



130th MAINE LEGISLATURE

FIRST SPECIAL SESSION-2021

Legislative Document

No. 1522

H.P. 1126

House of Representatives, April 19, 2021

**An Act To Update and Eliminate References in Statute to Aldermen,
Selectmen and Overseers of the Poor**

Received by the Clerk of the House on April 15, 2021. Referred to the Committee on State and Local Government pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative DOUDERA of Camden.
Cosponsored by Representatives: GRAMLICH of Old Orchard Beach, GROHOSKI of Ellsworth, RECKITT of South Portland, Senators: CARNEY of Cumberland, MOORE of Washington.

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

2 **Sec. 1. 1 MRSA §72, sub-§12**, as repealed and replaced by PL 1977, c. 479, §1, is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

4 **12. Municipal officers.** "Municipal officers" means the mayor and ~~aldermen~~
5 municipal officers or councillors of a city, the ~~selectmen~~ municipal officers or councillors
6 of a town and the assessors of a plantation.

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

9 The Department of Administrative and Financial Services, Bureau of General Services,
10 referred to as "the bureau" in this section, shall provide written notification to the municipal
11 manager or, in the absence of a manager, the first ~~selectman~~ municipal officer of a state
12 construction project or public improvement within the boundaries of that municipality as
13 soon as practicable after beginning the schematic design process. If a municipality intends
14 to review and issue building permits on state construction projects and public
15 improvements, the municipality must file a notice of intent with the bureau no later than 45
16 days following receipt of notification by the bureau of the state construction project or
17 public improvement. Once the required notice is filed, the projects and improvements to
18 state-owned or leased buildings must comply with municipal ordinances governing the
19 construction and alteration of buildings, ~~provided that~~ as long as the municipal building
20 code standards are as stringent as, or more stringent than, the code for state buildings. Prior
21 to requesting bids, the bureau shall obtain or it shall require the project designer to obtain
22 municipal approval of the project plans and specifications. Contractors and subcontractors
23 shall obtain all necessary municipal building permits and the project must be subject to
24 municipal inspections.

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

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

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

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

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

3 **§5-704. Nomination of public guardian or conservator**

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

9 **2. Nomination of public conservator.** Any person who is eligible to petition for
10 appointment of a conservator under section 5-402, subsection 1, including the
11 commissioner of any state department, the head of any state institution, the overseer ~~of the~~
12 ~~poor~~ and the welfare director or health officer of any municipality, may nominate the public
13 conservator.

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

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

20 **26. Municipal officers.** "Municipal officers" means the mayor and ~~aldermen~~
21 municipal officers or councillors of a city, the ~~selectmen~~ municipal officers or councillors
22 of a town and the assessors of a plantation.

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

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

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

30 **§2701. Powers and duties**

31 The road commissioner, under the direction of a majority of the ~~selectmen~~ select board,
32 ~~shall have~~ has charge of the repairs of all highways and bridges within the towns and ~~shall~~
33 ~~have~~ has authority to employ the necessary personnel and equipment and purchase material
34 for the repair of highways and bridges. The road commissioner shall give bond to the
35 satisfaction of the ~~selectmen~~ select board and ~~be is~~ responsible to ~~them~~ the select board for
36 the expenditure of money and discharge of ~~his~~ the road commissioner's duties generally.
37 In the absence of a statute, charter provision or ordinance to the contrary, any decision
38 involving the duties and responsibilities of the road commissioner ~~shall~~ must be made by a
39 majority of the ~~selectmen~~ select board, whose decision ~~shall be~~ is final. The road
40 commissioner's compensation ~~shall~~ must be such sum as the legislative body votes
41 annually. The road commissioner shall render to the ~~selectmen~~ select board monthly
42 statements of ~~his~~ the road commissioner's expenditures and ~~may not~~ may not receive ~~no~~ any money
43 from the treasury, except on the order of the ~~selectmen~~ select board.

