

MAINE STATE LEGISLATURE

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1 (EMERGENCY)
2 FIRST REGULAR SESSION
3

4 ONE HUNDRED AND THIRTEENTH LEGISLATURE
5

6 Legislative Document

NO. 36

8 H.P. 35 House of Representatives, January 22, 1987
9 Reported by Representative Carroll from the Committee on
10 State and Local Government. Sent up for concurrence and
11 ordered printed. Approved by the Legislative Council on April
15, 1986.

Reported from the Joint Standing Committee on State and
Local Government under Joint Rule 19.

EDWIN H. PERT, Clerk

12
13 STATE OF MAINE
14

15 IN THE YEAR OF OUR LORD
16 NINETEEN HUNDRED AND EIGHTY-SEVEN
17

18 AN ACT to Make Substantive Corrections in the
19 County and Municipal Laws.
20

21 Emergency preamble. Whereas, Acts of the Legis-
22 lature do not become effective until 90 days after
23 adjournment unless enacted as emergencies; and

24 Whereas, there exist several substantive errors,
25 ambiguities and problems in the local government laws
26 which hinder the ability of local governments in the
27 State to responsibly and effectively address problems
28 of local concern; and

29 Whereas, a recodification of the local government
30 laws of the State is pending and it is desirable to
31 enact legislation correcting these substantive prob-
32 lems before the recodification is enacted in order to

1 provide a smooth transition under the recodification;
2 and

3 Whereas, in the judgment of the Legislature,
4 these facts create an emergency within the meaning of
5 the Constitution of Maine and require the following
6 legislation as immediately necessary for the preser-
7 vation of the public peace, health and safety; now,
8 therefore,

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

11 Sec. 1. 10 MRSA §9001, sub-§2, ¶E, as enacted by
12 PL 1977, c. 550, §1, is amended to read:

13 E. To require this board to assume such respon-
14 sibilities as are consistent with this Act, in-
15 cluding administration and enforcement of regula-
16 tions, investigations of complaints and any other
17 acts which are consistent with the purposes of
18 this Act, including all responsibilities of the
19 Maine State Housing Authority under the industri-
20 alized Housing Law, Title 30, chapter 239, sub-
21 chapter II, article 7, as heretofore enacted and
22 modified;

23 Sec. 2. 30 MRSA §63, last paragraph, as enacted
24 by PL 1975, c. 423, is amended to read:

25 Every contract between a county and municipali-
26 ties within the county shall be approved by the At-
27 torney General as to its conformity with this sec-
28 tion. Failure of the Attorney General to disapprove
29 such a contract within 30 days of its submission to
30 him for approval shall constitute approval of the
31 contract. After approval, a copy of such contract
32 shall be filed with the clerk of each municipality
33 that is a party thereto and in the office of county
34 commissioners.

35 Sec. 3. 30 MRSA §64, sub-§2, as enacted by PL
36 1979, c. 403, §2, is amended to read:

37 2. Employee right to review. The county commis-
38 sioner shall, on On written request from an employee

1 or former employee, the county official with custody
2 of the records shall provide the employee, former em-
3 ployee or his duly authorized representative with an
4 opportunity to review his personnel file, if the
5 county commissioner official has a personnel file for
6 that employee. These reviews shall take place at the
7 location where the personnel files are maintained and
8 during normal office hours. For the purposes of this
9 subsection, a personnel file shall include, but not
10 be limited to, any formal or informal employee evalu-
11 ations and reports relating to the employee's charac-
12 ter, credit, work habits, compensation and benefits
13 which the county commissioner official has in his
14 possession. The records described in subsection 1,
15 paragraph B, may also be examined by the employee to
16 whom they relate, as provided in this subsection.

17 Sec. 4. 30 MRSa §1903, as amended by PL 1983, c.
18 583, §18, is further amended to read:

19 §1903. Gifts of money or property in trust

20 A municipality may receive money or other proper-
21 ty in trust for any specified ~~municipal, benevolent,~~
22 ~~religious or educational~~ public purpose. The municipi-
23 pal officers shall serve as trustees unless otherwise
24 specified in the trust instrument.

25 1. Acceptance or rejection. When the municipal
26 officers receive written notice from a prospective
27 donor or his representative of a proposed trust, they
28 shall submit the matter at the next meeting of the
29 legislative body and shall within 10 days after the
30 meeting send written notice of its acceptance or re-
31 jection.

32 2. Deposited or invested. ~~The~~ Unless otherwise
33 specified by the terms of the trust, the municipal
34 officers shall either deposit or invest trust funds
35 according to section 5051-A.

36 A. Unless the instrument or order creating the
37 trust prohibits, a municipality may treat any 2
38 or more trust funds as a single fund solely for
39 the purpose of investment.

1 B. After deduction of management expenses, any
2 interest earned or capital gains realized shall
3 be prorated among the various trust funds.

4 C. Any property or securities included in the
5 corpus of a trust fund shall be retained where
6 the trust instrument so provides.

7 D. Unless otherwise specified in the trust in-
8 strument, only the annual income from the trust
9 fund may be spent.

10 3. Revert to donor. If the municipality fails to
11 comply with the terms of the trust instrument, the
12 trust fund reverts to the donor or his heirs.

13 Sec. 5. 30 MRSA §1904, as amended by PL 1983, c.
14 583, §19, is further amended to read:

15 §1904. -- conditions attached

16 A municipality may accept a conditional gift for
17 any specified ~~municipal; benevolent; religious or~~
18 ~~educational~~ public purpose.

19 1. Acceptance or rejection. Within 60 days after
20 When the municipal officers receive written notice
21 from a prospective donor or his representative of the
22 proposed gift, they shall ~~call~~ submit a meeting of the leg-
23 islative body submit the matter at the next meeting
24 of the municipal legislative body, and shall within
25 10 days after the meeting send written notice of its
26 acceptance or rejection.

27 2. Perpetually comply with conditions. When the
28 donor or his representative has completed his part of
29 the agreement respecting the execution of a condi-
30 tional gift, the municipality shall perpetually com-
31 ply with, and may raise money to carry into effect,
32 the conditions upon which it was made.

33 3. Deposited or invested. Unless otherwise spec-
34 ified by its terms, a conditional gift of money may
35 be deposited or invested according to section 5051-A.

36 Sec. 6. 30 MRSA §1912, sub-§5, as enacted by PL
37 1969, c. 563, is amended to read:

1 5. Election procedure. Within 30 days after the
2 adoption of an order under subsection 1 or the re-
3 ceipt of a certificate or final determination of suf-
4 ficiency under subsection 4, the municipal officers
5 shall by order submit the question for establishment
6 of a charter commission to the voters at the next
7 regular or special municipal election held not less
8 than ~~60~~ 90 days thereafter.

9 A. The question to be submitted to the voters
10 shall be in substance as follows:

11 "Shall a Charter Commission be established for
12 the purpose of revising the Municipal Charter or
13 establishing a New Municipal Charter?"

14 Sec. 7. 30 MRSA §1913, sub-§6, as enacted by PL
15 1969, c. 563, is amended to read:

16 6. Election. Upon the filing of the final re-
17 port, the municipal officers shall order the proposed
18 new charter or charter revision to be submitted to
19 the voters at the next regular or special municipal
20 election held at least ~~30~~ 35 days after the filing of
21 the final report.

22 Sec. 8. 30 MRSA §1953, sub-§5, as amended by PL
23 1977, c. 630, §3, is repealed.

24 Sec. 9. 30 MRSA §1953, sub-§5-A is enacted to
25 read:

26 5-A. Liberal construction. It being the intent
27 of the Legislature to avoid the proliferation of spe-
28 cial purpose districts and inflexible enabling laws,
29 this chapter shall be liberally construed toward that
30 end.

31 Sec. 10. 30 MRSA §1955 is amended to read:

32 §1955. Approval by state officers

33 In the event that an agreement made pursuant to
34 this chapter shall deal in whole or in part with the
35 provision of services or facilities with regard to
36 which an officer or agency of the State Government
37 has constitutional or statutory powers of control,

1 the agreement shall, as a condition precedent to its
2 entry into force, be submitted to the state officer
3 or agency having such power of control and shall be
4 approved or disapproved by him or it as to all mat-
5 ters within his or its jurisdiction in the same man-
6 ner and subject to the same requirements governing
7 the action of the Attorney General pursuant to sec-
8 tion 1953, subsection 5. This requirement of submis-
9 sion and approval shall be in addition to and not in
10 substitution for the requirement of submission to and
11 approval by the Attorney General.

12 The officer or agency shall approve any agreement
13 submitted to him or it under this chapter, unless the
14 officer or agency finds that it does not in substance
15 comply with any law regarding matters within his or
16 its jurisdiction. The officer or agency shall detail
17 in writing addressed to the governing bodies of the
18 public agencies concerned the specific respects in
19 which the proposed agreement substantially fails to
20 meet the requirements of law. Failure to disapprove
21 an agreement submitted under this chapter within 30
22 days of its submission constitutes approval of the
23 agreement.

24 Sec. 11. 30 MRSA §2054, sub-§3, ¶B is repealed.

25 Sec. 12. 30 MRSA §2055, 2nd ¶, as repealed and
26 replaced by PL 1969, c. 543, §1, is amended to read:

27 A town may, at a meeting held at least 60 90 days
28 prior to the annual meeting, designate other town of-
29 ficials to be elected by ballot. The election of of-
30 ficials at the last annual town meeting shall be
31 deemed to be such a designation until the town other-
32 wise acts. A town official may not be elected on a
33 motion to cast one ballot.

