

MAINE STATE LEGISLATURE

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L.D. 1522

Date: 6-9-21

(Filing No. H512)

MAJORITY
STATE AND LOCAL GOVERNMENT

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
130TH LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 1126, L.D. 1522, "An Act To Update and Eliminate References in Statute to Aldermen, Selectmen and Overseers of the Poor"

Amend the bill by striking out the title and substituting the following:

'An Act To Update and Eliminate References in Statute to Selectmen and Overseers of the Poor'

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 1 MRSA §72, sub-§12, as repealed and replaced by PL 1977, c. 479, §1, is amended to read:

12. **Municipal officers.** "Municipal officers" means the mayor and aldermen or councillors of a city, the ~~selectmen~~ members of the select board or councillors of a town and the assessors of a plantation.

Sec. 2. 5 MRSA §1742-B, first ¶, as amended by PL 2005, c. 489, §1, is further amended to read:

The Department of Administrative and Financial Services, Bureau of General Services, referred to as "the bureau" in this section, shall provide written notification to the municipal manager or, in the absence of a manager, the ~~first selectman~~ chair of the municipal officers of a state construction project or public improvement within the boundaries of that municipality as soon as practicable after beginning the schematic design process. If a municipality intends to review and issue building permits on state construction projects and public improvements, the municipality must file a notice of intent with the bureau no later than 45 days following receipt of notification by the bureau of the state construction project or public improvement. Once the required notice is filed, the projects and improvements to state-owned or leased buildings must comply with municipal ordinances governing the construction and alteration of buildings, ~~provided that as long as~~ the municipal building code standards are as stringent as, or more stringent than, the code for state buildings. Prior to requesting bids, the bureau shall obtain or it shall require the project designer to obtain

COMMITTEE AMENDMENT

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1 municipal approval of the project plans and specifications. Contractors and subcontractors
2 shall obtain all necessary municipal building permits and the project must be subject to
3 municipal inspections.

4 **Sec. 3. 17 MRSA §2795, 2nd ¶** is amended to read:

5 When application is made for such license, said officers shall assign a time and place
6 for its consideration, and give at least 14 days' public notice thereof, in such manner as they
7 think proper, at the expense of the applicant. Any person aggrieved by the decision of the
8 ~~selectmen~~ select boards of towns in granting or refusing such license may appeal therefrom
9 within 30 days to the Superior Court held in said county, which court may appoint a
10 committee of 3 disinterested persons, as is provided in relation to appeals from location of
11 highways. Said committee ~~shall~~ must be sworn and shall give 14 days' notice of the time
12 and place of their hearing to the parties interested, view the premises, hear the parties, and
13 affirm, reverse or annul the decision of said ~~selectmen~~ select board, and their decision ~~shall~~
14 be is final. Pending such appeal from granting such license, the Superior Court may enjoin
15 the erection of such building and engine.

16 **Sec. 4. 17 MRSA §3205, 5th ¶** is amended to read:

17 The municipal officers of cities shall take action upon the acceptance hereof upon
18 receipt of a petition therefor signed by at least 100 registered voters in said city and shall
19 hold such public hearings thereon as they may ~~deem~~ consider necessary. The ~~selectmen~~
20 select board or other municipal officers of towns shall insert an article in the warrant for
21 the next annual town meeting for the acceptance of the provisions of this section after
22 receipt of a petition therefor signed by at least 25 registered voters of such town.

23 **Sec. 5. 18-C MRSA §5-704**, as enacted by PL 2017, c. 402, Pt. A, §2 and affected
24 by PL 2019, c. 417, Pt. B, §14, is amended to read:

25 **§5-704. Nomination of public guardian or conservator**

26 **1. Nomination of public guardian.** Any person who is eligible to petition for
27 appointment of a guardian under section 5-302, subsection 1, including the commissioner
28 of any state department, the head of any state institution, the ~~overseers of the poor~~ board of
29 overseers and the welfare director or health officer of any municipality, may nominate the
30 public guardian.

