

LD 1274 An Act Regarding 2021 Municipal Elections and Town Meetings

To: Members, Joint Standing Committee on State and Local Government
From: Lynne Caswell, Esq., Legislative Analyst
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electronic record <http://legislature.maine.gov/ctl/SLG/04-16-2021?panel=1&time=0&sortdir=0&sortby=2>

SUMMARY

This emergency legislation applies retroactively to January 15, 2021 and is repealed January 15, 2022. Sections 1, 2 and 3 of this bill are substantially similar to provisions in P.L. 2019 ch. 617, An Act to Implement Provisions Necessary to the Health, Welfare and Safety of the citizens of Maine in Response to the COVID-10 Public Health Emergency. See below for more in depth discussion of all the provisions in this bill.

TESTIMONY***Sponsor:** Representative Helper

- provides process for continuation of government operations under COVID-19
- Effect of pandemic on local government was immediate & dramatic
- restrictions on public gatherings – town meetings
- ch. 617 expired on 1/15/21

Proponents MMA by Rebecca Graham; Maine Town & Clerks Association by Sue Look, Raymond Town Clerk; Maine School Management by Victoria Wallack

- MMA helped draft
- flexible options to protect staff and residents while meeting municipal election requirements and keeping local government operational.
- Retroactive application protects municipalities who acted in good faith to carry out elections, pass budgets
- OAG said only legislature has the authority to “notwithstanding” charter provisions
- Budget meetings in February for March town meetings and again in May for June town meetings;
- 1/15/22 expiration might cause problems for towns next year who are in the middle of getting ready for March town meetings – extent through 3/31/22

Opponents: none

NFNA: none

* The section is not intended to reflect all comments and may include unintentionally errors.

MATTERS FOR CONSIDERATIONSection 1. Municipal Budget and Tax Commitment (P.L. 2019, CH. 617, Part D, §D-1)

- If the annual budget meeting is delayed beyond the required meeting date due to COVID-19, the prior year's budget, either approved or deemed approved, is deemed the current budget until a final budget is approved for the new year.
- If the annual budget is not approved in a timely manner and the municipal officers determine property taxes must be committed to the tax collector, the municipal assessor may commit property taxes based on the budget deemed approved under this section.

Section 2. Disbursements by Treasurer (P.L. 2019, CH. 617, Part D, §D-2)

Permits a municipal treasurer to disburse money on the authority of a warrant drawn for that purpose seen and signed individually by a majority of the municipal officers outside of a public meeting, notwithstanding the Maine Revised Statutes, Title 30-A, section 5603, subsection 2, paragraph A or any other law or municipal charter provision or ordinance to the contrary, for the duration of the state of emergency declared by the Governor due to the outbreak of COVID-19 and for 30 days following its termination.

This is the only section in this bill that has a separate time limit. All other provisions of this bill expire on January 15, 2022 regardless of whether a state of emergency still exists or has been terminated.

Section 3. Secret Ballot Elections (P.L. 2019, CH. 617, Part D, §D-4)

- Permits municipal officers during the calendar year 2021 to postpone the date of a scheduled secret ballot election for which nomination papers have already been issued or filed by posting notice in a conspicuous public location at least 2 days prior to the date of the election. The notice must be signed by a majority of the municipal officers and must either state a specific date and time during which the polls will be open to complete the election or state that the date of a rescheduled election will be determined by the municipal officers;
- Provides that any rescheduled secret ballot election must be noticed by a warrant calling the election that is approved and posted at least 7 days prior to the date of the rescheduled election. The notice must include the time and place of the meeting; the business to be acted upon; posted in a conspicuous public place in the town (§2523 requirements);
- Permits municipalities to use ballots that were printed for a postponed secret ballot election despite the inclusion of the original election date;
- Requires municipalities to use ballots that were printed for an originally scheduled secret ballot election if absentee ballots have been issued and returned;
- Requires a municipal clerk to safeguard and secure any absentee ballots already returned until the date of a rescheduled secret ballot election and process them as required by Title 21-A;

- Permits a municipal clerk to issue and accept absentee ballots and applications and to allow voting in the presence of the clerk pursuant to Title 21-A during the period between the originally scheduled secret ballot election and the rescheduled secret ballot election; and
- Applies the rescheduling, ballot and absentee ballot provisions set out above to municipal secret ballot referendum elections

If repeal date is extended, the phrase “during calendar year 2021: should be amended accordingly.

