Town of Raymond
Board of Selectmen ePacket
March 9, 2021

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BOARD OF SELECTMEN
Agenda

March 9, 2021

6:30pm – Regular Meeting

Via Zoom & on YouTube

Resolution: We, the Raymond Board of Selectmen, recognize our individual and collective responsibilities as leaders and representatives of our community. To this end, we pledge to conduct ourselves in a manner befitting these roles and duties. We pledge and encourage others to "Be the Influence" and to recognize that decisions matter.

1) **Call to order**

2) **Minutes of previous meetings**
   a) February 9, 2021

3) **New Business**
   a) Request for Town Facilities & Assistance for 2021 U CAN 5K – Brenda Caouette, Organizer
   b) Consideration of Tax Abatements/Supplemental Assessments – Curt Lebel, Contract Assessor
   c) Consideration of Approving Use of Updated Maine Moderator's Manual for Town Meeting – Sue Look, Town Clerk

4) **Public Comment**

5) **Selectman Comment**

6) **Town Manager's Report and Communications**
   a) **Confirm Dates for Upcoming Regular Meetings**
      - April 13, 2021
      - May 11, 2021

   b) **Reminder of Upcoming Budget Schedule**
      - March 16, 2021 – 2nd Department Head Review – 6:30pm via Zoom
      - March 30, 2021 – Budget Workshop – 6:30pm via Zoom
      - April 13, 2021 – Select Board Warrant Review & Approval – 6:30pm via Zoom

- April 27, 2021 – Budget-Finance Committee Budget Article Recommendations – 6:30pm via Zoom
- Town Meeting at the Jordan Small Middle School Gym

  1) June 1, 2021 – Open Town Meeting (if we can have it) – 6:00pm

  AND/OR

  2) June 8, 2021 – Town Elections (and if we vote the Town Warrant via secret ballot) – 7:00am to 8:00pm

c) Reminder of Upcoming Election Schedule

- April 9 – Nomination Papers due back

d) Reminder of Upcoming Holiday Schedule

- Monday, April 19 – Patriot's Day

7) Executive Session

a) Consideration of Spirit of America Award – pursuant to 1 MRSA §405 (6) (A)

b) Consideration of Town Report Dedication – pursuant to 1 MRSA §405 (6) (A)

8) Adjournment

BOARD OF SELECTMEN
Minutes

February 9, 2021

6:30pm – Regular Meeting

Via Zoom & on YouTube

Resolution: We, the Raymond Board of Selectmen, recognize our individual and collective responsibilities as leaders and representatives of our community. To this end, we pledge to conduct ourselves in a manner befitting these roles and duties. We pledge and encourage others to "Be the Influence" and to recognize that decisions matter.

Select Board members in attendance: Rolf Olsen, Marshall Bullock, Teresa Sadak, Samuel Gifford

Select Board members absent: Lawrence Taylor

Town Staff in attendance:
Don Willard – Town Manager
Alex Sirois – Code Enforcement Officer
Cathy Gosselin – Health Officer
Sue Look – Town Clerk

1) **Called to order** at 6:30pm by Chair Olsen

2) **Minutes of previous meetings**
   a) January 12, 2021

   Motion to approve as presented by Selectman Gifford. Seconded by Selectman Bullock.

   Unanimously approved

3) **New Business**
   a) 2020 Compensation Study Presentation – Kari Meillat, KMA HR Consultant

   Ms Meillat presented the results of their survey. The proposed changes:

2016 PAY GRADE STRUCTURE

Raymond's original Pay Grade structure from 2016 is included below for reference.

