

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 34

H.P. 29

House of Representatives, January 5, 2009

**An Act To Clarify the Election of Municipal Charter Commission
Members**

(EMERGENCY)

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative HAYES of Buckfield.

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

3 **Whereas,** changes to the law governing the creation of charter commissions in 2008
4 inadvertently failed to allow sufficient flexibility in the election of charter commission
5 members for municipalities to conveniently schedule special referenda elections; and

6 **Whereas,** there is no regularly scheduled June primary election in 2009; and

7 **Whereas,** there can be a significant municipal expense in holding a special election
8 outside of a regular election schedule; and

9 **Whereas,** in the judgment of the Legislature, these facts create an emergency within the
10 meaning of the Constitution of Maine and require the following legislation as immediately
11 necessary for the preservation of the public peace, health and safety; now, therefore,

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

13 **Sec. 1. 30-A MRSA §2103, sub-§1, ¶A,** as amended by PL 2007, c. 495, §1, is
14 further amended to read:

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

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

18 (2) One voter member is elected from each voting district or ward in the same
19 manner as municipal officers, except that the voter member must be elected without
20 party designation; or

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

26 Election of voter members may be held either at the same municipal election as the
27 referendum for the charter commission or at the next scheduled regular or special
28 municipal or state election ~~that is no more than 200 days after the referendum~~
29 ~~authorizing the charter commission.~~ The names of the candidates on the ballot must
30 be arranged alphabetically by last name. If the elections are held at the same time,
31 the names of the candidates must appear immediately below the question relating to
32 the charter commission.

33 **Emergency clause.** In view of the emergency cited in the preamble, this legislation
34 takes effect when approved.

SUMMARY

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This bill amends the procedure that guides the election of members to a municipal charter commission. In current law, the election of the members can be held at either the same election as the referendum establishing the charter commission or at the next scheduled regular or special municipal or state election if that election is no more than 200 days after the referendum authorizing the charter commission. The bill removes the 200-day limit.