Section 4. Referendum hearing

This section permits the referendum hearing required under Title 30-A, section 2528, subsection 5 or a municipal charter to be held by remote means as specified in P.L. 2019, chapter 617, Part G.

Sec. 5. Secret Ballot Election

- Title 30-A, section 2528, sub-§1 states that a town may use secret ballots for the election of town officials or for referenda elections if the town accepts use of a secret ballot at a meeting held at least 90 days before the annual meeting. Section 5 of the bill suspends this requirement and permits a municipality to decide to use secret ballots. The bill does not specify how this will occur.
- Section 5 also permits an elected official in a municipality that uses secret ballots to remain in office until an election is held pursuant to 30-A, section 2525 (annual town meeting). This language should be read in context of the language in Section 3 of the bill that permits municipalities to postpone the date of elections.

Section 6. Referendum Wording Deadline

Title 30-A, section 2528, sub-§5 requires referendum question wording to be filed with the municipal clerk 60 days before the referendum election. This section shortens the deadline for filing the wording of a referendum question to 30 days before the referendum election.

Section 7. Written Ballot Exception

If a municipality approves its budget at an open town meeting, and it seeks to exceed or increase the property tax levy, Title 30-A, section 5721-A, sub-§ 7, ¶A requires a written ballot on a separate article. This section of the bill allows the ballot question to be voted by either a show of hands or a voice vote.

Section 8. Retroactive Application

This bill applies retroactively to the date P.L. 2019 ch. 617 expired, January 15, 2021. This bill expires on January 15, 2022. MMA and the Maine Town & Clerks Association suggested the expiration date be extended through March 31, 2022.

FISCAL IMPACT - Preliminary (OFPR)

None provided as of this date.

SECTIONS 1, 2 & 3

P.L. 2019, ch. 617

An Act To Implement Provisions Necessary to the Health, Welfare and Safety of the Citizens of Maine in Response to the COVID-19 Public Health Emergency

PART D

Sec. D-1. Failure to pass municipal budget; deemed approved; tax commitment. Notwithstanding any law or municipal charter provision to the contrary, if an annual municipal budget meeting is delayed beyond the date the annual budget is customarily submitted to the legislative body of that municipality for approval due to public health concerns arising from COVID-19, the prior year's approved budget is deemed the budget for the ensuing year until a final budget is approved. If a final budget is not approved in a timely manner and the municipal officers determine that property taxes must be committed in a timely manner to the collector pursuant to the Maine Revised Statutes, Title 36, section 709, the municipal assessor or assessors may commit property taxes on the basis of the budget deemed approved under this section.

Sec. D-2. Individual authorization of disbursements by municipal treasurer. Notwithstanding the Maine Revised Statutes, Title 30-A, section 5603, subsection 2, paragraph A or any other law or municipal charter provision or ordinance to the contrary, for the duration of a state of emergency declared by the Governor in accordance with Title 37-B, section 742 due to the outbreak of COVID-19 and for 30 days following the termination of that state of emergency, a municipal treasurer may disburse money on the authority of a warrant drawn for that purpose seen and signed individually by a majority of the municipal officers outside of a public meeting.

Sec. D-3. Postponement of secret ballot election. Notwithstanding any law or municipal charter provision or ordinance to the contrary, during calendar year 2020, the municipal officers may postpone the date of a scheduled municipal secret ballot election when nomination papers have already been issued or filed by posting notice in a conspicuous public location at least 2 days prior to the date of the election. The notice must be signed by a majority of the municipal officers and must either:

1. State a specific date and time during which the polls will be open to complete the election; or
2. State that the date of a rescheduled election will be determined by the municipal officers.

The rescheduled election must be noticed by a warrant calling the election that is approved and posted pursuant to the Maine Revised Statutes, Title 30-A, section 2523 at least 7 days prior to the date of the rescheduled election.