		STEP 1 (Minimum	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP7	STEP 8 (Midpoint)	MAXIMUM
Grade 11	Hourly:	$38.32	$39.08	$39.87	$40.66	$41.48	$42.31	$43.15	$44.01	$49.86
30% Range Spread	Annual:	$79,700	$81,294	$82,920	$84,578	$86,270	$87,995	$89,755	$91,550	$103,700
		• Town Manager								
Grade 10	Hourly:									
30% Range Spread	Annual:									
		• No positions currently in this grade level.								
Grade 9	Hourly:	$30.96	$31.58	$32.21	$32.86	$33.51	$34.18	$34.87	$35.57	$40.29
30% Range Spread	Annual:	$64,400	$65,688	$67,002	$68,342	$69,709	$71,103	$72,525	$73,975	$83,800
		• Finance Director/Treasurer								
Grade 8	Hourly:	$27.36	$27.90	$28.46	$29.03	$29.61	$30.20	$30.81	$31.42	$35.58
30% Range Spread	Annual:	$56,909	$58,032	$59,197	$60,382	$61,589	$62,816	$64,085	$65,354	$74,006
		• Fire & Rescue Chief/EMA Director | Code Enforcement Officer | Director of Public Works | Forest Warden								
Grade 7	Hourly:	$24.23	$24.72	$25.21	$25.71	$26.23	$26.75	$27.29	$27.83	$31.54
30% Range Spread	Annual:									
		• Town Clerk/Registrar								
Grade 6	Hourly:	$16.59	$19.98	$20.38	$20.79	$21.20	$21.63	$22.06	$22.50	$25.47
30% Range Spread	Annual:	$34,507	$41,558	$42,390	$43,243	$44,096	$44,990	$45,885	$46,800	$52,978
		• Deputy Fire & Rescue Chief/Paramedic | Public Works Foreman								
Grade 5	Hourly:	$15.87	$16.19	$16.51	$16.84	$17.18	$17.52	$17.87	$18.23	$20.63
30% Range Spread	Annual:	$33,010	$33,675	$34,341	$35,027	$35,734	$36,442	$37,170	$37,918	$42,910
		• Paramedic/Firefighter | Administrative Assistant | Deputy Town Clerk/Deputy Treasurer/Deputy Tax Collector/Payroll & HR Officer | Tax Collector/Deputy Town Clerk/Deputy Registrar								
Grade 4	Hourly:	$14.78	$15.08	$15.38	$15.68	$16.00	$16.32	$16.64	$16.98	$19.22
30% Range Spread	Annual:	$30,742	$31,366	$31,990	$32,614	$33,280	$33,946	$34,611	$35,318	$39,978
		• Deputy Town Clerk/Deputy Tax Collector/General Assistance Administrator | Public Works Equipment Operator								

RECOMMENDED 2021 PAY GRADE STRUCTURE WITH ALL POSITIONS

		STEP 1 (Minimum	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP7	STEP 8 (Midpoint)	MAXIMUM
Grade 11	Hourly:	$47.78	$48.74	$49.71	$50.71	$51.72	$52.76	$53.81	$54.09	$61.23
30% Range Spread	Annual:	$99,388	$101,376	$103,403	$105,471	$107,581	$109,732	$111,927	$112,507	$127,358
		• Town Manager								
Grade 10	Hourly:									
30% Range Spread	Annual:									
		• No positions currently in this grade level.								
Grade 9	Hourly:	$37.24	$37.99	$38.75	$39.52	$40.31	$41.12	$41.94	$42.16	$47.73
30% Range Spread	Annual:	$77,467	$79,016	$80,597	$82,209	$83,853	$85,530	$87,241	$87,693	$99,268
		• Finance Director/Treasurer								
Grade 8	Hourly:	$32.52	$33.17	$33.83	$34.51	$35.20	$35.90	$36.62	$36.81	$41.67
30% Range Spread	Annual:	$67,637	$68,989	$70,369	$71,777	$73,212	$74,676	$76,170	$76,565	$86,671
		• Fire & Rescue Chief/EMA Director | Code Enforcement Officer | Director of Public Works								
		• Registrar | Town Clerk | Forest Warden								
Grade 7	Hourly:	$27.13	$27.67	$28.22	$28.79	$29.37	$29.95	$30.55	$30.71	$34.76
30% Range Spread	Annual:	$56,428	$57,557	$58,708	$59,882	$61,080	$62,301	$63,547	$63,877	$72,309
		• Deputy Fire & Rescue Chief/Paramedic | Parks & Recreation Director								
Grade 6	Hourly:	$21.11	$21.54	$21.97	$22.41	$22.85	$23.31	$23.78	$23.90	$27.05
30% Range Spread	Annual:	$43,915	$44,793	$45,689	$46,603	$47,535	$48,486	$49,456	$49,712	$56,274
		• Captain | Public Works Foreman | Tax Collector | Human Resources Officer								
		• Deputy Tax Collector | Deputy Town Clerk | Deputy Treasurer								
Grade 5	Hourly:	$17.89	$18.25	$18.61	$18.98	$19.36	$19.75	$20.15	$20.25	$22.92
30% Range Spread	Annual:	$37,208	$37,953	$38,712	$39,486	$40,276	$41,081	$41,903	$42,120	$47,680
		• Lieutenant | Paramedic/Firefighter | Paramedic | Administrative Assistant								
		• Drivers | Equipment Operator/Laborer								
Grade 4	Hourly:	$15.00	$15.30	$15.61	$15.92	$16.24	$16.56	$16.89	$16.98	$19.22
30% Range Spread	Annual:	$31,200	$31,824	$32,460	$33,110	$33,772	$34,447	$35,136	$35,318	$39,980
		• Firefighter II | EMT A | Firefighter/EMT B | Firefighter/EMT A								
Grade 3	Hourly:	$13.07	$13.34	$13.60	$13.87	$14.15	$14.43	$14.72	$14.80	$16.75
30% Range Spread	Annual:	$27,194	$27,738	$28,293	$28,859	$29,436	$30,025	$30,625	$30,784	$34,847
		• Firefighter I | EMT B								
Grade 2	Hourly:	$12.15	$12.39	$12.64	$12.89	$13.15	$13.41	$13.68	$13.75	$15.57
30% Range Spread	Annual:	$25,265	$25,770	$26,286	$26,811	$27,348	$27,895	$28,453	$28,600	$32,375
		• Fire Police								

