

Bond Case Briefs

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BALLOT INITIATIVES - MAINE

Brunswick Citizens for Collaborative Government v. Town of Brunswick

Supreme Judicial Court of Maine - July 12, 2018 - A.3d - 2018 WL 3384530 - 2018 ME 95

Town citizens filed a petition for review of town council's decision to take no action on an initiative petition, and a declaratory judgment complaint, alleging town charter permitted voters to enact, by initiative, an ordinance that would have the effect of overturning town council's decision to sell a piece of waterfront property.

The Cumberland Superior Court concluded town council had acted outside the bounds of its discretion, but determined the issue had been rendered moot by the sale of the property, and granted judgment in favor of town. Citizens appealed.

The Supreme Judicial Court of Maine held that:

- Town's sale of the property rendered initiative petition moot;
- Sale of the property rendered citizen's declaratory judgment action moot; and
- Declaratory judgment complaint did not fit within the exception to the mootness doctrine permitting review of questions of great public concern.

Citizens' initiative petition, seeking to enact ordinance to require town to retain a waterfront parcel for use as a public park and for access to shellfish harvesters, was rendered moot by town's sale of the parcel.

Town's sale of waterfront property rendered citizen's declaratory judgment action, alleging town charter permitted voters to enact, by initiative, an ordinance that would have the effect of overturning town council's decision to sell a piece of waterfront property, moot.

Town citizens' complaint for a declaration that town charter permitted voters to enact, by initiative, an ordinance that would have the effect of overturning town council's decision to sell a piece of waterfront property did not fit within the exception to the mootness doctrine permitting review of questions of great public concern; while the issue was public in nature, the authoritative nature of any ruling would be minimal, have little bearing on other town charters, and there was no evidence that the specific question would recur in a similar fashion.