

PORTLAND CHARTER REVIEW PROCESS: AN OVERVIEW

1. What is a municipal Charter?

A municipal charter is the equivalent of a local constitution, governing the form and powers of the municipal government and the general responsibilities of the legislative and the administrative powers. Until 1970, the Maine State Legislature had to approve all municipal charters. With passage of the "Home Rule" amendment to the Maine Constitution and the subsequent Home Rule state law, the City is authorized to alter or amend its charter "on all matters, not prohibited by Constitution or law, which are local and municipal in character." Second, the City may, through ordinance or by-law, "exercise any power or function which the legislature has power to confer upon it, which is not denied either expressly or by clear implication, and exercise any power or function granted to the municipality by the Constitution, general law or charter."

2. Who approves municipal charter revisions?

Charters no longer need the approval of the State legislature. State law, however, governs the method by which a Charter may be amended or revised. They may be revised, i.e., a change made in the form of the municipal government, only by organization of a Charter Commission which will make recommended changes to the Charter, which will then be placed on the ballot for approval by the voters.

3. What is the Portland Charter Commission?

Portland voters elected to establish a Charter Commission in November, 2008. The vote created a Commission, but did not direct the Commission to consider or recommend any particular changes to the Charter. In December, 2008 the Council appointed three members of the Commission and set June, 2009 as the election for 5 district and 4 at large members. The Commission held an introductory meeting (June 18, 2009), and its initial business meeting (July 2, 2009). The first of several public hearings is July 16 at 6:00 PM in Council Chambers to hear from the public on what problem should be solved and issues considered by the Commission as well as general comments on the Commission's functions.

4. What is the timeline for the Commission's work?

By statute, the Commission must issue a preliminary report by March 9, 2010 and a final report by June 9, 2010. However, the Commission can apply for extensions for up to 2 years (to June 9, 2011). The Commission has agreed to a target schedule of a final report by the end of July, 2010 in order to have any recommendations on the November 2010 ballot. If a majority of the ballots cast support the charter revision, then the charter revision becomes effective, **provided that the total number of votes cast for and against the question equals or exceeds 30% of the total votes cast in Portland at the last gubernatorial election.**

Background information including the current Charter, the State legislation on Charter change, the agendas and minutes of meeting are available on the City's website at <http://www.portlandmaine.gov/charter/chartercommission.asp>.