

# MAINE STATE LEGISLATURE

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Date: 2-15-08

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**STATE AND LOCAL GOVERNMENT**

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**STATE OF MAINE**

**SENATE**

**123RD LEGISLATURE**

**SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 762, L.D. 1968, Bill, "An Act To Clarify the Election of Municipal Charter Commission Members"

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

**Emergency preamble. Whereas,** acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** the municipal charter is equivalent to a constitution for the City of Portland, and voters should be able to separate the choice between the need for a charter commission and an election of the members of that charter commission; and

**Whereas,** the City of Portland intends to hold an election in June 2008, which is less than 90 days after statutory adjournment; and

**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,

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

**Sec. 1. 30-A MRSA §2103, sub-§1, ¶A,** as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

A. Voter members ~~shall~~ must be elected by one of the following methods:

- (1) Six voter members ~~shall be~~ are elected in the same manner as the municipal officers, except that they must be elected at-large and without party designations; or

**COMMITTEE AMENDMENT**

2008

COMMITTEE AMENDMENT "A" to S.P. 762, L.D. 1968

1 (2) One voter ~~shall be~~ member is elected from each voting district or ward in the  
2 same manner as municipal officers, except that ~~they~~ the voter member must be  
3 elected without party designation; or

4 (3) Voter members are elected both at-large and by district or ward, as long as  
5 the number of voter members is the same as the number of municipal officers on  
6 the board or council of that municipality and the voter members are elected in the  
7 same manner as the municipal officers, except that they must be elected without  
8 party designation.

9 Election of voter members may be held either at the same municipal election as the  
10 referendum for the charter commission, ~~but must be held within 90 days of the~~  
11 ~~referendum election~~ or at the next scheduled regular or special municipal or state  
12 election that is no more than 200 days after the referendum authorizing the charter  
13 commission. The names of the candidates on the ballot ~~shall~~ must be arranged  
14 alphabetically by last name. If the elections are held at the same time, the names of  
15 the candidates ~~shall~~ must appear immediately below the question relating to the  
16 charter commission.

17 **Emergency clause.** In view of the emergency cited in the preamble, this  
18 legislation takes effect when approved.'

19 **SUMMARY**

20 This amendment clarifies that a municipality is authorized to elect the members of a  
21 municipal charter commission by the procedure in the bill but that it is not mandatory for  
22 municipalities that have both at-large and district or ward municipal officers on the town  
23 or city council to use this method.

24 The amendment adds an emergency preamble and emergency clause so that the City  
25 of Portland can include a question about the need for a new charter commission at the  
26 next regularly scheduled election in June 2008, and the members of that commission can  
27 be elected at the November 2008 election if the commission question is approved.

**COMMITTEE AMENDMENT**