The salary survey was conducted by looking at each individual position instead of viewing them as combination roles. The towns surveyed generally had unique roles instead of combination roles.

The information presented in the pay grade structure shows both an hourly wage and the corresponding annualized rate for ease of viewing and comparison. The pay grade structure does not indicate which positions are exempt or non-exempt. A review of the FLSA exemption criteria is recommended whenever a position has a change in responsibilities or if a review has not been conducted before.

REMOVING THE STEPS

The Town of Raymond's current pay grade structure has a minimum, midpoint, and maximum. It also includes steps 1-8 which span from the minimum to the midpoint. This is a useful structure if pay increases are presented in steps based on tenure or another criterion.

The Town increases pay through a straight merit program and has not been utilizing the steps. In order to simplify, the town can consolidate the steps and look at just the minimum, midpoint, and maximum and apply the criteria in the Employee Placement section below. This allows for more flexibility in managing the pay bands and any employee pay increases. Ranges allow for differences in education, experience or performance which aligns with offering a merit-based increase structure compared to a step structure.

The example to the right shows the structure with Grade 10 included but hidden as there is no data. The minimum and maximum of Grade 11 and Grade 9 would change if the Town decides to remove Grade 10 and increase the range spread of Grades 9 and 11.

Additionally, having a broad-based salary structure with a minimum, midpoint, and maximum, will allow for the needed flexibility when conducting any applicable union negotiations.

GRADE	MIN	MID	MAX
Grade 11	$47.78	$54.09	$61.23
30% Range Spread	$99,388	$112,507	$127,358
Grade 9	$37.24	$42.16	$47.73
30% Range Spread	$77,467	$87,693	$99,268
Grade 8	$32.52	$36.81	$41.67
30% Range Spread	$67,637	$76,565	$86,671
Grade 7	$27.13	$30.71	$34.76
30% Range Spread	$56,428	$63,877	$72,309
Grade 6	$21.11	$23.90	$27.05
30% Range Spread	$43,915	$49,712	$56,274
Grade 5	$17.89	$20.25	$22.92
30% Range Spread	$37,208	$42,120	$47,680
Grade 4	$15.00	$16.98	$19.22
30% Range Spread	$31,200	$35,318	$39,980
Grade 3	$13.07	$14.80	$16.75
30% Range Spread	$27,194	$30,784	$34,847
Grade 2	$12.15	$13.75	$15.57
30% Range Spread	$25,265	$28,600	$32,375

The Select Board had no questions/comments. Chair Olsen thanked Ms Meillat.

b) Update on 9 Shaker Woods – Alex Sirois, CEO and Cathy Gosselin, Health Officer

On February 5th CEO Sirois, Health Officer Gosselin and Fire Inspector Wayne Jones inspected 9 Shaker Woods Rd with owner Jared Marston. Overall they were very impressed with the progress Mr Marston has made. They have cleaned out a significant amount of the trash and miscellaneous items from the house, did a heavy amount of cleaning, and have removed some of the exterior junk (most of which can not be removed until snow melts). They have a master electrician who is going to help them with the electrical issues. Some smoke alarms have been installed. Plumbing will begin in the next couple of weeks. At this point we are looking for the Select Board to allow us to continue to work with them and have them in a situation where they can be living in the house in the next month. Health Officer Gosselin found that they are not eligible for DHHS housing because of their ages. Mrs Strout is not quite old enough for Medicare. We recommend that we continue to monitor the situation and allow them to remain in the home. Fire Inspector Jones compiled a list of the major things that need to be addressed. Some of the items have already been taken care of and Mr Marston has sent pictures documenting the progress.

Mr Marson said they are making progress.

CEO Sirois and Health Officer Gosselin will continue to go back every 2 weeks and update the Select Board at their next meeting.

4) **Public Comment**

Charles Leavitt commented on the Select Board Bylaws, the Compensation Study presentation, the guide to Zoom meetings online, and on the ending of the previous meeting.

