

Town of Monroe Local Self-government Ordinance Warrant Article

Article No. _____ of _____, _____, 2010

Section 1. Name. The name of this Warrant article shall be the "Town of Monroe Local Self-Government Ordinance."

Section 2. Summation of purpose: In order to secure the health, safety, welfare, and rights of citizens of the Town of Monroe no corporation doing business within the Town of Monroe shall be recognized as a "natural person" under the United States or Maine State Constitutions.

Section 3. General Purpose. The General purpose of this Ordinance is to guarantee to the residents of the town of Monroe their right to self-government and endow the citizens of the town of Monroe the legal right to protect the health, safety, well being of it's citizens and protect the town's natural assets.

Specific Purpose. The Specific Purpose of this Ordinance is to declare that no corporation doing business within the Town of Monroe shall be recognized as a "natural person" under the United States or Maine Constitutions or laws of the United States or Maine, nor shall the corporation be afforded the protections of the Contracts Clause or Commerce Clause of the United States Constitution, or similar provisions found within the Maine Constitution, within the Town of Monroe.

Section 4. Authority. This Ordinance is adopted and enacted pursuant to the inherent authority of the residents of the town of Monroe to self-government, and to authority granted to the town of Monroe by all relevant state and federal Constitutions and laws, including, but not limited to, the following:

1. The Declaration of Independence, which declares that the people are born with "certain unalienable rights" and that governments are instituted among people to secure those rights.

2. The Maine State Constitution Section 1. Natural rights. All people are born equally free and independent, and have certain natural, inherent and unalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing and protecting property, and of pursuing and obtaining safety and happiness.

3. The Maine State constitution- Section 2. Power inherent in people. All power is inherent in the people; all free governments are founded in their authority and instituted for their benefit; they have therefore an unalienable and indefeasible right to institute government, and to alter, reform, or totally change the same, when their safety and happiness require it.

4. Section 3001 of Title- 30A of the Maine revised Statutes, which grants municipalities all powers necessary to protect the health, safety, and welfare of the residents of that municipality.

5. The Maine State Constitution Section 24. Other rights not impaired. The enumeration of certain rights shall not impair nor deny others retained by the people.

Section 5. Statement of Law. No corporation doing business within the Town of Monroe shall be recognized as a "natural person" under the United States or Maine State Constitution or laws of the United States or the State of Maine, nor shall the corporation be afforded the protections of the Contracts Clause or Commerce Clause of the United States Constitution, or similar provisions found within the Maine Constitution, within the Town of Monroe.

Section 6. Rights. The citizens of the Town of Monroe being equally free and independent having certain natural, inherent and unalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing and protecting property, and of pursuing and obtaining safety, health and happiness have the right to have access to clean air, viable soil, and clean water, and the responsibility to protect our natural assets through self governance.

Section 7. People's Right to Self-Governance and Right of Separation. The foundation for the making and adoption of this law is the people's fundamental and inalienable right to govern themselves, and thereby secure our rights to life, liberty, property, and pursuit of happiness. Any attempts to use county, state, or federal levels of government – judicial, legislative, or executive - to preempt, amend, alter, or overturn this Ordinance or parts of this Ordinance, or to intimidate the people of the town of Monroe or their elected officials, shall require the Board of selectmen to hold public meetings that explore the adoption of other measures that expand local control and the ability of residents to protect their fundamental and inalienable right to self-government. Such consideration may include actions to separate the municipality from the other levels of government used to preempt, amend, alter, or overturn the provisions of this Ordinance or other levels of government used to intimidate the people of the town of Monroe or their elected officials.

Section 8. Civil Rights Enforcement. Any Town resident shall have standing and authority to bring an action under this Warrant Article's civil rights provisions, or under state and federal civil rights laws, for violations of the rights of Town residents, our community, or our natural assets, as recognized by this Warrant Article.

Section 9. Prohibition on Challenge. The Selectboard of the Town of Monroe or any other agent or agency of the Town shall be prohibited from taking any action to annul, amend, or overturn this Warrant Article, unless such action is approved by a prior Town Meeting at which two-thirds (2/3) of the residents of the Town attending the Town Meeting approve such action.

Section 10. Severability. The provisions of this Ordinance are severable. If any court of competent jurisdiction decides that any section, clause, sentence, part, or provision of this Ordinance is illegal, invalid, or unconstitutional, such decision shall not affect, impair, or invalidate any of the remaining sections, clauses, sentences, parts, or provisions of the Ordinance. The Board of Selectmen of the town of Monroe hereby declares that in the event of such a decision, and the determination that the court's ruling is legitimate, it would have enacted this Ordinance even without the section, clause, sentence, part, or provision that the court decides is illegal, invalid, or unconstitutional.

Section 11. Effective Date. This Ordinance shall take effect after enactment by the town of Monroe.

Section 12. Repealer. All inconsistent provisions of prior Ordinances adopted by the Town of Monroe are hereby repealed, but only to the extent necessary to remedy the inconsistency.

ENACTED AND ORDAINED this ____ day of _____, 2010, by the Board of Selectmen and the citizens of the town of Monroe, Waldo county Maine.

Glossary:

Natural asset- natural communities and ecosystems existing in or caused by nature

Natural person- existing in or caused by nature; not made or caused by humankind