

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**  
AS PASSED BY THE

ONE HUNDRED AND TENTH LEGISLATURE

**SECOND SPECIAL SESSION**

September 25, 1981

AND

**THIRD SPECIAL SESSION**

December 9, 1981

AND

**SECOND REGULAR SESSION**

January 6, 1982 to April 13, 1982

AND AT THE

**FOURTH SPECIAL SESSION**

April 28, 1982 to April 29, 1982

AND AT THE

**FIFTH SPECIAL SESSION**

May 13, 1982

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN  
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 164, SUBSECTION 6.

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J.S. McCarthy Co.  
Augusta, Maine  
1981

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**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED AT THE  
SECOND AND THIRD SPECIAL SESSIONS

and

SECOND REGULAR SESSION

and

FOURTH AND FIFTH SPECIAL SESSIONS

of the

ONE HUNDRED AND TENTH LEGISLATURE

1981

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2. Tax legislation relating to the Maine Capital Corporation, Title 36, sections 5206 and 5216.

The Maine Capital Corporation, the Department of Finance and Administration and any other state department or agency shall cooperate to the extent requested by the committee.

Effective July 13, 1982.

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## CHAPTER 687

H.P. 2069 - L.D. 2010

### AN ACT to Clarify the Effect of an Attorney's Opinion on the Procedures for Initiating Amendments to Municipal Charters.

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

Whereas, the ability of citizens to petition for consideration of amendments or revisions to municipal charters is an important right; and

Whereas, this right has been hindered and thwarted in the past due to confusion over whether a petition is seeking a charter amendment or revision; and

Whereas, confusion has also existed about the ability to remove certain elected municipal officials from office prior to the expiration of their terms; and

Whereas, it is important to clarify these rights of Maine citizens; 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. 20 MRSA §476, as last amended by PL 1979, c. 691, §5, is further amended to read:

§476. Applicability of provisions to certain towns or cities

Sections 471 and 472 shall not apply to cities or towns whose charters specify the methods of selection, removal and term of office of a school committee or board of education; nor to towns, cities and incorporated districts authorized by private and special laws to choose school committees other than those herein provided for.

Sec. 2. 30 MRSA §1914, sub-§3-A is enacted to read:

3-A. Amendment constituting revision. At the request of the petitioners' committee, the petition form shall also contain the following language:

"Each of the undersigned voters further requests that if the municipal officers determine that the amendment set out below would, if adopted, constitute a revision of the charter, then this petition shall be treated as a request for a charter commission."

Upon receipt of a petition containing such language, the municipal officers shall, if they determine with the advice of an attorney that the proposed amendment would constitute a revision of the charter, treat the petition as a request for a charter commission and follow the procedures applicable thereto.

Sec. 3. 30 MRSA §1914, sub-§4, ¶B, first sentence, as repealed and replaced by PL 1971, c. 362, §4, is amended to read:

Within 7 days after the public hearing, the municipal officers or the committee appointed by them shall file with the municipal clerk a report containing the final draft of the proposed amendment and a written opinion by an attorney admitted to the bar of this State that the proposed amendment is not in conflict with the general laws or the Constitution of Maine or the Constitution of the United States.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.