

MAINE STATE LEGISLATURE

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ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1376

H. P. 1097

House of Representatives, March 23, 1979

Speaker laid before the House and on Motion of Mr. LaPlante of Sabattus, referred to the Committee on Local and County Government. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Jalbert of Lewiston.

Cosponsors: Mr. Nadeau of Lewiston, Mrs. Berube of Lewiston and Mr. Simon of Lewiston.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT to Clarify Home Rule Authority.

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

Sec. 1. 20 MRSA § 476, as amended by PL 1967, c. 425, § 19, is further amended to read:

§ 476. Applicability of provisions to certain cities

Sections 471 and 472 shall not apply to cities whose charters specify the methods of ~~election~~ **selection** and term of office of a **superintending** school committee or board of education; nor to towns, cities and incorporated districts authorized by private and special laws to choose school committees other than those herein provided for.

Sec. 2. 30 MRSA § 2256, 2nd sentence, as amended by PL 1973, c. 421, § 1, is further amended to read:

Except where specifically provided by statute, **municipal charter** or municipal ordinance, the municipal officers shall appoint all town officials and employees

required by general law, by **municipal charter** or by municipal ordinance and may remove such officials and employees for cause, after notice and hearing.

Sec. 3. 30 MRSA § 2411, sub-§ 1, first sentence, as enacted by PL 1971, c. 455, § 1, is amended to read:

A municipality may establish a board of appeals and, **unless provided otherwise by municipal charter**, the municipal officers shall appoint the members and determine their compensation.

Sec. 4. 30 MRSA § 4964, last sentence, as amended by PL 1975, c. 531, § 6, is further amended to read:

Planning boards established pursuant to provisions of repealed section 4952, subsection 1 shall continue to be governed by those provisions until they are superseded by municipal **charter or ordinance** and, **unless a municipal charter otherwise provides**, the municipal officers may pay board members a set amount, not to exceed \$10, for each meeting attended.

STATEMENT OF FACT

The purposes of this bill are:

1. To clarify the language exempting certain cities from the provisions of Title 20, section 471. Certain cities were exempt from selecting school boards as provided in Title 20, section 471, by virtue of authorization by private and special law. With the advent of home rule, the same exemption is applied to charter provisions;
2. To clarify the law so as to insure the home rule power of municipalities to provide by charter as well as by ordinance for appointment of municipal officials and employees;
3. To clarify the law as to insure the home rule power of municipalities by charter to provide for appointment to a board of appeals; and
4. To clarify the home rule power of municipalities and to allow municipalities to establish planning boards by charter.