



Maine Municipal Association

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Testimony of the Maine Municipal Association

In Support of

LD- 1274 An Act Regarding 2021 Municipal Elections and Town Meetings

April 16, 2021

Senator Baldacci, Representative Matlack and distinguished members of the Joint Standing Committee on State and Local Government, my name is Rebecca Graham, and I am providing testimony in support of 1274 on behalf of MMA which is a bill that Rep. Hepler submitted on the Association's behalf.

First of all, we thank Rep. Hepler for bringing this bill forward which assists municipalities with managing municipal government during these incredibly challenging times.

This bill creates a process for the continuation of government operations under COVID-19 protocols for this year. Additionally, the retroactive application of these provisions protects municipalities who acted in good faith to carry out municipal elections and pass municipal budgets in line with Center for Disease Control recommendations and actions authorized by Executive Order. These actions remain necessary to provide municipalities flexible options to protect staff and residents while meeting municipal election requirements and keeping local government operational.

While the Governor worked in conjunction with MMA to provide executive orders to assist communities with emergency changes necessary to maintain municipal operation, the Attorney General's Office believes that only the Legislature has the authority to "notwithstanding" charter provisions. This bill contains an important retroactive provision that protects municipalities who conducted elections via referendum under the existing state of emergency and allows this practice to continue until January 2021.

Additionally, the bill allows the use of secret ballot or referendum to pass a municipal budget in communities that have not adopted the referendum process, authorizes the use of a hand count to surpass an "LD 1" limit during a state of emergency; 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; 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; 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, and requires that any secret ballot election rescheduled under this Act must be noticed by a warrant calling the election that is approved and posted pursuant to Title 30-A, section 36 §2523 at least 7 days prior to the date of the rescheduled election; and again adds the retroactive provision identified as necessary by the AG's office.

It is worth noting that MMA did receive member feedback that this committee may want to consider. Small municipalities operating on a calendar year basis indicated that the expiration date of this bill comes at a time when they are getting into full swing with preparing for the local election/town meeting. For instance, Mercer's Annual Town Meeting is usually the first Saturday in March. This year that municipal election was in March, but that community held off on the annual meeting until April. Those communities have some concern with what January will look like with regard to the pandemic. They are suggesting that the committee extend the repeal of this resolve from January 15, 2022 until March 31, 2022 to accommodate calendar year communities.

Municipal officials need this authority as they are in the midst of budget and election season under the existing state of emergency that is anticipated to continue for the foreseeable future. As such municipal officials ask that you please support your municipal partners and LD 1274.