34 Sec. 13. 30 MRSA §2056 is repealed.

35 Sec. 14. 30 MRSA §2057 is repealed.

36 Sec. 15. 30 MRSA §2058 is repealed.

37 Sec. 16. 30 MRSA §2060, sub-§3, as amended by PL
38 1973, c. 536, §10, is further amended to read:

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

6 A. In order to hold the office of selectman, a
7 person must be a voter in the town in which he is
8 elected.

9 Sec. 17. 30 MRSa §2060, sub-§4, ¶A, as amended
10 by PL 1969, c. 114, §1, is further amended to read:

11 A. A town may determine at a meeting held at
12 least ~~60~~ 90 days before the annual meeting wheth-
13 er 3, 5 or 7 shall be elected to each board and
14 their terms of office.

15 (1) Once the determination has been made,
16 it shall stand until revoked at a meeting
17 held at least ~~60~~ 90 days before the annual
18 meeting.

19 (2) If a town fails to fix the number, 3
20 shall be elected. If a town fails to fix
21 the term, it shall be for one year.

22 Sec. 18. 30 MRSa §2060, sub-§5, ¶¶A, A-1 and B,
23 as amended by PL 1975, c. 545, §1, are further
24 amended to read:

25 A. A town may determine at a meeting of its leg-
26 islative body held at least ~~60~~ 90 days before the
27 annual meeting whether a single assessor, or a
28 board of 3, 5 or 7, shall be elected and the term
29 of office of the assessor or assessors. In towns
30 where the legislative body is the town meeting,
31 the determination shall be effective only if the
32 total number of votes cast for and against the
33 determination equals or exceeds 10% of the total
34 vote for all candidates for Governor in the town
35 at the next previous gubernatorial election.

36 (1) Once a determination has been made, it
37 shall stand until revoked at a meeting held
38 at least ~~60~~ 90 days before the annual meet-
39 ing.

1 (2) If a town fails to fix the number, 3
2 shall be elected. If a town fails to fix
3 the term, it shall be for one year.

4 (3) When a town has chosen a single asses-
5 sor under paragraph A, the selectmen shall
6 appoint t.e assessor for a term not exceed-
7 ing 5 years.

8 A-1. In addition to the method provided by para-
9 graph A and notwithstanding the provision of any
10 town charter to the contrary, the municipal offi-
11 cers of any town, or the municipal officers of 2
12 or more towns acting jointly, shall have the pow-
13 er to enact an ordinance providing for a single
14 assessor, who shall be appointed for a term not
15 exceeding 5 years. Seven days' notice of the
16 meeting at which said ordinance is to be proposed
17 shall be given in the manner provided for town
18 meetings. In towns where the legislative body is
19 the town meeting, the ordinance shall be effec-
20 tive immediately after the next regular town
21 meeting if enacted ~~60~~ 90 days prior to ~~said~~ the
22 meeting and shall stand until revoked by the leg-
23 islative body or the municipal officers at a
24 meeting held at least ~~30~~ 90 days before the annu-
25 al town meeting.

26 B. When a town has not elected a full board of
27 assessors, ~~the board shall be appointed by the~~
28 ~~selectmen the selectmen shall serve as assessors~~
29 as provided in Title 36, section 703. A selectman
30 may serve as a member of the board of assessors.
31 of the town.

32 Sec. 19. 30 MRSA §2060, sub-§6, ¶A, as amended
33 by PL 1983, c. 58, is further amended to read:

34 A. Any municipality may adopt a board of assess-
35 ment review at a meeting of its legislative body
36 held at least ~~60~~ 90 days before the annual meet-
37 ing. adopting such board.

38 Sec. 20. 30 MRSA §2060, sub-§7 is amended to
39 read:

40 7. Road commissioners. The following provisions
41 apply to road commissioners.

1 A. A town may determine at a meeting held at
2 least 30 90 days before the annual meeting wheth-
3 er one or more shall be chosen and the term of
4 office, which may not exceed 3 years.

5 (1) Once the determination has been made,
6 it shall stand until revoked at a meeting
7 held at least 30 90 days before the annual
8 meeting.

9 (2) If a town fails to fix the number, one
10 shall be chosen. If a town fails to fix the
11 term, it shall be for one year.

12 B. A road commissioner appointed by the select-
13 men may be removed from office for cause by the
14 selectmen.

15 C. Selectmen The board of selectmen may act as a
16 board of road commissioners.

17 Sec. 21. 30 MRSA §2061, sub-§3 is amended to
18 read:

19 3. Nomination papers. The nomination for any of-
20 fice shall be made by nomination papers signed by the
21 following number of voters based on the population of
22 the town according to the last Decennial Census of
23 the United States: Not less than 3 nor more than 10
24 in towns of 200 or less population; not less than 10
25 nor more than 25 in towns of 201 to 500; and not less
26 than 25 nor more than 100 in towns of more than 500.
27 Nomination papers shall be made available by the mu-
28 nicipal clerk to prospective candidates during the 40
29 days prior to the final date of filing, and before
30 issuance, the town clerk ~~may~~ must complete each sheet
31 by filling in the name of the candidate, the title
32 and term of office which is being sought.

33 Sec. 22. 30 MRSA §2061, sub-§3, ¶A is amended to
34 read:

35 A. Each voter who signs a nomination paper shall
36 add his place of residence with the street and
37 number, if any. He may subscribe only to as many
38 nomination papers for each office as there are
39 vacancies to be filled. If a voter signs more

1 nomination papers for an office than there are
2 vacancies to be filled, any signatures of that
3 voter on nomination papers submitted after the
4 clerk has received a number of nomination papers
5 bearing that voter's signature which equals the
6 number of vacancies to be filled are not valid.

7 Sec. 23. 30 MRSA §2061, sub-§4, as amended by PL
8 1973, c. 408, §§1 and 2, is further amended to read:

9 4. Referendum questions. By order of the municipi-
10 pal officers or on the written petition of a number of
11 voters equal to at least 10% of the number of
12 votes cast in the town at the last gubernatorial
13 election, but in no case less than 10, the municipal
14 officers shall require that a particular article be
15 placed in the next ballot printed, or shall call a
16 special town meeting for its consideration. A public
17 hearing shall be held by the municipal officers on
18 the subject of such article at least 10 days before
19 the day for voting thereon. Notice of such public
20 hearing shall be given by the municipal officers by
21 causing a copy of said proposed article together with
22 the time and place of hearing, to be posted in the
23 same manner required for posting a warrant for a town
24 meeting, at least 7 days before the date set for such
25 hearing, and a return shall be made on the original
26 notice by the municipal officers stating the manner
27 of notice and the time when it was given. The re-
28 quirement for public hearing shall not be a prerequi-
29 site to the valid issuance of any bond, note or other
30 obligation of a municipality authorized to borrow
31 money by vote under any such particular article. The
32 petition or order for placing an article on the bal-
33 lot is subject to the same filing provisions as are
34 nomination papers under this section. A vote by se-
35 cret ballot takes precedence over a vote by any other
36 means at the same meeting. If by town meeting vote
37 or charter provision, a budget committee has been es-
38 tablished to review proposed town expenditures, the
39 recommendations of the budget committee shall be
40 printed ~~instead of~~ in addition to those of the munic-
41 ipal officers.

42 If a particular article to be voted on by secret bal-
43 lot requests an appropriation of money by the municipi-
44 pality, the article when printed in the warrant and

1 on the ballot shall be accompanied by a recommenda-
2 tion of the municipal officers and, if such action
3 affects the school budget, by the school board.

4 Sec. 24. 30 MRSA §2061, sub-§5, ¶B is amended to
5 read:

6 B. At the end of the list of candidates for each
7 office there shall be left as many blank spaces
8 as there are vacancies to be filled, in which a
9 voter may ~~insert~~ write in or paste a sticker with
10 the name of any person for whom he desires to
11 vote.

12 Sec. 25. 30 MRSA §2061, sub-§7 is amended to
13 read:

14 7. Ballot clerks. Before the opening of the
15 polls, the selectmen shall appoint the necessary num-
16 ber of ballot clerks as provided in Title 21-A, sec-
17 tion 503. When there are vacancies after the opening
18 of the polls, the moderator shall appoint replace-
19 ments. The ballot clerks shall be sworn before assum-
20 ing their duties.

21 A. On election day before the opening of the
22 polls, the clerk shall deliver the ballots to the
23 ballot clerks and shall post an instruction card
24 at each voting compartment and at least 3 in-
25 struction cards and 5 specimen ballots in the
26 voting room outside the guardrails.

27 B. The ballot clerks shall give a receipt to the
28 clerk for the ballots received by them. The clerk
29 shall keep the receipt in his office for 6
30 months.

31 C. Ballots may not be delivered to the voters
32 until the moderator has been elected. The modera-
33 tor may appoint a qualified person to act as tem-
34 porary moderator during his temporary absence
35 from the polling place.

36 D. A duplicate check list of the qualified vot-
37 ers shall be prepared by the selectmen for the
38 use of the ballot clerks. The law pertaining to
39 check lists applies equally to duplicate check
40 lists.

1 Sec. 26. 30 MRSA §2063, sub-§4 is enacted to
2 read:

3 4. Candidate defined. As used in this section,
4 and in section 2064, "candidate" means any person who
5 has received at least one vote for the municipal of-
6 fice in question.

7 Sec. 27. 30 MRSA §2064, sub-§3 is amended to
8 read:

9 3. Hearing. At the hearing, the clerk shall sort
10 and count the votes under the supervision of the mu-
11 nicipal officers who were in office immediately be-
12 fore the election.

13 A. The municipal officers in making corrected
14 returns may, in their discretion, accept such
15 facts as the candidates agreed upon at the ballot
16 inspection.

17 B. The petitioner or his opponents may have all
18 ballots in any way involved in the election and
19 all records required by law to be kept in connec-
20 tion with absentee ballots displayed for counting
21 or inspection. Upon request, absentee ballots may
22 be segregated from other ballots.

23 C. Witnesses may be called by the candidates and
24 may be sworn by any municipal officer. Witness
25 fees shall be paid by the municipality if autho-
26 rized by the municipal officers. A record shall
27 be kept if requested by any candidate.