5) **Selectman Comment** – none

6) **Town Manager's Report and Communications**

a) **Confirm Dates for Upcoming Regular Meetings**

- March 9, 2021
- April 13, 2021

b) **Reminder of Upcoming Budget Schedule**

- February 23, 2021 – Town Manager submits budget to Select Board & Budget-Finance Committee
- March 2, 2021 – 1st Department Head Review – 6:30pm via Zoom
- March 16, 2021 – 2nd Department Head Review – 6:30pm via Zoom
- March 30, 2021 – Budget Workshop – 6:30pm via Zoom
- April 13, 2021 – Select Board Warrant Review & Approval – 6:30pm via Zoom
- April 27, 2021 – Budget-Finance Committee Budget Article Recommendations – 6:30pm via Zoom
- Town Meeting at the Jordan Small Middle School Gym

1) June 1, 2021 – Open Town Meeting (if we can have it) – 6:00pm

AND/OR

2) June 8, 2021 – Town Elections (and if we vote the Town Warrant via secret ballot) – 7:00am to 8:00pm

c) **Reminder of Upcoming Election Schedule**

- March 1 – Nomination Papers available
- April 9 – Nomination Papers due back

d) **Reminder of Upcoming Holiday Schedule**

- Monday, February 15th – Presidents Day

7) **Adjournment**

Motion to adjourn at 7:01pm by Selectman Bullock. Seconded by Selectman Gifford.

Unanimously approved

Respectfully submitted,

Susan L Look, Town Clerk

Board of Selectmen – Agenda Item Request Form

401 Webbs Mills Road
Raymond, Maine 04071
207-655-4742 fax 207-655-3024
sue.look@raymondmaine.org

Requested Meeting Date: 3/09/2021 Request Date: 2/4/2021

Requested By: **Curt Lebel, Assessors Agent**

Address:

eMail:

Phone #:

Category of Business (please check one):

☐ Information Only ☐ Public Hearing ☐ Report ☒ Action Item

☐ Other - Describe

Agenda Item Subject: **Consideration of tax abatements/supplemental assessments**

Agenda Item Summary: Board will be asked to consider tax abatements and supplemental assessments to be issued. A memo outlining recommended actions shall be included in the agenda packet

Action Requested/ Recommendation:

Attachments to Support Request: **Memo and appropriate documents to be attached.**

TOWN OF RAYMOND Assessing Office
401 Webbs Mills Road Raymond, Maine 04071
Phone 207.655.4742 x51 Fax 207.655.3024
assessor@raymondmaine.org

INTEROFFICE MEMORANDUM

TO: RAYMOND BOARD OF ASSESSORS

FROM: CURT LEBEL, ASSESSORS AGENT

SUBJECT: TAX ABATEMENTS/SUPPLEMENTAL ASSESSMENTS

DATE: 2/25/2021

CC:

Dear Board Members,

Good afternoon. I have two (2) tax abatements and one supplemental assessment for the Board to consider for approval at its March 9th meeting.

Abatement #5 The estate of James D'Ovidio (deceased) conveyed 2 parcels of land to Richard & Anne Marie Buck in March of 2020 (078-047 & 078-006). Parcel 078-006 which is a vacant parcel across the street from lot 47 on Shore Rd was erroneously assessed to Mr. D'Ovidio for the 2020/2021 assessment. The corrective action recommended is to abate the assessment to D'Ovidio and issue a new, supplemental assessment to Buck, which follows as the supplemental item.

Abatement #6 Property located at Map 008-061 (4 Brown Road) The Property was conveyed by Natalie Foss (Nassa) to her son, Christopher Nassa in April 2020. Mr. Nassa was notified by his insurance company that the town assessed the home as having a basement. Mr. Nassa requested abatement because the property does not have a basement, but rather a 2–4-foot crawl space. Property was inspected and this was verified. In addition, other data errors regarding the lack of central heating system and the addition of a deck were noted. The property is in fair condition currently, which should be reflected in the assessment.

Supplemental Assessment #1 This supplemental is the follow up corrective action to abatement #4, which assigns the assessment to the correct owner, Richard and Anne Marie Buck.

Sincerely,

Curt Lebel, Assessors Agent, Town of Raymond

Certificate of Abatement

36 M.R.S.A § 841

We, the Board of Assessors of the municipality of Raymond, hereby certify to Suzanne Carr, tax collector, that the accounts herein, contain a list of valuations of the estates, real and personal, that have been granted an abatement of property taxes by us for the April 1, 2020 assessment on March 9, 2021. You are hereby discharged from any further obligation to collect the amount abated.

