

SELECTMEN'S EPACKET
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August 2, 2011

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BOARD OF SELECTMEN
AGENDA
August 2, 2011
7:00 p.m.
Broadcast Studio

SELECTMEN'S MEETING

- 1) Call to order.
- 2) Minutes of previous meeting dated:
 - June 21, 2011
- 3) New business.
 - a) Request to allow personal boat off Black Ghost Cafe Business Dock- Jeff Pomeroy, Owner
 - b) Annual Fee Schedule for Consideration- Louse Lester, Town Clerk
 - c) Consideration and Signing of Letter of Engagement with Contract Auditors Smith& Associates
 - d) Draft Appointment Ordinance for Consideration
 - e) Consideration of Revised Town Office Hours- Chairman Joe Bruno
 - f) Quit Claim Deeds as Submitted by Deputy Tax Collector Sue Carr
 - g) Executive Session pursuant to 1 MRSA § 405(6)(A): Personnel Matters in Code Enforcement and Assessing Departments
- 4) Old (unfinished) business.
 - a) Review of Draft Recall Ordinance
- 5) **Public Comment** This agenda item is for the public to bring attention to any issues and concerns for future Board of Selectmen meetings.
- 6) **Town Manager Report and Communications.**
 - a) **Confirm date for next regular meeting:**
 - September 13, 2011
- 7) **Selectmen Communications.** This agenda item is for the general discussion of non-agenda items by the Board of Selectmen, and for the purpose of introducing future topics for discussion. No action will be taken. Previously considered agenda items cannot be addressed under Selectmen communications unless approved by formal vote of the Board of Selectmen.

The Selectmen may take items out of order at their discretion.

8) Fiscal Warrants – Payroll and Appropriation Warrants – August 2, 2011

9) Adjournment.

The Selectmen may take items out of order at their discretion.

Board of Selectmen Agenda, August 2, 2011

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Deadline for next Agenda: September 2, 2011



**BOARD OF SELECTMEN
AGENDA SUMMARY**

August 2, 2011

7:00 p.m.

Broadcast Studio

SELECTMEN'S MEETING

1) Call to order.

2) Minutes of previous meeting dated:

- **June 21, 2011**

3) New business.

a) Request to allow personal boat off Black Ghost Cafe Business Dock- Jeff Pomeroy, Owner

Jeff Pomeroy will be updating the Selectmen about his business and the private sector management of Raymond Beach. He is also asking for permission to dock his private (approximately 20') boat on the Black Ghost Cafe landing, which is not specified in his current lease. It should be noted that the boat is not operational, but only serves as a security measure to ward off possible vandals.

b) Annual Fee Schedule for Consideration- Louse Lester, Town Clerk

Staff is suggesting the following changes in the fee schedule:

- Animal Control - necessary to cover expenses
- Office Charges - change to establish that first hour of research is free and then charge for additional time after initial hour.

The Cemetery Committee is suggesting an increase in lot prices to cover the cost of perpetual care and establishing a price for a five plot lot. There are State mandated increases in plumbing fees within the Code Enforcement Department.

c) Consideration and Signing of Letter of Engagement with Contract Auditors Smith & Associates

Per Title 30-A MRSA § 5823, each municipality must have an annual postaudit made of its accounts covering the last complete fiscal year by the Maine Department of Audit or by a qualified public accountant elected by ballot or engaged by its municipal officers.

Smith & Associates, CPAs of Yarmouth, ME have performed the audit for the Town of Raymond for a number of years. The engagement letter confirming that they will audit the Town of Raymond's financial statements for the fiscal year ending June 30, 2011 is attached for the approved signature of the Chair of the Board of Selectmen, as required by law.

d) Draft Appointment Ordinance for Consideration

The Selectmen had requested that an appointment ordinance be drafted that would allow for them to appoint an elected official if a regular election was not already scheduled within 90 days.

The Selectmen may take items out of order at their discretion.

Board of Selectmen Agenda, August 2, 2011

Page 1 of 2

Deadline for next Agenda: September 2, 2011

e) Consideration of Revised Town Office Hours- Chairman Joe Bruno

A survey was done of surrounding towns regarding the hours of operation for their town offices (results attached to the ePacket) at the request of the Chairman of the Board of Selectmen. Staff recommends a Tuesday through Friday schedule that would be open open earlier on Tuesday but also still stay open until at least 6pm that day. Consideration will be given to revising the current office hours which are:

Tuesday: 12-7pm
Wednesday-Friday 8:30-4:00pm
Saturday: 8:30-12pm

f) Quit Claim Deeds as Submitted by Deputy Tax Collector Sue Carr

Deputy Tax Collector Sue Carr has prepared quit claim deeds for:

- 6 Legacy Road Trust for the property at 6 Legacy Road (Map 24, Lot 70);
- Fredrick Miller II for property at o Thomas Pond Terrace (Map 77, Lot 4); and
- Beth-Ann Hurd for property located at 326 Raymond Hill Road (Map 15, Lot 92).

All back taxes, interest and lien costs have now been paid for all of these properties.

g) Executive Session pursuant to 1 MRSA § 405(6)(A): Personnel Matters in Code Enforcement and Assessing Departments

4) Old (unfinished) business.

a) Review of Draft Recall Ordinance

Raymond Residents, Jack Fitch and Frank McDermott, asked the Board of Selectmen to consider creating an Elected Official's Recall Ordinance at their April 5, 2011 meeting, as authorized under Maine Law M.R.S.A. Title 30-A §2602(6). This would allow Raymond residents to petition for the removal of elected officials, with the exception of school board members, from office. Attached to the ePacket is a document that was drafted based upon the Selectmen specifications and Maine Law.

5) Public Comment This agenda item is for the public to bring attention to any issues and concerns for future Board of Selectmen meetings.

6) Town Manager Report and Communications.

a) Confirm date for next regular meeting:

- **September 13, 2011**

7) Selectmen Communications. This agenda item is for the general discussion of non-agenda items by the Board of Selectmen, and for the purpose of introducing future topics for discussion. No action will be taken. Previously considered agenda items cannot be addressed under Selectmen communications unless approved by formal vote of the Board of Selectmen.

8) Fiscal Warrants – Payroll and Appropriation Warrants – August 2, 2011

9) Adjournment.

The Selectmen may take items out of order at their discretion.

TOWN OF RAYMOND

FEE SCHEDULE

Approved July TBA, 2011

State Plumbing code Amended February, 2011

Animal Control Fees

Dogs at large:	1 st violation	\$50.00 plus cost of court fees but not more than \$250.
	2 nd violation	Not less than \$100.00 plus cost of court fees but not more than \$500.
	3 rd violation	Not less than \$100.00 plus cost of court fees but not more than \$500.
Canine Waste infraction:		
	1 st violation	\$50.00
	2 nd violation	\$50.00
	3 rd violation	Not less than \$100.00 but not more than \$500.00
	Animal At Large	\$50.00
	Animal on beach, park or cemetery	\$50.00
	Animal left in car unattended	\$50.00
	Barking Dog violation	\$50.00
	Unlicensed dog violation	\$30.00 plus licensing fees was \$15.00
	Board for animals picked up by ACO	\$25.00/day was \$15.00
	Impound fees: 1st impoundment	\$30.00 was \$10.00
	2nd impoundment	\$40.00 was \$30.00
	3rd and more	\$50.00 each impoundment was \$45.00
	Transportation fee outside of town limits:	\$25.00 per trip

Waste Fees

Tag for extra curbside household trash	\$1.00 each
Bulky Waste	pay at the gate

Cemetery Lot Prices includes perpetual care:

1 plot resident	\$300.00
1 plot non-resident	\$500.00
2 plots resident	\$600.00
2 plots non-resident	\$1,000.00

3 plots resident	\$900.00
3 plots non-resident	\$1,500.00
4 plots resident	\$1,200.00
4 plots non-resident	\$2,000.00
5 plots resident	\$1,500.00
5 plots non-resident	\$2,500.00
6 plots resident	\$1,800.00
6 plots non-resident	\$3,000.00
Cremation burial plot opening	\$175.00
Grave Opening Fee starts at:	\$500.00 casket

Code Enforcement

Building Permits:

New construction or additions	\$.30 per square foot Finished area
New Construction or additions	\$. 25 per square foot Unfinished area
Commercial/Industrial	\$.30 per square foot
Minimum permit fee	\$25.00
Alterations or Renovations	
Up to \$500.00	\$25.00
\$501.00 to \$1000.00	\$25.00
\$1001.00 to \$5000.00	\$40.00
\$5001.00 to \$10,000.00	\$55.00
\$10,001.00 and up	\$55.00 plus \$8.00 per thousand or fraction thereof

Separate Permit Fees:

Chimneys/Antennas	\$25.00
Moving (within town)	\$25.00
Moving (into town)	\$. 25 /\$.30 per square foot
Demolitions	\$25.00
Signs (business, commercial)	\$25.00 up to 6 sq.ft. Plus \$.15 /sq.ft. over 6 sq. ft.
Swimming Pools (in ground)	\$30.00
Swimming Pools (above ground)	\$25.00
Docks (permanent or seasonal)	\$.10 per sq. ft.

Penalty:

A minimum of \$500.00 plus \$5.00 per square and cubic foot up to a maximum of \$2,500.00 for any new outside or inside construction that results in added area of volume.

Any alterations or renovations having a completed value of \$2,000.00 or more will also be charged a double permit fee if started without a permit.

All reinspection fees \$25.00 per visit

Plumbing Fees:

Preinspection Fee	Included with the State Fee
Reinspection Fee	\$ 25.00 per visit
Subsurface Complete Systems	
Non-engineered systems	\$250.00 plus \$25.00 town fee
Plus a State Water Quality Surcharge	\$ 15.00
Plus a State variance	\$ 20.00
Primitive Disposal system (includes alternative toilet)	\$100.00
Engineered systems	\$200.00 plus \$25.00 town fee
System Components (installed separately)	
Treatment Tank	\$ 80.00 plus \$25.00 town fee
Holding Tank	\$100.00 plus \$25.00 town fee
Alternative Toilet	\$ 50.00 plus \$25.00 town fee
Disposal Area	\$150.00 plus \$25.00 town fee
Plus a State Water Quality Surcharge	\$ 15.00
Engineered Disposal Area	\$150.00 plus \$25.00 town fee
Separated Laundry Disposal System	\$ 35.00 plus \$25.00 town fee
Seasonal Conversion Permit	\$ 50.00 plus \$25.00 town fee

Internal Plumbing Fees:

Per State schedule:	\$ 10.00/fixture plus \$25.00 town fee
	\$ 40.00 minimum plus \$25.00 town fee

*Plumbing fixtures include backflow devices

Other Code Enforcement Fees:

Campsite (personal)	\$25.00 annually
Campgrounds	\$75.00 annually
Change of Use with renovations	\$25.00
Change of Use without renovations \$.30/sq. ft or	\$25.00 minimum
Driveway/entrance	\$25.00
Tree removal Shoreland Zone permit application	\$25.00
Road opening	\$75.00 plus \$1.50 per sq. ft.
Appeals Board Applications/residential	\$75.00
Appeals Board Applications/commercial	\$235.00
Planning Board Pre-application Conference	\$75.00

