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Legislative Document

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H.P. 56

House of Representatives, January 15, 2019

**An Act To Establish a Recall Process for Elected Officials in
Plantations**

(EMERGENCY)

Reference to the Committee on State and Local Government suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative DEVIN of Newcastle.

1 **Emergency preamble. Whereas,** acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** plantations conduct official business that must be attended to on a daily
4 basis, mostly by a small group of officials; and

5 **Whereas,** the inability to remove officials from office in plantations when those
6 officials either fail to perform the duties required of the office or engage in misconduct
7 directly affects the ability of the plantation to conduct its official business, which has a
8 negative effect on the public interest and is of a direct concern to the State; and

9 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
10 the meaning of the Constitution of Maine and require the following legislation as
11 immediately necessary for the preservation of the public peace, health and safety; now,
12 therefore,

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

14 **Sec. 1. 30-A MRSA §7011** is enacted to read:

15 **§7011. Recall of plantation officials**

16 An elected official of a plantation may be recalled from office pursuant to this
17 section.

18 **1. Petition for recall.** On the written petition pursuant to subsection 5 of a number
19 of voters equal to at least 10% of the number of votes cast in the plantation at the last
20 gubernatorial election, an election must be held to determine the recall of an elected
21 official of that plantation.

22 **2. Notice of intention.** In order to initiate a recall election under subsection 1, the
23 initiator of the petition shall file a notice of intention of recall with the clerk of the
24 plantation. A notice of intention of recall under this subsection must include the name,
25 address and contact information of the person filing the notice and the name and position
26 of the official subject to recall under this section. Only a person registered to vote in the
27 plantation may file a notice of intention of recall under this subsection.

28 **3. Petition forms.** Within 3 business days of receipt of a notice of intention of recall
29 under subsection 2, the clerk of the plantation shall prepare petition forms for the
30 collection of signatures under subsection 4 and send notice to the initiator of the petition
31 under subsection 2 that the petition forms are available. The plantation may charge the
32 initiator of the petition a reasonable fee for preparing and providing the petition forms
33 under this subsection. A petition form under this subsection must include:

34 A. At the top of the form, the name and position of the official subject to recall, the
35 name and contact information of the initiator of the petition and the date by which the
36 signatures must be submitted to the clerk of the plantation under subsection 4;

37 B. Spaces for each voter's signature, actual street address and printed name; and

1 C. Space at the bottom of the form for the name, address and signature of the person
2 circulating the petition form.

3 **4. Collection and submission of signatures.** A petition form under subsection 3
4 may be circulated or signed only by a registered voter of the plantation. A circulator of a
5 petition form shall fill in the information required under subsection 3, paragraph C and
6 sign the form prior to submission of the form to the clerk of the plantation. The initiator
7 of the petition under subsection 2 shall collect the petition forms from all circulators and
8 submit the signed petition forms to the clerk within 14 days of receipt of notice from the
9 clerk that the petition forms are available under subsection 3. A clerk may not accept a
10 petition form submitted more than 14 days after sending notice of availability to the
11 initiator under subsection 3, and any voter signatures on that form are invalid.

12 **5. Petition certification and notification.** Within 7 business days of receiving
13 petition forms under subsection 4, the clerk of the plantation shall determine whether the
14 petition forms meet the criteria under subsection 4 and certify the validity of any
15 signatures on the petition forms. If the clerk finds that the number of valid signatures
16 submitted under subsection 4 meets or exceeds the requirements under subsection 1, the
17 clerk shall certify the petition and immediately send notification of the certification to the
18 officers of the plantation, the initiator of the petition and the official subject to the recall.
19 If the clerk finds the number of valid signatures submitted under subsection 4 does not
20 meet the requirements for a petition under subsection 1, the clerk shall file the petition
21 and the petition forms in the clerk's office and notify the initiator of the petition.

22 **6. Scheduling recall election.** Within 10 business days of certification of the
23 petition under subsection 5, the officers of the plantation shall schedule a recall election
24 to determine whether the official subject to the recall petition should be recalled. The
25 election must be held no less than 45 days nor more than 75 days after certification of the
26 petition under subsection 5 unless an annual meeting under section 7004 is scheduled to
27 be held within 90 days of the certification of the petition under subsection 5, in which
28 case the recall election must be held on the date of the annual meeting. If the officers of
29 the plantation fail to schedule a recall election within 10 days of certification of the recall
30 petition under subsection 5, the clerk of the plantation shall schedule the recall election
31 pursuant to the date requirements of this subsection.

32 **7. Ballots for recall election.** If the official subject to the recall does not resign
33 from office within 10 business days of certification of the recall petition under subsection
34 5, the ballots for the recall election under subsection 6 must be printed. A ballot for a
35 recall election under this section must read:

36 "Do you authorize the recall of (name of official) from the position of
37 (name of office)?
38 () Yes () No"

39 **8. Results of recall election.** Within 2 business days of a recall election under
40 subsection 6, the clerk of the plantation shall certify and record the election results and
41 notify the officers of the plantation of those results. If a majority of voters vote to remove
42 the official, the recall takes effect on the date the election results are recorded pursuant to
43 this subsection.