Voted by the Raymond Board of Assessors on: March 9, 2021 ***Attest:_____Don Willard, Town Manager***

Tax Year	#	M/L	ACCT#	OWNER OF RECORD	OLD ASSESSMENT	NEW ASSESSMENT	VALUATION ABATED	TAX AMOUNT	TAX RATE	MISCELLANEOUS INFORMATION
2020-	5	078-006	3780	D'Ovidio James F PO Box 524 So. Casco, ME 04077	$ 36,700.00		$ 36,700.00	$ 511.97	0.01395	Property Assessded in Error to incorrect owner. Property will be Assessed to correct owner, Anne Marie & Richard Buck with a new, supplemental assessent
2020-	6	008-061	553	Natalie Foss (Nassa) 4 Brown Road Raymond, ME 04071	$ 140,700.00	$ 125,500.00	$ 15,200.00	$ 212.04	0.01395	Data errors found present on property assessment resulting in overvaluation, to include basement, heat and property condition.
					TOTALS		$51,900.00	$724.01		

TOWN OF RAYMOND

SUPPLEMENTAL TAX CERTIFICATE

State of Maine 36 M.R.S.A. § 713

We, the undersigned, Assessors of the Municipality of Raymond, Maine, hereby certify that the foregoing list of estates and assessments thereon, recorded in page 947 of this book , were either invalid, void or omitted by mistake from our original invoice and valuation and list of assessments dated the 9th day of September 2020, that these lists are supplemental to the aforesaid original invoice, valuation and list of assessments, dated the 9th day of March, 2021
, and are made by virtue of Title 36, Section 713, as amended.

Given by our hand this 9th day of March, 2020.

_____
Samuel Gifford

_____
Lawrence Taylor

_____
Marshall Bullock

_____
Rolf Olsen, Chair

_____
Teresa Sadak,

Assessors, Town of Raymond

TOWN OF RAYMOND

SUPPLEMENTAL TAX WARRANT

State of Maine 36 M.R.S.A. § 713

County of CUMBERLAND, ss.

To: SUZANNE CARR, Tax Collector

of the Municipality of RAYMOND, within said County of

CUMBERLAND.

GREETINGS:

Hereby are committed to you a true list of the assessments of the estates of the person(s) hereinafter named. You are hereby directed to levy and collect each of the person(s) named in said list his respective proportion, therein set down, of the sum of $ 511 dollars and 97/100 cents, it being the amount of said list; and all powers of the previous warrant for the collection of taxes issued by us to you and dated September 9, 2020 are extended thereto; and we do hereby certify that the list of
(here insert date of original warrant)

assessments of the estates of the persons named in said list is a supplemental assessment laid by virtue of Title 36, Section 713, as amended and the assessments and estates thereon as set forth in said list were either invalid, void, or omitted by mistake from the original list committed unto you under our warrant dated September 9, 2020.
original date of warrant

Given by our hands this 9th day of March, 2021.

Sam Gifford

Lawrence Taylor

Marshal Bullock

Rolf Olsen, Chair

Teresa Sadak

Assessors, Town of Raymond

947

TOWN OF RAYMOND - SUPPLEMENTAL TAX WARRANT LIST

We, the undersigned, Assessors of the Municipality of Raymond, hereby certify, that the foregoing list of estates and assessments, contain a list of valuations of the estates, real and personal, that were omitted from our original invoice and valuation and list of assessments dated September 9, 2020, and to be supplemented for the 2020 assessment as of March 9, 2021.