Appeals Board/Planning Board Abutters Notices	\$8.00 each notice
Appeals Board/Planning Board Newspaper legal notice	\$45.00/ per ad
Planning Board Application/commercial/site plan	\$310.00 + up
Planning Board Application/subdivision	\$625.00 + up
Preliminary Subdivision Plan 4 lots/units or less	\$625.00
Over 4 lots/units	\$650.00 plus \$155.00 per lot/unit over first 4
Final Subdivision Plan 4 lots/units or less	\$390.00
Over 4 lots/units	\$310.00 plus \$80.00 per lot/unit over first 4
Site Plan Review under 1,000 sq. ft. of gross floor area	\$310.00
1,000-10,000 sq. ft. of gross floor area	\$390.00
Over 10,000 sq.ft. of gross floor area	plus \$20.00 (\$30.00) for each 1,000 sq.ft. of gross floor area over the first 10,000.
Development without buildings	\$390.00
Road name change	\$75.00
Septic Disposal Permit	Free
Recording indexing and preserving plans	\$15.00
Reinspection for Occupancy Permit	\$25.00 each visit

Fire Department:

Fire Report request	\$25.00
Fire Permit	\$Free
Inspection of new construction less than 10,000 sq. ft. or 100,000 cubic feet	\$70.00
Inspection of new construction more than 10,000 sq. ft. or 100,000 cubic feet	\$90.00
Inspection of existing construction less than 10,000 sq. ft. or 100,000 cubic feet	\$40.00
Inspection of existing construction more than 10,000 sq. ft. or 100,000 cubic feet	\$60.00
Inspection of additions/alterations less than 10,000 sq. ft. regardless of existing size	\$20.00
Additions/alterations more than 10,000 sq. ft. or 100,000 cubic feet will be required to use the fee schedule for new construction more than 10,000 sq. ft.	
Review of subdivisions	\$60.00
Review of each house in subdivision after	

completion	\$15.00
Inspection of public shows/events	\$10.00
Annual/bi-annual inspections campgrounds, schools, summer camps, liquor licenses	\$Free
Bi-annual inspection of businesses, churches, town buildings	\$Free
Re-inspections for violations	\$10.00

Office Charges:

Photo copies of property cards	\$.50 per side	
Photo copy of reduced town map	\$1.50	
Photo copy of deed 1 st page	\$1.50	
Photo copy of deed of other pages	\$.50 each	
Photo copies – general	\$.50 per side	
Fax per page sent	\$2.50	
Fax per page received	\$1.00	
Labels prepared	Research	\$10.00/hr
	Preparation	\$.10/label
Map Colored 8.5x11	\$2.50	
Map Colored 8.5x11 laminated	\$4.50	
Map Colored 11x17	\$5.00	
Map Colored 24x44	\$25.00	
Notary Public fee	\$2.50 per page	
Notary Public fee for complex court documents or real estate closing documents	\$25.00	
Tax Lien/Discharge research	\$20.00/hr after the 1st hour	

Printed List Fee:

Absentee Voter List – paper per election	\$30.00
Absentee Voter List – digital per election	\$20.00
Dog Licensing List – paper	\$30.00
Dog Licensing List – digital	\$20.00
Voter List - paper	\$125.00
Voter List on labels	\$135.00
Voter List digital	\$65.00
Taxpayer List - paper	\$500.00

Taxpayer List digital	\$65.00
Taxpayer List on website	Free

Registry Recording Fees:

First page	\$16.00
All other pages	\$2.00 per page

Town Clerk's Office Fees:

Billiard, pool, bowling alleys	\$50.00
Burial permits [state change]	\$20.00
Cable TV Franchise	2.5 percent through Time Warner
Dogs neutered/dogs entire/Kennels	\$6.00/\$10.00/\$42.00
Marriage License [state change]	\$20.00 each person (total \$40.00)
Marriage, Birth, Death Certificates [state change]	\$15.00/\$6.00 each additional
Business Listing	\$10.00
Peddler's Permit – Lunch wagon	\$500.00 annually non-resident
Peddler's Permit – Lunch wagon	\$250.00 annually resident
Explosives – keeping/transporting	\$50.00
Public exhibitions	\$50.00 plus \$1.00 per person
Special Amusement Permit	\$50.00 plus legal advertisement
Bounced Checks	\$25.00
Vital Records Research	\$10.00/hr after the first hour
Vital Records copying	\$.50 per 8.5"X11" page \$1.00 per 11"x14" page

Liquor Licenses:

Application fee	\$10.00
Advertising fee with public hearing application	\$35.00
Temporary liquor license application	\$10.00

Tassel Top Park:

Tassel Top Park Car Season Pass	\$85.00 unlimited occupancy \$70.00 for up to 4 people [Extra people to be paid for at the gate.]
General Admission	\$5.00 Adults 11-64 \$1.00 Seniors 65 and over \$1.00 children 12 and under
Evening Admission after 5 pm	\$2.50 Adults 11-64

	(except weekends & holidays)	
		\$.50 Seniors 65 and over
		\$.50 Children 12 and under
Tassel Top Cabin Rental per week		\$900 (July-August); \$800 (before Memorial Day and after Labor Day) plus security deposit and lodging tax
Tassel Top Cabin Rental per day (when not rented for a week)		\$100/day for up to 4 people plus security deposit and lodging tax
		\$200/day for up to 8 people plus security deposit and lodging tax
		Can include overnight up to 8 people
		\$25/day for each additional person over 8

Smith & Associates, CPAs

A Professional Association

50 Forest Falls Drive, Suite 3 • Yarmouth, Maine 04096
Ph (207) 846-8881 • Fax (207) 846-8882
www.smithassociatescpa.com

June 17, 2011

TOWN OF RAYMOND

Attn: Joseph Bruno
401 Webbs Mills Road
Raymond, ME 04071

We are pleased to confirm our understanding of the services we are to provide the Town of Raymond for the year ended June 30, 2011. We will audit the financial statements of the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information, which collectively comprise the basic financial statements of the Town of Raymond as of and for the year ended June 30, 2011. Accounting standards generally accepted in the United States provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to accompany the Town of Raymond's basic financial statements. As part of our engagement, we will apply certain limited procedures to the Town of Raymond's RSI. These limited procedures will consist principally of inquiries of management regarding the methods of measurement and presentation, which management is responsible for affirming to us in its representation letter.

Unless we encounter problems with the presentation of the RSI or with procedures relating to it, we will disclaim an opinion on it. The following RSI is required by generally accepted accounting principles and will be subjected to certain limited procedures, but will not be audited:

- Statement of Revenues, Expenditures and Changes in Fund Balance – Budget to Actual – General Fund

Additionally, management has chosen not to include the following RSI as required by generally accepted accounting principles:

- Management's Discussion and Analysis

Audit Objective

The objective of our audit is the expression of opinions as to whether your basic financial statements are fairly presented, in all material respects, in conformity with generally accepted accounting principles and to report on the fairness of the additional information referred to in the first paragraph when considered in relation to the basic financial statements taken as a whole. Our audit will be conducted in accordance with auditing standards generally accepted in the United States of America and will include tests of the accounting records and other procedures we consider necessary to enable us to express such opinions. If our opinions on the financial statements are other than unqualified, we will fully discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or to issue a report as a result of this engagement.

Management Responsibilities

Management is responsible for the basic financial statements and all accompanying information as well as all representations contained therein. You are also responsible for making all management decisions and performing all management functions; for designating an individual with suitable skill, knowledge, or experience to oversee our assistance with the preparation of your financial statements and related notes and any other nonattest services we provide; and for evaluating the adequacy and results of those services and accepting responsibility for them.

Management is responsible for establishing and maintaining effective internal controls, including monitoring ongoing activities; for the selection and application of accounting principles; and for the fair presentation in the financial statements of the respective financial position of the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information of the Town of Raymond and the respective changes in financial position and where applicable, cash flows, in conformity with U.S. generally accepted accounting principles.

Management is also responsible for making all financial records and related information available to us and for the accuracy and completeness of that information. Your responsibilities include adjusting the financial statements to correct material misstatements and confirming to us in the representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud or illegal acts affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud or illegal acts could have a material effect on the financial statements.

You are also responsible for informing us of your knowledge of any allegations of fraud or suspected fraud affecting the government received in communications from employees, former employees, regulators, or others. In addition, you are responsible for identifying and ensuring that the entity complies with applicable laws and regulations.

Time Limitations

Because there are inherent difficulties in recalling or preserving information as the period after the engagement increases, you agree that notwithstanding the statute of limitations of the State of Maine, any claim based on this engagement must be commenced within 24 months after performance of our service, unless you have previously provided us with a written notice of a specific defect in our services that form the basis of a claim.

Loss Limitation and Indemnification

During the course of our engagement, we will request information and explanations from management regarding the company's operations, internal controls, future plan, specific transactions, and accounting systems and procedures. At the conclusion of our engagement, we will require, as a precondition to the issuance of our report, that management provide certain representations in a written representation letter. The procedures we will perform in our engagement and the conclusions we reach as a basis for our report will be heavily influenced by the written and oral representations that we receive from management. Accordingly, false representations could cause us to expend unnecessary efforts or could cause a material error or a fraud to go undetected by our procedures.

In view of the foregoing, you agree that we shall not be responsible for any misstatements in the company's financial statements that we may fail to detect as a result of false or misleading representations that are made to us by management.

If we incur legal fees as a result of our reliance on any false representation by you, you agree to reimburse us for all our legal fees and related costs of defense.

There is the risk that potential errors and fraud can occur that can result in damages that may be several times the amount of our audit fees. In order to induce us to accept this engagement, you hereby agree that our liability for any negligence, errors, or omissions committed by us will be limited to five (5) times the amount of our audit fees, provided such negligence, errors, or omissions are not a result of our failure to perform the audit in accordance with professional standards, in all material respects.

Audit Procedures-General

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested. We will plan and perform the audit to obtain reasonable rather than absolute assurance about whether the financial statements are free of material misstatement, whether from errors, fraudulent financial reporting, misappropriation of assets, or violations of laws or governmental regulations that are attributable to the entity or to acts by management or employees acting on behalf of the entity.

Because an audit is designed to provide reasonable, but not absolute, assurance and because we will not perform a detailed examination of all transactions, there is a risk that material misstatements may exist and not be detected by us. In addition, an audit is not designed to detect immaterial misstatements, or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements

However, we will inform you of any material errors and any fraudulent financial reporting or misappropriation of assets that come to our attention. We will also inform you of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential. Our responsibility as auditor's is limited to the period covered by our audit and does not extend to any later periods for which we are not engaged as auditors.

Audit Procedures-General (Continued)

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, and may include tests of the physical existence of inventories, and direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, funding sources, creditors, and financial institutions. We will request written representations from your attorneys as part of the engagement, and they may bill you for responding to this inquiry. At the conclusion of our audit, we will require certain written representations from you about the financial statements and related matters.

Audit Procedures - Internal Control

Our audit will include obtaining an understanding of the entity and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. An audit is not designed to provide assurance on internal control or to identify deficiencies in internal control. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards.

Audit Procedures - Compliance

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of the Town of Raymond's compliance with applicable laws and regulations and the provisions of contracts and agreements. However, the objective of our audit will not be to provide an opinion on overall compliance and we will not express such an opinion.

Engagement Administration, Fees, and Other

We may from time to time, and depending on the circumstances, use third-party service providers in serving your account. We may share confidential information about you with these service providers, but remain committed to maintaining the confidentiality and security of your information. Accordingly, we maintain internal policies, procedures, and safeguards to protect the confidentiality of your personal information. In addition, we will secure confidentiality agreements with all service providers to maintain the confidentiality of your information and we will take reasonable precautions to determine that they have appropriate procedures in place to prevent the unauthorized release of your confidential information to others. In the event that we are unable to secure an appropriate confidentiality agreement, you will be asked to provide your consent prior to the sharing of your confidential information with the third-party service provider. Furthermore, we will remain responsible for the work provided by any such third-party service providers.