If ballots have been printed for the postponed election, the municipality may use those ballots despite inclusion of the original election date. If absentee ballots have been issued and returned, the municipality shall use the ballots printed for the originally scheduled election. The municipal clerk shall safeguard and secure any absentee ballots already returned until the date of the rescheduled election and shall process them as required by Title 21-A. During the interim period between the originally scheduled election and rescheduled election, the clerk may continue to issue and accept absentee ballots and applications and allow voting in the presence of the clerk pursuant to Title 21-A.

A municipal secret ballot referendum election is subject to the same rescheduling, ballot and absentee ballot provisions as set forth in this section.

Sec. D-4. Retroactivity; repeal. This Part applies retroactively to March 1, 2020 and is repealed January 15, 2021.

§2528. Secret ballot

The following provisions govern a town's use of a secret ballot for the election of town officials or for municipal referenda elections. A vote by secret ballot takes precedence over a vote by any other means at the same meeting. [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

5. Referendum questions. By order of the municipal officers or on the written petition of a number of voters equal to at least 10% of the number of votes cast in the town at the last gubernatorial election, but in no case less than 10, the municipal officers shall have a particular article placed on the next ballot printed or shall call a special town meeting for its consideration. A petition or order under this subsection is subject to the filing provisions governing nomination papers under subsection 4.

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

A. The requirement for public hearing is not a prerequisite to the valid issuance of any bond, note or other obligation of a municipality authorized to borrow money by vote under any such particular article. [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

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

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

(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. [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

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. [PL 2003, c. 569, §2 (NEW).]
[PL 2003, c. 569, §2 (AMD).]

SECTION 4

PUBLIC Law, Chapter 617, LD 2167, 129th Maine State Legislature

An Act To Implement Provisions Necessary to the Health, Welfare and Safety of the Citizens of Maine in Response to the COVID-19 Public Health Emergency

PART G

Sec. G-1. 1 MRSA §403-A is enacted to read:

§ 403-A. Public proceedings through remote access during declaration of state of emergency due to COVID-19

1. Remote access. Notwithstanding any provision of law or municipal charter provision or ordinance to the contrary, during a state of emergency declared by the Governor in accordance with Title 37-B, section 742 due to the outbreak of COVID-19, a body subject to this subchapter may conduct a public proceeding through telephonic, video, electronic or other similar means of remote participation under the following conditions:

A. Notice of the public proceeding has been given in accordance with section 406, and the notice includes the method by which the public may attend in accordance with paragraph C;

B. Each member of the body who is participating in the public proceeding is able to hear and speak to all the other members during the public proceeding and members of the public attending the public proceeding in the location identified in the notice given pursuant to paragraph A are able to hear all members participating at other locations;

C. The body determines that participation by the public is through telephonic, video, electronic or other similar means of remote participation; and

D. All votes taken during the public proceeding are taken by roll call vote.

2. Application to legislative proceedings. This section does not apply to public proceedings of the Legislature, a legislative committee or the Legislative Council, except that while the state of emergency as set out in subsection 1 is in effect, the Legislature, a legislative committee or the Legislative Council may restrict attendance by the public to remote access by telephonic, video, electronic or other similar means. This section also does not apply to town meetings held pursuant to Title 30-A, section 2524 or regional school unit budget meetings pursuant to Title 20-A, section 1483.

3. Repeal. This section is repealed 30 days after the termination of the state of emergency as set out in subsection 1.

§2528. Secret ballot

The following provisions govern a town's use of a secret ballot for the election of town officials or for municipal referenda elections. A vote by secret ballot takes precedence over a vote by any other means at the same meeting. [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

1. Acceptance by town. When any town accepts this section at a meeting held at least 90 days before the annual meeting, the provisions of this section apply to the election of all town officials required by section 2525 to be elected by ballot, except the moderator, who shall be elected as provided in section 2524, subsection 2.