28 D. If, during the recount, the election is con-
29 ceded to a candidate by a statement signed by the
30 other interested candidates and addressed to the
31 municipal officers, they shall issue a certifi-
32 cate of election to the candidate whose election
33 is conceded.

34 Sec. 28. 30 MRSA §2067, first ¶, as amended by
35 PL 1971, c. 265, §2, is further amended to read:

36 When any town accepts this section at a meeting
37 held at least ~~60~~ 90 days before the annual meeting,
38 the following provisions apply to the nomination of

1 all town officials required by section 2055 to be
2 elected by ballot, except for the moderator, and to
3 the nomination of any other officials which the town
4 designates by a separate article in the warrant at
5 the time of acceptance. No change may be made there-
6 after in the nomination of town officials, except at
7 a meeting held at least 90 days before the annual
8 meeting.

9 Sec. 29. 30 MRSA §2151, sub-§2, ¶C, as amended
10 by PL 1975, c. 430, §69, is repealed.

11 Sec. 30. 30 MRSA §2151, sub-§2, ¶D, as amended
12 by PL 1979, c. 371, §2, is repealed.

13 Sec. 31. 30 MRSA §2151, sub-§2, ¶F is repealed.

14 Sec. 32. 30 MRSA §2151, sub-§2, ¶K, as amended
15 by PL 1983, c. 337, §2, is repealed.

16 Sec. 33. 30 MRSA §2151, sub-§3, as amended by PL
17 1975, c. 430, §§71 and 72, is repealed.

18 Sec. 34. 30 MRSA §2151, sub-§4, ¶B is amended to
19 read:

20 B. Establishing adequate standards for all fea-
21 tures of means of egress, fire protection, fire
22 prevention, accident prevention and structural
23 safety of buildings which are used occasionally
24 or regularly for public assembly; compelling the
25 owners to make improvements to bring such build-
26 ings up to the established standards; ~~requiring~~
27 ~~the owner or lessee of a building used for public~~
28 ~~assembly which is regulated by an ordinance au-~~
29 ~~thorized by this paragraph and operated with in-~~
30 ~~tent of financial gain to obtain a permit for~~
31 ~~which a fee may be imposed commensurate with its~~
32 ~~size or capacity;~~ requiring the owner or lessee
33 of such a building to file a plan of it showing
34 all safety features as a condition precedent to
35 the issue of a permit or the further use of one
36 already issued;.

37 (1) The building inspector shall send a
38 written order to the owner or lessee of a
39 building used for public assembly requiring

1 any conditions which exist in violation of
2 an ordinance to be corrected within 30 days
3 after the order is sent.

4 (2) After the expiration of the 30-day pe-
5 riod, the owner or lessee is liable for all
6 injury caused by his failure to do so, and
7 the building inspector shall order the
8 building vacated.

9 (3) "Building used for public assembly"
10 means a room or space in or on any structure
11 which is used for the gathering of 100 or
12 more persons for any purpose, and includes
13 any connecting room or space on the same
14 level, above or below, which has a common
15 entrance.

16 Sec. 35. 30 M RSA §2151, sub-§5, ¶C is amended to
17 read:

18 C. Regulating the business of hawking and ped-
19 dling of merchandise at retail.

20 ~~(1) This paragraph does not apply to per-~~
21 ~~sons selling merchandise by sample, list or~~
22 ~~catalogue for future delivery, farm, dairy,~~
23 ~~orchard, fish and forest products of their~~
24 ~~own production, newspapers and religious~~
25 ~~literature.~~

26 Sec. 36. 30 M RSA §2151, sub-§7, as repealed and
27 replaced by PL 1983, c. 114, §4, is repealed.

28 Sec. 37. 30 M RSA 2151-A is enacted to read:

29 §2151-A. Authority of municipal officers to enact
30 ordinances

31 1. Exclusive authority. The municipal officers
32 have the exclusive authority to enact all traffic or-
33 dinances in the municipality, subject to the follow-
34 ing provisions.

35 A. The municipal officers may regulate pedestri-
36 an traffic in the public ways, including, but not
37 limited to, setting off portions of a

1 municipality's public ways for sidewalks and reg-
2 ulating their use, providing for the removal of
3 snow and ice from the sidewalks by the owner, oc-
4 cupant or agent having charge of the abutting
5 property and establishing crosswalks or safety
6 zones for pedestrians.

7 (1) The violation of any ordinance autho-
8 rized by this paragraph is a traffic infrac-
9 tion.

10 (2) The municipal officers may establish a
11 method by which pedestrians charged with the
12 violation of regulations for their protec-
13 tion on the public ways may waive all court
14 action by payment of specified fees within
15 stated periods of time.

16 B. The municipal officers may regulate the oper-
17 ation of all vehicles in the public ways and on
18 publicly owned property.

19 (1) The violation of any ordinance autho-
20 rized by this paragraph is a traffic infrac-
21 tion.

22 C. The municipal officers may regulate the park-
23 ing of motor vehicles on any public way or public
24 parking area, including, but not limited to, pro-
25 viding for the installation of parking meters,
26 providing the fact that any vehicle is illegally
27 parked or is in a metered space when the time
28 signal on the parking meter for that space indi-
29 cates no parking permitted without the deposit of
30 a coin or coins is prima facie evidence that the
31 vehicle has been parked illegally by the person
32 in whose name the vehicle is registered and es-
33 tablishing reasonable charges for metered park-
34 ing.

35 (1) Illegal parking of a vehicle in viola-
36 tion of any ordinance authorized by this
37 paragraph is a traffic infraction.

38 (2) The municipal officers may establish a
39 method by which persons charged with the vi-
40 olation of parking regulations may waive all

1 court action by payment of specified fees
2 within stated periods of time.

3 (3) The revenue collected from parking me-
4 ters shall be used to purchase, maintain and
5 police the meters, to construct and maintain
6 public ways, to acquire, construct, maintain
7 and operate public parking areas and for no
8 other purpose.

9 (4) Any motor vehicle registered by a hand-
10 icapped person is exempt from any parking
11 meter fare when that vehicle properly dis-
12 plays special designating plates or a
13 placard issued under Title 29, sections 252
14 and 252-A, and may park a length of time
15 which does not exceed twice the time limit
16 otherwise applicable.

17 D. The following provisions apply to any ordi-
18 nance enacted by the municipal officers providing
19 for the establishment of parking spaces for hand-
20 icapped persons.

21 (1) The municipality must post any of the
22 following signs adjacent to and visible from
23 each handicapped parking space:

24 (a) A sign consisting of a profile
25 view of a wheelchair with an occupant
26 in white on a blue background with a
27 printed inscription. The inscription
28 shall read: "Handicapped Parking:
29 Special Plate Required. Unauthorized
30 vehicles are subject to a fine;" or

31 (b) A sign consisting of a profile
32 view of a wheelchair with an occupant
33 in white on a blue background which may
34 bear an inscription.

35 (2) Any new sign erected or any sign re-
36 placed after April 11, 1983, must conform to
37 the signs described in paragraph B. Any ex-
38 isting posted signs that do not comply with
39 paragraph B and which were erected before
40 April 11, 1983, are valid for enforcement
41 purposes.

1 (3) Any vehicle parked in a parking space
2 designated by a municipality as a handi-
3 capped parking space that does not bear a
4 special registration plate or placard issued
5 under Title 29, section 252, or a similar
6 plate issued by another state, shall be
7 cited for a penalty not to exceed \$25 unless
8 otherwise established by local ordinance.

9 (4) Owners of off-street parking may enter
10 into agreements with local or county law en-
11 forcement agencies for the policing of
12 stalls and spaces dedicated for handicapped
13 persons' vehicles, under which agreements
14 unauthorized vehicles will be tagged. Where
15 service facilities are established on the
16 Maine Turnpike and on the interstate highway
17 system in this State, the State Police shall
18 enforce any handicapped parking restrictions
19 at those facilities.

20 E. The municipal officers may provide for the
21 regulation of motor vehicles as defined in Title
22 29, section 1, subsection 7, on icebound inland
23 lakes during the hours from sunset to sunrise of
24 the following day. The Maine Land Use Regulation
25 Commission shall regulate motor vehicles on ice-
26 bound inland lakes which are completely encom-
27 passed by unorganized territories. A plantation
28 shall have the same powers and duties as a munic-
29 ipality under this subsection. Motor vehicles on
30 icebound inland lakes which are abutted by an un-
31 organized territory and either one or more munic-
32 ipalities, village corporations or plantations,
33 in any combination, shall be regulated by those
34 municipalities, village corporations or planta-
35 tions, as provided in subparagraphs (1) and (2).

36 No ordinance authorized by this paragraph is val-
37 id unless:

38 (1) Each municipality abutting a lake has
39 enacted an identical local ordinance, in
40 which case the ordinance of any municipality
41 is in effect on the entire lake and any law
42 enforcement officer from any of those munic-
43 ipalities may enforce the ordinance on any
44 portion of the lake; or

1 (2) In cases where a lake is divided by an
2 easily identifiable boundary into 2 or more
3 nearly separate bodies, each municipality
4 abutting one of the distinguishable portions
5 of the lake has enacted an identical local
6 ordinance. The ordinance of any municipali-
7 ty is in effect only on that distinguishable
8 portion of the lake and any law enforcement
9 officer from any of those municipalities may
10 enforce the ordinance anywhere on that por-
11 tion of the lake.

12 F. The municipal officers may regulate or estab-
13 lish a licensing authority which may regulate
14 rates of fare, routes and standing places of ve-
15 hicles for hire, except where jurisdiction rests
16 with the Public Utilities Commission and may re-
17 quire an owner or operator of a vehicle for hire
18 to carry a liability insurance policy in amount
19 and form satisfactory to the licensing authority
20 as a condition precedent to the granting of a li-
21 cence to operate.

22 2. Powers of village corporation. A village
23 corporation shall have the same powers and duties as
24 a municipality under this section.