We understand that your employees will prepare all cash or other confirmations we request and will locate any documents selected by us for testing.

We expect to begin our audit on September 7, 2011, and to issue our reports within a reasonable amount of time. Wayne C. Smith is the engagement partner and is responsible for supervising the engagement and signing the report or authorizing another individual to sign it. Our fee for these services will be at our standard hourly rates plus out-of-pocket costs (such as report reproduction, word processing, postage, travel, copies, telephone, etc). We will do everything in our control to minimize the cost of these services.

Engagement Administration, Fees, and Other (Continued)

Our standard hourly rates vary according to the degree of responsibility involved and the experience level of the personnel assigned to your audit. Our invoices for these fees may be rendered each month as work progresses and are payable on presentation. In accordance with our firm policies, work may be suspended if your account becomes 60 days or more overdue and may not be resumed until your account is paid in full. If we elect to terminate our services for nonpayment, our engagement will be deemed to have been completed upon written notification of termination, even if we have not completed our report.

You will be obligated to compensate us for all time expended and to reimburse us for all out-of-pocket costs through the date of termination. The above fee is based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the audit. If significant additional time is necessary, we will discuss it with you and arrive at a new fee estimate before we incur the additional costs.

We appreciate the opportunity to be of service to the Town of Raymond and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the enclosed copy and return it to us.

Very truly yours,



SMITH & ASSOCIATES, CPAs
A Professional Association

Response: This letter correctly sets forth the understanding of the Town of Raymond.

By: _____
Chairman

Date: _____

Town of Raymond

Appointment of Elected Official to Fill Vacancy

Section 1. Vacancies:

The Town of Raymond office of an elected official shall be deemed vacant under one or more of the following conditions.

If the Town Official:

- A) Nonacceptance;
- B) Resignation;
- C) Death;
- D) Removal from the municipality;
- E) Recall
- F) Permanent disability or incompetency;
- G) Failure to qualify for the office within 10 days after written demand by the municipal officers;
or
- H) Failure of the municipality to elect a person to office.

Section 2. Notification

If the Town Clerk believes one or more of the above criteria are met, the Clerk shall in writing inform the Board of Selectmen and notify the affected elected official (unless deceased). A vacancy shall be declared if the Board of Selectmen determines by a majority vote of the members present that one or more of the above criteria are met.

Section 3. Appointment

Following solicitation of interested candidates, vacancies in the office, except for vacancies in the school board, shall be filled by the Board of Selectmen through appointment of a registered voter residing in the Town of Raymond and is at least 18 years of age. The Board of Selectmen shall confirm the appointment by a majority vote of the members present. The appointed official shall serve until the regularly scheduled Town election and a successor is elected and sworn. Said successor shall serve the balance of the term.

Maine Revised Statutes Annotated
Title 30-A. Municipalities and Counties ([Refs & Annos](#))
Part 2. Municipalities
Subpart 3. Municipal Affairs
 [↖] [Chapter 123](#). Municipal Officials ([Refs & Annos](#))
 [↖] [Subchapter 1](#). General Provisions
 → § 2602. Vacancy in municipal office

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

- A. Nonacceptance;
- B. Resignation;
- C. Death;
- D. Removal from the municipality;
- E. Permanent disability or incompetency;
- F. Failure to qualify for the office within 10 days after written demand by the municipal officers; or
- G. Failure of the municipality to elect a person to office.

2. Vacancy in office other than selectman or school committee. When there is a vacancy in a town office other than that of selectman or school committee, the selectmen may appoint a qualified person to fill the vacancy.

3. Vacancy in office of selectman. When there is a vacancy in the office of selectman, the selectmen may call a town meeting to elect a qualified person to fill the vacancy.

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.

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.

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
- B. Any change in the provisions of this section relating to any other municipal office may be accomplished by charter or ordinance.

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.

CREDIT(S)

1987, c. 737, § A, 2; [1991, c. 270, § 3, eff. June 14, 1991](#); [1993, c. 369, § 1](#); [2007, c. 396, § 3, eff. June 21, 2007](#).

HISTORICAL AND STATUTORY NOTES

1996 Main Volume

1991 Legislation

Laws 1991, c. 270, § 3, in subsections 2 and 3, deleted references to assessor.

1993 Legislation

Laws 1993, c. 369, § 1, in subsection 6, par. A, deleted provision making this section applicable to changes relating to municipal officers.

Derivation:

R.S. 1954, c. 90-A, § 53; R.S. 1954, c. 91, §§ 22, 40, 41; Laws 1957, c. 405, § 1; Laws 1987, c. 583, § 18; Laws 1987, c. 737, § 1; former 30 M.R.S.A. § 2253.

2010 Electronic Pocket Part Update

2007 Legislation

Laws 2007, c. 396, § 3 added subsec. 7.

Laws 2007, c. 396, § 4 provides:

“**Sec. 4. Retroactivity.** An action, vote or adjudication of an elected or appointed body that occurred prior to the effective date of this Act, including actions, votes or adjudications that occurred prior to on April 26, 2007, is not void for the sole reason that a vacancy existed on the elected or appointed body at the time the action, vote or adjudication occurred.”

CROSS REFERENCES

Local sealer of weights and measures, vacancy, see [10 M.R.S.A. § 2451](#).

Tax collector, bond requirement, see [36 M.R.S.A. § 755](#).

LIBRARY REFERENCES

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Term of office of municipal officers; vacancies and power to fill vacancies, see [Municipal Corporations](#) ¶131, 149(1 to 5).

Term of office of municipal officers; vacancies and power to fill vacancies, see [C.J.S. Municipal Corporations §§ 468, 474, 498](#).

NOTES OF DECISIONS

Filling of vacancy

Tenure of person filling vacancy

Vacancies within section

. Vacancies within section

Where question arose as to legality of election of selectman and selectman signed warrant calling for a special election to fill vacancy in office of selectman and allowed his name to be put in nomination and subsequently, when he was defeated,

he tendered an express resignation, acts of selectman evidenced an intention to abandon office prior to special election, thus making his successor the legally chosen officer. [Harding ex rel. Erickson v. Brown \(1958\) Me., 153 Me. 331, 138 A.2d 635. Municipal Corporations ↪150](#)

Where town treasurer resigned and selectmen appointed treasurer, no "vacancy" existed when petition to call special meeting was presented to selectmen and selectmen did not "unreasonably refuse" to call meeting within R.S.1930, c. 5, § 4, authorizing justice of peace to call meeting. [Googins v. Gilpatrick \(1932\) Me., 131 Me. 23, 158 A. 699. Towns ↪19](#)

. Filling of vacancy

Town may secure treasurer, when vacancy exists, only in way prescribed by statute. [Googins v. Gilpatrick \(1932\) Me., 131 Me. 23, 158 A. 699. Municipal Corporations ↪129; Towns ↪28](#)

Election of treasurer at special meeting called by justice of peace to fill same vacancy filled by town selectmen's appointment was invalid. [Googins v. Gilpatrick \(1932\) Me., 131 Me. 23, 158 A. 699. Municipal Corporations ↪131; Towns ↪28](#)

The effect of P.L.1897, c. 280, was to make it mandatory for the selectmen to appoint certain officers, including fence viewers, if they were not elected by ballot at the annual town meeting; selectmen would not be authorized to act as fence viewers in any event and the office must either be filled by election at the annual town meeting or by appointment by the selectmen. [Bradford v. Hawkins \(1902\) 96 Me. 484, 52 A. 1019.](#)

Under [30 M.R.S.A. § 2253](#), [now this section] town selectmen had authority to appoint person to fill vacancy created by incumbent road commissioner's resignation from office, and person appointed to fill vacancy would hold office for remainder of incumbent's unexpired term. Op.Atty.Gen., May 13, 1980.

Board of town selectmen, presented with valid petition for special town meeting pursuant to § 2053 of this title, [now this section] for the purpose of filling vacancy left by resignation of incumbent road commissioner, could reasonably refuse to call such special town meeting, for board had already appointed person to fill vacancy in office of road commissioner and appointee held office for remainder of unexpired term of incumbent, and meeting to elect new road commissioner could accomplish no legal purpose. Op.Atty.Gen., May 13, 1980.

. Tenure of person filling vacancy

Town treasurer appointed by municipal officers to fill vacancy is intended by statute to serve until next annual town meeting. [Googins v. Gilpatrick \(1932\) Me., 131 Me. 23, 158 A. 699. Municipal Corporations ↪149\(3\); Towns ↪28](#)

30-A M. R. S. A. § 2602, ME ST T. 30-A § 2602

Current with emergency legislation through Chapter 86 of the 2011 First Regular Session of the 125th Legislature

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Maine Revised Statutes Annotated [Currentness](#)

Title 30-A. Municipalities and Counties ([Refs & Annos](#))

Part 2. Municipalities

Subpart 3. Municipal Affairs

↳ [Chapter 121](#). Meetings and Elections

↳ [Subchapter 2](#). Town Meetings and Elections ([Refs & Annos](#))

→ **§ 2526. Choice and qualifications of town officials**

Unless otherwise provided by charter, the following provisions apply to the choice and qualifications of town officials.

1. Manner of election. In a town with a population greater than 4,000, according to the last Federal Decennial Census, election shall be by plurality. Except as provided in section 2528, subsection 10, in a town with a population of 4,000 or under, election shall be by majority.

2. Appointment in writing. The appointment of any town official or deputy must be in writing and shall be signed by the appointing party.

3. Qualifications. In order to hold a municipal office, a person must be a resident of the State, at least 18 years of age and a citizen of the United States.

A. [FN1] In order to hold the office of selectman, a person must be a voter in the town in which that person is elected.

4. Selectmen and overseers. The following provisions apply to selectmen and overseers.

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

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

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

B. When others have not been elected, the selectmen shall serve as overseers of the poor.

C. A selectman may also serve as a member of the board of assessors.

D. A town, in electing selectmen and overseers, may designate one of them as chairman of the board.

(1) **[FN2]** If no person is designated as chairman, the board shall elect by ballot a chairman from its own membership, before assuming the duties of office. When no member receives a majority vote, the clerk shall determine the chairman by lot.

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

5. Assessors. The following provisions apply to assessors.

A. A town may determine at a meeting of its legislative body held at least 90 days before the annual meeting whether a single assessor will be appointed under subparagraph (3) or a board of 3, 5 or 7 will be elected and the term of office of the assessor or assessors. In towns where the municipal legislative body is the town meeting, the determination is effective only if the total number of votes cast for and against the determination equals or exceeds 10% of the number of votes cast in the town at the last gubernatorial election.

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

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

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

B. In addition to the method provided by paragraph A and notwithstanding the provision of any town charter to the contrary, the municipal officers of any town, or the municipal officers of 2 or more towns acting jointly, may enact an ordinance providing for a single assessor. The municipal officers shall appoint the assessor for a term not exceeding 5 years.

(1) Seven days' notice of the meeting at which the ordinance is to be proposed shall be given in the manner provided for town meetings.

(2) In towns where the municipal legislative body is the town meeting, the ordinance is effective immediately after the next regular town meeting if enacted at least 90 days before the meeting. The ordinance stands until revoked by the municipal legislative body or the municipal officers at a meeting held at least 90 days before the annual town meeting.

