

Bond Case Briefs

Municipal Finance Law Since 1971

CHARTER AMENDMENTS - MAINE

Good v. Town of Bar Harbor

Supreme Judicial Court of Maine - July 2, 2024 - A.3d - 2024 WL 3262053 - 2024 ME 48

Residents brought action against town, seeking a declaratory judgment that voter-adopted modifications to the town's charter were null and void.

The Superior Court granted residents' motion for summary judgment and denied town's motion for summary judgment. Town moved to alter or amend the judgment, and the Superior Court denied the motion. Town appealed.

The Supreme Judicial Court held that:

- Charter commission's proposed changes to town's charter were modifications that could be presented to voters in separate questions, and
- Any procedural irregularities did not have a material and substantial adverse effect on the outcome sufficient to justify invalidating the vote of charter amendments.

Charter commission's proposed changes to town's charter were modifications under the Home Rule Act that could be presented to voters in separate questions rather than revisions which required a single question; the commission's discrete proposals reflected limited changes in 19 areas within the town's current charter structure rather than a major, integrated revision of the charter in its entirety.

The appellate record did not support a finding that any procedural flaw under the Home Rule Act in the election of voters to town's charter commission materially and substantially affected the ultimate vote on the commission's recommendation for charter amendments sufficient to justify invalidating the vote; residents challenging the results of the vote did not submit a copy of the charter in effect at the relevant time to support their argument that the commission members were not properly elected.