31 **2. Nomination of public conservator.** Any person who is eligible to petition for
32 appointment of a conservator under section 5-402, subsection 1, including the
33 commissioner of any state department, the head of any state institution, the ~~overseer of the~~
34 poor board of overseers and the welfare director or health officer of any municipality, may
35 nominate the public conservator.

36 **3. Article applies to proceedings for determining appointment.** Except as
37 supplemented by section 5-705, the proceedings for determining the appointment of a
38 public guardian or conservator are governed by the provisions of this Article for the
39 appointment of guardians and conservators generally.

40 **Sec. 6. 21-A MRSA §1, sub-§26**, as enacted by PL 1985, c. 161, §6, is amended
41 to read:

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1 **26. Municipal officers.** "Municipal officers" means the mayor and aldermen or
2 councillors of a city, the ~~selectmen~~ members of the select board or councillors of a town
3 and the assessors of a plantation.

4 **Sec. 7. 23 MRSA §2103, first ¶,** as amended by PL 2015, c. 494, Pt. A, §27, is
5 further amended to read:

6 When a highway survey has not been properly recorded or preserved or the termination
7 and boundaries cannot be ascertained, the select board ~~of selectmen~~ or municipal officers
8 of any municipality may use and control for highway purposes 1 1/2 rods on each side of
9 the center of the traveled portion of such way.

10 **Sec. 8. 23 MRSA §2701,** as amended by PL 1985, c. 80, is further amended to read:

11 **§2701. Powers and duties.**

12 The road commissioner, under the direction of a majority of the ~~selectmen~~ members of
13 the select board, ~~shall have~~ has charge of the repairs of all highways and bridges within the
14 towns and ~~shall have~~ has authority to employ the necessary personnel and equipment and
15 purchase material for the repair of highways and bridges. The road commissioner shall give
16 bond to the satisfaction of the ~~selectmen~~ select board and ~~be~~ is responsible to ~~them~~ the
17 select board for the expenditure of money and discharge of ~~his~~ the road commissioner's
18 duties generally. In the absence of a statute, charter provision or ordinance to the contrary,
19 any decision involving the duties and responsibilities of the road commissioner ~~shall~~ must
20 be made by a majority of the ~~selectmen~~ members of the select board, whose decision ~~shall~~
21 be is final. The road commissioner's compensation ~~shall~~ must be such sum as the legislative
22 body votes annually. The road commissioner shall render to the ~~selectmen~~ select board
23 monthly statements of ~~his~~ the road commissioner's expenditures and ~~may not~~ may receive ~~no~~
24 any money from the treasury, except on the order of the ~~selectmen~~ select board.

25 If a majority of the ~~selectmen~~ determine members of the select board determines that a
26 condition exists in any town way ~~which~~ that creates a hazard and renders the way unsafe
27 for travelers with motor vehicles, the ~~selectmen~~ select board shall give written notice to the
28 road commissioner of this condition and order ~~him~~ the road commissioner to eliminate it
29 or take interim measures to protect the public within 24 hours. If the road commissioner
30 fails to act as directed by the ~~selectmen~~ select board, a majority of the ~~selectmen~~ members
31 of the select board may enter contracts or take any other steps necessary to eliminate the
32 safety hazard.

33 **Sec. 9. 23 MRSA §2702** is amended to read:

34 **§2702. Regular inspections**

35 Road commissioners shall go over the roads in their towns, or cause it to be done, in
36 April, May, June, August, September, October and November in each year, remove the
37 loose obstructions to the public travel and, whenever so directed by the ~~selectmen~~ select
38 board, remove all shrubbery and bushes growing within the limits of highways, not planted
39 or cultivated therein for the purpose of profit or ornamentation, having care for the proper
40 preservation of shade trees, and repair such defects as may occur from time to time,
41 rendering travel dangerous, or they shall give notice of such defects to the municipal
42 officers under a penalty of \$5 for neglect of such duty.