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

8 **Sec. 9. 23 MRSA §2702, first ¶** is amended to read:

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

17 **Sec. 10. 23 MRSA §2751, first ¶** is amended to read:

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

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

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

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

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

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

3 **21. Municipal officers.** "Municipal officers" means the mayor and ~~aldermen~~
4 municipal officers or councillors of a city, the ~~selectmen~~ municipal officers or councillors
5 of a town and the assessors of plantations.

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

9 **1. Municipal offices.** ~~No~~ A person holding the office of county commissioner may
10 not at the same time hold either the office of mayor or assessor of a city or the office of
11 ~~selectman~~ municipal officer or assessor of a town.

12 **Sec. 15. 30-A MRSA §722, 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. Municipal officials.** "Municipal officials" means the mayor, ~~aldermen~~ municipal
16 officers, councillors or manager of a city and the ~~selectmen~~ municipal officers, councillors
17 or manager of a town located in Androscoggin County.

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

21 **2. Municipal officials.** "Municipal officials" may include the mayor, ~~aldermen~~
22 municipal officers, councillors or manager of a city, the ~~selectmen~~ municipal officers,
23 councillors or manager of a town and the assessors of a plantation located in Piscataquis
24 County.

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

28 **3. Municipal officers.** "Municipal officers" means the elected mayor, ~~aldermen~~
29 municipal officers or councillors of a city, the ~~selectmen~~ municipal officers or councillors
30 of a town and the assessors of a plantation located in Piscataquis County.

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

34 **2. Municipal officers.** "Municipal officers" means the mayor, councillors or
35 ~~selectmen~~ municipal officers.

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

38 **4. Municipal officer; definition.** The term "municipal officer," as it refers to the
39 Oxford County Budget Advisory Committee in this section, means a ~~selectman~~ municipal
40 officer or council member.

1 **Sec. 20. 30-A MRSA §1605, sub-§8**, 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 and PL
3 2003, c. 689, Pt. B, §6, is further amended to read:

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

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

11 **10. Municipal officers.** "Municipal officers" means:

12 A. The ~~selectmen~~ municipal officers or councillors of a town; or

13 B. The mayor and ~~aldermen~~ municipal officers or councillors of a city.

14 **Sec. 22. 30-A MRSA §2521**, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C,
15 §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further
16 amended to read:

17 **§2521. Call of town meeting**

18 Each town meeting ~~shall~~ must be called by a warrant. The warrant must be signed by
19 a majority of the ~~selectmen~~ municipal officers, except as follows.

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

22 **2. Majority of ~~selectmen~~ municipal officers.** If, for any reason, a majority of the
23 ~~selectmen~~ municipal officers do not remain in office, a majority of those remaining may
24 call a town meeting.

25 **3. Petition of 3 voters, if no ~~selectmen~~ municipal officers.** When a town, once
26 organized, is without ~~selectmen~~ municipal officers, a notary public may call a meeting on
27 the written petition of any 3 voters.

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

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

35 **2. Moderator elected and sworn.** The clerk, or in the clerk's absence a ~~selectman~~
36 municipal officer or constable, shall open the meeting by:

37 A. Calling for the election of a moderator by written ballot;

38 B. Receiving and counting the votes for moderator; and

39 C. Swearing in the moderator.

1 **Sec. 24. 30-A MRSA §2524, 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. Moderator presides.** As soon as the moderator has been elected and sworn, the
5 moderator shall preside over and supervise the voting at the meeting and may appoint a
6 deputy moderator to assist the moderator. If the moderator is absent or is unable to carry
7 out the duties, the clerk, or in the clerk's absence a ~~selectman~~ municipal officer or constable,
8 may call for the election of a deputy moderator to act in the absence of the moderator.

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

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

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

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

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

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

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

28 A. In order to hold the office of ~~selectman~~ municipal officer, a person must be a voter
29 in the town in which that person is elected.