25 3. Method of enactment; effective date. When
26 enacting ordinances under this section, the municipal
27 officers shall give 7 days' notice of the meeting at
28 which the ordinances are to be proposed in the manner
29 provided for town meetings. Unless otherwise pro-
30 vided, these ordinances take effect immediately.

31 Sec. 38. 30 MRSA §2153, sub-§2, ¶A is enacted to
32 read:

33 A. No ordinance of any municipality subject to
34 this subsection may be held invalid due to the
35 municipality's failure to comply with this sub-
36 section unless the plaintiff is prejudiced or
37 harmed by that failure.

38 Sec. 39. 30 MRSA §2154, sub-§3, ¶A is repealed.

39 Sec. 40. 30 MRSA §2154, sub-§4 is enacted to
40 read:

1 4. Revision of ordinance. In the process of
2 codifying a municipality's ordinances, an ordinance
3 may be revised only by following the procedure re-
4 quired for its original enactment. This subsection
5 does not require the individual enactment of changes
6 in each ordinance which is to be codified by a munic-
7 ipality except where the enactment procedure to be
8 followed requires it.

9 Sec. 41. 30 MRSA §2156, sub-§1, ¶A, as amended
10 by PL 1973, c. 681, §11, is further amended to read:

11 A. "Code" means any published compilation of
12 rules or enforceable standards which has been
13 prepared by the American Insurance Association,
14 the Building Officials and Code Administrators
15 International, the International Conference of
16 Building Officials, the National Fire Protection
17 Association, the Southern Building Code Congress
18 any association or organization that is national-
19 ly recognized for establishing standards in the
20 areas set out in this paragraph, or any depart-
21 ment or agency of the Federal Government or the
22 State of Maine, and shall include specifically,
23 but shall not be limited to: Building codes,
24 plumbing codes, electrical wiring codes, health
25 or sanitation codes, fire prevention codes, in-
26 flammable liquids codes, together with any other
27 code which embraces rules pertinent to a subject
28 which is a proper municipal legislative matter.

29 Sec. 42. 30 MRSA §2225, sub-§2, as enacted by PL
30 1973, c. 64, is amended to read:

31 2. Record of financial transactions. It shall
32 contain a record of all financial transactions of the
33 municipality during the last municipal year,
34 ~~including and may include~~ an itemized list of re-
35 cepts and disbursements indicating to whom and for
36 what purpose each amount was paid.

37 A- A municipality may waive the printing in its
38 annual report of the itemized list of receipts
39 and disbursements which is effective until re-
40 voked.

1 Sec. 43. 30 MRSA §2252, as amended by PL 1985,
2 c. 506, Pt. A, §61, is further amended to read:

3 §2252. Title to municipal office

4 A person who claims to have been elected to any
5 municipal office may proceed against another who
6 claims title to the office within ~~15~~ 30 days after
7 election day by following the procedure outlined in
8 Title 21-A, section 746.

9 Sec. 44. 30 MRSA §2257, sub-§1, ¶A, as enacted
10 by PL 1979, c. 403, §3, is amended to read:

11 A. Working papers, research materials, resumes,
12 records and the examinations prepared for and
13 used specifically in the examination or evalua-
14 tion of applicants for employment by that municipi-
15 pality;

16 Sec. 45. 30 MRSA §2257, sub-§2, as enacted by PL
17 1979, c. 403, §3, is amended to read:

18 2. Employee right to review. ~~The municipal offici-~~
19 ~~eer shall;~~ On written request from an employee or
20 former employee, the municipal official with custody
21 of the records shall provide the employee, former em-
22 ployee or his duly authorized representative with an
23 opportunity to review his personnel file, if the mu-
24 nicipal ~~offi~~ official has a personnel file for
25 that employee. These reviews shall take place at the
26 location where the personnel files are maintained and
27 during normal office hours. For the purposes of this
28 subsection, a personnel file shall include, but not
29 be limited to, any formal or informal employee evalu-
30 ations and reports relating to the employee's charac-
31 ter, credit, work habits, compensation and benefits
32 which the municipal ~~offi~~ official has in his pos-
33 session. The records described in subsection 1, para-
34 graph B, may also be examined by the employee to whom
35 they relate, as provided in this subsection.

36 Sec. 46. 30 MRSA §2352, last ¶ is amended to
37 read:

38 A municipality may provide for a salary to be
39 paid to the clerk as full compensation, in which case

1 the fees all revenues received by the clerk on behalf
2 of the town accrue to the municipality.

3 Sec. 47. 30 MRSA §2411, sub-§3, ¶A, as enacted
4 by PL 1971, c. 455, §1, is amended to read:

5 A. The chairman shall call meetings of the board
6 as required. The chairman shall also call meet-
7 ings of the board when requested to do so by a
8 majority of the members or by the municipal offi-
9 cers. A quorum of the board necessary to conduct
10 an official board meeting shall consist of at
11 least 3 a majority of the board's members. The
12 chairman shall preside at all meetings of the
13 board and be the official spokesman of the board.

14 Sec. 48. 30 MRSA §2411, sub-§3, ¶E-1 is enacted
15 to read:

16 E-1. The board may reconsider any decision
17 reached under this section within 30 days of its
18 prior decision. The board may conduct additional
19 hearings and receive additional evidence and tes-
20 timony as provided in this subsection.

21 Sec. 49. 30 MRSA §2411, sub-§3, ¶F, as amended
22 by PL 1977, c. 352, is further amended to read:

23 F. An appeal may be taken, within 30 days after
24 the decision is rendered, by any party to Superi-
25 or Court from any order, relief or denial in ac-
26 cordance with the Maine Rules of Civil Procedure,
27 Rule 80B. This time period may be extended by the
28 court upon motion for good cause shown. The
29 hearing before the Superior Court shall be with-
30 out a jury.

31 Sec. 50. 30 MRSA §2454, sub-§5, as amended by PL
32 1985, c. 305, is further amended to read:

33 5. Rules. No permit may be granted for an auto-
34 mobile graveyard or junkyard that is not in conformi-
35 ty with the rules promulgated under section 2459; mu-
36 nicipal officers or county commissioners as provided
37 for in section 2452 may apply more stringent restric-
38 tions, limitations and conditions in considering
39 whether to grant or to deny any permit for an automo-

1 bile graveyard or junkyard adjacent to any highway.
2 Nothing in this chapter may be construed to prevent a
3 municipality from enacting ordinances with respect to
4 automobile graveyards and junkyards which concern
5 such other standards as the municipality determines
6 reasonable, including, but not limited to: Conform-
7 ance with state and federal hazardous waste regula-
8 tions; fire safety; traffic safety; levels of noise
9 which can be heard outside the premises; distance
10 from existing residential or institutional uses; and
11 the effect on ground water and surface water, pro-
12 vided that municipal ordinances on ground water are
13 no less stringent than or inconsistent with rules
14 adopted by the Department of Environmental Protection
15 concerning automobile graveyards and junkyards. Mu-
16 nicipal officers or county commissioners ~~may~~ shall
17 consider compliance with these local ordinances in
18 deciding whether to grant or deny a permit for an au-
19 tomobile graveyard or junkyard and in attaching con-
20 ditions of approval to the grant of a permit.

21 Sec. 51. 30 MRSA c. 215, sub-c. I-A is enacted
22 to read:

23 SUBCHAPTER I-A

24 MUNICIPAL LICENSE AND PERMIT FEES

25 §2471. Fees for licenses or permits

26 Unless otherwise provided by law, any fee estab-
27 lished by a municipality for any license or permit
28 must reasonably reflect the municipality's costs as-
29 sociated with the license or permit procedure and en-
30 forcement.

31 Sec. 52. 30 MRSA §2558 is repealed.

32 Sec. 53. 30 MRSA §2752, as amended by PL 1985,
33 c. 57, is further amended to read:

34 §2752. Licensing board; granting and revocation of
35 licenses

36 The municipal officers; ~~treasurer~~ and clerk of
37 every ~~town~~ municipality, hereinafter in this subchap-
38 ter called the "licensing board," shall meet annually

1 during the month of May on a date and at a time and
2 place in said the town that they shall appoint, by
3 posting notices in 2 or more public places therein,
4 at least 7 days previously, stating the purpose of
5 the meeting. At such meeting they may license under
6 their hands as many persons of good moral character,
7 and under such restrictions and regulations as they
8 deem necessary, to be innkeepers, victualers and
9 tavernkeepers in said the town, ~~until the last day in~~
10 ~~May of the next year,~~ in such house or other building
11 as the license specifies. All licenses granted under
12 this section expire one year after issuance. At any
13 meeting so notified and held, they may revoke li-
14 censes so granted, if in their opinion there is suf-
15 ficient cause.

16 The licensing board may, at any other time at a
17 meeting specially called and notified as ~~afesaid~~
18 for the consideration of any application therefor to
19 them made, grant such license on like conditions, ~~but~~
20 ~~all such licenses expire on the day afesaid.~~

21 The provisions of this section relating to the
22 composition of the licensing board and license expi-
23 ration dates do not apply to any municipality which
24 has designated the municipal officers as the licens-
25 ing board for the issuance of innkeepers',
26 victualers' and tavernkeepers' licenses by local or-
27 dinance or charter provisions adopted under chapter
28 201-A or the Constitution of Maine, Article VIII,
29 Part Second, Section 1. Licenses granted in accord-
30 ance with this alternate method shall expire one year
31 from the date of issuance.

32 Sec. 54. 30 MRSA §2754, as amended by PL 1985,
33 c. 225, §2, is further amended to read:

34 §2754. Fee

35 Every person licensed as an innkeeper, victualer
36 or tavernkeeper shall pay to the treasurer for the
37 use of the town a fee of \$1 and such reasonable addi-
38 tional amount as the town may by ordinance or bylaw
39 prescribe.