A. The provisions of this section relating to the nomination of town officials by political caucus apply only when a town separately accepts those provisions at a meeting held at least 90 days before the annual meeting. If any town accepts those provisions, they remain effective until the town votes otherwise. [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

B. A town may accept only the provisions of subsection 4, relating to the nomination of town officials, as provided in section 2527. [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

[PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

2. Designation, number and terms of officials. At the time of acceptance, the town shall determine, by a separate article in the warrant, which other officials are to be elected according to this section, and may determine the number and terms of selectmen, assessors and overseers according to section 2526.

A. After the determination under this subsection, a town may not change the designation, number or terms of town officials, except at a meeting held at least 90 days before the annual meeting. [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

[PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

3. Voting place specified; polls. The warrant for a town meeting for the election of officials must specify the voting place, which must be in the same building or a building nearby where the meeting is to be held. The warrant for a town meeting for the election of officials that occurs at the same time as voting in federal, state or county elections, but not at the same time as a town meeting held for other purposes, may specify the same voting places as those used by the town for federal, state or county elections. The warrant must specify the time of opening and closing the polls, which must be kept open at least 4 consecutive hours.

A. In the warrant for a town meeting under this section, the municipal officers may designate the date of the election and designate another date within 14 days of the date set for elections as the time for considering the other articles of business in the warrant. [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

[PL 2003, c. 569, §1 (AMD).]

4. Nomination papers; caucuses. The nomination for any office shall be made by nomination papers or by political caucus as provided in this subsection.

§2525. Annual meeting

1. Officials required to be elected. Each town shall hold an annual meeting at which the following town officials shall be elected by ballot:

A. Moderator; [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

B. Selectmen; and [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

C. School committee. [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

[PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

2. Other officials. A town, at a meeting held at least 90 days before the annual meeting, may designate other town officials to be elected by ballot. The election of officials at the last annual town meeting is deemed to be such a designation until the town acts otherwise at a meeting held at least 90 days before the annual meeting at which the election will be held.

[PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD); PL 1989, c. 659 (AMD).]

3. Limitation. A town official may not be elected on a motion to cast one ballot.

[PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

SECTION HISTORY

PL 1987, c. 737, §§A2,C106 (NEW). PL 1989, c. 6 (AMD). PL 1989, c. 9, §2 (AMD). PL 1989, c. 104, §§C8,10 (AMD). PL 1989, c. 659 (AMD).

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§2528. Secret ballot

The following provisions govern a town's use of a secret ballot for the election of town officials or for municipal referenda elections. A vote by secret ballot takes precedence over a vote by any other means at the same meeting. [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

4. Nomination papers; caucuses. The nomination for any office shall be made by nomination papers or by political caucus as provided in this subsection.

A. The municipal clerk shall make nomination papers available to prospective candidates during the 40 days before the filing deadline. Before issuing nomination papers, the clerk must complete each sheet by writing in the name of the candidate and the title and term of office being sought.

(1) Nomination papers must be signed by the following number of voters based on the population of the town according to the last Federal Decennial Census of the United States:

- (a) Not less than 3 nor more than 10 in towns with a population of 200 or less;
- (b) Not less than 10 nor more than 25 in towns with a population of 201 to 500; and
- (c) Not less than 25 nor more than 100 in towns with a population of more than 500.

(2) Each voter who signs a nomination paper shall add the voter's residence with the street and number, if any. The voter may sign as many nomination papers for each office as the voter chooses, regardless of the number of vacancies to be filled. [PL 1995, c. 102, §1 (AMD).]

B. At the end of the list of candidates for each office, there must be left as many blank spaces as there are vacancies to be filled in which a voter may write in the name and, if residence in the municipality is not a requirement to hold office, municipality of residence of any person for whom the voter desires to vote. A sticker may not be used to vote for a write-in candidate in any municipal election other than a primary election. [PL 1991, c. 83, §1 (AMD).]

C. Completed nomination papers or certificates of political caucus nomination must be filed with the clerk during business hours by the 60th day prior to election day. They must be accompanied by the written consent of the person proposed as a candidate agreeing:

- (1) To accept the nomination if nominated;
- (2) Not to withdraw; and
- (3) If elected at the municipal election, to qualify as such municipal officer.

