

**LD 1536 An Act Regarding Municipal Public Hearings on Citizen-initiated Municipal Referenda**

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/slg-meeting-materials-130th-legislature>

**SUMMARY**

This concept draft, as amended by the sponsor, specifies that when a municipality holds the required public hearing on a written petition article, the hearing must include a substantive discussion of the item or items for which the referendum was initiated.

**TESTIMONY\***

**Sponsor:** Representative Bradstreet

- Often the public hearings held by municipalities are limited to a discussion of whether the procedural requirements of the citizen's petition were met and not a discussion of the substance.

**Proponents;** Portland Regional Chamber of Commerce by Eamonn Dundon; MMA by Rebecca Graham

- Reform and improve transparency in municipal citizen-initiated referenda

**Opponents:** none

**NFNA:** MMA by Rebecca Graham

- MMA legislative policy committee had not met on this bill so there is no official position
- It is the article not the petition that receives the public hearing
- Communities with charters would not be governed by the statute (e.g. Portland)

**written only:** Michael Picher; holly Littlefield; Linda Reardon; Gina LeDuc-Kuntz;

**MATTERS FOR CONSIDERATION**

"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"

**FISCAL IMPACT – Preliminary (OFPR)**

None provided as of this date.

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

*SPONSOR'S AMENDMENT***An Act Regarding Municipal Public Hearings on Citizen-initiated Municipal Referenda**

Be it enacted by the People of the State of Maine as follows:

**Sec. 1. 30- A MRSA §2528, sub-§5** is amended to read:

**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. A public hearing on an article initiated by the written petition shall include a substantive discussion of the item or items for which the referendum was initiated. 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.
- 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.
- 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.