

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 1454

H. P. 1118

House of Representatives, March 12, 1973

Referred to Committee on Legal Affairs. Sent up for concurrence and ordered printed.

E. LOUISE LINCOLN, Clerk

Presented by Mr. Emery of Rockland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

AN ACT Clarifying Certain Municipal Laws.

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. R. S., T. 20, § 225, sub-§ 2, ¶ G, amended. The first sentence of paragraph G of subsection 2 of section 225 of Title 20 of the Revised Statutes, as amended by section 2 of chapter 611 of the public laws of 1971, is further amended to read as follows:

The voting at meetings held in towns shall be held and conducted in accordance with Title 30, sections 2061 to ~~2064~~ 2065, even though the town has not accepted the provisions of ~~said~~ sections 2061 and 2062.

Sec. 2. R. S., T. 20, § 226, sub-§ 5, amended. Subsection 5 of section 226 of Title 20 of the Revised Statutes, as repealed and replaced by section 5 of chapter 611 of the public laws of 1971, is amended to read as follows:

5. Registration. Registration of voters for the district budget meeting shall be held in each member municipality in accordance with the time schedule specified in Title 21, section 631, subsection 3 ~~regardless of population, notwithstanding any other provision of statute.~~

Sec. 3. R. S., T. 30, § 1905, additional. Title 30 of the Revised Statutes is amended by adding a new section 1905 to read as follows:

§ 1905. Unconditional gifts

A gift without conditions, of any type of property, offered to a municipality shall be accepted or rejected by the legislative body.

Sec. 4. R. S., T. 30, § 2053, amended. Section 2053 of Title 30 of the Revised Statutes is amended to read as follows:

§ 2053. Petition for article in warrant

On the written petition of a number of voters equal to at least 10% of the number of votes cast in the town at the last gubernatorial election, but in no case less than 10, the ~~selectmen~~ **municipal officers** shall either insert a particular article in the next warrant issued or shall **within 60 days** call a special town meeting for its consideration.

Sec. 5. R. S., T. 30, § 2054, sub-§ 2, amended. Subsection 2 of section 2054 of Title 30 of the Revised Statutes is amended to read as follows:

2. Moderator elected and sworn. The clerk, or in his absence a selectman or constable, shall open the meeting by calling for the election of a moderator **by written ballot**, receiving and counting the votes for moderator, and swearing in the moderator.

Sec. 6. R. S., T. 30, § 2054, sub-§ 3, amended. The first paragraph of subsection 3 of section 2054 of Title 30 of the Revised Statutes, is amended to read as follows:

3. Moderator presides. As soon as he has been elected and sworn, the moderator shall preside **and supervise the voting** at the meeting.

Sec. 7. R. S., T. 30, § 2054, sub-§ 3, ¶ D, additional. Subsection 3 of section 2054 of Title 30 of the Revised Statutes, as amended by chapter 306 of the public laws of 1971, is amended by adding a new paragraph D to read as follows:

D. The Moderator shall serve until the meeting is adjourned and shall be subject to the same penalties for neglect of official duty as are other town officials.

Sec. 8. R. S., T. 30, § 2054, sub-§ 5, additional. Section 2054 of Title 30 of the Revised Statutes, as amended by chapter 306 of the public laws of 1971, is amended by adding a new subsection 5 to read as follows:

5. Written ballots. Ballots shall be prepared by the town clerk, of uniform size and color, and shall be blank except that 2 squares with "yes" by one and "no" by the other may be printed on them.

The moderator shall assure that each voter receives only one ballot for each vote taken.

Sec. 9. R. S., T. 30, § 2060, sub-§ 3, amended. Subsection 3 of section 2060 of Title 30 of the Revised Statutes, as amended, is further amended to read as follows:

3. Qualifications. In order to hold a municipal office, a person must be ~~a citizen of the United States~~ a resident of the State and, at least 18 years of age and, except in the case of full-time appointed assessors, a citizen of the United States.

Sec. 10. R. S., T. 30, § 2060, sub-§ 6, ¶¶ E and F, additional. Subsection 6 of section 2060 of Title 30 of the Revised Statutes, as amended, is further amended by adding 2 new paragraphs E and F to read as follows:

E. Any town may by ordinance designate a board of appeals appointed pursuant to section 2411 as the board of assessment review.

F. A board of assessment review shall elect annually from its membership a chairman and a secretary and shall be subject to the procedural requirements of subsection 11, section 3.

Sec. 11. R. S., T. 30, § 2151, amended. The first sentence of the next to the last paragraph of section 2151 of Title 30 of the Revised Statutes is amended to read as follows:

The municipality shall provide a penalty of not more than \$100 plus costs for the violation of any ordinance authorized by this section.

Sec. 12. R. S., T. 30, § 2156, sub-§ 1, ¶ A, amended. Paragraph A of subsection 1 of section 2156 of Title 30 of the Revised Statutes, as enacted by chapter 337 of the public laws of 1969, is amended to read as follows:

A. "Code" means any published compilation of rules which has been prepared by the American Insurance Association, ~~the Building Officials Conference of America~~ **the Building Officials and Code Administrators International**, the International Conference of Building Officials, the National Fire Protection Association or the Southern Building Code Congress, and shall include specifically, but shall not be limited to: Building codes, plumbing codes, electrical wiring codes, health or sanitation codes, fire prevention codes, inflammable liquids codes, together with any other code which embraces rules pertinent to a subject which is a proper municipal legislative matter.