40 Sec. 55. 30 MRSA §3101 is amended to read:

1 §3101. License; revocation

2 The mayor and aldermen of any city or selectmen
3 of any town may, if in their opinion public conveni-
4 ence so requires, license any reputable person,
5 upon the payment of an annual license fee to be fixed
6 by said licensing authority, to maintain a vehicle
7 for the sale of food in such part of any public way
8 and during such hours as the licensing authority may
9 designate, provided public travel is not incommo-
10 thereby. No other or further license shall be re-
11 quired for this purpose. Any such license may be re-
12 voked for reasonable cause at any time by the licens-
13 ing authority. ~~No such license shall be granted to~~
14 ~~use any part of any public way, the fee in which is~~
15 ~~not owned by the city or town, against the objection~~
16 ~~of the owners of the land abutting on that part of~~
17 ~~the way.~~

18 Sec. 56. 30 MRSA c. 217, as amended, is re-
19 pealed.

20 Sec. 57. 30 MRSA c. 219, as amended, is re-
21 pealed.

22 Sec. 58. 30 MRSA §3553, first ¶ is amended to
23 read:

24 A municipality may acquire real estate or ease-
25 ments by the condemnation procedure for town ways as
26 provided in Title 23, chapter 304, and may contract
27 with the State Government and Federal Governments
28 Government to comply with requirements imposed by the
29 Federal Government in authorizing any project which
30 has been approved by the Governor for improving har-
31 bor and river navigation or preventing property dam-
32 age by erosion or flood.

33 Sec. 59. 30 MRSA §3556 is enacted to read:

34 §3556. Abatement of nuisances

35 The municipal officers of a municipality may, in
36 the municipality's name, file a complaint in any
37 court of competent jurisdiction requesting the abate-
38 ment of any public nuisance within the municipality.

1 Sec. 60. 30 MRSA c. 225, as amended, is re-
2 pealed.

3 Sec. 61. 30 MRSA §3802, as amended by PL 1969,
4 c. 536, §1, is further amended to read:

5 §3802. Preservation of trees along public ways;
6 parkways

7 For the purpose of preserving and increasing the
8 growth of trees on land abutting any public way or
9 located on uplands adjoining any navigable river or
10 other body of water, municipalities and the municipal
11 officers ~~thereof of the municipalities~~, acting pursu-
12 ant to subchapter V, may set aside and define such
13 land located as ~~afesaid~~ previously described, in
14 width not exceeding 5 rods. All trees and shrubs
15 growing on ~~said~~ the land shall be held as for park
16 purposes. It shall be unlawful for the owner in fee
17 of ~~said~~ the land or any other person to injure, re-
18 move or destroy such trees or shrubs, except as pro-
19 vided. All proceedings relating to estimating and
20 awarding damages provided in subchapter V are made
21 applicable to proceedings ~~hereunder~~ under this
22 section. Such ~~proceedings~~ may be ~~commenced upon pe-~~
23 ~~tition in writing signed by at least 30 taxpayers~~
24 ~~owning taxable real estate in said municipality.~~

25 Sec. 62. 30 MRSA §3851, first ¶, as amended by
26 PL 1977, c. 52, §1, is further amended to read:

27 Municipalities may establish conservation commis-
28 sions. The municipal officers may appoint not less
29 than 3, nor more than 7 conservation commissioners.
30 The terms of office initially shall be one, 2 and 3
31 years, such that the terms of approximately 1/3 of
32 the members shall expire each year, or until the ap-
33 pointment of their successors, and their successors
34 shall be appointed for terms of 3 years each. Any
35 commissioner presently serving a term greater than 3
36 years may serve until his term expires. The appoint-
37 ment of his successor shall be for a term of 3 years.
38 Such commission may have the care and superintendence
39 of the public parks and, subject to the approval of
40 the municipal officers, direct the expenditure of all
41 moneys appropriated for the improvement of the same.
42 Such commission shall conduct research, in conjunc-

1 tion with the planning board, if any, into the local
2 land areas and shall seek to coordinate the activi-
3 ties of conservation bodies organized for similar
4 purposes and may advertise, prepare, print and dis-
5 tribute books, maps, charts, plans and pamphlets
6 which in its judgment it deems necessary. It shall
7 keep an index of all open areas, publicly or private-
8 ly owned, within the municipality, including open
9 marsh lands, swamps and other wet lands, for the pur-
10 pose of obtaining information pertinent to proper
11 utilization, protection, development or use of such
12 open areas and may recommend to the municipal offi-
13 cers or any municipal body or board, or any body polit-
14 ic or public agency of the State of Maine a program
15 for the better utilization, protection, development
16 or use of such areas, which may include the acquisi-
17 tion of conservation easements. Any body politic or
18 public agency of the State of Maine conducting plan-
19 ning operations with respect to open areas within a
20 municipality having a conservation commission shall
21 notify such conservation commission of all plans and
22 planning operations at least 30 days prior to the im-
23 plementation of any action ~~thereunder~~ under those
24 plans. A conservation commission may acquire land in
25 the name of the municipality for any of the purposes
26 set forth in this section with the approval of the
27 legislative body. A commission may receive gifts in
28 the name of the municipality for any of its purposes
29 and shall administer the same for such purposes sub-
30 ject to the terms of the gift. It shall keep records
31 of its meetings and activities and shall make an an-
32 nual report to the municipality ~~to be published as~~
33 ~~part of the annual municipal report.~~

34 Sec. 63. 30 MRSA §3862, sub-§6, as enacted by PL
35 1981, c. 122, is amended to read:

36 6. Coordinate with other organizations. To coordi-
37 nate their efforts with those of other local, re-
38 gional and state organizations.

39 The commission shall keep records of its meetings and
40 activities and shall make an annual report to the mu-
41 nicipality ~~to be published as part of the annual mu-~~
42 ~~nicipal report.~~ The commission shall also notify the
43 Office of Energy Resources of its formation.

1 The commission may promote and conduct research, in
2 furtherance of its purposes, in conjunction with the
3 planning board, if any, and in the following areas:
4 Public transportation; van pools and carpools;
5 recycling; solar power; cogeneration; hydro-electric
6 power; energy audits; energy conservation and other
7 activities that will make the municipality more ener-
8 gy self-sufficient through the utilization of renew-
9 able energy resources.

10 Municipal energy commissions may seek technical as-
11 sistance from the Office of Energy Resources and that
12 office shall notify local energy commissions in writ-
13 ing, of plans and projects that may affect those com-
14 missions, if the commission so requests; and

15 Sec. 64. 30 MRSA §4001, as amended by PL 1965,
16 c. 203, §3, is repealed.

17 Sec. 65. 30 MRSA §4002, as amended by PL 1975,
18 c. 431, §13, is repealed.

19 Sec. 66. 30 MRSA §4003, as amended by PL 1969,
20 c. 394, §17, is repealed.

21 Sec. 67. 30 MRSA §4004 is enacted to read:

22 §4004. Eminent domain power

23 A municipality may acquire real estate or ease-
24 ments for any public purpose by using the condemna-
25 tion procedure for town ways, as provided in Title
26 23, chapter 304, subject to the following provisions.

27 1. Consent of owner. The municipality may not
28 take any land without the consent of the owner if at
29 the time of the taking the land is occupied by a
30 dwelling house in which the owner or his family re-
31 sides.

32 2. Limitation on use. Except as provided in
33 paragraph A, land taken under this section may not be
34 used for any purpose other than the purposes for
35 which it was originally taken.

36 A. Land in any municipality which is taken for a
37 public park may by authority of a majority vote

1 at a meeting of the legislative body of the mu-
2 nicipality be conveyed to the Federal Government
3 to become part of a national park.

4 Sec. 68. 30 MRSA §4051 is amended to read:

5 §4051. Planting of trees

6 A sum not exceeding 5% of the amount raised for
7 repair of ways and bridges may be expended by a A
8 road commissioner may expend funds, under the direc-
9 tion of the municipal officers, in planting to plant
10 trees about public burying grounds, squares and ways,
11 if the town by vote authorizes it.

12 Sec. 69. 30 MRSA §4052, first ¶, as amended by
13 PL 1973, c. 681, §12, is further amended to read:

14 Each municipality may each year set aside 5% a
15 portion of the money raised and appropriated for ways
16 and bridges, to be used in cutting and removing all
17 trees, shrubs and useless fruit trees, bushes and
18 weeds, except shade trees, timber trees, cared-for
19 fruit trees and ornamental shrubs growing between the
20 road limit and the wrought part of any highway or
21 town way, until all the trees, shrubs and worthless
22 fruit trees, bushes and weeds have been once removed
23 from the limits of such highway or town way, after
24 which the owner of the land adjoining such highway or
25 town way shall each year, before the first day of Oc-
26 tober, remove all bushes, weeds, worthless trees and
27 grass from the roadside adjoining his cultivated or
28 mowing fields. The municipality shall care for all
29 land not included in the above, except wild land.

30 Sec. 70. 30 MRSA §4101, first ¶ is amended to
31 read:

32 Any municipality may by action of its legislative
33 body direct its municipal officers to take suitable
34 lands for public dumping grounds. When so directed,
35 the municipal officers shall proceed in the same man-
36 ner as used in laying out public ways, except that a
37 fee simple title shall be acquired follow the condem-
38 nation procedure for town ways, as provided in Title
39 23, chapter 304.

1 Sec. 71. 30 MRSA §4358 is amended to read:

2 §4358. Consent for highway opening

3 Whoever digs up the ground in a highway or street
4 to lay or repair any drain or common sewer without
5 the written consent of the municipal officers for-
6 feits for each offense \$4 \$100 to the town.

7 Sec. 72. 30 MRSA §4405 is amended to read:

8 §4405. Repair of private drain and injury on
9 owner's neglect

10 If a private drain becomes so obstructed or out
11 of repair as to injure any street or highway, and the
12 persons using it, after notice by the road commis-
13 sioners, unreasonably neglect to repair such injury
14 and the malfunctioning drain, it the injury and the
15 drain shall be repaired by the town and the expense
16 thereof of the repair may be recovered to the town in
17 a civil action against any one or more of the persons
18 using such that drain.

