

MAINE STATE LEGISLATURE

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L.D. 1199

(Filing No. S- 60)

STATE OF MAINE
SENATE
114TH LEGISLATURE
FIRST REGULAR SESSION

SENATE AMENDMENT " A " to H.P. 859, L.D. 1199, Bill, "An Act to Correct Errors in the County and Municipal Law Recodification"

Amend the bill in Part A by striking out all of section 17.

Further amend the bill in Part D by inserting after section 2 the following:

'Sec. 3. 30-A MRSA §2526, sub-§9, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and as amended by PL 1989, cc. 6 and 9, is further amended to read:

9. Sworn in. Before assuming the duties of office, a town official or deputy shall be sworn by the moderator in open town meeting, by the clerk, or by any other person authorized by law to administer an oath, including a notary public or dedimus justice.

A. Unless the oath is administered in the clerk's presence, the person who administers it shall give the official or deputy sworn a certificate which shall be returned to the clerk for filing. The certificate must state:

- (1) The name of the official or deputy sworn;
- (2) ~~His~~ The official's or deputy's office;
- (3) The name of the person who administered the oath; and
- (4) The date when the oath was taken.

B. The clerk shall be sworn to accurately record the votes of town meetings and to discharge faithfully all the other duties of that office, until another clerk is elected and sworn.

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C. After the town meeting, the clerk shall immediately issue a warrant directed to a constable containing the names of persons chosen for office who have not been sworn.

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(1) The constable shall immediately summon the named persons to appear before the clerk within 7 days from the time of notice to take the oath of office.

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(2) The constable shall make a return immediately to the clerk.

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(3) The town shall pay the constable a reasonable compensation for these services.

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D. The clerk shall record the election or appointment of each official or deputy, including the clerk's own, and the other information specified in paragraph A.

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E. A record by the clerk that a person was sworn for a stated town office is sufficient evidence that the person was legally sworn for the office. The entire oath need not be recorded.'

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Further amend the bill in Part D by renumbering the sections to read consecutively.

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STATEMENT OF FACT

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This amendment restores 2 traditional municipal duties of notaries public that had been erroneously turned over to a justice of the peace or a dedimus justice under prior legislation. It permits a notary to call a town meeting when no selectman is in office and when the town's selectmen unreasonably refuse to call a town meeting. It further clarifies the authority of notaries to continue the practice of swearing in newly elected town officials.

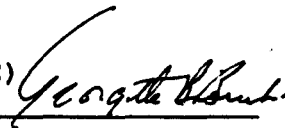
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(Senator BERUBE)

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