

May 10, 2023

Members of the Joint Standing Committee of State and Local Government

Re: Additional information regarding LD 1356, An Act to Improve the Local Referendum Process by increasing the Percentage of the Population Required to Submit a Local Referendum Question

Senator Nangle, Representative Stover and members of the State and Local Government Committee. My name is Paul Whitmarsh. I am the current Chair of the North Yarmouth Planning Board. I was unable to attend the hearing on this bill, but I have now read the testimony. I feel it is necessary to correct information that the sponsor of the bill, Representative Anne Graham, is using to justify the change.

For transparency sake, I must also disclose that I participated in creating and gathering signatures for the referendum to which Rep. Graham refers. And I would also note the Rep. Graham was a vocal opponent of both the petition and the resulting referendum.

In her testimony, Rep. Graham fails to provide the needed background that led to the referendum. A number of residents had approached both the North Yarmouth Planning Board and Select Board on numerous occasions to have different issues debated and presented at the annual town meeting. These were rebuffed by both boards and the concerns about the Land Use Ordinance were never addressed.

Thankfully, Maine adopted in the state constitution the right of citizens to use the petition for just these situations. It was only after the other avenues of redress were ignored that it was decided to pursue the referendum process.

In her testimony, Rep. Graham makes a claim that typical North Yarmouth voter turnout is greater than 75%, and therefore the referendum turnout was low by this standard. This is patently false. From the gubernatorial election in 2018 (November 6, 2018) through the following gubernatorial election in 2022 (November 8, 2022), only once (November 3, 2020) did North Yarmouth have greater than 75% voter turnout and only 3 times did we have greater than 50% voter turnout. During this time period, we held 12 elections. The average turnout was 42.75%. Making a closer comparison to elections for local issues (i.e. municipal officers, MSAD 51 budget, etc...) the average turnout is 26.4%. The referendum in March 2022 had the highest voter turnout in the time period from November 2018 through November 2022 than any of the other 6 elections that dealt with only local issues. In that same time period, the number of required signatures to get to referendum in North Yarmouth has increased 13.5% from 244 to 277.

For some further perspective only 109 voters attended our last town meeting, fewer than half the number required for the referendum process. And to add to that, the warrant article was to make a change to the Land Use Ordinance that was passed by a mere 63 people!

From these official voting records, it is clear that this was not just some fringe group or "vocal minority" looking to push an agenda, but a widespread desire by the residents of North Yarmouth to implement this change. As a result of this referendum's success, it seems that Rep. Graham through LD 1356 is trying to make it even harder for the voices of the residents to be heard when their concerns are being ignored by the elected and appointed officials.

I ask you not make this process even more difficult.

Sincerely,

Paul Whitmarsh
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