C. When a town has not elected a full board of assessors, the selectmen shall serve as assessors as provided in Title 36, section 703. A selectman who is an assessor pursuant to this paragraph and Title 36, section 703 or any person who serves as both a selectman and a tax assessor may resign the position of assessor without resigning the office of selectman. The position of assessor must then be filled by appointment pursuant to section 2602, subsection 2. A person elected to the State Legislature who resigns the position of assessor pursuant to this paragraph may continue to serve concurrently as selectman and member of the State Legislature. If a person

who is serving in the State Legislature or in another office incompatible with the position of assessor resigns the position of assessor pursuant to this paragraph before that person has performed any duties as tax assessor, that person may not be deemed to have vacated the previously held position of State Legislator or other office that is incompatible with the office of assessor.

D. A town, if it elects a board of assessors, may designate one member as chairman of the board.

(1)[\[FN2\]](#) If no person is designated as chairman, the board shall elect by ballot a chairman from its own membership, before assuming the duties of office. When no member receives a majority vote, the clerk shall determine the chairman by lot.

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

F. This subsection does not apply to any municipality which is incorporated into a primary assessing area.

G. Notwithstanding any other law when a vacancy occurs on an elected board of assessors, the municipal officers shall fill that vacancy as provided in section 2602, subsection 2.

6. Board of assessment review. The following provisions apply to a board of assessment review.

A. Any municipality may adopt a board of assessment review at a meeting of its legislative body held at least 90 days before the annual meeting.

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

C. Any town adopting a board of assessment review may discontinue the board by vote in the same manner and under the same conditions as in adopting the board.

D. Municipalities may provide by ordinance for a board of assessment review consisting of 5 or 7 members and up to 3 alternates. The terms of office of members and alternates may not exceed 5 years and initial appointments must be such that the terms of office of no more than 2 members or alternates will expire in any single year.

E. Any town, by ordinance, may designate a board of appeals appointed under section 2691 as the board of assessment review.

F. A board of assessment review shall annually elect from its membership a chairman and a secretary.

G. The procedure of a board of assessment review is governed by section 2691, subsection 3.

H. This subsection does not apply to any municipality which is incorporated into a primary assessing area.

7. Road commissioners. The following provisions apply to road commissioners.

A. A town may determine at a meeting held at least 90 days before the annual meeting whether one or more road commissioners will be chosen and the term of office which may not exceed 3 years.

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

(2) If a town fails to fix the number, one shall be chosen. If a town fails to fix the term, it is one year.

B. A road commissioner appointed by the selectmen may be removed from office for cause by the selectmen.

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

8. Treasurers and tax collectors. Treasurers and tax collectors of towns may not simultaneously serve as municipal officers or as elected or appointed assessors until they have completed their duties and had a final settlement with the town.

A. The same person may serve as treasurer and tax collector of a municipality.

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

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

(1) The name of the official or deputy sworn;

(2) The official's or deputy's office;

(3) The name of the person who administered the oath; and

(4) The date when the oath was taken.

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

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

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

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

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

D. The clerk shall record the election or appointment of each official or deputy, including the clerk's own, and

the other information specified in paragraph A.

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

CREDIT(S)

[1987, c. 737, § A, 2](#); [1989, c. 104, §§ A, 17, D, 3, eff. May 4, 1989](#); [1991, c. 235](#); [1991, c. 270, §§ 1, 2, eff. June 14, 1991](#); [2003, c. 234, § 1](#); [2003, c. 510, §§ A-26, A-27, eff. Jan. 11, 2004](#); [2009, c. 57, § 1](#).

[\[FN1\]](#) No par. B was enacted.

[\[FN2\]](#) No subpar. (2) was enacted.

HISTORICAL AND STATUTORY NOTES

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Amendments

1989 Amendment. Laws 1989, c. 104, § A, 17, in subsec. 9, par. A, subpar. (2), substituted reference to official or deputy's office for reference to his office.

Laws 1989, c. 104, § D, 3, in subsec. 9, added provision permitting town official or deputy to also be sworn by notary public or dedimus justice; and in subpar. A(2), effected same change as was made by Laws 1989, c. 104, § A, 17.

1991 Amendments. Laws 1991, c. 235, in subsec. 6, par. B, added 2 alternates to the board, provided that one alternate be appointed for one year and one alternate be appointed for two years, and substituted reference to adoption of the board by the municipality, in lieu of former reference to adoption of the board by the town; and in subsec. 6, par. D, substituted provision allowing municipalities to provide for a board, in lieu of former provision allowing towns with a population of 5,000 or more to provide for a board, and added 3 alternates to the board.

Laws 1991, c. 270, § 1, in subsec. 5, par. C, allowed a selectman who is an assessor to resign the position of assessor without resigning the office of selectman, and provided that the position of assessor must then be filled by appointment.

Laws 1991, c. 270, § 2, added subsec. 5, par. G.

Derivation:

R.S.1954, c. 90-A, § 36; R.S.1954, c. 91, §§ 12 to 14, 20, 22, 24, 37, 39 to 41; Laws 1957, c. 405, § 1; Laws 1963, c. 299, §§ 1 to 3; Laws 1965, c. 80; Laws 1965, c. 97; Laws 1965, c. 513, §§ 60-A, 60-B; Laws 1967, c. 14, § 1; Laws 1967, c. 47; Laws 1967, c. 72, § 1; Laws 1969, c. 114, §§ 1 to 3; Laws 1969, c. 433, § 76; Laws 1969, c. 438, § 4; Laws 1971, c. 598, § 66; Laws 1973, c. 536, §§ 10, 11; Laws 1973, c. 620, § 2; Laws 1973, c. 695, § 1; Laws 1975, c. 545, § 1; Laws 1983, c. 58; Laws 1987, c. 582, § A, 15 to 19; Laws 1987, c. 583, § 11; Laws 1987, c. 737, § A, 1; former 30 M.R.S.A. § 2060.

2010 Electronic Pocket Part Update

2003 Legislation

Laws 2003, c. 234, § 1, in subsec. 5, par. C, in the second sentence, inserted “or any person who serves as both a selectman and a tax assessor”, and added the fourth and fifth sentences.

Laws 2003, c. 510, § A-26, in subsec. 6, par. G, inserted “review” following “assessment”.

Laws 2003, c. 510, § A-27, in subsec. 9, rewrote par. A, which prior thereto read:

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

“(1) The name of the official or deputy sworn;

“(2) The official or deputy's office.

“(2) The official's or deputy's office.

“(3) The name of the person who administered the oath; and

“(4) The date when the oath was taken.”

Laws 2003, c. 510, was presented to the Governor by the Senate on June 14, 2003 and became law without his signature in accordance with M.R.S.A. Const. Art, IV, Pt. Third, Sec. 2. Received in the Office of the Secretary of State on January 12, 2004.

2009 Legislation

Laws 2009, c. 57, § 1, in subsec. 8, in the introductory paragraph, substituted “may not simultaneously serve as municipal officers or as elected or appointed assessors” for “may not be selectmen or assessors”.

CROSS REFERENCES

Conflicts of interest,

Maine State Housing Authority employees or commissioners, see [30-A M.R.S.A. § 4724](#).

Municipal housing authority operators and administrators, see [30-A M.R.S.A. § 4992](#).

Municipal officials generally, see [30-A M.R.S.A. § 2605](#).

Urban renewal projects, see [30-A M.R.S.A. § 5112](#).

Plantation assessors, terms of office and elections, application of this section, see [30-A M.R.S.A. § 7004](#).

Plumbing inspectors, appointment, see [30-A M.R.S.A. § 4221](#).

Registrar of voters, oath requirements, see [21-A M.R.S.A. § 101](#).


Road commissioners, see [23 M.R.S.A. § 2701 et seq.](#)

Tax collector, bond requirement, see [36 M.R.S.A. § 755](#).

Treasurer, bond requirement, see [30-A M.R.S.A. § 5601](#).

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Appointment, election, and qualification of municipal officers, see [Municipal Corporations](#)  [128 et seq.](#), [143 et seq.](#)
 Appointment, election, and qualification of municipal officers, see [C.J.S. Municipal Corporations §§ 468 et seq.](#), [489 et seq.](#)

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[1.](#) Manner of election

If the record be silent as to the mode in which town officers were elected, the presumption will be, without proof to the contrary, that they were chosen in the manner required by law. [Hathaway v. Inhabitants of Addison \(1860\) Me., 48 Me. 440.](#)

[2.](#) Selectmen

Where question arose as to legality of election of selectman and selectman signed warrant calling for a special election to fill vacancy in office of selectman and allowed his name to be put in nomination and subsequently, when he

was defeated, he tendered an express resignation, acts of selectman evidenced an intention to abandon office prior to special election, thus making his successor the legally chosen officer. [Harding ex rel. Erickson v. Brown \(1958\) Me., 153 Me. 331, 138 A.2d 635. Municipal Corporations ↪ 150](#)

From the known practice of towns in this State to choose but 3 selectmen, it will be presumed that that number was chosen, unless the contrary appears. [Inhabitants of Jay v. Inhabitants of Carthage \(1860\) Me., 48 Me. 353.](#)

3. Overseers

Towns have the discretionary power to choose any number of overseers of the poor, not exceeding 12; but, if they deem the election of separate overseers unnecessary, the duties pertaining to those officers are to be discharged by the selectmen, of whom there must be 3, 5, or 7. It was held that the election of only one overseer of the poor was valid. [Inhabitants of Lyman v. Inhabitants of Kennebunkport \(1891\) Me., 83 Me. 219, 22 A. 102.](#)

4. Assessors



Valid appointment of tax collector is crucial to viability of his tax liens. [Hann v. Merrill \(1972\) Me., 305 A.2d 545. Taxation ↪ 2803](#)



Tax collector did not hold office de jure unless his appointment was in writing. [Hann v. Merrill \(1972\) Me., 305 A.2d 545. Taxation ↪ 2803](#)



Where contract between manager and town for year 1959 provided that manager would exercise duties of tax collector and each year thereafter until 1966 town selectmen voted to reappoint manager after discussion of renewing his contract but there was nothing in writing showing appointment as tax collector, titles based on foreclosure of tax liens placed on properties for unpaid taxes assessed in years 1961, 1962 and 1964 were invalid. [Hann v. Merrill \(1972\) Me., 305 A.2d 545. Taxation ↪ 3070](#)


A town may elect a board of 4 tax assessors, and hence assessment was not void as not made by a legal board merely because of insufficiency of evidence of the resignation of one of three original assessors, which was the purported reason for electing a fourth to fill the vacancy. [Inhabitants of Town of Warren v. Norwood \(1941\) Me., 138 Me. 180, 24 A.2d 229. Municipal Corporations ↪ 971\(2\); Towns ↪ 58](#)

By the provisions of R.S.1883, c. 3, § 12, as amended by Laws 1885, c. 335, p. 280, a collector of taxes who has not


had a final settlement with the town is ineligible to the office of selectman or assessor of taxes; and although he may have been formally elected as assessor, and may have been regularly sworn, and may have acted, he is merely an assessor de facto. [Inhabitants of Springfield v. Butterfield \(1903\) Me., 98 Me. 155, 56 A. 581.](#) [Municipal Corporations](#)  [971\(1\); Towns](#)  [58](#)


Where one assessor has not been qualified, the other 2 cannot assess a tax. [Inhabitants of Machiasport v. Small \(1885\) Me., 77 Me. 109.](#) [Officers And Public Employees](#)  [35; Taxation](#)  [2434](#)


By law, the board of assessors cannot consist of less than 3 persons, who shall be qualified by taking the oath prescribed; and where it does not appear that more than 2 were thus qualified and acted, the tax assessed by them is illegal. [Inhabitants of Williamsburg v. Lord \(1863\) Me., 51 Me. 599.](#) [Officers And Public Employees](#)  [35; Taxation](#)  [2434](#)