Sec. 13. R. S., T. 30, § 4804, sub-§ 6, amended. Subsection 6 of section 4804 of Title 30 of the Revised Statutes is amended to read as follows:

6. Relocation of families. To prepare plans and provide reasonable assistance for the relocation of families displaced from an urban renewal project area to permit the carrying out of the urban renewal project, to the extent essential for acquiring possession of, **rehabilitating**, and clearing such area or parts thereof.

Sec. 14. R. S., T. 30, § 4961, sub-§ 1, amended. The first sentence of subsection 1 of section 4961 of Title 30 of the Revised Statutes, section 2 of chapter 455 of the public laws of 1971, is amended to read as follows:

"Comprehensive plan" shall mean a compilation of policy statements, goals, standards, maps and ~~all~~ pertinent data relative to the past, present and future trends of the municipality with respect to its population, housing, economics, social patterns, land use, and water resources and their use, transportation facilities and public facilities prepared by the municipal planning board, agency or office.

Sec. 15. R. S., T. 30, § 4961, sub-§ 1, amended. The last sentence of subsection 1 of section 4961 of Title 30 of the Revised Statutes, as enacted by section 2 of chapter 455 of the public laws of 1971, is amended to read as follows:

The comprehensive plan may include planning techniques such as, but not limited to, planned unit development, site plan approval, open space zoning and clustered development.

Sec. 16. R. S., T. 30, § 4962, sub-§ 1, ¶ A, amended. Paragraph A of subsection 1 of section 4962 of Title 30 of the Revised Statutes, as enacted by section 2 of chapter 455 of the public laws of 1971, is amended to read as follows:

A. Such ordinance or provision shall be pursuant to and consistent with a comprehensive plan adopted by the legislative body.

Sec. 17. R. S., T. 30, § 4962, sub-§ 1, ¶ H, additional. Subsection 1 of section 4962 of Title 30 of the Revised Statutes, as enacted by section 2 of chapter 455 of the public laws of 1971, is amended by adding a new paragraph H to read as follows:

H. For the purposes of this subchapter, "zoning" is defined as the division of a municipality into districts and the prescription and application of different regulations in each district.

Sec. 18. R. S., T. 30, § 4964, amended. Section 4964 of Title 30 of the Revised Statutes, as enacted by section 2 of chapter 455 of the public laws of 1971, is amended to read as follows:

§ 4964. Savings provisions

Any planning board or district established and any ordinance or map adopted under a prior, inconsistent and repealed statute shall remain in effect until abolished, amended or repealed. Planning boards established pursuant to provisions of repealed section 4952, subsection 1 shall continue to be governed by those provisions until they are superseded by municipal ordinance, except that municipal officers may serve as members or associate members.

Sec. 19. R. S., T. 36, § 583, sub-§ 3, amended. Subsection 3 of section 583 of Title 36 of the Revised Statutes, as enacted by section 8 of chapter 616 of the public laws of 1971, is amended to read as follows:

3. Appeal to Superior Court. Either party may appeal from the decision of said Forestry Appeal Board to the Superior Court, ~~under the conditions provided for in section 846~~ in accordance with Rule 80B of the Maine Rules of Civil Procedure.

Sec. 20. R. S., T. 36, § 706, amended. The 3rd and 4th paragraphs of section 706 of Title 36 of the Revised Statutes are amended to read as follows:

If any person after such notice does not furnish such list, he is thereby barred of his right to make application to the assessors ~~or the county commissioners~~ for any abatement of his taxes, unless he furnishes such list with his application and satisfies them that he was unable to furnish it at the time appointed.

The assessors or any of them may require the person furnishing the list to make oath to its truth, which oath any of them may administer, and any of them may require him to answer in writing all proper inquiries as to the nature, situation and value of his property liable to be taxed in the State; and a refusal or neglect to answer such inquiries and subscribe the same bars an appeal ~~to the county commissioners~~, but such list and answers shall not be conclusive upon the assessors.

Sec. 21. R. S., T. 36, § 843, amended. The last sentence of section 843 of Title 36 of the Revised Statutes is amended to read as follows:

Either party may appeal from the decision of the board of assessment review directly to the Superior Court, ~~under conditions provided for in section 846~~ in accordance with Rule 80B of the Maine Rules of Civil Procedure.

Sec. 22. R. S., T. 36, § 844, amended. The last sentence of section 844 of Title 36 of the Revised Statutes is amended to read as follows:

Either party may appeal from the decision of said county commissioners to the Superior Court ~~under the conditions provided for in section 846~~ in accordance with Rule 80B of the Maine Rules of Civil Procedure.

Sec. 23. R. S., T. 36, § 942, amended. The next to the last paragraph of section 942 of Title 36 of the Revised Statutes is amended to read as follows:

The costs to be paid by the taxpayer shall be ~~\$4~~ \$6 plus the registered mail fees paid for sending the true copies of the tax lien certificate. Upon redemption the municipality shall prepare and record a discharge of the tax lien mortgage.