

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

## **An Act To Clarify the Authority of Municipal Boards and Committees**

**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 Maine Law Court issued an opinion known as Stevenson v. Town of Kennebunk on April 26, 2007; and

**Whereas,** the Stevenson decision jeopardizes the ability of a governmental board to take any action when there is a vacancy on that board; and

**Whereas,** the Stevenson decision disrupts the ability of boards to continue operating as they have for years; 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 §2602, sub-§7** is enacted to read:

**7. Authority to act.** Notwithstanding any law to the contrary, a vacancy on a municipal board or committee does not impair the authority of the remaining members to act unless a municipal charter or ordinance expressly prohibits the board or committee from acting.

**Sec. 2. Retroactivity.** This Act applies retroactively to April 25, 2007.

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

### **SUMMARY**

This bill overturns the portion of the Law Court decision in Stevenson v. Town of Kennebunk that held that a municipal board was not authorized to take any action because there was a vacancy on the board. The Law Court held that a charter or ordinance must specifically authorize a board to act in the event of a vacancy. This bill requires a charter or ordinance to specifically prohibit a municipal board or committee from acting in the event of a vacancy in order to have that effect.

The bill is an emergency and applies retroactively to the date of the decision.