43 **Sec. 10. 23 MRSA §2751** is amended to read:

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§2751. Division by municipal officers

When a way is established on a line between towns, their municipal officers shall divide it crosswise and assign to each town its portion thereof by metes and bounds, which, within one year thereafter, being accepted by each town at a legal meeting, ~~shall render~~ renders each town liable in the same manner as if the way were wholly within the town. When a division of it is not so made, the ~~selectmen~~ select board of either town may petition the county commissioners, who shall give notice by causing a copy of such application with their order thereon appointing a time and place of hearing to be served upon the clerk of each town 30 days, or by causing it to be published in some newspaper printed in the county for 3 weeks, previous to the time appointed, and after hearing the parties, they may make such division.

Sec. 11. 26 MRSA §935, 3rd ¶, as enacted by PL 1985, c. 294, §§2 and 3, is amended to read:

The board shall, upon the request of the Governor or the mayor of a city or the ~~selectman~~ select board of a town, investigate and report upon any labor controversy if, in its opinion, it threatens the public welfare.

Sec. 12. 26 MRSA §1043, sub-§28, as amended by PL 2011, c. 678, Pt. C, §8, is further amended to read:

28. Governmental entity. "Governmental entity" means the State of Maine, and its instrumentalities, political subdivisions and school administrative units as represented by their elected or appointed governing bodies and includes, without limitation, city and town councils, select boards of ~~selectmen~~, boards of county commissioners, municipally owned and operated hospitals and administrative entities formed under Title 30-A, chapter 115. In the case of school administrative units, governing bodies include, without limitation, municipal school committees, school administrative district directors and community school district school committees. In the case of special purpose districts, governing bodies include, without limitation, boards of directors or trustees.

Sec. 13. 28-A MRSA §2, sub-§21, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

21. Municipal officers. "Municipal officers" means the mayor and aldermen or councillors of a city, the ~~selectmen~~ members of the select board or councillors of a town and the assessors of plantations.

Sec. 14. 30-A MRSA §52, sub-§1, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

1. Municipal offices. ~~No~~ A person holding the office of county commissioner may not at the same time hold either the office of mayor or assessor of a city or ~~the office of~~ selectman be a member of a select board or hold the office of assessor of a town.

Sec. 15. 30-A MRSA §722, sub-§2, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

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2. Municipal officials. "Municipal officials" means the mayor, aldermen, councillors or manager of a city and the selectmen members of the select board, councillors or manager of a town located in Androscoggin County.

Sec. 16. 30-A MRSA §822, sub-§2, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

2. Municipal officials. "Municipal officials" may include the mayor, aldermen, councillors or manager of a city, the selectmen members of the select board, councillors or manager of a town and the assessors of a plantation located in Piscataquis County.

Sec. 17. 30-A MRSA §822, sub-§3, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

3. Municipal officers. "Municipal officers" means the elected mayor, aldermen or councillors of a city, the selectmen members of the select board or councillors of a town and the assessors of a plantation located in Piscataquis County.

Sec. 18. 30-A MRSA §852, sub-§2, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

2. Municipal officers. "Municipal officers" means the mayor, councillors or selectmen members of the select board.

Sec. 19. 30-A MRSA §892, sub-§4, as enacted by PL 1991, c. 204, §2, is amended to read:

4. Municipal officer; definition. The term "municipal officer," as it refers to the Oxford County Budget Advisory Committee in this section, means a selectman member of the select board or council member.

Sec. 20. 30-A MRSA §1605, sub-§8, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10 and PL 2003, c. 689, Pt. B, §6, is further amended to read:

8. Evaluation of need of dependents. The welfare director or the board of overseers of the poor of the municipality in which the prisoner's dependents reside, or the Department of Health and Human Services, shall at the request of the court investigate and report to the court the amount necessary for the support of the prisoner's dependents.

Sec. 21. 30-A MRSA §2001, sub-§10, ¶A, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

A. The selectmen members of the select board or councillors of a town; or

Sec. 22. 30-A MRSA §2521, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

§2521. Call of town meeting

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Each town meeting shall must be called by a warrant. The warrant must be signed by a majority of the selectmen members of the select board, except as follows.