A town may legally choose a collector of taxes and a constable, under an article in the warrant calling the annual meeting “to choose overseers of the poor and all other town officers for the year ensuing.” [Deane v. Washburn \(1840\) Me., 17 Me. 100.](#) [Towns](#)  [20](#)


5. Road commissioners

Notice served on road commissioner, requiring him to answer to a complaint of incompetency or neglect of official duty, is wholly inadequate. [State v. McLellan \(1918\) Me., 117 Me. 73, 102 A. 778.](#) [Highways](#)  [93](#)

Appointment of road commissioner for town, being authorized to be made by the 3 selectmen, was valid, if made by 2 of them, when all were present, in view of [§ 71\(3\) of title 1](#), providing that words giving authority to 3 or more persons authorize a majority to act. [State v. McLellan \(1918\) Me., 117 Me. 73, 102 A. 778.](#) [Highways](#)  [93](#)

R.S.1883, c. 3, § 14, provides that where towns, at their annual town meetings, do not choose highway surveyors, nor appoint the municipal officers such surveyors, the said officers shall appoint surveyors, whose term of office shall commence on the 1st day of May. It was held, that where a town, at its annual town meeting in March, does not choose any surveyors, nor appoint the selectmen such surveyors, the surveyor of the previous year holds over until the following 1st day of May. [Bunker v. Inhabitants of Gouldsboro \(1889\) Me., 81 Me. 188, 16 A. 543.](#) [Highways](#)  [93](#)

6. Tax collectors


Where tax collector, who had not made final settlement with town, served as assessor de jure, though disqualified by statute, tax was invalid and could not be collected by inhabitants of town, notwithstanding curative act. [Inhabitants of Otisfield v. Scribner \(1930\) Me., 129 Me. 311, 151 A. 670. Taxation](#) 2604

Collectors of taxes are public officers who are specially mentioned among those that are to be chosen at the annual town meetings in pursuance of this section. [State v. Walton \(1873\) Me., 62 Me. 106.](#)

7. Constables

Constables and all other town officers can only be chosen by a major vote of the votes cast at the annual town meeting and to constitute an election to such offices, it is essential that the person claiming to be chosen should be presented distinctly before the meeting; thus, the vote of the town that whoever should make the lowest bid for collecting the taxes, should be the constable, will not authorize the person making such bid to perform the duties of that office. [Crowell v. Whittier \(1855\) Me., 39 Me. 530.](#)

8. Fence viewers





Under the statutes of this State as they existed in 1898, the selectmen of a town were not authorized to act as fence viewers. [Bradford v. Hawkins \(1902\) Me., 96 Me. 484, 52 A. 1019. Fences](#) 13

The office of fence viewers, since P.L.1897, c. 280, must either be filled by election at the annual town meeting, or by appointment by the selectmen. [Bradford v. Hawkins \(1902\) Me., 96 Me. 484, 52 A. 1019.](#)

9. Field-drivers

There is no such town officer as field-driver known to, or recognized by, the laws of this State. [Varney v. Bowker \(1873\) Me., 63 Me. 154.](#)

10. Oath of municipal officials

1935 (P. & S.L.) c. 12, § 13 providing that all elected or appointed town officers should be sworn by the town clerk did not have the effect of changing prior general law R.S.1930, c. 15, § 19, providing that town clerk should be sworn before the moderator, hence a town assessor sworn by the clerk, who was sworn by moderator was legally in office. [Inhabitants of Town of Ashland v. Wright \(1943\) Me., 139 Me. 283, 29 A.2d 747. Municipal Corporations](#) 144; [Municipal Corporations](#) 971(1); [Towns](#) 28; [Towns](#) 58

A statute providing that all elected or appointed town officers should be sworn by the town clerk did not have the effect of changing prior general law providing that town clerk should be sworn before the moderator, hence a town assessor sworn by the clerk, who was sworn by moderator, was legally in office. [Inhabitants of Town of Ashland v. Wright \(1943\) Me., 139 Me. 283, 29 A.2d 747.](#) [Municipal Corporations](#) ↪ 144; [Municipal Corporations](#) ↪ 971(1); [Towns](#) ↪ 28; [Towns](#) ↪ 58

Where each town officer--that is 2 assessors, the treasurer, the tax collector and selectmen--was duly sworn in open town meeting faithfully to perform the duties of the office to which he had been chosen by the voters of the town, it could not be successfully contended that the oaths administered were insufficient. [Inhabitants of Brownville v. U.S. Pegwood & Shank Co. \(1924\) Me., 123 Me. 379, 123 A. 170.](#) [Municipal Corporations](#) ↪ 144; [Towns](#) ↪ 28

In a suit to recover a tax paid by the plaintiff, claimed to be illegally assessed because the assessors did not appear to have been sworn, parol evidence is admissible to show that the proper oath was administered, and the court has power to permit the record of the town clerk to be amended accordingly. [Whiting v. City of Ellsworth \(1893\) Me., 85 Me. 301, 27 A. 177.](#) [Evidence](#) ↪ 417(2)

If two of the assessors of taxes take the oath of office before a person not authorized by law to administer it, the tax assessed by the board is illegal under R.S.1883, c. 3, § 24, providing that assessors may be sworn "by the town or parish clerk, or by any person authorized by law." [Orneville v. Palmer \(1887\) Me., 79 Me. 472, 10 A. 451.](#) [Officers And Public Employees](#) ↪ 36; [Taxation](#) ↪ 2434

In the absence of any record evidence that the officers of the town were duly sworn, the fact may be proved by parol testimony. [Hathaway v. Inhabitants of Addison \(1860\) Me., 48 Me. 440.](#) [Evidence](#) ↪ 157(2)

The law requiring assessors to be "duly sworn," is complied with by their taking an oath "faithfully and impartially to perform the duties assigned them." [Patterson v. Creighton \(1856\) Me., 42 Me. 367.](#) [Officers And Public Employees](#) ↪ 36; [Taxation](#) ↪ 2434

The words "duly sworn," or "sworn according to law," when applied to any officer who is required to take and subscribe the oath prescribed in the Constitution, are to be construed to mean, that he has taken the oath as required; and when applied to any other person, that such person has taken an oath faithfully and impartially to perform the duties assigned to him in the case specified. [Bennett v. Treat \(1856\) Me., 41 Me. 226.](#) [Officers And Public Employees](#)

[☞36; Taxation](#) [☞2434](#)

The provision requiring a record to be made of the persons sworn as town officers, is directory, and does not prevent the fact of their having been sworn from being otherwise proved, when there is no record thereof made. [Kellar v. Savage \(1840\) Me., 17 Me. 444. Municipal Corporations](#) [☞144](#); [Towns](#) [☞28](#)

11. Compensation

Subject to applicable constitutional provision, power and authority to fix and approve salaries of municipal employees may be exercised within municipality only to extent granted by the Legislature. [Farris ex rel. Anderson v. Colley \(1950\) Me., 145 Me. 95, 73 A.2d 37. Municipal Corporations](#) [☞67\(5\)](#)

Selectman's salary was authorized by town meeting vote, taken under statutory authority to "pay same as last year". [Milliken v. Gilpatrick \(1931\) Me., 130 Me. 498, 157 A. 714. Municipal Corporations](#) [☞890](#); [Towns](#) [☞49](#)

That selectman was erroneously designated as clerk of board did not disqualify him for pay as full time selectman authorized by statute. [Milliken v. Gilpatrick \(1931\) Me., 130 Me. 498, 157 A. 714. Towns](#) [☞29](#)

A road commissioner de facto may recover of the town for the labor or services of his own team employed by him in the repair of ways by the direction or consent, express or implied, of the selectmen of the town. [Willey v. Inhabitants of Windham \(1901\) Me., 95 Me. 482, 50 A. 281. Highways](#) [☞94](#)

In the absence of any statute or vote of the town authorizing the same, a town agent cannot maintain an action against the town to recover compensation for his official services. [White v. Levant \(1887\) Me., 78 Me. 568, 7 A. 539. Municipal Corporations](#) [☞162](#); [Towns](#) [☞29](#)

12. Removal from office--Generally

Proceedings before the selectmen for removal of road commissioner are governed by the common law, and require specification of charges, reasonable notice, impartial hearing, separate adjudication on each charge, and adjudication on the order of removal. [State v. McLellan \(1918\) Me., 117 Me. 73, 102 A. 778. Highways](#) [☞93](#)

In proceeding for removal of road commissioner of town, the charges should be specifically stated with substantial certainty, though the technical nicety of an indictment is not required. [State v. McLellan \(1918\) Me., 117 Me. 73, 102 A. 778. Highways](#) ↪93

In proceedings for removal of road commissioner of town, the selectmen act as judicial officers, and should hear the evidence and pass on the facts, deliberately, without bias or prejudice, and with no preconceived opinion. [State v. McLellan \(1918\) Me., 117 Me. 73, 102 A. 778. Highways](#) ↪93

13. ---- Grounds for removal

Selectmen of the town for the year 1917 are without power to remove the road commissioner for alleged acts of misfeasance or nonfeasance during 1916. [State v. McLellan \(1918\) Me., 117 Me. 73, 102 A. 778. Highways](#) ↪93


Specification of charges for removal of road commissioner, accusing him of disobeying orders from selectmen on a certain date, and on another date standing bossing one man, getting his time in, and of being too extravagant during his whole term, and of using poor judgment during his whole term, are insufficient. [State v. McLellan \(1918\) Me., 117 Me. 73, 102 A. 778. Highways](#) ↪93

14. ---- Notice and hearing


Written notice of hearing on question of removing road commissioner, served only a day or part of a day prior to the hearing, merely requiring him to answer to a complaint of incompetency and neglect of official duty, was insufficient, especially where no time was allowed him after specifications were filed. [State v. McLellan \(1918\) Me., 117 Me. 73, 102 A. 778. Highways](#) ↪93

Though the road commissioner and his counsel were present, and the counsel cross-examined a witness, the hearing was invalid, whether the selectmen had already made their decision and refused to permit him to introduce evidence. [State v. McLellan \(1918\) Me., 117 Me. 73, 102 A. 778. Highways](#) ↪93


15. ---- Order of removal

In a proceeding for removal of a road commissioner before selectmen, the adjudication of the facts and the order of removal must be distinct acts, and the latter cannot precede, nor be coincident with, the former. [State v. McLellan \(1918\) Me., 117 Me. 73, 102 A. 778. Highways](#)  93

16. ---- Record

The record of the proceedings for removal of the road commissioner governs, and cannot be contradicted by parol evidence. [State v. McLellan \(1918\) Me., 117 Me. 73, 102 A. 778. Highways](#)  93


17. ---- Review

On information in the nature of quo warranto to review removal of road commissioner by town selectmen, the court does not act as a court of appeal on the merits, and cannot retry the facts, nor review a decision within the discretion of the selectmen, but can only determine whether the selectmen proceeded according to law. [State v. McLellan \(1918\) Me., 117 Me. 73, 102 A. 778. Highways](#)  93

18. Multiple office-holders

The positions of trial justice and selectman are incompatible. 1961-62 Atty.Gen.Rep. 61.

19. Purchase of town office

An agreement to pay a town a certain sum for an office sold at auction is invalid. [Groton v. Inhabitants of Waldoborough \(1834\) Me., 11 Me. 306, 26 Am.Dec. 530. Contracts](#)  124

30-A M. R. S. A. § 2526, ME ST T. 30-A § 2526

Current with emergency legislation through Chapter 142 of the 2011 First Regular Session of the 125th Legislature

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END OF DOCUMENT



Maine Revised Statutes Annotated [Currentness](#)

Title 30-A. Municipalities and Counties ([Refs & Annos](#))

Part 2. Municipalities

Subpart 3. Municipal Affairs

↳ [Chapter 121](#). Meetings and Elections

↳ [Subchapter 2](#). Town Meetings and Elections ([Refs & Annos](#))

→ **§ 2528. Secret ballot**

The following provisions govern a town's use of a secret ballot for the election of town officials or for municipal referendum elections. A vote by secret ballot takes precedence over a vote by any other means at the same meeting.