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

33 **4. ~~Selectmen~~ Municipal officers and overseers.** The following provisions apply to
34 ~~selectmen~~ municipal officers and overseers.

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

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

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

1 B. When others have not been elected, the ~~selectmen~~ municipal officers shall serve as
2 overseers ~~of the poor~~.

3 C. A ~~selectman~~ municipal officer may also serve as a member of the board of assessors.

4 D. A town, in electing ~~selectmen~~ municipal officers and overseers, may designate one
5 of them as ~~chairman~~ chair of the board.

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

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

13 **Sec. 28. 30-A MRSA §2526, sub-§5, ¶A**, as enacted by PL 1987, c. 737, Pt. A,
14 §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10,
15 is further amended by amending subparagraph (3) to read:

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

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

20 C. When a town has not elected a full board of assessors, the ~~selectmen~~ municipal
21 officers shall serve as assessors as provided in Title 36, section 703. A ~~selectman~~
22 municipal officer who is an assessor pursuant to this paragraph and Title 36, section
23 703 or any person who serves as both a ~~selectman~~ municipal officer and a tax assessor
24 may resign the position of assessor without resigning the office of ~~selectman~~ municipal
25 officer. The position of assessor must then be filled by appointment pursuant to section
26 2602, subsection 2. A person elected to the State Legislature who resigns the position
27 of assessor pursuant to this paragraph may continue to serve concurrently as ~~selectman~~
28 a municipal officer and member of the State Legislature. If a person who is serving in
29 the State Legislature or in another office incompatible with the position of assessor
30 resigns the position of assessor pursuant to this paragraph before that person has
31 performed any duties as tax assessor, that person may not be deemed to have vacated
32 the previously held position of State Legislator or other office that is incompatible with
33 the office of assessor.

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

36 B. The board of assessment review consists of 3 members and 2 alternates appointed
37 by the ~~selectmen~~ select board. The municipality, when adopting such a board, may fix
38 the compensation of the members. Initially, one member must be appointed for one
39 year, one member for 2 years and one member for 3 years, and one of the alternates
40 must be appointed for one year and one alternate for 2 years. Thereafter, the term of
41 each new member or alternate is 3 years.

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

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

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

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

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

13 **2. Designation, number and terms of officials.** At the time of acceptance, the town
14 shall determine, by a separate article in the warrant, which other officials are to be elected
15 according to this section, and may determine the number and terms of ~~selectmen~~ municipal
16 officers, assessors and overseers according to section 2526.

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

20 **Sec. 34. 30-A MRSA §2552, sub-§5**, as enacted by PL 1987, c. 737, Pt. A, §2 and
21 Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further
22 amended to read:

23 **5. Officials elected by ~~aldermen~~ municipal officers and common council.** In the
24 election of any official by the ~~board of aldermen~~ municipal officers or jointly by the
25 ~~aldermen~~ municipal officers and common council in which the mayor has a right to give a
26 deciding vote, if the candidates have an equal number of votes, the mayor shall determine
27 which of them is elected.

28 **Sec. 35. 30-A MRSA §2552, sub-§6**, as enacted by PL 1987, c. 737, Pt. A, §2 and
29 Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further
30 amended to read:

31 **6. Officials appointed by the municipal officers.** Whenever appointments to office
32 are made by the municipal officers, they ~~shall~~ must be made by the mayor with the consent
33 of the ~~aldermen~~ municipal officers and may be removed by the mayor.

34 **Sec. 36. 30-A MRSA §2602, sub-§2**, as amended by PL 1991, c. 270, §3, is further
35 amended to read:

36 **2. Vacancy in office other than ~~selectman~~ municipal officer or school committee.**
37 When there is a vacancy in a town office other than that of ~~selectman~~ municipal officer or
38 school committee, the ~~selectmen~~ select board may appoint a qualified person to fill the
39 vacancy.