1. **First town meeting.** The first town meeting shall must be called in the manner provided in the act of incorporation.

2. **Majority of selectmen members of select board.** If, for any reason, a majority of the selectmen members of the select board do not remain in office, a majority of those remaining may call a town meeting.

3. **Petition of 3 voters, if no selectmen select board.** When a town, once organized, is without selectmen a select board, a notary public may call a meeting on the written petition of any 3 voters.

4. **Petition by voters, if selectmen refuse select board refuses.** If the selectmen select board unreasonably refuse refuses to call a town meeting, a notary public may call the meeting on the written petition of a number of voters equal to at least 10% of the number of votes cast in the town at the last gubernatorial election, but in no case less than 10.

Sec. 23. 30-A MRSA §2524, sub-§2, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

2. **Moderator elected and sworn.** The clerk, or in the clerk's absence a selectman member of the select board or constable, shall open the meeting by:

- A. Calling for the election of a moderator by written ballot;
- B. Receiving and counting the votes for moderator; and
- C. Swearing in the moderator.

Sec. 24. 30-A MRSA §2524, sub-§3, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

3. **Moderator presides.** As soon as the moderator has been elected and sworn, the moderator shall preside over and supervise the voting at the meeting and may appoint a deputy moderator to assist the moderator. If the moderator is absent or is unable to carry out the duties, the clerk, or in the clerk's absence a selectman member of the select board or constable, may call for the election of a deputy moderator to act in the absence of the moderator.

A. All persons shall be silent at the moderator's command. A person may not speak before that person is recognized by the moderator. A person who is not a voter in the town may speak at the meeting only with the consent of 2/3 of the voters present.

(1) If any person, after a command for order by the moderator, continues to act in a disorderly manner, the moderator may direct that person to leave the meeting. If the person refuses to leave, the moderator may have that person removed by a constable and confined until the meeting is adjourned.

B. When a vote declared by the moderator is immediately questioned by at least 7 voters, the moderator shall make it certain by polling the voters or by a method directed by the municipal legislative body.

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1 C. The moderator shall serve until the meeting is adjourned. The moderator is subject
2 to the same penalties for neglect of official duty as other town officials.

3 **Sec. 25. 30-A MRSA §2525, sub-§1, ¶B**, as enacted by PL 1987, c. 737, Pt. A, §2
4 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is
5 further amended to read:

6 B. ~~Selectmen~~ Select board; and

7 **Sec. 26. 30-A MRSA §2526, sub-§3, ¶A**, as enacted by PL 1987, c. 737, Pt. A,
8 §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10,
9 is further amended to read:

10 A. In order to hold the office of ~~selectman~~ as a member of a select board, a person
11 must be a voter in the town in which that person is elected.

12 **Sec. 27. 30-A MRSA §2526, sub-§4**, as enacted by PL 1987, c. 737, Pt. A, §2 and
13 Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further
14 amended to read:

15 **4. ~~Selectmen~~ Select boards and overseers.** The following provisions apply to
16 ~~selectmen~~ select boards and overseers.

17 A. A town may determine at a meeting held at least 90 days before the annual meeting
18 whether 3, 5 or 7 will be elected to each board and their terms of office.

19 (1) Once the determination has been made, it stands until revoked at a meeting
20 held at least 90 days before the annual meeting.

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

23 B. When others have not been elected, the ~~selectmen~~ select board shall serve as board
24 of overseers of the peer.

25 C. A ~~selectman~~ member of the select board may also serve as a member of the board
26 of assessors.

27 D. A town, in electing ~~selectmen~~ members of the select board and overseers, may
28 designate one of them as ~~chairman~~ chair of the board.

29 (1) If no person is designated as ~~chairman~~ chair, the board shall elect by ballot a
30 ~~chairman~~ chair from its own membership, before assuming the duties of office.
31 When no member receives a majority vote, the clerk shall determine the ~~chairman~~
32 chair by lot.