1. Acceptance by town. When any town accepts this section at a meeting held at least 90 days before the annual meeting, the provisions of this section apply to the election of all town officials required by section 2525 to be elected by ballot, except the moderator, who shall be elected as provided in section 2524, subsection 2.

A. The provisions of this section relating to the nomination of town officials by political caucus apply only when a town separately accepts those provisions at a meeting held at least 90 days before the annual meeting. If any town accepts those provisions, they remain effective until the town votes otherwise.

B. A town may accept only the provisions of subsection 4, relating to the nomination of town officials, as provided in section 2527.

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

A. [\[FNI\]](#) After the determination under this subsection, a town may not change the designation, number or terms of town officials, except at a meeting held at least 90 days before the annual meeting.

3. Voting place specified; polls. The warrant for a town meeting for the election of officials must specify the voting place, which must be in the same building or a building nearby where the meeting is to be held. The warrant for a town meeting for the election of officials that occurs at the same time as voting in federal, state or county elections, but not at the same time as a town meeting held for other purposes, may specify the same voting places as those used by the town for federal, state or county elections. The warrant must specify the time of opening and closing the polls, which must be kept open at least 4 consecutive hours.

A. [\[FNI\]](#) In the warrant for a town meeting under this section, the municipal officers may designate the date of the election and designate another date within 14 days of the date set for elections as the time for considering

the other articles of business in the warrant.

4. Nomination papers; caucuses. The nomination for any office shall be made by nomination papers or by political caucus as provided in this subsection.

A. The municipal clerk shall make nomination papers available to prospective candidates during the 40 days before the filing deadline. Before issuing nomination papers, the clerk must complete each sheet by writing in the name of the candidate and the title and term of office being sought.

(1) Nomination papers must be signed by the following number of voters based on the population of the town according to the last Federal Decennial Census of the United States:

(a) Not less than 3 nor more than 10 in towns with a population of 200 or less;

(b) Not less than 10 nor more than 25 in towns with a population of 201 to 500; and

(c) Not less than 25 nor more than 100 in towns with a population of more than 500.

(2) Each voter who signs a nomination paper shall add the voter's residence with the street and number, if any. The voter may sign as many nomination papers for each office as the voter chooses, regardless of the number of vacancies to be filled.

B. At the end of the list of candidates for each office, there must be left as many blank spaces as there are vacancies to be filled in which a voter may write in the name and, if residence in the municipality is not a requirement to hold office, municipality of residence of any person for whom the voter desires to vote. A sticker may not be used to vote for a write-in candidate in any municipal election other than a primary election.

C. Completed nomination papers or certificates of political caucus nomination must be filed with the clerk during business hours by the 45th day prior to election day. They must be accompanied by the written consent of the person proposed as a candidate agreeing:

(1) To accept the nomination if nominated;

(2) Not to withdraw; and

(3) If elected at the municipal election, to qualify as such municipal officer.

When these papers and certificates are filed, the clerk shall make them available to public inspection under proper protective regulations. The clerk shall keep them in the office for 6 months.

D. A nomination paper or a certificate of political caucus nomination that complies with this section is valid unless a written objection to it is made to the municipal officers by the 43rd day prior to election day.

(1) If an objection is made, the clerk shall immediately notify the candidate affected by it.

(2) The municipal officers shall determine objections arising in the case of nominations. Their decision is final.

E. Notwithstanding this subsection, when the municipal officers determine to fill a vacancy under section 2602, which must be filled by election, the municipal officers may designate a shorter time period for the availability of nomination papers, but not less than 10 days before the filing deadline, and may designate a shorter time period for the final date for filing nomination papers, but not less than the 14th day before election day. Notice of the designation shall be posted in the same place or places as town meeting warrants are posted and local representatives of the media shall be notified of the designation.

5. Referendum questions. By order of the municipal officers or 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, the municipal officers shall have a particular article placed on the next ballot printed or shall call a special town meeting for its consideration. A petition or order under this subsection is subject to the filing provisions governing nomination papers under subsection 4.

The municipal officers shall hold a public hearing on the subject of the article at least 10 days before the day for voting on the article. At least 7 days before the date set for the hearing, the municipal officers shall give notice of the public hearing by having a copy of the proposed article, together with the time and place of hearing, posted in the same manner required for posting a warrant for a town meeting under section 2523. The municipal officers shall make a return on the original notice stating the manner of notice and the time it was given.

A. The requirement for public hearing is not a prerequisite to the valid issuance of any bond, note or other obligation of a municipality authorized to borrow money by vote under any such particular article.

B. If a particular article to be voted on by secret ballot requests an appropriation of money by the municipality, the article, when printed in the warrant and on the ballot, must be accompanied by a recommendation of the municipal officers.

(1) If by town meeting vote or charter provision, a budget committee has been established to review proposed town expenditures, the recommendations of the budget committee shall be printed in addition to those of the municipal officers.

(2) If the action affects the school budget, a recommendation by the school board shall be printed in addition to those of the municipal officers and the budget committee, if any.

C. If the warrant for a town meeting contains only articles for the election of the moderator and one or more referendum questions to be voted on by secret ballot, the municipal officers may specify the same voting places as those used by the town for federal, state or county elections.

6. Ballots, specimen ballots and instruction cards. The clerk shall prepare ballots, specimen ballots and instruction cards according to the following provisions.

A. The ballot shall contain the names of properly nominated candidates arranged under the proper office designation in alphabetical order by last name. It may contain no other names.

B. At the end of the list of candidates for each office, there must be left as many blank spaces as there are vacancies to be filled in which a voter may write in the name and, if residence in the municipality is not a requirement to hold office, municipality of residence of any person for whom the voter desires to vote. A sticker may not be used to vote for a write-in candidate in any municipal election other than a primary election.

C. Any question or questions required by law to be submitted to a vote shall be printed either below the list of

candidates or on a separate ballot from the ballot listing candidates. If a separate ballot is used, this ballot must be a different color than the ballot listing candidates.

D. A square shall be printed at the left of the name of each candidate, and 2 squares shall be printed at the left of any question submitted with “yes” above one and “no” above the other, so that a voter may designate the voter's choice clearly by a cross mark (X) or a check mark ().

E. Words of explanation such as “Vote for one” and “Vote yes or no” may be printed on the ballot.

F. Ballots must be uniform in size. On the ballot must appear “Official Ballot for the Town of,” the date of election and a facsimile of the signature of the clerk.

G. A sufficient number of ballots shall be printed, photocopied or otherwise mechanically reproduced and furnished, and a record of the number shall be kept by the clerk. The printed ballots shall be packaged in convenient blocks so that they may be removed separately.

H. Ten or more specimen ballots printed on paper of a distinctive color without the endorsement of the clerk shall be provided.

I. Instruction cards containing the substance of Title 21-A, sections 671 to 674, 681, 682, 692 and 693, to guide voters in obtaining and marking ballots and to inform them of penalties for improper conduct shall be printed.

J. The ballots and specimen ballots shall be packed in sealed packages with marks on the outside specifying the number of each enclosed.

K. When voting machines are used, the clerk shall prepare and furnish ballot labels that comply, as nearly as practicable, with the provisions of this section which apply to ballots.

6-A. Candidate withdrawal; new ballots. The following provisions govern the withdrawal of a candidate from an elective race.

A. A candidate may withdraw from an elective race by notifying the municipal clerk in writing of the candidate's intent to withdraw and the reason for withdrawal at least 45 days before the election. This notice must be signed by the candidate and must be notarized.

B. Within the 45-day period before an election, the municipal clerk may allow a candidate to withdraw from an elective race. A candidate who requests to withdraw within the 45-day period before an election shall notify the municipal clerk in writing of the candidate's intent to withdraw and the reason for withdrawal. This notice must be signed by the candidate and must be notarized.

C. The municipal clerk shall ensure that new ballots are produced, if necessary, to reflect the withdrawal of a candidate from an elective race.

6-B. Inspection of ballots in an election. Upon receipt of a package or box containing absentee ballots for an election, the municipal clerk may open the sealed package or box of ballots and verify that the ballots do not contain any errors and that the correct number of ballots has been received. The clerk may then proceed to issue absentee ballots in response to pending requests. Upon receipt of a package or box containing regular ballots for an election, the clerk may open, in the presence of one or more witnesses, the sealed package or box of ballots and verify that the ballots do not contain any errors and that the correct number of ballots has been received. Ballots to be used for test-

ing electronic tabulating devices may be removed at this time and immediately marked with the word “TEST” across the front side of the ballot in black or blue indelible ink. The clerk shall keep a record of the number of ballots used for testing purposes and seal the record with the test ballots in a container labeled “TEST BALLOTS” at the conclusion of the testing. The clerk shall then reseal the package or box of regular ballots and secure the package or box of ballots until election day, when it is delivered to the warden at the polling place.

7. Specimen ballot posted. At least 4 days before the election, the clerk shall have posted in one or more conspicuous, public places a specimen ballot or a list, substantially in the form of a ballot, containing the name and office designation of each candidate.

8. Ballot clerks. Before the polls are opened, the selectmen shall appoint the necessary number of ballot clerks as provided in Title 21-A, section 503. When there are vacancies after the polls are opened, the moderator shall appoint replacement clerks. The ballot clerks shall be sworn before assuming their duties.

A. On election day, before the polls are opened, the clerk shall deliver the ballots to the ballot clerks and shall post an instruction card at each voting compartment and at least 3 instruction cards and 5 specimen ballots in the voting room outside the guardrail enclosure.

B. The ballot clerks shall give a receipt to the clerk for the ballots received by them. The clerk shall keep the receipt in the clerk's office for 6 months.

C. Ballots may not be delivered to the voters until the moderator has been elected. The moderator may appoint a qualified person to act as temporary moderator during a temporary absence from the polling place.

D. The selectmen shall prepare a duplicate incoming voting list for the use of the ballot clerks. The law pertaining to incoming voting lists applies equally to duplicate incoming voting lists.

9. After votes counted, ballots delivered to clerk. After the ballot clerks have counted and tabulated the votes cast, the moderator shall deliver the ballots to the clerk who shall seal them in a suitable package and keep them in the clerk's office for 2 months.

10. Election by plurality vote; tie vote. Election must be by plurality vote. In the case of a tie vote, the meeting must be adjourned to a day certain, when ballots are again cast for the candidates tied for the office in question, unless all but one tied candidate withdraw from a subsequent election by delivering written notice of withdrawal signed by the candidate and notarized to the municipal offices within the 7-day period following the election. After the 7-day period has expired, the municipal officers shall call a run-off election between the remaining candidates by posting a warrant in the manner required for calling a town meeting. If only one candidate remains, that candidate is declared the winner and sworn into office.

If the meeting is adjourned sine die before a tie vote is resolved or the tie vote is discovered after the meeting adjourns sine die and more than one candidate remains, a new meeting must be called to conduct a run-off election by the method described in this subsection.

CREDIT(S)

1987, c. 737, § A, 2; [1989, c. 104](#), §§ A, 18 to 20; [1991, c. 83](#), §§ 1, 2; [1991, c. 323](#); [1993, c. 608](#), §§ 6 to 8; [1995, c. 13, § 1](#); [1995, c. 102, § 1](#); [1997, c. 733, § 1](#); [2003, c. 569](#), §§ 1, 2; [2007, c. 19, § 1](#).

