

CHARTER COMMISSION INFORMATION

Maine Revised Statutes Title 30-A, Chapter 111

Implements the home rule powers granted to
municipalities by the Constitution of Maine, Article
VIII, Part Second.



Town of
Lebanon
MAINE

Established 1767

- ▶ Based on a petition of voters, the Select Board determined that adoption of a Charter should be considered and voted to place the question of establishing a Charter Commission before the voters.
- ▶ The referendum question is “Shall a Charter Commission be established for the purpose of establishing a New Municipal Charter?”

- ▶ **The Charter Commission is comprised of 6 elected members and 3 members appointed by the Select Board.**
- ▶ **The 6 elected members may be elected at the same time as the vote on the question to establish a Charter Commission.**

- ▶ **The Charter Commission candidate's names will appear immediately below the question to establish the Commission.**
- ▶ **The candidate's names will be in alphabetical order.**

- ▶ **The members appointed by the Select Board are not required to be residents of the Town.**
- ▶ **No more than one appointed member may be a member of the Select Board.**
- ▶ **The appointments must be made within 30 days after the election to establish a Charter Commission.**

- ▶ As soon as the Select Board appoints the 3 members, the Town Clerk must notify all the elected and appointed Commission members of the date, time, and place of the Commission's organizational meeting.
- ▶ The notice must be given at least 7 days prior to the meeting.

- ▶ **Within 20 days after the appointment of the members, the Select Board must credit \$100 to a Charter Commission account so that the commission may seek legal, research, etc. services if necessary.**
- ▶ **The Select Board has chosen to request by referendum to credit \$1500 into the Charter Commission account to keep the Commission's legal fees from depleting the Town's normal legal budget.**

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- ▶ **If the Commission spends money, it must keep a full account of its receipts and expenditures for public review.**
- ▶ **Any unused funds will go into the unassigned funds balance.**

- ▶ **Within 30 days of the organizational meeting, the Commission must hold a public hearing to receive “information, views, comments, and other material relating to its functions.”**
- ▶ **The Commission must give at least 10 days notice before holding public hearings.**

- ▶ Within 9 months after the election, the Commission must give a preliminary report of the proposed text of the Charter and explanatory material.
- ▶ The report must be printed and circulated by the Town Clerk to any voter requesting a copy.
- ▶ This time period may be extended by the Select Board so long as the final report is completed within 24 months after the election.

- ▶ **The Commission must submit it's final report to the Select Board within 12 months after its election (unless extended as previously noted). It must included:**
 - ▶ **Full text and explanation/comments by the Commission of the new Charter**
 - ▶ **Written opinion from an attorney that the proposed Charter does not contain anything prohibited by the US or Maine Constitutions or Maine Statute.**
 - ▶ **A minority report is optional**

- ▶ The proposed Charter must be voted on at the next regular or special election that is held at least 35 days after the final report is submitted. The question is required to state “Shall the Town approve the new charter recommended by the charter commission?”
- ▶ At least 2 weeks prior to the election, the Select Board must have the final report printed, with copies available at the Town Office, and post the report the same way proposed ordinances are posted.

- ▶ The total number of votes cast in the election on the Charter must equal or exceed 30% of the total number of votes cast in the Town at the last gubernatorial election.
- ▶ New Charters take affect on the first day of the next succeeding municipal year, not the calendar year.
- ▶ Any new provisions requiring new elections, take affect immediately for the purpose of conducting those elections.

- ▶ The new Charter is signed by the Town Clerk and copies are sent to the Secretary of State, the Law and Legislative Reference Library, and one is retained in the Clerk's office.