A. Sections 2, 52 and 53;
- 17 B. Chapter 1, subchapter 2, sections 61 to 82;
- 18 C. Chapter 1, subchapter 3, sections 151 to 162;
- 19 D. Section 201;
- 20 D-1. Chapter 3, subchapter 1, sections 701 to 900-E; and
- 21 E. Title 33, sections 601 to 608.

22 **Sec. 6. Legislation authorized.** The joint standing committee of the Legislature  
23 having jurisdiction over state and local government matters may submit a bill to the  
24 Second Regular Session of the 124th Legislature to make necessary changes in law  
25 relating to county commissioners and budgetary procedures after all counties have  
26 charters in place.

27 **Sec. 7. Government chart of accounts.** The Department of Audit shall supply  
28 on the publicly accessible website of the department the government chart of accounts for  
29 municipal and county governments developed under Resolve 2005, chapter 136. This  
30 standardized chart of accounts may be used voluntarily by any level of government.'

31 **SUMMARY**

32 This amendment replaces the bill and is the minority report. It requires all counties  
33 that do not currently have a county charter to initiate a charter commission. The  
34 membership of the commission must be elected no later than the November 2007 election  
35 and the proposed county charter must be submitted to the voters no later than November  
36 2008. Each charter must include the powers of the budget committees in that county.  
37 The joint standing committee of the Legislature having jurisdiction over state and local  
38 government matters may submit a bill to the Second Regular Session of the 124th

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1 Legislature after the charters have been adopted in all counties making the necessary  
2 changes to the Maine Revised Statutes relating to budgetary procedures. The amendment  
3 retains the requirement of the Department of Audit to supply the government chart of  
4 accounts for municipal and county governments on its website.

5 **FISCAL NOTE REQUIRED**  
6 (See attached)



# 123rd MAINE LEGISLATURE

LD 214

LR 270(03)

**An Act To Initiate the Intergovernmental Advisory Commission's Blueprint for Government**

**Fiscal Note for Bill as Amended by Committee Amendment "B"**  
**Committee: State and Local Government**

**Fiscal Note Required: Yes**

## Fiscal Note

State Mandate - Exempted

### State Mandates

This legislation requires the election of certain charter commission members to take place at the next regular or statewide election but not later than November 2007 and the submission of the proposed charter to the voters at the following regular or statewide election but not later than November 2008. The additional cost of this state mandate is expected to be minor. Pursuant to inclusion of the Mandate Preamble, the two-thirds vote of all members elected to each House exempts the state from the constitutional requirement to fund 90% of the additional local costs.

### Unit Affected

### Costs

County

Insignificant