Signed _____ , Assessor

Signed _____ , Assessor

Signed _____ , Assessor

Signed _____ , Assessor

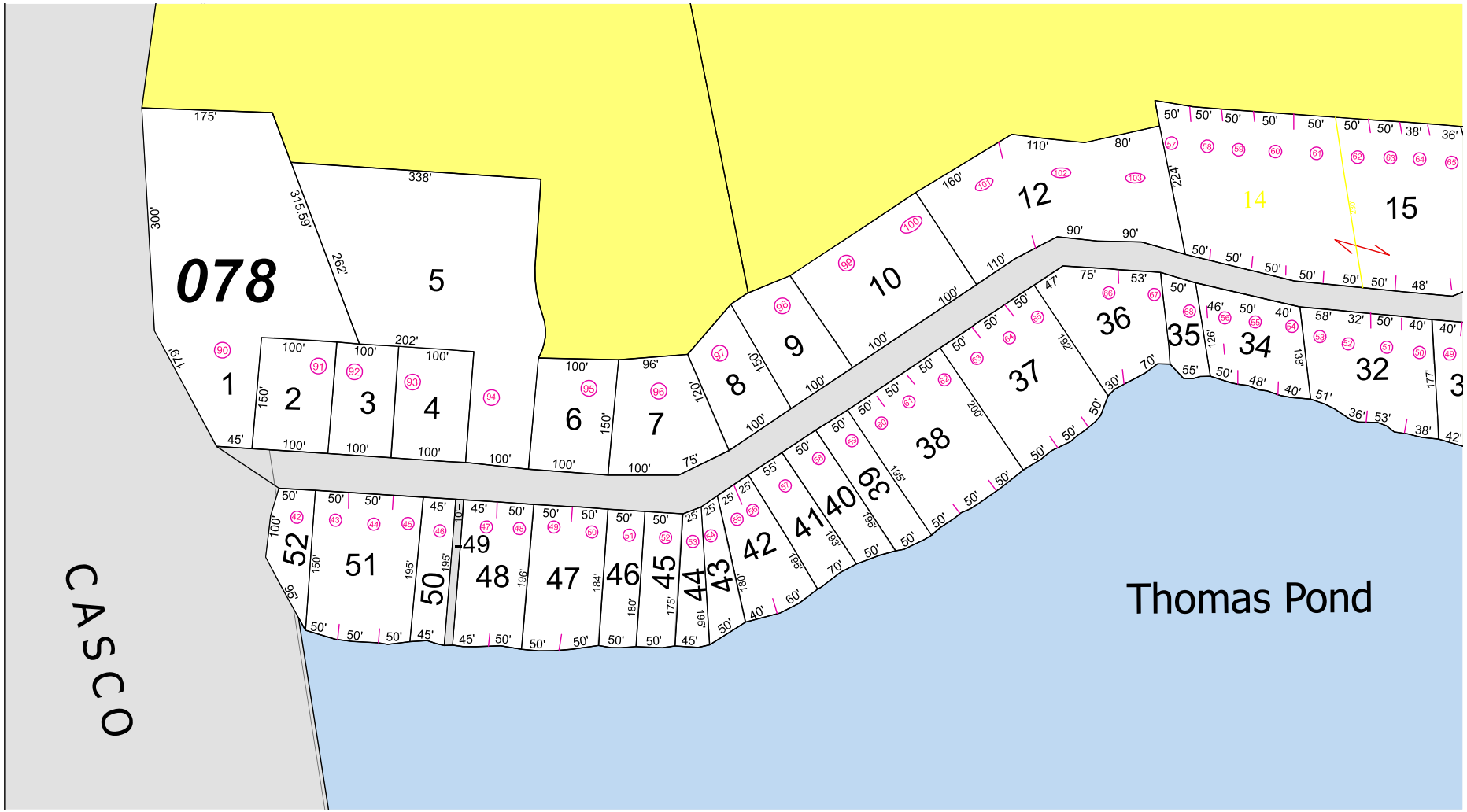
Signed _____ , Assessor

M/L	OWNER OF RECORD	ADDRESS	SUPPLEMENTAL VALUATION	ACCT #	TAX DOLLARS	MISCELLANEOUS INFORMATION
078-006	Richard H Buck Anna-Marie Buck	PO Box 625 Raymond, ME 04071	$36,700.00	3780	$511.97	Assessment of property to this owner omiitted in original assessment. Assessment to incorrect owner has been previously abated.
					$511.97	

D’Ovidio Abatement/Buck Supplemental

Account	Name	Land	Building	Exempt	Total	Tax
1823	DOUGLASS WESLEY R	242,600	64,700	0	307,300	4,286.84
	CORRIVEAU ELAINE H	Acres 0.34				
	232 HARDY RD					2,143.42 (1)
						2,143.42 (2)
	WESTBROOK ME 04092					
	46 PLUMMER DR					
	0023-0004					
	B8936P0089					
3780	D'OVIDIO JAMES F	36,700	0	0	36,700	511.97
	PO BOX 524	Acres 0.34				
						255.99 (1)
	SO CASCO ME 04077					255.98 (2)
	SHORE RD (CASCO)					
	0078-0006					
	B3218P0072					
3503	DOW AVARD M JR	326,500	318,700	0	645,200	9,000.54
	PO BOX 794	Acres 4.60				
						4,500.27 (1)
	RAYMOND ME 04071					4,500.27 (2)
	8 WILD ACRES RD					
	0069-0042-A					
	B29094P0151					
3462	DOWNES DAVID W TRUSTEE	427,000	36,900	0	463,900	6,471.41
	TWIN ROCKS REALTY TRUST	Acres 1.86				
	20 ALDEN ROAD					3,235.71 (1)
						3,235.70 (2)
	WATERTOWN MA 02472					
	9 PAPOOSE ISLD RD					
	0068-0042					
	B24650P0095					

