

**§2602. Vacancy in municipal office**

**1. When vacancy exists.** A vacancy in a municipal office may occur by the following means:

A. Nonacceptance; [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

B. Resignation; [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

C. Death; [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

D. Removal from the municipality; [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

E. Permanent disability or incompetency; [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

F. Failure to qualify for the office within 10 days after written demand by the municipal officers; [PL 2011, c. 324, §2 (AMD).]

G. Failure of the municipality to elect a person to office; or [PL 2011, c. 324, §3 (AMD).]

H. Recall pursuant to section 2505. [PL 2011, c. 324, §4 (NEW).]  
[PL 2011, c. 324, §§2-4 (AMD).]

**2. Vacancy in office other than member of select board or school committee.** When there is a vacancy in a town office other than a vacancy on the select board or school committee, the select board may appoint a qualified person to fill the vacancy.  
[PL 2021, c. 275, §34 (AMD).]

**3. Vacancy in office of member of select board.** When there is a vacancy on the select board, the select board may call a town meeting to elect a qualified person to fill the vacancy.  
[PL 2021, c. 275, §35 (AMD).]

**4. Vacancy in school committee.** A vacancy in a municipality's school committee shall be filled as provided in Title 20-A, section 2305, subsection 4.  
[PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

**5. Person appointed qualifies.** The person appointed to fill a vacant office must qualify in the same manner as one chosen in the regular course of municipal activity.  
[PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

**6. Home rule authority.** Under its home rule authority, a municipality may apply different provisions governing the existence of vacancies in municipal offices and the method of filling those vacancies as follows:

A. Any change in the provisions of this section relating to a school committee must be accomplished by charter; and [PL 1993, c. 369, §1 (AMD).]

B. Any change in the provisions of this section relating to any other municipal office may be accomplished by charter or ordinance. [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

[PL 1993, c. 369, §1 (AMD).]

**7. Authority to act.** Words in any statute, charter or ordinance giving authority to 3 or more persons authorize a majority to act when the statute, charter or ordinance does not otherwise specify. Notwithstanding any law to the contrary, a vacancy on an elected or appointed municipal or quasi-municipal body does not in itself impair the authority of the remaining members to act unless a statute, charter or ordinance expressly prohibits the municipal or quasi-municipal body from acting during the period of any vacancy and does not in itself affect the validity of any action no matter when taken.

[PL 2007, c. 396, §3 (NEW); PL 2007, c. 396, §4 (AFF).]

#### SECTION HISTORY

PL 1987, c. 737, §§A2,C106 (NEW). PL 1989, c. 6 (AMD). PL 1989, c. 9, §2 (AMD). PL 1989, c. 104, §§C8,10 (AMD). PL 1991, c. 270, §3 (AMD). PL 1993, c. 369, §1 (AMD). PL 2007, c. 396, §3 (AMD). PL 2007, c. 396, §4 (AFF). PL 2011, c. 324, §§2-4 (AMD). PL 2021, c. 275, §§34, 35 (AMD).

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