33 E. If the town fails to fix the compensation of these officials at its annual meeting, they
34 shall ~~be paid~~ are entitled to \$10 each per day for every day actually and necessarily
35 employed in the service of the town.

36 **Sec. 28. 30-A MRSA §2526, sub-§5, ¶A**, as enacted by PL 1987, c. 737, Pt. A,
37 §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10,
38 is further amended by amending subparagraph (3) to read:

39 (3) When a town has chosen a single assessor under this paragraph, the ~~selectmen~~
40 select board shall appoint the assessor for a term not exceeding 5 years.

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1 **Sec. 29. 30-A MRSA §2526, sub-§5, ¶C**, as amended by PL 2003, c. 234, §1, is
2 further amended to read:

3 C. When a town has not elected a full board of assessors, the ~~selectmen~~ members of
4 the select board shall serve as assessors as provided in Title 36, section 703. A
5 selectman member of the select board who is an assessor pursuant to this paragraph
6 and Title 36, section 703 or any person who serves as both a selectman member of the
7 select board and a tax assessor may resign the position of assessor without resigning
8 the office of selectman as a member of the select board. The position of assessor must
9 then be filled by appointment pursuant to section 2602, subsection 2. A person elected
10 to the State Legislature who resigns the position of assessor pursuant to this paragraph
11 may continue to serve concurrently as selectman a member of the select board and
12 member of the State Legislature. If a person who is serving in the State Legislature or
13 in another office incompatible with the position of assessor resigns the position of
14 assessor pursuant to this paragraph before that person has performed any duties as tax
15 assessor, that person may not be deemed to have vacated the previously held position
16 of State Legislator or other office that is incompatible with the office of assessor.

17 **Sec. 30. 30-A MRSA §2526, sub-§6, ¶B**, as amended by PL 1991, c. 235, is
18 further amended to read:

19 B. The board of assessment review consists of 3 members and 2 alternates appointed
20 by the ~~selectmen~~ select board. The municipality, when adopting such a board, may fix
21 the compensation of the members. Initially, one member must be appointed for one
22 year, one member for 2 years and one member for 3 years, and one of the alternates
23 must be appointed for one year and one alternate for 2 years. Thereafter, the term of
24 each new member or alternate is 3 years.

25 **Sec. 31. 30-A MRSA §2526, sub-§7, ¶B**, as enacted by PL 1987, c. 737, Pt. A, §2
26 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is
27 further amended to read:

28 B. A road commissioner appointed by the ~~selectmen~~ select board may be removed
29 from office for cause by the ~~selectmen~~ select board.

30 **Sec. 32. 30-A MRSA §2526, sub-§7, ¶C**, as enacted by PL 1987, c. 737, Pt. A,
31 §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10,
32 is further amended to read:

33 C. The select board of ~~selectmen~~ may act as a board of road commissioners.

34 **Sec. 33. 30-A MRSA §2528, sub-§2**, as enacted by PL 1987, c. 737, Pt. A, §2 and
35 Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further
36 amended to read:

37 **2. Designation, number and terms of officials.** At the time of acceptance, the town
38 shall determine, by a separate article in the warrant, which other officials are to be elected
39 according to this section, and may determine the number and terms of ~~selectmen~~ members
40 of the select board, assessors and overseers according to section 2526.

41 A. After the determination under this subsection, a town may not change the
42 designation, number or terms of town officials, except at a meeting held at least 90
43 days before the annual meeting.

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1 **Sec. 34. 30-A MRS §2602, sub-§2**, as amended by PL 1991, c. 270, §3, is further
2 amended to read:

3 **2. Vacancy in office other than selectman member of select board or school**
4 **committee.** When there is a vacancy in a town office other than ~~that of selectman~~ a vacancy
5 on the select board or school committee, the ~~selectmen~~ select board may appoint a qualified
6 person to fill the vacancy.

7 **Sec. 35. 30-A MRS §2602, sub-§3**, as amended by PL 1991, c. 270, §3, is further
8 amended to read:

9 **3. Vacancy in office of selectman member of select board.** When there is a vacancy
10 ~~in the office of selectman~~ on the select board, the ~~selectmen~~ select board may call a town
11 meeting to elect a qualified person to fill the vacancy.

