

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
One Hundred and Sixth Legislature
1ST SPECIAL SESSION
JANUARY 2, 1974 TO MARCH 29, 1974
AND BY THE
One Hundred and Seventh Legislature
REGULAR SESSION
JANUARY 1, 1975 TO JULY 2, 1975

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN
ACCORDANCE WITH THE REVISED STATUTES OF 1964, TITLE 3,
SECTION 164, SUBSECTION 6.

THE KNOWLTON AND MCLEARY COMPANY
FARMINGTON, MAINE
1975

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
One Hundred and Seventh Legislature

1975

Notwithstanding the method of fire protection services provided by a municipality, a fire chief shall be appointed in each municipality, unless the municipality shall by vote of its legislative body provide for the election of a municipal fire chief by the members of the municipal fire department or volunteer association, or provide that the voters of the municipality shall elect a municipal fire chief at the regular municipal election or town meeting.

In municipalities served by more than one volunteer association or municipal fire department, the municipality may by vote of its legislative body provide for the election of a fire chief by the members of each fire department or association of the municipality, but, no more than one fire chief shall be elected within each fire protection zone. When more than one fire chief is provided for in a municipality, each such fire chief elected shall exercise in his fire protection zone all powers and duties of a municipal fire chief and shall control and direct all municipal and volunteer firefighters in the performance of firefighting operations within his fire protection zone, except as provided in this chapter.

Effective October 1, 1975

CHAPTER 422

AN ACT Relating to Executive Sessions of Public Bodies or Agencies.

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

Sec. 1. 1 MRSA § 403, first sentence is repealed and the following enacted in place thereof:

Except as otherwise specifically provided by statute or by section 404, all public proceedings shall be open to the public, and all persons shall be permitted to attend any meetings of these bodies or agencies, and any minutes of such meetings as are required by law shall be promptly recorded and open to public inspection.

Sec. 2. 1 MRSA § 404 is repealed and the following enacted in place thereof:

§ 404. Executive sessions

Nothing contained in this subchapter shall be construed to prevent these bodies or agencies from holding executive sessions, subject to the following conditions: That such sessions shall not be used to defeat the purposes of this subchapter; that no ordinances, orders, rules, resolutions, regulations, contracts, appointments or other official action shall be finally approved at such executive sessions; that such executive sessions may be called only by a vote of at least $\frac{3}{5}$ of the members, present and voting, of such bodies or agencies; that a motion to go into executive session shall indicate the nature of the business of the executive session; and that no other matter may be considered in that particular executive session. Notwithstanding any other provision of this subchapter, a body or agency may conduct deliberations in executive session on the following matters and no others:

1. Certain discussions concerning employees or appointees. Discussion or consideration of the employment, appointment, assignment, duties, promotion, demotion, compensation, evaluation, disciplining or resignation of public officers, appointees or employees of the body or agency or the investigation or hearing of charges or complaints against such persons; provided that any person charged, investigated or otherwise under discussion shall be permitted to be present at such executive session if he or she so desires;

2. Dismissal of public official or employee. Discussion or consideration of the dismissal of any public official or employee;

3. Condition, acquisition, use or disposition of property. Discussion or consideration of the condition, acquisition or the use of real or personal property or interests therein or disposition of publicly held property if premature disclosure of such information would prejudice the competitive or bargaining position of the body or agency;

4. Certain labor negotiations. Negotiations with employee representatives under collective bargaining laws;

5. Certain legal consultations. Consultations between a body or agency and its attorney concerning the legal rights and duties of the body or agency, pending or contemplated litigation, settlement offers and matters where the duties of the public body's counsel to his or her client pursuant to the code of professional responsibility clearly conflicts with this subchapter or where premature general public knowledge would clearly place the state, municipality or other public agency or person at a substantial disadvantage;

6. Adjudicative deliberations. Deliberations by a body or agency acting in an adjudicative or quasi-judicial capacity. The hearing of evidence is not to be construed as deliberations.

7. Discussion of information in certain records. Discussion of information contained in records made, maintained or received by a body or agency when access by the general public to those records is prohibited by statute.

Effective October 1, 1975

CHAPTER 423

AN ACT to Authorize County Commissioners to Provide or Contract for Certain County and Municipal Services.

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

30 MRSA § 63 is enacted to read:

§ 63. Powers to provide services under contract

The county commissioners of each county may contract with municipalities within the county to provide services that either a county or a municipality may perform. Pursuant to such a contract, the county commissioners may also contract with other political subdivisions of the State, quasi-