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M E M O R A N D U M

TO: Town of Lisbon Town Council

FROM: Kristin M. Collins

DATE: July 8, 2025

RE: **Proposed Charter Amendment**

Recently a citizen petition (the "Petition") was submitted to the Town of Lisbon (the "Town") seeking to modify a portion of the Town Charter. I have reviewed the Petition in accordance with 30-A M.R.S. § 2104(4) and (5).

I. The Petition Is Permitted Under State Law

Following Maine's adoption of "home rule" in 1969, Maine municipalities have the power to "alter or amend their charters on all matters, not prohibited by the Constitution or general law, which are local and municipal in character." Me. Const., Art. VII, pt 2, § 1. However, municipalities are not permitted to regulate in areas that have been preempted by the state legislature. *Perkins v. Town of Ogunquit*, 1998 ME 42, ¶ 7, 709 A.2d 106. The budget process is appropriately addressed by a municipal charter. I find nothing in the Constitution or general law which prohibits the budget validation process sought to be implemented by the petitioned amendment.

II. The Petition Requests a Charter Amendment

Charter modifications may be grouped into two categories, revisions and amendments. This classification is important as it determines the process through which the proposed modification is evaluated and, potentially, adopted. The distinction between a charter amendment and a charter revision is fundamentally one of scope, encompassing both the breadth of what would be affected and the depth of what would be altered. *Fair Elections Portland, Inc. v. City of Portland,* 2021 ME 32, ¶¶ 28-34, 252 A.3d 504. Essentially, an amendment does not make a profound or fundamental alteration to the essential character or core operations of a municipality. *Id*. In addition, because every municipality's charter is unique, whether a particular charter modification constitutes a revision or amendment is a highly fact-specific inquiry. *Id.* at ¶ 34.

The Petition seeks to modify the budget adoption process employed by the Town by adding a required budget validation referendum following adoption of the budget by the Council. The petitioned Charter change, if adopted, could have sweeping impacts on the Town's fiscal

operations by delaying finalization of the budget process, potentially impacting the ability of the Town to timely commit taxes, and, if a validation referendum fails, requiring the Town to function on 66% of the prior year's approved budget. While the proposed changes would be difficult to administer within the existing charter-prescribed budget process, they are not inherently in conflict with any existing Charter provision. Moreover, they relate only to one subject matter – budget adoption. For these reasons, I conclude that the petition seeks a charter amendment, and that there is no need to call for a charter commission pursuant to 30-A M.R.S. § 2104(4).



Kristin Collins, Town Attorney