12 **Sec. 36. 30-A MRS §2631, sub-§2**, as enacted by PL 1987, c. 737, Pt. A, §2 and
13 Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further
14 amended to read:

15 **2. Government.** The government of each town under this subchapter shall must
16 consist of a town meeting, an elected select board ~~of selectmen~~, an elected school
17 committee, an appointed town manager and any other officials and employees that may be
18 appointed under this subchapter, general law or ordinance. Other town officials may be
19 elected by ballot, including, but not limited to, moderator, assessors, board of overseers ~~of~~
20 ~~the poor~~, clerk and treasurer. The election of officials at the last annual town meeting shall
21 must require that those town offices continue to be filled by election until the town
22 designates otherwise.

23 **Sec. 37. 30-A MRS §2632**, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C,
24 §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further
25 amended to read:

26 **§2632. Qualifications of town manager**

27 **1. Selection by board; professional qualification.** The ~~selectmen~~ select board shall
28 choose the town manager solely on the basis of executive and administrative qualifications
29 with special reference to actual experience in, or knowledge of, the duties of office under
30 this subchapter.

31 **2. Residency.** The town manager need not be a resident of the town or State when
32 appointed, but, while in office, may reside outside the town or State only with the approval
33 of the select board ~~of selectmen~~.

34 **3. Prohibited offices.** A town manager may not serve as moderator, selectman ~~or be~~
35 a member of the select board, assessor or member of the school committee.

36 **Sec. 38. 30-A MRS §2633, sub-§2**, as enacted by PL 1987, c. 737, Pt. A, §2 and
37 Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further
38 amended to read:

39 **2. Compensation.** The ~~selectmen~~ select board shall determine the compensation of
40 the town manager.

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1 **Sec. 39. 30-A MRSA §2633, sub-§3**, as enacted by PL 1987, c. 737, Pt. A, §2 and
2 Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further
3 amended to read:

4 **3. Removal, suspension.** The ~~selectmen~~ select board may remove or suspend the
5 town manager for cause in accordance with the following procedures.

6 A. The ~~selectmen~~ select board shall file a written preliminary resolution with the town
7 clerk stating the specific reasons for the proposed removal. A copy of that resolution
8 shall must be delivered to the manager within 10 days of filing.

9 B. Within 20 days of receiving the resolution, the manager may reply in writing and
10 request a public hearing.

11 C. Upon request for a public hearing, the ~~selectmen~~ select board shall hold one at least
12 10 days but not more than 30 days after the request is filed.

13 D. After the public hearing or at the expiration of the time permitted the manager to
14 request the public hearing, if no such request is made, the ~~selectmen~~ select board may
15 adopt or reject the resolution of removal.

16 E. The ~~selectmen~~ select board may suspend the manager from duty in the preliminary
17 resolution, but the manager's salary may not be affected until the final resolution of
18 removal has been adopted.

19 **Sec. 40. 30-A MRSA §2634**, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C,
20 §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further
21 amended to read:

22 **§2634. Absence or disability of town manager**

23 The town manager may designate a qualified administrative official of the town to
24 perform the manager's duties during a temporary absence or disability, subject to
25 confirmation by the ~~selectmen~~ select board. If the town manager does not make this
26 designation, the ~~selectmen~~ select board may appoint a town official to perform the
27 manager's duties during the absence or disability and until the manager returns or the
28 disability ceases.

29 **Sec. 41. 30-A MRSA §2635**, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C,
30 §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further
31 amended to read:

32 **§2635. Board of ~~selectmen~~ Select board to act as a body; administrative service to be**
33 **performed through town manager; committees**

34 It is the intention of this subchapter that the select board of ~~selectmen~~ as a body shall
35 exercise all administrative and executive powers of the town except as provided in this
36 subchapter. The select board of ~~selectmen~~ shall deal with the administrative services solely
37 through the town manager and shall may not give orders to any subordinates of the
38 manager, either publicly or privately. This section does not prevent the select board of
39 ~~selectmen~~ from appointing committees or commissions of its own members or of citizens
40 to conduct investigations into the conduct of any official or department, or any matter
41 relating to the welfare of the town.

