MAINE STATE LEGISLATURE

The following document is provided by the

LAW AND LEGISLATIVE DIGITAL LIBRARY

at the Maine State Law and Legislative Reference Library

http://legislature.maine.gov/lawlib



Reproduced from scanned originals with text recognition applied (searchable text may contain some errors and/or omissions)



123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 1906

H.P. 1340

House of Representatives, May 14, 2007

An Act To Clarify the Authority of Municipal Boards and **Committees**

(AFTER DEADLINE)

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

Millient M. Mag Failand MILLICENT M. MacFARLAND Clerk

Presented by Representative SIMPSON of Auburn. Cosponsored by Senator MARTIN of Aroostook and Representative: FISCHER of Presque Isle, Senator: PERRY of Penobscot.

1 2	Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and
3 4	Whereas, the Maine Law Court issued an opinion known as <u>Stevenson v. Town of Kennebunk</u> on April 26, 2007; and
5	Whereas, the <u>Stevenson</u> decision jeopardizes the ability of a governmental board to take any action when there is a vacancy on that board; and
7 8	Whereas, the <u>Stevenson</u> decision disrupts the ability of boards to continue operating as they have for years; and
9 10 11 12	Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,
13	Be it enacted by the People of the State of Maine as follows:
14	Sec. 1. 30-A MRSA §2602, sub-§7 is enacted to read:
15 16 17 18	7. Authority to act. Notwithstanding any law to the contrary, a vacancy on a municipal board or committee does not impair the authority of the remaining members to act unless a municipal charter or ordinance expressly prohibits the board or committee from acting.
19	Sec. 2. Retroactivity. This Act applies retroactively to April 25, 2007.
20 21	Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.
22	SUMMARY
23 24 25 26 27 28	This bill overturns the portion of the Law Court decision in <u>Stevenson v. Town of Kennebunk</u> that held that a municipal board was not authorized to take any action because there was a vacancy on the board. The Law Court held that a charter or ordinance must specifically authorize a board to act in the event of a vacancy. This bill requires a charter or ordinance to specifically prohibit a municipal board or committee from acting in the event of a vacancy in order to have that effect.
29	The bill is an emergency and applies retroactively to the date of the decision.