

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 1711

H. P. 1299

House of Representatives, March 29, 1973

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

E. LOUISE LINCOLN, Clerk

Presented by Mr. McMahon of Kennebunk.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

AN ACT to Clarify Municipal Appointing Authority.

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

Sec. 1. R. S., T. 30, § 2256, amended. Section 2256 of Title 30 of the Revised Statutes, as enacted by section 5 of chapter 438 of the public laws of 1969, is amended to read as follows:

§ 2256. Municipal functions

In addition to those offices and departments required by general law, a municipality may provide, by ordinance, for the performance of all necessary municipal functions. Except where specifically provided by statute or municipal ordinance, the ~~selectmen~~ **municipal officers** shall appoint ~~for a term of one year~~ all town officials and employees required by general law or by ~~the municipality~~ **municipal ordinance** and may remove such officials and employees for cause, after notice and hearing. **Unless otherwise specified, the term of all municipal officials shall be one year.**

Sec. 2. R. S., T. 30, § 2317, sub-§ 1, ¶ E, amended. Paragraph E of subsection 1 of section 2317 of Title 30 of the Revised Statutes, as enacted by section 1 of chapter 438 of the public laws of 1969, is amended to read as follows:

E. Appoint, subject to confirmation by the board of selectmen, supervise and control ~~and remove~~ the heads of departments under the control of the selectmen when the department is not headed by the town manager under paragraph D;

Sec. 3. R. S., T. 30, § 2317, sub-§ 1, ¶ F, amended. Paragraph F of subsection 1 of section 2317 of Title 30 of the Revised Statutes, as enacted by

section 1 of chapter 438 of the public laws of 1969, is amended to read as follows:

F. Unless otherwise provided by municipal ordinance, the manager shall appoint, supervise and control all town officials whom the municipal officers are required by statute to appoint; except members of boards, commissions, committees and single assessors; and ~~Appoint~~ appoint, supervise and control ~~and remove~~ all other officials, subordinates and assistants, except that he may delegate this authority to a head of a department, and report all appointments ~~and removals~~ to the board of selectmen;

Sec. 4. R. S., T. 30, § 2317, sub-§ 1, ¶ N, additional. Subsection 1 of section 2317 of Title 30 of the Revised Statutes, as enacted by section 1 of chapter 438 of the public laws of 1969, is amended by adding a new paragraph N, to read as follows:

N. Have exclusive authority to remove for cause after notice and hearing all persons whom he is authorized to appoint and report all removals to the board of selectmen.

STATEMENT OF FACT

The purpose of this bill is reflected in the title.