[\[FN1\]](#) No par. B was enacted.

HISTORICAL AND STATUTORY NOTES

1996 Main Volume

Amendments

1989 Amendment. Laws 1989, c. 104, § A, 18, in subsec. 4, par. B, provided that sticker may only be used to vote for write-in candidate in primary election.

Laws 1989, c. 104, § A, 19, in subsec. 5, made technical correction by substituting reference to manner of notice for reference to manner or notice.

Laws 1989, c. 104, § A, 20, in subsec. 6, in par. B, provided that sticker may only be used to vote for write-in candidate in primary election.

1991 Amendments. Laws 1991, c. 83, §§ 1, 2, in subsec. 4, par. B, and in subsec. 6, par. B, required sufficient blank spaces be provided for names and residences of write-in candidates if residence in municipality was not a requirement to hold office.

Laws 1991, c. 323, revised subsec. 10, which prior thereto read:

“10. Election by plurality vote; tie vote. Election shall be by plurality vote. In the case of a tie vote, the meeting shall be adjourned to a day certain, when ballots shall again be cast for the candidates tied for the office in question.”

1993 Amendment. Laws 1993, c. 608, § 6, in subsec. 4, par. C, among other changes, in the first par., substituted reference to the 45th day prior to election day for reference to the 35th day prior to election day; and in subsec. 4, par. D, among other changes, substituted reference to municipal officers for reference to selectmen, wherever appearing, and in the first par., substituted reference to the 43rd day prior to election for reference to the 33rd day prior to election.

Laws 1993, c. 608, § 7, rewrote subsec. 6, par. F, which prior thereto read:

“F. Before distribution, the ballot shall be folded in marked creases to measure, when folded, from 4 1/2 to 5 inches wide and from 6 to 13 1/2 inches long. On the back and outside, when folded, shall be printed ‘Official Ballot for the Town of,’ the date of election and a facsimile of the signature of the clerk.”

Laws 1993, c. 608, § 8, added subsec. 6-A.

1995 Amendments. Laws 1995, c. 13, § 1, in subsec. 10, deleted the provision allowing a municipal ordinance to be used to govern the procedure in a tie vote in a municipal secret ballot election and changed the exception for adjournment of the meeting to a day certain by requiring withdrawal of all but one tied candidate, in lieu of former provision allowing the exception upon withdrawal of any tied candidate.

Laws 1995, c. 102, § 1, in subsec. 4, par. A, subpar. (2), deleted provision which allowed a voter to sign only as many nomination papers for each office as there were vacancies to be filled and invalidated all others, instead provided that a voter could sign as many nomination papers for each office as the voter chose to, regardless of the number of vacancies to be filled.

Derivation:

R.S.1954, c. 90-A, § 37; R.S.1954, c. 91, §§ 20, 49 to 63; Laws 1955, c. 26; Laws 1957, c. 178; Laws 1957, c. 286; Laws 1957, c. 405, §§ 1, 23, 27; Laws 1957, c. 429, § 79; Laws 1959, c. 2; Laws 1959, c. 109, §§ 1 to 3; Laws 1961, c. 309; Laws 1961, c. 360, §§ 7 to 9; Laws 1963, c. 131; Laws 1969, c. 114, §§ 4 to 6; Laws 1971, c. 265, § 1; Laws 1973, c. 352; Laws 1973, c. 408, §§ 1, 2; Laws 1973, c. 788, § 136-A; Laws 1975, c. 730, § 2; Laws 1975, c. 761, §§ 62, 63; Laws 1977, c. 78, § 173; Laws 1977, c. 479, § 11; Laws 1977, c. 696, § 223; Laws 1979, c. 150, §§ 1, 2; Laws 1979, c. 663, §§ 193, 194; Laws 1981, c. 86, §§ 1, 2; Laws 1983, c. 224; Laws 1985, c. 30; Laws 1985, c. 161, § 8; Laws 1987, c. 582, §§ A, 20 to 24, B, 1; Laws 1987, c. 737, § A, 1; former 30 M.R.S.A. § 2061.

2010 Electronic Pocket Part Update

1997 Legislation

Laws 1997, c. 733, § 1, in subsec. 10, added the second par.

2003 Legislation

Laws 2003, c. 569, § 1, in subsec. 3, rewrote the introductory paragraph, which prior thereto read:

“3. Voting place specified; polls. The warrant for a town meeting for the election of officials shall specify the voting place, which must be in the same building or a building nearby where the meeting is to be held. It shall specify the time of opening and closing the polls, which must be kept open at least 4 consecutive hours.”

Laws 2003, c. 569, § 2, in subsec. 5, added par. C.

2007 Legislation

Laws 2007, c. 19, § 1 inserted subsec. 6-B.

CROSS REFERENCES

Alternative nomination procedure, see [30-A M.R.S.A. § 2527](#).
 Petitions for nominations of directors of regional school units, see [20-A M.R.S.A. § 1473](#).
 Regional school unit referendum voting, see [20-A M.R.S.A. § 1503](#).
 Secret ballot requirements,
 City warden and clerks, election, see [30-A M.R.S.A. § 2552](#).
 County charter revisions, see [30-A M.R.S.A. § 1324](#).
 Enactment of ordinances, see [30-A M.R.S.A. § 3002](#).
 Interstate school districts, authorization, see [20-A M.R.S.A. § 3643](#).
 Municipal caucuses, see [21-A M.R.S.A. § 313](#).
 School administrative district financing elections, see [20-A M.R.S.A. § 1304](#).
 Voting conducted in accordance with this section,
 Closing of school building, see [20-A M.R.S.A. § 4102](#).
 Local liquor option elections, see [28-A M.R.S.A. § 121](#).
 Municipal electric districts,
 Formation of multi-member district, see [35-A M.R.S.A. § 3904](#).
 Formation of single-member districts, see [35-A M.R.S.A. § 3903](#).

School administrative district, referendum, see [20-A M.R.S.A. § 1353](#).
School budgets, see [20-A M.R.S.A. § 15617](#).
School committee member elections, see [20-A M.R.S.A. § 2303](#).
School construction, see [20-A M.R.S.A. § 15904](#).
School director elections, see [20-A M.R.S.A. § 1253](#).
Union school, dissolution elections, see [20-A M.R.S.A. § 2103](#).


NOTES OF DECISIONS


Discretion of officers, referendum questions [3](#)
Form and content of ballots [4](#)
Officials selected by secret ballot [1](#)
 Referendum questions--Generally [2](#)
 Referendum questions - Discretion of officers [3](#)
Write-in votes [5](#)



[1](#). Officials selected by secret ballot

School directors were elective officials, not appointive, therefore, it was not necessary to hold a meeting to designate them as officials to be elected by secret ballot, since they were covered by the provisions of R.S.1954, c. 90-A. 1959-60 Atty.Gen.Rep. 92.

[2](#). Referendum questions--Generally


In context of requirement that municipal officers faced with referenda question either place the initiated question on the next ballot printed or call special town meeting for its consideration, “next ballot printed” means the next municipal ballot. [Sweetall v. Town of Blue Hill \(1995\) Me., 661 A.2d 159. Towns](#)  [15](#)


Statute governing how town votes on municipal referenda elections contains no “competing measures” requirement that town's warrant concerning particular issue be voted on at the same time as the competing referendum questions concerning the same subject matter. [Sweetall v. Town of Blue Hill \(1995\) Me., 661 A.2d 159. Towns](#)  [15](#)

Where underlying purpose of City Council and the voters was to establish initiative and referendum, that purpose should not be defeated by inclusion of an invalid provision relating to machinery or its exercise. [LaFleur ex rel. Anderson v. Frost \(1951\) Me., 146 Me. 270, 80 A.2d 407. Municipal Corporations](#)  [111\(4\)](#); [Statutes](#)  [64\(2\)](#)

Under provisions of [30 M.R.S.A. § 2061](#), relating to referendum questions in town meetings or elections, municipal officers have option of placing particular article on next ballot printed or of calling special town meeting, and are not controlled by specific request stated in petition for one or other of these methods of considering referred question. Op.Atty.Gen., Feb. 29, 1980.

3. ---- Discretion of officers

In conducting municipal referenda elections, municipal officers have discretion as to whether to place initiated question on printed ballot or to deal with it at special town meeting. [Sweetall v. Town of Blue Hill \(1995\) Me., 661 A.2d 159. Towns](#)  [15](#)

Town selectmen acted within their discretion in declining to request that referendum questions be placed on the state ballot. [Sweetall v. Town of Blue Hill \(1995\) Me., 661 A.2d 159. Towns](#)  [15](#)

4. Form and content of ballots

Stickers with the person's name printed on them are valid for use in municipal elections. Op.Atty.Gen., May 18, 1981.

Under provisions of [30 M.R.S.A. § 2061](#), relating to secret ballots in town meetings, where town has established budget committee, in accordance with town meeting vote or charter provision, only recommendations of budget committee, and not those of municipal officers, should accompany requested article as printed in warrant and ballot. Op.Atty.Gen., June 6, 1980.

5. Write-in votes

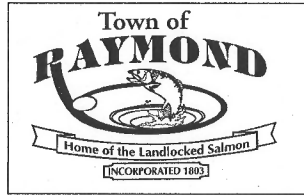
Provisions of Title 21 (§§ 701, 702, 921, 922, 925) requiring a write-in vote to include the candidate's municipality of residence do not apply to town elections, given ambiguous nature of this section, relating to town election ballots and given important interest of protecting individual's right to vote for person of his choice. Op.Atty.Gen., April 22, 1981.

30-A M. R. S. A. § 2528, ME ST T. 30-A § 2528

Current with emergency legislation through Chapter 142 of the 2011 First Regular Session of the 125th Legislature

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END OF DOCUMENT



*Town of Raymond
401 Webbs Mills Rd
Raymond Me 04071*

207-655-4742

Fax: 655-3024

August 2, 2011

Board of Selectman,

The Town of Raymond foreclosed on the properties located at 6 Legacy Road. account # B1350R (map 24 lot 70) . On March 30, 2011 taxes, interest, and lien costs were paid in full and are now up to date needing a Quitclaim.

Thanks,

A handwritten signature in cursive script that reads "Sue Carr".

Sue Carr
Deputy Tax Collector

Maine Short Form Quit Claim Deed Without Covenant

THE INHABITANTS OF THE TOWN OF RAYMOND, a body politic located at Raymond, County of Cumberland and State of Maine, for consideration paid, releases to 6 LEGACY ROAD 2004 REALTY TRUS, C/O JUDITH A BLUM. in said County and State, a certain parcel of land situated in the Town of Raymond, County of Cumberland and State of Maine, being all and the same premises described at Map 24, Lot 70,

The purpose of this conveyance is to release any interest which this grantor may have in and to the above premises by virtue of a lien filed for nonpayment of taxes on said parcel of land with particular reference being made to a lien filed against Map 24, Lot 70, in the name of 6 LEGACY ROAD 2004 REALTY TRUS, C/O JUDITH A BLUM. and recorded in said Registry of Deeds.

BK 26335 PG 305 BK 27261 PG 124 BK 27989 PG41

IN WITNESS WHEREOF, the said INHABITANTS OF THE TOWN OF RAYMOND have caused this instrument to be sealed with its corporate seal and signed in its corporate name by JOSEPH BRUNO, LAWRENCE TAYLOR, CHARLES LEAVITT, MIKE REYNOLDS, AND SAMUEL GIFFORD thereto duly authorized, this 2 day of AUGUST, 2011.