When these papers and certificates are filed, the clerk shall make them available to public inspection under proper protective regulations. The clerk shall keep them in the office for 6 months. [PL 2017, c. 248, §9 (AMD).]

D. A nomination paper or a certificate of political caucus nomination that complies with this section is valid unless a written objection to it is made to the municipal officers by the 58th day prior to election day.

- (1) If an objection is made, the clerk shall immediately notify the candidate affected by it.
- (2) The municipal officers shall determine objections arising in the case of nominations. Their decision is final. [PL 2017, c. 475, Pt. C, §9 (AMD).]

E. Notwithstanding this subsection, when the municipal officers determine to fill a vacancy under section 2602, which must be filled by election, the municipal officers may designate a shorter time period for the availability of nomination papers, but not less than 10 days before the filing deadline, and may designate a shorter time period for the final date for filing nomination papers, but not less than the 14th day before election day. Notice of the designation shall be posted in the same place

or places as town meeting warrants are posted and local representatives of the media shall be notified of the designation. [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

[PL 2017, c. 475, Pt. C, §9 (AMD).]

5. Referendum questions. By order of the municipal officers or on the written petition of a number of voters equal to at least 10% of the number of votes cast in the town at the last gubernatorial election, but in no case less than 10, the municipal officers shall have a particular article placed on the next ballot printed or shall call a special town meeting for its consideration. A petition or order under this subsection is subject to the filing provisions governing nomination papers under subsection 4.

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

A. The requirement for public hearing is not a prerequisite to the valid issuance of any bond, note or other obligation of a municipality authorized to borrow money by vote under any such particular article. [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

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

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

(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. [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

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. [PL 2003, c. 569, §2 (NEW).]

[PL 2003, c. 569, §2 (AMD).]

§5721-A. Limitation on municipal property tax levy

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

D. "Property tax levy" means the total annual municipal appropriations, excluding assessments properly issued by a county of which the municipality is a member and amounts governed by and appropriated in accordance with Title 20-A, chapter 606-B, and amounts appropriated to pay assessments properly issued by a school administrative unit or tuition for students or amounts attributable to a tax increment financing district agreement or similar special tax district, reduced by all resources available to fund those appropriations other than the property tax. [PL 2005, c. 12, Pt. WW, §11 (AMD).]

E. [PL 2015, c. 267, Pt. L, §15 (RP).]

7. Process for exceeding property tax levy limit. A municipality may exceed or increase the property tax levy limit only by the following means.

A. If the municipal budget is adopted by town meeting or by referendum, the property tax levy limit may be exceeded by the same process that applies to adoption of the municipal budget except that the vote must be by written ballot on a separate article that specifically identifies the intent to exceed the property tax levy limit. [PL 2005, c. 2, Pt. C, §1 (NEW); PL 2005, c. 2, Pt. C, §§3, 5 (AFF); PL 2005, c. 12, Pt. WW, §16 (AFF).]

B. If the municipal budget is adopted by a town council or city council, the property tax levy limit may be exceeded only by a majority vote of all the elected members of the town council or city council on a separate article that specifically identifies the intent to exceed the property tax levy limit. Unless a municipal charter otherwise provides or prohibits a petition and referendum process, if a written petition, signed by at least 10% of the number of voters voting in the last gubernatorial election in the municipality, requesting a vote on the question of exceeding the property tax levy limit is submitted to the municipal officers within 30 days of the council's vote pursuant to this paragraph, the article voted on by the council must be submitted to the legal voters in the next regular election or a special election called for that purpose. The election must be held within 45 days of the submission of the petition. The election must be called, advertised and conducted according to the law relating to municipal elections, except that the registrar of voters is not required to prepare or the clerk to post a new list of voters and absentee ballots must be prepared and made available at least 14 days prior to the date of the referendum. For the purpose of registration of voters, the registrar of voters must be in session the secular day preceding the election. The voters shall indicate by a cross or check mark placed against the word "Yes" or "No" their opinion on the article. The results must be declared by the municipal officers and entered upon the municipal records. [PL 2005, c. 12, Pt. WW, §12 (AMD).]

[PL 2005, c. 12, Pt. WW, §12 (AMD).]