	Land	Building	Exempt	Total	Tax
Page Totals:	1,032,800	420,300	0	1,453,100	20,270.76
Subtotals:	135,738,500	125,352,800	6,608,610	254,482,690	3,550,033.42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MAINE REAL ESTATE TAX-Paid

DLN: 1002040091217

DEED OF SALE BY PERSONAL REPRESENTATIVE

KNOW ALL MEN BY THESE PRESENTS that I, **Robert M. Penta,** of Medford, Massachusetts, duly appointed and acting Domiciliary Foreign Personal Representative of the **Estate of James F. D'Ovidio,** deceased, as shown by the Probate records in the County of Cumberland, State of Maine, Probate Court Docket No. 2020-0403, and having given notice to each person succeeding to an interest in the real property described below at least ten (10) days prior to the sale, by the powers conferred by the Probate Code, and every other power, for consideration paid, grant to **Anna-Marie P. Buck** and **Richard H. Buck, as joint tenants,** whose mailing address is 162 Thomas Pond Terrace, Raymond, ME 04071, the real property, with the buildings thereon, located in the Town of Raymond, County of Cumberland, State of Maine, described as follows:

Being Lots No. 49 and No. 50 as shown on Plan of Thomas Pond Shores, which Plan is recorded in Cumberland County Registry of Deeds in Plan Book 45, Page 54, and also Lot No. 95 as shown on Plan of Thomas Pond Shores recorded in said Registry of Deeds in Plan Book 45, Page 37.

The above-described premises are conveyed together with a right of way to and from the premises over Shore Road and Libby Road to the Meadow Road.

The above-described premises are conveyed subject to restrictions of record insofar as they are now in force and applicable.

Being the same premises described in a deed from Harriet B. Quinn to James F. D'Ovidio dated March 24, 1972 and recorded in said Registry in Book 3218 Page 72.

IN WITNESS WHEREOF, the said Robert M. Penta, the duly appointed and acting Personal Representative of the Estate of James F. D'Ovidio, deceased, has hereunto set his hand and seal this 24 day of March, 2020.

Signed, Sealed and Delivered
in Presence of

Robert M. Penta
Personal Representative

DOC :16667 BK:36548 PG:34
RECEIVED - RECORDED, CUMBERLAND COUNTY REGISTER OF DEEDS
03/31/2020, 09:54:41A
Register of Deeds Nancy A. Lane E-RECORDED

State of Massachusetts
County of Middlesex

March 24, 2020

Then personally appeared the above-named Robert M. Penta in his capacity as Personal Representative of the Estate of James F. D'Ovidio and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of the Estate of James F. D'Ovidio

Before me,

Notary Public
Printed Name: REMO G. SCARFO
My commission expires: March 19 2021

Nassa Abatement

APPLICATION FOR ABATEMENT OF PROPERTY TAXES

36 M.R.S. § 841

See Property Tax Bulletin No. 10 for more information

This application must be signed and filed with the municipal assessor. A separate application should be filed for each separately assessed parcel of real estate claimed to be overvalued.

1. Name of applicant: Christopher J Nasse
2. Mailing address: 4 Brown Rd Raymond Me. 04071
3. Property address or map/lot: 008/061
4. Telephone number for applicant: 207-650-2156
5. Tax year for which abatement is requested: 2020/2021
6. Assessed valuation of real estate: $ 140,700
7. Assessed valuation of personal property: _____
8. Abatement of real estate valuation requested: _____
9. Abatement of personal property valuation requested: 5,100
10. Reasons for requesting abatement (please be specific, stating grounds for belief that property is overvalued for tax purposes): Roperty does not have an unfinished basement, Crawl Space only, Seeking abatement on difference.

To the assessing authority of the Municipality of Raymond

In accordance with the provisions of 36 M.R.S. § 841, I hereby make written application for abatement of property taxes as noted above. The above statements are correct to the best of my knowledge and belief.

01-11-2021
Date

Signature of Applicant

Rev 1/17

WARRANTY DEED

I, NATALIE A. NASSA, n/k/a NATALIE A. FOSS, of 22 Worthley Avenue, Mexico, ME 04257, FOR CONSIDERATION PAID, grant to CHRISTOPHER JOSEPH NASSA, of 4 Brown Road, Raymond, ME 04071, with WARRANTY COVENANTS, the land in the Town of Raymond, Cumberland County, State of Maine, to wit,

A certain lot or parcel of land, together with the buildings and improvements thereon, situated in the Town of Raymond, County of Cumberland, State of Maine as follows:

Beginning at an iron pipe at the intersection of the northeasterly line of the Brown Road and the southeasterly line of the discontinued Town Road which lies southeasterly from Route #85; thence running South 46° East by said northeasterly line of said Brown Road 100 feet to an iron pipe; thence running North 41° 15' East parallel to said southeasterly line of said discontinued Town Road 160 feet to an iron pipe; thence running North 46° West parallel to said northeasterly line of said Brown Road 100 feet to an iron pipe and the southeasterly line of said discontinued Town Road; thence running South 41° 15' West by said southeasterly line of said discontinued Town Road 160 feet to the point of beginning.