19 Sec. 73. 30 MRSA c. 239, sub-c. II, Article 7,
20 as amended, is repealed.

21 Sec. 74. 30 MRSA §4962-A, sub-§3, as enacted by
22 PL 1981, c. 640, is amended to read:

23 3. Hearing. A municipality shall, within 30
24 days of ~~action~~ by ~~the office charged with the en-~~
25 ~~forcement of the zoning ordinance on~~ an application
26 to establish a community living use within a
27 single-family residential zone, hold a public hear-
28 ing, unless a community living use is a permitted use
29 within the single-family residential zone. The fail-
30 ure to hold the public hearing required by this sub-
31 section within the 30 days, unless that time period
32 is extended by mutual agreement of the parties, shall
33 constitute approval of the application.

34 A. The public hearing shall be conducted by the
35 body authorized by the municipality to act as a
36 zoning board of appeals, and interested parties
37 shall be notified. The notice period and proced-
38 ure for zoning appeals, as established by the

1 municipality, shall meet the notice requirements
2 of this section.

3 B. The board of appeals shall receive public
4 comment on the proposed community living use.
5 The board may modify or disapprove the applica-
6 tion only upon a finding of one or more of the
7 following:

8 (1) That the proposed use would create or
9 aggravate a traffic hazard;

10 (2) That the proposed use would hamper pe-
11 destrian circulation;

12 (3) That the proposed use would not permit
13 convenient access to commercial shopping fa-
14 cilities, medical facilities, public trans-
15 portation, fire protection or police protec-
16 tion;

17 (4) That the proposed use would not be in
18 conformance with applicable building, hous-
19 ing, plumbing and other safety codes, in-
20 cluding municipal minimum lot size and
21 building set-back requirements for new con-
22 struction; or

23 (5) That the proposed use would not be in
24 conformance with the density requirements of
25 subsection 4.

26 Sec. 75. 30 MRSA §5355, sub-§1-A is enacted to
27 read:

28 1-A. Write-in votes. In any city election, a
29 voter may write in or paste a sticker with the name
30 of any person for whom he desires to vote in the
31 blank space provided at the end of the list of candi-
32 dates for office.

33 Sec. 76. Application. Nothing in this Act may
34 be construed to affect any substantive right or obli-
35 gation gained by any person under the provisions of
36 any law repealed or amended by this Act. All sub-
37 stantive rights and obligations created under the
38 provisions of any law repealed or amended by this Act

1 continue in effect. This Act does not apply to any
2 action or proceeding pending on or filed after the
3 effective date of this Act which arises out of any
4 action or failure to act occurring before the effective
5 date of this Act.

6 Emergency clause. In view of the emergency cited
7 in the preamble, this Act shall take effect when approved.
8

9 STATEMENT OF FACT

10 The purpose of this bill is to make corrective
11 changes in the laws relating to counties and municipalities.
12 It is intended to be a companion bill to
13 the bill which recodifies the local government laws
14 and makes necessary or desirable substantive change
15 in current law which could not be made in the
16 nonsubstantive recodification bill. It streamlines
17 current provisions of law, addresses problems which
18 exist under current law and repeals archaic provisions
19 of law which no longer serve a useful state interest.
20

21 Section 1 of this bill deletes a reference to the
22 Industrialized Housing Law which is repealed under
23 section 73 of this bill.

24 Sections 2 and 8 of this bill remove the requirement
25 that the Attorney General review all interlocal
26 agreements made between municipalities or municipalities
27 and counties to ensure that they comply with all
28 applicable laws. The current review requirement
29 places an additional burden upon the resources of the
30 Attorney General and no longer serves the purpose for
31 which it was enacted. The legal sophistication of
32 counties and municipalities has greatly increased
33 since the original passage of this requirement.
34 Their access to legal counsel has similarly increased,
35 either through their own attorney or through
36 the services of the Maine Municipal Association. In
37 light of these developments, the continued requirement
38 of Attorney General review and its attendant

1 burden upon the Attorney General's office appears un-
2 necessary and is repealed by these sections.

3 Section 3 amends the law requiring the county
4 commissioners to allow a county employee, or former
5 employee, to review his personnel file. Since a
6 county commissioner will rarely be the person who
7 holds these records, the law is amended to require
8 the county official who actually has custody of the
9 personnel files to allow the review by the employee.
10 This change will make it easier to obtain such re-
11 views and reduce confusion over how to obtain it.

12 Section 4 amends present law by allowing a munic-
13 ipality to accept a gift in trust to the municipality
14 for any public purpose, rather than the present list
15 of "municipal, benevolent, religious or educational"
16 purposes. This change expands the purposes for which
17 such gifts may be accepted, while retaining a limita-
18 tion that the gift must be for a legitimate public
19 purpose. The change also eliminates the provision
20 that gifts may be accepted for religious purposes;
21 this provision is of doubtful constitutional validity
22 and its retention would only serve to mislead munic-
23 ipal officials. Section 4 also makes the municipal
24 officers the trustees of the trust, unless the trust
25 instrument provides that other persons will serve as
26 trustees. This provision will reduce confusion over
27 who actually exercises control over such gifts in
28 trust. Section 4 also allows trust funds to be de-
29 posited or invested in a manner other than is speci-
30 fied in the Maine Revised Statutes, Title 30, section
31 5051-A, where the trust instrument so provides.

32 Section 5 of the bill replaces the same listed
33 purposes for which conditional gifts may be accepted
34 by municipalities with a public purpose requirement.
35 It also eliminates the requirement that the municipal
36 officers call a meeting of the town's legislative
37 body within 60 days to consider the offer. Instead
38 of necessarily calling a special town or council
39 meeting, the offer may instead be considered at the
40 next regular meeting of the municipal legislative
41 body. This provision parallels the requirement for
42 gifts in trust.

1 Section 6 changes the time limit regarding the
2 holding of elections establishing a charter commis-
3 sion from 60 to 90 days after the municipal officers'
4 order. This change was made to establish consistency
5 among various election provisions that dealt with
6 election time limits.

7 Section 7 expands the time limit from 30 to 35
8 days after which a new municipal charter or charter
9 revision must be submitted to election. The change
10 was made to allow sufficient time to prepare the
11 question for election.

12 Section 9 reenacts the provision of the Maine Re-
13 vised Statutes, Title 30, section 1953, subsection 5,
14 that provided for liberal interpretation of the
15 interlocal agreement chapter. Former subsection 5 is
16 repealed by section 8 of this bill to remove the re-
17 quirement of Attorney General review over all such
18 agreements. This section retains the liberal con-
19 struction provision that was interspersed with the
20 repealed Attorney General requirement.

21 Section 10 amends the requirement that any
22 interlocal agreement between municipalities must be
23 approved by any state agency that exercises jurisdic-
24 tion over the subject area of the interlocal agree-
25 ment. That provision formerly referenced the Attor-
26 ney General review requirement which is repealed by
27 section 8 of this bill. This section deletes those
28 references and adds language explaining the nature of
29 the state agency review.

30 Section 11 repeals the requirement that a town
31 meeting moderator may not receive any folded ballot
32 nor allow any person to examine the ballot of another
33 without that voter's consent. The provision is de-
34 leted as being vague and obsolete and within the com-
35 petence of any town to impose on its own initiative.
36 If any town wishes to retain this requirement, it may
37 do so without it being imposed upon the town by the
38 State.

39 Section 12 changes the time limit before which a
40 town must determine which officials are to be elected
41 by ballot from 60 to 90 days to achieve consistency
42 with other election provisions.

1 Sections 13, 14 and 15 repeal provisions regu-
2 lating the establishment and publication of registra-
3 tion and enrollment schedules before a municipal
4 election. The current provisions are inconsistent
5 with the requirements imposed by Title 21-A for state
6 elections. Those provisions require the registrar of
7 voting to publish the registration schedule for an
8 election at least 7 days before it takes effect ex-
9 cept that municipalities with a population below
10 2,500 are not required to do so. The present provi-
11 sion in the municipal laws requires publication "a
12 reasonable time" before the schedule for a municipal
13 election takes effect, regardless of the size of a
14 town. If the provisions in the municipal law are re-
15 pealed, the provisions of Title 21-A will solely de-
16 termine these requirements through the operation of
17 Title 30, section 2066.

18 Section 16 repeals an exception from the require-
19 ment that all municipal officials must be United
20 States citizens. That exception allowed full-time
21 appointed assessors to hold office without being a
22 citizen of the United States. This section would re-
23 estabish a uniform requirement of citizenship for
24 all municipal officials.

25 Section 17 changes the time limits before which a
26 town must determine the number of selectmen to be
27 elected from 60 to 90 days to achieve consistency
28 with other election provisions.

29 Section 18 changes the time limits before which a
30 town must determine the number of assessors to be
31 elected from 60 to 90 days to achieve consistency
32 with other election provisions. It also resolves a
33 conflict with the provisions of Title 36, section
34 703, by providing that if a full board of assessors
35 has not been elected, the selectmen will not appoint
36 the board, but will act as assessors themselves.

37 Section 19 changes the time limit before which a
38 town must determine whether to adopt a board of as-
39 sessment review from 60 to 90 days to achieve con-
40 sistency with other election provisions.

41 Section 20 changes the time limits before which a
42 town must determine the number of road commissioners

1 to be elected from 60 to 90 days to achieve consist-
2 ency with other election provisions and clarifies
3 that individual selectmen are not authorized to serve
4 as road commissioners. The board of selectmen may
5 act as a board of road commissioners instead.

6 Section 21 requires the town clerk to fill in the
7 name of the candidate and the title and term of of-
8 fice being sought by a person who receives nomination
9 petitions for municipal office. This will prevent
10 persons from soliciting signatures from voters with-
11 out any official indication of the office for which
12 the person seeks nomination.

