

## Maine Legislature Overturns Stevenson

[Robert J. Crawford, Esq.](#) | June 27, 2007

**LD 1906, "An Act to Clarify the Authority of Boards and Committees," was introduced to address the problems and uncertainties created by the recent *Stevenson v. Kennebunk* case (2007 ME 55), which dealt with vacancies in administrative bodies.**

In *Stevenson*, the Law Court held that when an administrative body is required by charter, statute, or ordinance to consist of a specific number of members and there is a vacancy on the board, the board is not legally constituted and may not conduct business until the vacancy is filled. Any decisions made by remaining board members (even when meeting as a quorum) are null and void.

Though the case dealt with the authority of a local board of assessment review, it had broad ramifications on many other matters decided by local governmental bodies before and after the Law Court's decision was announced in April of this year.

LD 1906 specifically addresses the impact of vacancies in county and municipal administrative bodies. **The new law declares that when a statute, charter, or ordinance gives authority to three or more persons, it will be presumed that a majority of two or more may act and bind the body unless a statute, charter, or ordinance otherwise directs.** Municipalities that want to include the limitations established by the *Stevenson* case will now be required to enact such restrictions through their charters or ordinances.

The Legislature passed the bill (Public Law 2007 Chapter 396) and the Governor signed it on June 21, 2007, giving it immediate effect. In addition, the Legislature made this bill retroactive, making it applicable to all actions before June 21 and also those occurring before April 26, 2007 (the date of the *Stevenson* decision).

*For more information on the impact of LD 1906, call your Bernstein Shur attorney or contact Robert J. Crawford, Esq. at 207 228-7208 or [rcrawford@bernsteinshur.com](mailto:rcrawford@bernsteinshur.com).*