THE INHABITANTS OF THE TOWN OF RAYMOND

By: _____
JOSEPH BRUNO, Selectman

LAWRENCE TAYLOR, Selectman

CHARLES LEAVITT, Selectman

MIKE REYNOLDS, Selectman

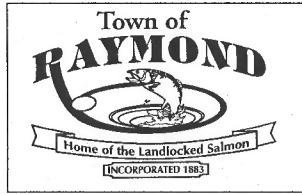
SAMUEL GIFFORD, Selectman

Witness to All

STATE OF MAINE
CUMBERLAND, SS.

Personally appeared the above named Joseph Bruno, Lawrence Taylor, Charles Leavitt, Mike Reynolds, and Samuel Gifford aforesaid Selectmen, known to me, this 2 day of AUGUST, 2011 and acknowledged before me the foregoing instruments to be their free act and deed in their said capacity and the free act and deed of said Grantor Corporation.

Notary Public



*Town of Raymond
401 Webbs Mills Rd
Raymond Me 04071*

207-655-4742

Fax: 655-3024

August 2, 2011

Board of Selectman,

The Town of Raymond foreclosed on the properties located at 326 Raymond Hill RD account # A0180R (map 15 lot 92). On July 12, 2011 taxes, interest, and lien costs were paid in full and are now up to date needing a Quitclaim.

Thanks,

A handwritten signature in cursive script that reads "Sue Carr".

Sue Carr
Deputy Tax Collector

Maine Short Form Quit Claim Deed Without Covenant

THE INHABITANTS OF THE TOWN OF RAYMOND, a body politic located at Raymond, County of Cumberland and State of Maine, for consideration paid, releases to HURD BETH-ANN, CHEVARIE GEORGE E. in said County and State, a certain parcel of land situated in the Town of Raymond, County of Cumberland and State of Maine, being all and the same premises described at Map 15, Lot 92,

The purpose of this conveyance is to release any interest which this grantor may have in and to the above premises by virtue of a lien filed for nonpayment of taxes on said parcel of land with particular reference being made to a lien filed against Map 15, Lot 92, in the name of HURD BETH-ANN, CHEVARIE GEORGE E. and recorded in said Registry of Deeds.

BK 27261 PG 115 BK 27989 PG 31

IN WITNESS WHEREOF, the said INHABITANTS OF THE TOWN OF RAYMOND have caused this instrument to be sealed with its corporate seal and signed in its corporate name by JOSEPH BRUNO, LAWRENCE TAYLOR, CHARLES LEAVITT, MIKE REYNOLDS, AND SAMUEL GIFFORD thereto duly authorized, this 2 day of AUGUST, 2011.

THE INHABITANTS OF THE TOWN OF RAYMOND

Witness to All

By: _____
JOSEPH BRUNO, Selectman

LAWRENCE TAYLOR, Selectman

CHARLES LEAVITT, Selectman

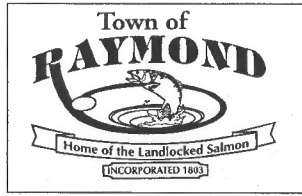
MIKE REYNOLDS, Selectman

SAMUEL GIFFORD, Selectman

STATE OF MAINE
CUMBERLAND, SS.

Personally appeared the above named Joseph Bruno, Lawrence Taylor, Charles Leavitt, Mike Reynolds, and Samuel Gifford aforesaid Selectmen, known to me, this 2 day of AUGUST, 2011 and acknowledged before me the foregoing instruments to be their free act and deed in their said capacity and the free act and deed of said Grantor Corporation.

Notary Public



*Town of Raymond
401 Webbs Mills Rd
Raymond Me 04071*

207-655-4742

Fax: 655-3024

August 2, 2011

Board of Selectman,

The Town of Raymond foreclosed on the properties located at Thomas Pond Terr. account # M6016R (map 77 lot 4). On April 12, 2011 taxes, interest, and lien costs were paid in full and are now up to date needing a Quitclaim.

Thanks,

A handwritten signature in cursive script that reads "Sue Carr".

Sue Carr
Deputy Tax Collector

Maine Short Form Quit Claim Deed Without Covenant

THE INHABITANTS OF THE TOWN OF RAYMOND, a body politic located at Raymond, County of Cumberland and State of Maine, for consideration paid, releases to MILLER FREDERICK S II. in said County and State, a certain parcel of land situated in the Town of Raymond, County of Cumberland and State of Maine, being all and the same premises described at Map 77, Lot 4,

The purpose of this conveyance is to release any interest which this grantor may have in and to the above premises by virtue of a lien filed for nonpayment of taxes on said parcel of land with particular reference being made to a lien filed against Map 77, Lot 4, in the name of MILLER FREDERICK S II. and recorded in said Registry of Deeds.

BK 27261 PG 270 BK 27989 PG 115

IN WITNESS WHEREOF, the said INHABITANTS OF THE TOWN OF RAYMOND have caused this instrument to be sealed with its corporate seal and signed in its corporate name by JOSEPH BRUNO, LAWRENCE TAYLOR, CHARLES LEAVITT, MIKE REYNOLDS, AND SAMUEL GIFFORD thereto duly authorized, this 2 day of AUGUST, 2011.

THE INHABITANTS OF THE TOWN OF RAYMOND

Witness to All

By: _____
JOSEPH BRUNO, Selectman

LAWRENCE TAYLOR, Selectman

CHARLES LEAVITT, Selectman

MIKE REYNOLDS, Selectman

SAMUEL GIFFORD, Selectman

STATE OF MAINE
CUMBERLAND, SS.

Personally appeared the above named Joseph Bruno, Lawrence Taylor, Charles Leavitt, Mike Reynolds, and Samuel Gifford aforesaid Selectmen, known to me, this 2 day of AUGUST, 2011 and acknowledged before me the foregoing instruments to be their free act and deed in their said capacity and the free act and deed of said Grantor Corporation.

Notary Public

Town of Raymond Recall Ordinance

Section 1. **Petition for a Recall and Notice of Intention:** Any person may at any time initiate a petition to recall an elected official of the Town by filing with the Town Clerk a Notice of Intention containing the name(s) and address(es) of the voters signing the Notice and designating the name and address of one such voter to receive notices from the Town. The affidavit must state the name of and the office held by the official sought to be recalled and must contain a statement of the reason or reasons for the proposed recall. Each voter must sign the Notice in the presence of a notary public or other person authorized to administer oaths under Maine law.

If more than one elected official is sought to be recalled, a separate affidavit must be filed regarding each. Only one official can be named on a recall petition.

Section 2. **Petition Forms:** Upon receipt of such Notice of Intent, the Town Clerk shall prepare and issue petition forms within three (3) business days to the person designated to receive notices in Section 1. The petition forms prepared by the Clerk shall comply with the requirements of state and local law. Petition forms may be circulated by any registered voter of the Town of Raymond. The forms must include:

- A) At the top of the form, the name and position of the official subject to recall, the name and contact information of the initiator of the petition and the date by which the signatures must be submitted to the municipal clerk under Section 3.
- B) Spaces for each voters signature, actual street address and printed name; and
- C) Space at the bottom of the form for the name and address of the person circulating the petition form.

The petition forms must be filed in the office of the Town Clerk during the normal business hours of the Clerk's office. In order to be accepted for filing, the petition forms must be assembled as one instrument and filed together at the same time. The Town Clerk shall make a notation on the first page of the petition of the date and time of the filing.

If there is a deadline for filing the petitions that falls on a Saturday, Sunday or a holiday on which the Town Clerk's office is closed, the deadline for filing the petition is extended to the next day during which the Town Clerk's office is open for business.

Section 3. **Collection and Submission of Signatures:** A petition form under Section 2 may be circulated or signed only by a registered voter of the Town of Raymond. A circulator of the petition form shall fill in the information required under Section, paragraph C and sign the form prior to the submission of the form to the Town Clerk. The initiator of the petition under Section 1 shall collect the petition forms from all the circulators and submit the signed petition forms to the Town Clerk within 30 days of receipt of notice from the Clerk that the petition forms were available under Section 2. The Town Clerk may not accept a petition form submitted more than 30 days after sending notice of availability to the initiator under Section 2, and any voter signatures on that form are invalid.

Section 4. **Petition Certification and Notification:** For the forms submitted within 30 days after the date the Clerk issued the petition forms, the Clerk shall review the petition pursuant to Section 2. In making those determinations, the Clerk shall apply the following criteria:

- 1. If any individual petition form fails to comply with the requirements of Section 904, that particular petition form is invalid.
- 2. If the affidavit of the circulator on any individual petition form has been altered or tampered with in any way, that particular petition form is invalid.

3. If any voter has signed more than one petition form, that voter's name shall be counted only once.

If the Clerk determines that the petition is sufficient and contains the signatures of a number of registered voters of the Town equal to at least 25% of the number of votes cast in Raymond in the last gubernatorial election, shall so certify the petition and immediately give written notice to the Board of Selectmen in writing and to the official sought to be recalled.

If the Town Clerk finds that the number of valid signatures submitted under Section 3 does not meet the requirements for a petition under Section 4, the Town Clerk shall file the petition and the petition forms in the Clerk's Office and notify the initiator of the petition that the petition is insufficient and may be amended within 5 working days (days when the Town Clerk's office is open for business) after the date of such notice by filing additional, supplementary petition forms, issued, circulated and filed in the same manner as the original petition. Upon timely receipt of supplementary petition forms, the Town Clerk shall review them in the same manner as the Clerk reviews an original petition. If the Clerk finds that the petition is still "insufficient, the Clerk shall notify, in writing, the Board of Selectmen and the Designated Petitioner of that determination. That determination by the Clerk shall not prevent the filing of a new petition for the same purpose. .

Upon receipt of notice, the official sought to be recalled may submit his or her resignation in writing to the Board of Selectmen, as applicable, in which case the position shall become vacant as of the date of the written resignation and shall be filled pursuant MRSA Title 30-A, §2602, as applicable.

Section 5. If the official sought to be recalled does not resign from the office within 10 business days of receiving the certification of petition under Section 4, the Board of Selectmen shall proceed to call and conduct a recall election to determine if the official should be recalled. Upon receipt of the certification of sufficiency and validity from the Clerk, the Board of Selectmen shall call a public hearing to be held within 30 days of the date of the Clerk's certification. Notice of the public hearing shall be given in the same fashion as notice of proposed ordinances

The election must be held no less than 45 days nor more than 60 days after certification of the petition under Section 4 unless a regular municipal election is scheduled within 90 days of the certification of petition, in which case the recall election must be held on the date of the regular municipal election. If the Board of Selectmen fail to schedule a recall election within 10 days of the certification of petition, the Town Clerk shall schedule the recall election pursuant to the date requirements of this section.

Section 6. **Ballots for Recall Election:** The ballot question for a recall election shall be substantially as follows:

"Do you authorize the recall of [name of elected official] from the position of [name of position]?"

() Yes () No"

Section 7. **Results of Recall Election:** Within 2 business days of the recall election under Section 5, the Town Clerk shall certify and record the election results and notify the Board of Selectmen of those results. If a majority of the voters voting in the recall election vote in the affirmative, the official shall be recalled, effective the date of the results, provided that the total number of votes cast for and against the question exceeds a number of registered voters of the Town equal to at least 30% of the number of votes cast in Raymond in the last gubernatorial election.

Section 8. An official sought to be recalled and who has not resigned under Section 4 shall continue to perform the duties of the office until the Board of Selectmen certifies the results of the recall election. If the official is recalled, the office shall become vacant immediately upon certification of the results of the election and shall be filled in accordance MRSA Title 30-A, §2602, or any Appointment Ordinance, as applicable.