13 Section 22 provides a method for dealing with
14 nomination papers for municipal offices where a voter
15 has signed more nomination papers than he is legally
16 entitled to sign. Under this provision, if a voter
17 signs more nomination papers than he is legally enti-
18 tled to sign, only those papers bearing his signature
19 which are filed first in time will be counted. Any
20 excess signatures will not be considered valid for
21 nomination purposes.

22 Section 23 deletes the requirement that the rec-
23 ommendations of a town's budget committee, if it has
24 one, be placed on the warrant and ballot for a refer-
25 endum question that requires an appropriation instead
26 of the recommendations of the municipal officers. It
27 provides that both the budget committee's and the of-
28 ficers' recommendations will appear on the warrant
29 and the ballot.

30 Section 24 adds a provision which explicitly al-
31 lows stickers bearing the name of a candidate whose
32 name does not appear on the ballot to be used for
33 write-in votes at any municipal election, whether a
34 primary or general election.

35 Section 25 clarifies that the number of ballot
36 clerks required for municipal elections is governed
37 by the same requirements that apply to state elec-
38 tions.

39 Section 26 defines the term "candidate" for the
40 purposes of ballot inspections and recounts in munic-
41 ipal elections. It is defined to include any person

1 who has received at least one vote for the municipal
2 office in question.

3 Section 27 clarifies that it is the incumbent mu-
4 nicipal officers, not those who were apparently
5 elected in the election, who will preside over any
6 ballot recounts in municipal elections.

7 Section 28 makes the provisions of Title 30, sec-
8 tion 2067, consistent with Title 30, section 2061.
9 It changes the time limit before which a town must
10 determine if the nomination provisions of section
11 2061 will apply to municipal officials from 60 to 90
12 days to achieve consistency with other election pro-
13 visions. It also excludes the moderator from the of-
14 ficials required to be nominated before the meeting
15 since he must be present at the town meeting in order
16 to preside over it. It clarifies that any officials
17 who are not required to be elected by ballot under
18 Title 30, section 2055, must be separately designated
19 by the town if they are to be governed by the nomina-
20 tion procedures applicable under Title 30, section
21 2067, and that changes in those designations can only
22 be made at a meeting held at least 90 days before the
23 annual meeting.

24 Sections 29, 30, 32, 33, 36 and 37 amend present
25 law to consolidate all ordinance authority concerning
26 traffic matters in the hands of the municipal offi-
27 cers. Present law gives the municipal officers the
28 exclusive authority to enact all municipal ordinances
29 concerning the operation of vehicles on town ways,
30 the enforcement of most parking ordinances and the
31 regulation of vehicles for hire. The municipal offi-
32 cers share authority with the municipal legislative
33 body to enact ordinances concerning the regulation of
34 vehicles on icebound inland lakes and handicapped
35 parking. The municipal legislative body has authori-
36 ty over all other traffic matters, such as the regu-
37 lation of pedestrian traffic and the establishment of
38 parking restrictions. Under present law, in towns
39 where the legislative body is the town meeting, a
40 change in traffic ordinances where the authority
41 rests with the legislative body requires a special
42 town meeting to be called or a delay until the next
43 regular meeting of the town. Since traffic ordi-
44 nances are relatively routine matters, they are ap-

1 appropriately left in the hands of the municipal offi-
2 cers. These sections of the bill provide that all
3 traffic ordinance authority is given exclusively to
4 the municipal officers.

5 Section 31 repeals the statutory provisions regu-
6 lating municipal contracts for public pedestal tele-
7 phones. Recent federal regulations in this area
8 preempt most of these provisions, and the remainder
9 no longer serve any legitimate state interest. Mu-
10 nicipalities can adequately deal with this area with-
11 out the imposition of state requirements.

12 Section 34 repeals a limitation of the permit fee
13 to be charged for a building used for public assembly
14 and operated with the intent of financial gain. This
15 limitation is replaced by the uniform permit and li-
16 cense fee provision enacted under section 51 of this
17 bill.

18 Section 35 repeals the limitation on a
19 municipality's power to regulate the itinerate vend-
20 ing of merchandise at retail when the vendor is sell-
21 ing merchandise by sample, list or catalogue for fu-
22 ture delivery; selling farm, dairy, orchard, fish and
23 forest products of his own production; or selling
24 newspapers or religious literature. There is no le-
25 gitimate state interest served by exempting these
26 persons from municipal regulation.

27 Section 38 codifies judicial decisions which have
28 ruled that a municipality's failure to technically
29 comply with the requirements for preelection publica-
30 tion of proposed ordinances does not void the
31 municipality's adoption of that ordinance, if the
32 persons opposing the ordinance were not harmed or
33 prejudiced by that failure. This provides that if a
34 person has actual knowledge of the proposed amend-
35 ment, the purpose of the publication requirement has
36 been satisfied and that person cannot have the ordi-
37 nance declared void because the municipality did not
38 follow the strict letter of the law. This section
39 does not change present law, but merely writes into
40 the law provisions which the courts have applied un-
41 der it.

1 Sections 39 and 40 clarify the requirement that
2 if a municipality codifies its ordinances, it may not
3 amend any ordinance in the course of that codifica-
4 tion unless it complies with the enactment procedure
5 originally required for the ordinance. This ensures,
6 that, for example, a municipality may not alter or
7 repeal an ordinance through a codification procedure
8 which may take only a simple majority vote, when the
9 ordinance originally required a 2/3 vote. Similarly,
10 if the original ordinance had to be approved by refer-
11 erendum, any change in that ordinance accomplished
12 during a codification also has to be approved by refer-
13 erendum. This requirement does not require every
14 change made in the process of codifying a
15 municipality's ordinances to be done individually; it
16 only requires that to be done where the original en-
17 actment of the ordinance required a procedure to be
18 followed that is different than the enactment proce-
19 dure of the codification ordinance. This prevents a
20 municipality from doing in a codification what it
21 could not do as a single ordinance.

22 Section 41 replaces a list of approved
23 code-promulgating organizations with a general refer-
24 ence. It allows municipalities greater flexibility
25 in their ability to adopt codes by reference. It
26 does not allow any municipality to adopt any addi-
27 tional codes which it could not adopt before; it only
28 makes it easier to do so by allowing municipalities
29 to adopt more codes by reference so that the entire
30 code need not be reproduced in the ordinance.

31 Section 42 eliminates the requirement that an
32 itemized list of all receipts and disbursements of a
33 municipality be printed in the annual report of the
34 municipality. Present law requires this list to be
35 printed in the report unless the town waives the
36 printing requirement. Since a town may act to waive
37 the present requirement, it serves little purpose
38 other than as a trap for the unwary or unsophisti-
39 cated town. This section reverses that requirement
40 and allows a town to choose to print the itemized
41 list, but does not require it to actively waive any
42 printing requirement.

43 Section 43 extends the time period within which a
44 person who contests the result of a municipal elec-

1 tion may file a court action from 15 to 30 days.
2 This eliminates the potential problem caused by the
3 fact that a recount for a municipal election may ex-
4 tend beyond the present 15-day requirement for filing
5 in court. This situation would require the person
6 challenging the vote to file a court action to pro-
7 tect his rights even before he knows the results of
8 the recount. This section avoids this problem by ex-
9 tending the time period to 30 days, allowing suffi-
10 cient time to complete the recount.

11 Section 44 clarifies present law regarding the
12 confidentiality of certain municipal records relating
13 to the examination or evaluation of applicants for
14 municipal employment. It provides that resumes sub-
15 mitted by job applicants will remain confidential and
16 will not be considered a public record.

17 Section 45 amends the law requiring the municipal
18 officers to allow a municipal employee, or former em-
19 ployee, to review his personnel file. Since a munic-
20 ipal officer will rarely be the person who holds
21 these records, the law is amended to require the mu-
22 nicipal official who actually has custody of the per-
23 sonnel files to allow the review by the employee.
24 This change will make it easier to obtain such re-
25 views and reduce confusion over how to obtain it.

26 Section 46 clarifies present law by requiring
27 that all revenues received by a municipal clerk on
28 behalf of the municipality will accrue to that munic-
29 ipality if the clerk receives a salary as full com-
30 pensation.

31 Section 47 amends present law by requiring a ma-
32 jority of the members of a board of appeals for a
33 quorum, replacing the present provision that at least
34 3 members constitute a quorum. When the law was pre-
35 viously changed to permit boards of appeal to be com-
36 posed of 7 members, in addition to the traditional
37 5-member board, the quorum requirement of 3 members
38 was not changed. This amendment updates the law to
39 take account of the change allowing 7-member boards
40 by requiring a majority of the members to be present,
41 regardless of the size of the board.

1 Section 48 adds a provision to the board of ap-
2 peals law which permits a board of appeals to recon-
3 sider any decision within 30 days of that decision.
4 Often, a board of appeals will receive legal advice
5 or information which relates to their decision after
6 the decision is rendered. Under present law, they
7 are powerless to change that decision unless it is
8 appealed to Superior Court, even if the new informa-
9 tion indicates that their prior decision was wrong.
10 This section will allow them to reconsider decisions
11 without requiring the expensive and time-consuming
12 process of litigation to occur.

13 Section 49 adds a provision to present law that
14 allows a court to extend the present 30-day time pe-
15 riod within which an appeal may be taken from a deci-
16 sion of a board of appeals, upon a showing of good
17 cause. This will allow appellants to receive court
18 review even if they miss the 30-day filing deadline
19 through no fault of their own.

20 Section 50 amends present law to require, rather
21 than to permit, municipal officers or county commis-
22 sioners to consider compliance with local ordinances
23 regulating the operation of automobile graveyards and
24 junkyards when issuing permits to operate those
25 junkyards.

26 Section 51 enacts a new subchapter in Title 30,
27 chapter 215, which requires any municipal permit or
28 license fee to reasonably reflect the municipality's
29 costs associated with issuing the license or permit,
30 and in enforcing any license or permit ordinance.