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1 **Sec. 42. 30-A MRSA §2636**, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C,
2 §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further
3 amended to read:

4 **§2636. Powers and duties of town manager**

5 The town manager:

6 **1. Executive and administrative officer.** Is the chief executive and administrative
7 official of the town;

8 **2. Administer offices.** Is responsible to the ~~selectmen~~ select board for the
9 administration of all departments and offices over which the ~~selectmen have~~ select board
10 has control;

11 **3. Execute laws and ordinances.** Shall execute all laws and ordinances of the town;

12 **4. Department head.** Shall serve in any office as the head of any department under
13 the control of the ~~selectmen~~ select board when directed by the ~~selectmen~~ select board;

14 **5. Appoint department heads.** Shall appoint, subject to confirmation by the
15 ~~selectmen~~ select board, supervise and control the heads of departments under the control
16 of the ~~selectmen~~ select board when the department is not headed by the town manager
17 under subsection 4;

18 **6. Appoint town officials.** Unless otherwise provided by town ordinance, shall
19 appoint, supervise and control all town officials whom the municipal officers are required
20 by law to appoint, except members of boards, commissions, committees and single
21 assessors; and appoint, supervise and control all other officials, subordinates and assistants,
22 except that the town manager may delegate this authority to a department head and report
23 all appointments to the select board ~~of selectmen~~;

24 **7. Purchasing agent.** Shall act as purchasing agent for all departments, except the
25 school department, ~~provided~~ except that the town or the ~~selectmen~~ select board may require
26 that all purchases greater than a designated amount must be submitted to sealed bid;

27 **8. Attend meetings of ~~selectmen~~ select board.** Shall attend all meetings of the select
28 ~~board of selectmen~~, and the town manager may attend meetings when the manager's
29 removal is being considered;

30 **9. Make recommendations.** Shall make recommendations to the select board ~~of~~
31 ~~selectmen~~ for the more efficient operation of the town;

32 **10. Attend town meetings.** Shall attend all town meetings and hearings;

33 **11. Inform of financial condition.** Shall keep the select board ~~of selectmen~~ and the
34 residents of the town informed as to the town's financial condition;

35 **12. Collect data.** Shall collect data necessary to prepare the budget;

36 **13. Assist residents.** Shall assist, insofar as possible, residents and taxpayers in
37 discovering their lawful remedies in cases involving complaints of unfair vendor,
38 administrative and governmental practices; and

39 **14. Remove appointments.** Has exclusive authority to remove for cause, after notice
40 and hearing, all persons whom the manager is authorized to appoint and report all removals
41 to the select board ~~of selectmen~~.

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Sec. 43. 30-A MRSA §2637, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

§2637. Transitional provisions

The ~~selectmen~~ select board, by resolve, may provide for the orderly transition of the town government. These resolves may not infringe upon the rights of any official or employee of the town and may not be inconsistent with this subchapter.

Sec. 44. 30-A MRSA §2638, sub-§2, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

2. Selection of manager. The ~~selectmen~~ select boards of the contracting towns shall act as a joint board for the purposes of selecting and removing for cause the manager, provided except that each town has a single vote.

Sec. 45. 30-A MRSA §2638, sub-§3, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

3. Compensation. The agreement must contain a formula establishing the percentage of the manager's compensation to be contributed by each town. The ~~selectmen~~ select boards shall determine the manager's total compensation acting as a joint board, each town having a single vote.

Sec. 46. 30-A MRSA §4356, sub-§3, as enacted by PL 1989, c. 104, Pt. A, §45 and Pt. C, §10, is amended to read:

3. Extension by ~~selectmen~~ select board. In municipalities where the municipal legislative body is the town meeting, the ~~selectmen~~ select board may extend the moratorium in compliance with subsection 2 after notice and hearing.