40 **Sec. 37. 30-A MRSA §2602, sub-§3**, as amended by PL 1991, c. 270, §3, is further
41 amended to read:

1 **3. Vacancy in office of ~~selectman~~ municipal officer.** When there is a vacancy in the
2 office of ~~selectman~~ municipal officer, the ~~selectmen~~ select board may call a town meeting
3 to elect a qualified person to fill the vacancy.

4 **Sec. 38. 30-A MRSA §2631, sub-§2**, as enacted by PL 1987, c. 737, Pt. A, §2 and
5 Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further
6 amended to read:

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

15 **Sec. 39. 30-A MRSA §2632**, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C,
16 §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further
17 amended to read:

18 **§2632. Qualifications of town manager**

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

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

26 **3. Prohibited offices.** A town manager may not serve as moderator, ~~selectman~~
27 municipal officer, assessor or member of the school committee.

28 **Sec. 40. 30-A MRSA §2633, sub-§2**, as enacted by PL 1987, c. 737, Pt. A, §2 and
29 Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further
30 amended to read:

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

33 **Sec. 41. 30-A MRSA §2633, sub-§3**, as enacted by PL 1987, c. 737, Pt. A, §2 and
34 Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further
35 amended to read:

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

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

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

1 C. Upon request for a public hearing, the ~~selectmen~~ select board shall hold one at least
2 10 days but not more than 30 days after the request is filed.

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

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

9 **Sec. 42. 30-A MRSA §2634, first ¶**, as enacted by PL 1987, c. 737, Pt. A, §2 and
10 Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further
11 amended to read:

12 The town manager may designate a qualified administrative official of the town to
13 perform the manager's duties during a temporary absence or disability, subject to
14 confirmation by the ~~selectmen~~ select board. If the town manager does not make this
15 designation, the ~~selectmen~~ select board may appoint a town official to perform the
16 manager's duties during the absence or disability and until the manager returns or the
17 disability ceases.

18 **Sec. 43. 30-A MRSA §2635**, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C,
19 §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further
20 amended to read:

21 **§2635. ~~Board of selectmen~~ Select board to act as a body; administrative service to be**
22 **performed through town manager; committees**

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

31 **Sec. 44. 30-A MRSA §2636**, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C,
32 §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further
33 amended to read:

34 **§2636. Powers and duties of town manager**

35 The town manager:

36 **1. Executive and administrative officer.** Is the chief executive and administrative
37 official of the town;

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

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

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

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

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

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

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

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

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

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

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

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

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

31 **Sec. 45. 30-A MRSA §2637, first ¶**, as enacted by PL 1987, c. 737, Pt. A, §2 and
32 Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further
33 amended to read:

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

37 **Sec. 46. 30-A MRSA §2638, sub-§2**, as enacted by PL 1987, c. 737, Pt. A, §2 and
38 Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further
39 amended to read:

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

1 **Sec. 47. 30-A MRSA §2638, 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. Compensation.** The agreement must contain a formula establishing the percentage
5 of the manager's compensation to be contributed by each town. The ~~selectmen~~ select
6 boards shall determine the manager's total compensation acting as a joint board, each town
7 having a single vote.

8 **Sec. 48. 30-A MRSA §4356, sub-§3**, as enacted by PL 1989, c. 104, Pt. A, §45
9 and Pt. C, §10, is amended to read:

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

13 **Sec. 49. 30-A MRSA §4702, sub-§1, ¶B**, as amended by PL 2017, c. 234, §3 and
14 affected by §42, is further amended to read:

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

19 **Sec. 50. 30-A MRSA §4702, sub-§15**, as enacted by PL 1987, c. 737, Pt. A, §2
20 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is
21 further amended to read:

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

25 **Sec. 51. 30-A MRSA §4721, sub-§2**, as enacted by PL 1987, c. 737, Pt. A, §2 and
26 Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further
27 amended to read:

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

33 **Sec. 52. 30-A MRSA §4721, sub-§4**, as enacted by PL 1987, c. 737, Pt. A, §2 and
34 Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further
35 amended to read:

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

39 **Sec. 53. 30-A MRSA §4725, first ¶**, as amended by PL 2011, c. 560, §2, is further
40 amended to read:

41 A commissioner may be removed from office for inefficiency, neglect of duty or
42 misconduct in office after hearing by the legislative body of a city, the ~~selectmen~~ select

1 board of a town, or, in the case of the Maine State Housing Authority, the Governor. The
2 commissioner must be given a copy of the charges at least 10 days before the hearing and
3 must be given an opportunity to be heard in person or to be represented by counsel. If a
4 commissioner is removed, a record of the proceedings, together with the charges and the
5 findings on the charges, must be filed in the office of the clerk or, in the case of the Maine
6 State Housing Authority, in the office of the Secretary of State. This section does not apply
7 to the director of the Maine State Housing Authority, who may be removed by the
8 commissioners pursuant to section 4723, subsection 2, paragraph C.

9 **Sec. 54. 30-A MRSA §7007, first ¶**, as enacted by PL 1987, c. 737, Pt. A, §2 and
10 Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further
11 amended to read:

12 Assessors of plantations ~~shall be~~ are considered the ~~selectmen~~ municipal officers of the
13 plantation for the purpose of performing the duties performed by the ~~selectmen~~ municipal
14 officers of towns. Treasurers, collectors and constables of plantations must give the same
15 bond as similar officials of towns are required to give, to be approved in the same manner.
16 The valuation of property for the assessment of taxes in plantations, as well as the
17 assessment, collection and disposal of taxes, ~~shall~~ must be the same as in towns.

18 **Sec. 55. 32 MRSA §83, sub-§17-B**, as enacted by PL 2015, c. 6, §1, is amended
19 to read:

20 **17-B. Municipal officers.** "Municipal officers" means:

- 21 A. The ~~selectmen~~ municipal officers or councillors of a town; or
22 B. The mayor and ~~aldermen~~ municipal officers or councillors of a city.

23 **Sec. 56. 36 MRSA §501, sub-§4** is amended to read:

24 **4. Municipal officers.** "Municipal officers" ~~shall mean~~ means the mayor and
25 ~~aldermen~~ municipal officers of cities, the ~~selectmen~~ municipal officers of towns and the
26 assessors of plantations.

27 **Sec. 57. 36 MRSA §703**, as amended by PL 1991, c. 270, §4, is further amended to
28 read:

29 **§703. ~~Selectmen~~ Municipal officers to act as assessors**

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

36 **Sec. 58. 36 MRSA §841, sub-§5**, as repealed and replaced by PL 1987, c. 772,
37 §16, is amended to read:

38 **5. Certification; record.** Whenever an abatement is made, other than by the State
39 Tax Assessor, the abating authority shall certify it in writing to the collector, and that
40 certificate ~~shall discharge~~ discharges the collector from further obligation to collect the tax
41 so abated. When the abatement is made, other than an abatement made under subsection
42 2, a record setting forth the name of the party or parties benefited, the amount of the

1 abatement and the reasons for the abatement ~~shall~~ must, within 30 days, be made and kept
2 in suitable book form open to the public at reasonable times. A report of the abatement
3 ~~shall~~ must be made to the municipality at its annual meeting or to the mayor and ~~aldermen~~
4 municipal officers of cities by the first Monday in each March.

5 **SUMMARY**

6 This bill amends the Maine Revised Statutes to replace, as appropriate, all appearances
7 of or references to certain terms as follows:

- 8 1. "Board of selectmen" is replaced with "select board";
- 9 2. "Selectman" is replaced with "municipal officer";
- 10 3. "Overseer of the poor" is replaced with "overseer"; and
- 11 4. "Alderman" is replaced with "municipal officer."