31 Section 52 repeals a provision that fees for
32 electrical inspections performed by municipalities
33 must be reasonable and paid in advance by the appli-
34 cant. This provision is no longer necessary with the
35 adoption of the uniform licensing fee provision in
36 section 51 of this bill.

37 Section 53 eliminates the municipal treasurer and
38 clerk from membership on the licensing board for the
39 consideration of innkeepers', victualers' and
40 tavernkeepers' licenses. That board will be composed
41 solely of the municipal officers. The section also
42 repeals the annual May 31st expiration date for all

1 such licenses and replaces it with a provision that
2 each license will expire one year after issuance.
3 This will eliminate the dual licensing scheme permitted
4 under present law which allows a municipality to
5 select either of the alternative compositions of the
6 licensing board, with or without the treasurer and
7 clerk, and the accompanying license expiration dates,
8 either May 31st or the one-year expiration requirement.
9

10 Section 54 deletes the reference to "reasonable"
11 license fees for innkeepers', victualers' and
12 tavernkeepers' licenses because of the new section
13 enacted under section 51 of this bill, which defines
14 the limits on municipal fees.

15 Section 55 repeals the provision in the law regu-
16 lating the issuance of licenses to lunch wagons which
17 allows the abutting landowners of any road which the
18 municipality does not own in fee, to veto the issua-
19 nce of any lunch wagon license to use that part of
20 the road. The provision is of doubtful constitution-
21 ality since it allows individual citizens a veto power
22 over governmental decisions.

23 Section 56 repeals Title 30, chapter 217, which
24 provides a procedure to allow the flooding or drain-
25 ing of meadows, swamps, marshes, beaches or similar
26 lands. The law was originally intended to facilitate
27 agriculture, but is now archaic and obsolete. It has
28 not been amended in substance for over 30 years and
29 fails to take any of the intervening environmental
30 laws into account. It is potentially misleading
31 since it appears to provide a legal mechanism to ac-
32 complish acts which are no longer permitted under
33 other laws.

34 Section 57 repeals Title 30, chapter 219, which
35 provides for fence viewers to be appointed in towns,
36 and describes their duties. It was originally in-
37 tended to provide protection to an individual's land
38 from his neighbor's roving farm animals. This chap-
39 ter is repealed because it has similarly not been
40 amended in substance for over 30 years, except for a
41 single repeal regarding barbed wire fences. It is
42 archaic and misleading because its application and
43 the substantive rights granted under it are often

1 subject to various interpretations. The chapter is
2 repealed with the knowledge that any municipality may
3 enact similar ordinances under their home rule powers
4 which cover the same subject area. Repealing the
5 chapter will increase the municipality's flexibility
6 to define and apply the law without denying any nec-
7 essary protections to the citizens of the State.

8 Section 58 clarifies that the procedure to be
9 followed in exercising a municipality's power of emi-
10 nent domain is governed by Title 23, chapter 304.

11 Section 59 enacts a new section which allows the
12 municipal officers of a municipality to file a com-
13 plaint in court to abate any public nuisance existing
14 within the municipality. Present law is unclear over
15 who has such authority and in what situations they
16 may act. This provision grants the power to the mu-
17 nicipal officers in order to facilitate the efficient
18 abatement of any public nuisance.

19 Section 60 repeals Title 30, chapter 225, which
20 provides for the appointment and duties of surveyors
21 of logs and lumber. This chapter is repealed as ob-
22 solete in light of recent legislative action in this
23 area, such as the wood measurement laws and consumer
24 protection laws.

25 Section 61 eliminates the requirement that land
26 set aside by a municipality under Title 30, section
27 3802, must be adjacent to a navigable river or body
28 of water. This section of the bill allows a munici-
29 pality to set aside land adjacent to any body of wa-
30 ter, navigable or not, for conservation and tree
31 growth purposes. This section also eliminates the
32 provision allowing 30 taxpayers of the municipality
33 to require the municipal officers to begin condemna-
34 tion proceedings. The provision is of questionable
35 constitutional validity and appears unnecessary in
36 any event. The voters of a town can require such ac-
37 tion through a referendum, or the municipal officers
38 can act on their own initiative or upon public senti-
39 ment to do so. There is no need to have a petition
40 mechanism that forces them to begin condemnation pro-
41 ceedings upon the petition of only 30 taxpayers.
42 Other laws that deal with municipal eminent domain
43 powers do not have such a provision, so deleting the

1 30-taxpayer provision in this section also promotes
2 uniformity in this area.

3 Section 62 deletes the requirement that the annual
4 report of a conservation commission be printed as
5 part of the municipality's annual report. This is
6 not required for any other municipal board or agency,
7 except for energy commissions, and appears unnecessary.
8

9 Section 63 deletes the requirement that the annual
10 report of an energy commission be printed as part
11 of the municipality's annual report. This is not required
12 for any other municipal board or agency, except
13 for conservation commissions, and appears unnecessary.
14

15 Sections 64, 65 and 66 repeal the provisions of
16 existing law which contain provisions regulating the
17 general eminent domain power of municipalities. Section
18 67 enacts a new section which replaces the
19 present eminent domain provisions. The present eminent
20 domain provisions are constitutionally deficient
21 in that they do not have notice requirements that
22 will satisfy the due process clause of the constitution.
23 Towns that exercise eminent domain powers under
24 the present law must "bootstrap" themselves by
25 complying with the more stringent and unwritten constitutional
26 requirements. The procedure provided in the repealed
27 sections differs from the method of condemnation most
28 often employed elsewhere by municipalities under the
29 Maine Revised Statutes; that is the eminent domain
30 procedure for town ways found in Title 23, chapter 304.
31

32 Section 67 replaces the present eminent domain
33 provisions with a reference to Title 23, chapter 304,
34 in order to provide for a uniform method of municipal
35 condemnation. The bill also eliminates the provisions
36 requiring condemnation procedures to begin upon the
37 petition of 30 taxpaying citizens, for the same
38 reasons discussed in section 61 of this bill. Present
39 law restricts a municipality's exercise of eminent
40 domain to only a few enumerated purposes, including
41 public parks, squares, open areas such as marsh
42 lands, swamps or wet lands, playgrounds, buildings
43 for municipal purposes or a public library

1 building. This section expands the power of a munic-
2 ipality to take lands by allowing such taking to oc-
3 cur for any public purpose, rather than the limited
4 list of purposes that presently appear in the law.
5 Two other restrictions found in present law are re-
6 tained. The first of these is that a municipality
7 cannot take any land upon which a dwelling is erected
8 and in which the owner resides, unless the owner of
9 the land consents to the taking. Second, once land
10 is taken for any purpose, it can only be used for
11 that purpose; the municipality cannot take land for
12 the purpose of constructing a playground and once ac-
13 quired, turn around and sell it for development.
14 This limitation is subject only to the exception that
15 a municipality may take land for park purposes and
16 convey it to the Federal Government to be included in
17 a national park.

18 Section 68 eliminates the limitation that a mu-
19 nicipality may spend only up to 5% of the money
20 raised for road repair to plant trees in the munici-
21 pality.

22 Section 69 removes the 5% spending limitation on
23 money spent to cut and remove trees and brush from
24 the roadside in the municipality.

25 Section 70 replaces a general reference to the
26 condemnation procedure for town ways with an explicit
27 reference to Title 23, chapter 304.

28 Section 71 increases the fine imposed for digging
29 up a street to lay or repair a drain without permis-
30 sion to do so from \$4 to \$100.

31 Section 72 clarifies an ambiguous provision of
32 the sewers and drains law. It provides that if a
33 malfunctioning private drain damages a public way,
34 and the owner, after notice, refuses to repair the
35 drain and the damage to the road, the municipality
36 may repair them and recover the costs of repairing
37 both the damage to the road and the drain from the
38 owner.

39 Section 73 repeals the Industrialized Housing
40 Law. That law formerly regulated the construction
41 and sale of manufactured housing in the State under

1 the supervision of the Maine State Housing Authority.
2 In 1977, the Manufactured Housing Board was estab-
3 lished and took over the duties which are prescribed
4 for the Maine State Housing Authority under the In-
5 dustrialized Housing Law. Since that time, the Maine
6 State Housing Authority has ceased to regulate manu-
7 factured housing under this law, leaving that func-
8 tion entirely to the Manufactured Housing Board. The
9 Manufactured Housing Act in Title 10, chapter 951,
10 now governs all manufactured housing constructed af-
11 ter its effective date in 1977, and the Industrial-
12 ized Housing Law only applies to manufactured housing
13 constructed before that date. This section recog-
14 nizes that fact and repeals the Industrialized Hous-
15 ing Law since it is obsolete and has been replaced by
16 the Manufactured Housing Board laws.

17 Section 74 eliminates the requirement that a
18 codes enforcement officer render the initial decision
19 on an application for a community living use.
20 Present law requires that a public hearing be held on
21 any such application within 30 days from the codes
22 enforcement officer's decision. That hearing before
23 the board of appeals results in a 2nd determination
24 of the merits of the application, and is mandatory in
25 each case. This renders the decision of the codes
26 enforcement officer superfluous since the 2nd hearing
27 must occur no matter how he rules in the first in-
28 stance. For this reason, the requirement that he re-
29 view the application is eliminated and any such ap-
30 plication will proceed without delay to review by the
31 board of appeals.

32 Section 75 clarifies that a sticker bearing the
33 name of a candidate whose name will not appear on the
34 ballot may be used as a write-in vote in any city
35 election, whether a primary or general election.

36 Section 76 provides a general savings clause
37 which preserves all substantive rights and obliga-
38 tions which arose out of any law that is repealed or
39 amended by this bill. Persons who have gained such
40 rights or obligations under those laws will continue
41 to be governed by the repealed provisions. This sec-
42 tion further provides that the provisions of this
43 bill will apply to only those actions which are begun
44 after the effective date of this bill and which arise

1 out of operative events which occur after the bill's
2 effective date. Prior law continues to govern other
3 actions.

4

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