Sec. 47. 30-A MRSA §4702, sub-§1, ¶B, as amended by PL 2017, c. 234, §3 and affected by §42, is further amended to read:

B. The area of operation of the housing authority of a municipality does not include any area that lies within the municipal boundaries of any municipality for which a municipal housing authority has been organized, without the consent by resolution of the legislative body or the ~~selectmen~~ select board of the other municipality.

Sec. 48. 30-A MRSA §4702, sub-§15, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

15. Selectmen Select board. "Selectmen Select board" means the members of the select board of ~~selectmen~~ of the town or, if the town has no ~~selectmen~~ select board, the officers charged with the duties customarily imposed on the select board of ~~selectmen~~ of a town.

Sec. 49. 30-A MRSA §4721, sub-§2, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

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2. Procedure. The municipal legislative body shall consider the need for an authority on its own motion or upon the filing of a petition with the mayor of the city or the ~~selectmen~~ select board of the town. This petition must be signed by 25 voters of the city or town and assert that there is a need for an authority to function in the municipality and request that the municipal legislative body declare that need.

Sec. 50. 30-A MRSA §4721, sub-§4, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

4. Appointment of commissioners. Upon the adoption of a resolution by the municipal legislative body, the mayor of the city or the ~~selectmen~~ select board of the town shall appoint the commissioners of the authority under section 4723, subsection 1.

Sec. 51. 30-A MRSA §4725, as amended by PL 2011, c. 560, §2, is further amended to read:

§4725. Removal of commissioners

A commissioner may be removed from office for inefficiency, neglect of duty or misconduct in office after hearing by the legislative body of a city, the ~~selectmen~~ select board of a town, or, in the case of the Maine State Housing Authority, the Governor. The commissioner must be given a copy of the charges at least 10 days before the hearing and must be given an opportunity to be heard in person or to be represented by counsel. If a commissioner is removed, a record of the proceedings, together with the charges and the findings on the charges, must be filed in the office of the clerk or, in the case of the Maine State Housing Authority, in the office of the Secretary of State. This section does not apply to the director of the Maine State Housing Authority, who may be removed by the commissioners pursuant to section 4723, subsection 2, paragraph C.

Sec. 52. 30-A MRSA §7007, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

§7007. Duties of officials

Assessors of plantations ~~shall be~~ are considered the ~~selectmen~~ members of the select board of the plantation for the purpose of performing the duties performed by the ~~selectmen~~ select boards of towns. Treasurers, collectors and constables of plantations must give the same bond as similar officials of towns are required to give, to be approved in the same manner. The valuation of property for the assessment of taxes in plantations, as well as the assessment, collection and disposal of taxes, ~~shall~~ must be the same as in towns.

Sec. 53. 32 MRSA §83, sub-§17-B, ¶A, as enacted by PL 2015, c. 6, §1, is amended to read:

A. The ~~selectmen~~ members of the select board or councillors of a town; or

Sec. 54. 36 MRSA §501, sub-§4 is amended to read:

4. Municipal officers. "Municipal officers" ~~shall mean~~ means the mayor, councillors and aldermen of cities, the ~~selectmen~~ members of the select board of towns and the assessors of plantations.

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Sec. 55. 36 MRSA §703, as amended by PL 1991, c. 270, §4, is further amended to read:

§703. ~~Selectmen~~ Select board to act as assessors

If any municipality does not choose assessors and is not a part of a primary assessing area, the ~~selectmen~~ members of the select board are the assessors, and each of them must be sworn as an assessor. A ~~selectman~~ member of the select board who is an assessor pursuant to this paragraph may resign the position of assessor without resigning ~~the office of selectman as a member of the select board~~. The position of assessor must then be filled by appointment pursuant to Title 30-A, section 2602, subsection 2.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment replaces the bill. It amends the Maine Revised Statutes to replace "board of selectmen" with "select board"; "overseer of the poor" with "board of overseers"; and in most instances, "selectmen" with "member of the select board."

COMMITTEE AMENDMENT