

# MAINE STATE LEGISLATURE

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# 124th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2009

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Legislative Document

No. 763

H.P. 522

House of Representatives, February 26, 2009

### An Act To Clarify the Warrant Article Petition Process

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

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative WILLETTE of Presque Isle.  
Cosponsored by Senator JACKSON of Aroostook and  
Representatives: CLARK of Easton, COTTA of China, HAYES of Buckfield.

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

2 **Sec. 1. 30-A MRSA §2522**, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C,  
3 §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further  
4 amended to read:

5 **§2522. Petition for article in warrant**

6 On the written petition of a number of voters equal to at least 10% of the number of  
7 votes cast in the town at the last gubernatorial election, but in no case less than 10, the  
8 municipal officers shall either insert a particular article in the next warrant issued or shall  
9 within 60 days call a special town meeting for its consideration. Municipal officers may  
10 reasonably refuse to place a petitioned article based upon, but not limited to, whether the  
11 municipal legislative body is authorized to act on the article pursuant to federal and state  
12 law and the municipal charter.

13 **Sec. 2. 30-A MRSA §2528, sub-§5**, as amended by PL 2003, c. 569, §2, is  
14 further amended to read:

15 **5. Referendum questions.** By order of the municipal officers or on the written  
16 petition of a number of voters equal to at least 10% of the number of votes cast in the  
17 town at the last gubernatorial election, but in no case less than 10, the municipal officers  
18 shall have a particular article placed on the next ballot printed or shall call a special town  
19 meeting for its consideration. Municipal officers may reasonably refuse to place a  
20 petitioned article based upon, but not limited to, whether the municipal legislative body is  
21 authorized to act on the article pursuant to federal and state law and the municipal charter.  
22 A petition or order under this subsection is subject to the filing provisions governing  
23 nomination papers under subsection 4.

24 The municipal officers shall hold a public hearing on the subject of the article at least 10  
25 days before the day for voting on the article. At least 7 days before the date set for the  
26 hearing, the municipal officers shall give notice of the public hearing by having a copy of  
27 the proposed article, together with the time and place of hearing, posted in the same  
28 manner required for posting a warrant for a town meeting under section 2523. The  
29 municipal officers shall make a return on the original notice stating the manner of notice  
30 and the time it was given.

31 A. The requirement for public hearing is not a prerequisite to the valid issuance of  
32 any bond, note or other obligation of a municipality authorized to borrow money by  
33 vote under any such particular article.

34 B. If a particular article to be voted on by secret ballot requests an appropriation of  
35 money by the municipality, the article, when printed in the warrant and on the ballot,  
36 must be accompanied by a recommendation of the municipal officers.

37 (1) If by town meeting vote or charter-provision, a budget committee has been  
38 established to review proposed town expenditures, the recommendations of the  
39 budget committee shall be printed in addition to those of the municipal officers.

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(2) If the action affects the school budget, a recommendation by the school board shall be printed in addition to those of the municipal officers and the budget committee, if any.

C. If the warrant for a town meeting contains only articles for the election of the moderator and one or more referendum questions to be voted on by secret ballot, the municipal officers may specify the same voting places as those used by the town for federal, state or county elections.

**SUMMARY**

This bill clarifies that municipal officers may reasonably refuse to advance a petitioned article to the municipal legislative body if the municipal legislative body is not authorized pursuant to federal and state law and municipal charter to act on the article.