Being the same property conveyed to Angelo A. Nassa and Natalie A. Nassa by Arlene R. Whitney by their Deed dated April 30, 1975, and recorded in the Cumberland County Registry of Deeds on April 30, 1975 in Book 3673, Page 343.

Angelo A. Nassa predeceased Natalie A. Nassa, n/k/a Natalie A. Foss. At his death, Natalie A. Nassa, n/k/a Natalie A. Foss, as surviving joint tenant, became the sole owner of the above described real estate.

The premises are conveyed subject to any easements and restrictions of record, and this deed includes all rights, easements, privileges and appurtenances belonging to the premises hereinabove described.

Doc#: 20876 Bk:36622 Pg: 346

Witness

NATALIE A. NASSA, n/k/a
NATALIE A. FOSS

State of Maine
County of Oxford, ss. April 13, 2020

Then personally appeared the above named NATALIE A. NASSA, n/k/a NATALIE A. FOSS and acknowledged the above instrument to be her free act and deed.

Before me,

Attorney at Law
Martin Tartre, Esq.

Received
Recorded Register of Deeds
Apr 23,2020 09:41:50A
Cumberland County
Nancy A. Lane

Property Location 4 BROWN RD | Map ID 008/ 061/ 000/ 000/ | Bldg Name | State Use 1010
Vision ID 480 | Account # F0900R | Bldg # 1 | Sec # 1 of 1 | Card # 1 of 1 | Print Date

CURRENT OWNER

NASSA CHRISTOPHER J

4 BROWN ROAD

RAYMOND ME 04071

TOPO	UTILITIES	STRT / ROAD	LOCATION
4 Rolling	5 Well	1 Paved	3 Rural
	6 Septic		

SUPPLEMENTAL DATA

Alt Prcl ID	008061000000	SEND VAL	
TIF CODE		TAP	
USE PRO		Field 8	
TG ENRO		Field 9	
TG PLAN		Field 10	
LD1 TYPE			
GIS ID	008061000000	Assoc Pid#	

CURRENT ASSESSMENT

Description	Code	Assessed	Assessed
RESIDNTL	1010	113,200	113,200
RES LAND	1010	27,500	27,500
	Total	140,700	140,700

3218

Raymond, ME

VISION

RECORD OF OWNERSHIP

	BK-VOL/PAGE		SALE DATE	Q/U	V/I	SALE PRICE	VC
NASSA CHRISTOPHER J	36622	345	04-13-2020	U	I	0	1A
FOSS NATALIE (NASSA)	8397	0002	06-21-1803	U	V	0	

PREVIOUS ASSESSMENTS (HISTORY)

Year	Code	Assessed	Year	Code	Assessed V	Year	Code	Assessed
2020	1010	113,200	2019	1010	105,200	2018	1010	105,200
	1010	27,500		1010	27,500		1010	27,500
				1010	8,000		1010	8,000
	Total	140700		Total	140700		Total	140700

EXEMPTIONS

Year	Code	Description	Amount
		Total	0.00

OTHER ASSESSMENTS

Code	Description	Number	Amount	Comm Int

This signature acknowledges a visit by a Data Collector or Assessor

ASSESSING NEIGHBORHOOD

Nbhd	Nbhd Name	B	Tracing	Batch
0001				

NOTES

BLUE

SHD1 ATTACHED TO BACK OF

FGR4

APPRAISED VALUE SUMMARY

Appraised Bldg. Value (Card)	105,200
Appraised Xf (B) Value (Bldg)	0
Appraised Ob (B) Value (Bldg)	8,000
Appraised Land Value (Bldg)	27,500
Special Land Value	0
Total Appraised Parcel Value	140,700
Valuation Method	C
Total Appraised Parcel Value	140,700

BUILDING PERMIT RECORD

Permit Id	Issue Date	Type	Description	Amount	Insp Date	% Comp	Date Comp	Comments

VISIT / CHANGE HISTORY

Date	Id		Purpost/Result
10-08-2004	PM		Measur+2Visit -
10-08-2004	PM		Measur+1Visit

LAND LINE VALUATION SECTION

B	Use Code	Description	Zone	Land Type	Land Units		Unit Price	Size Adj	Site Index	Cond.	Nbhd.	Nbhd. Adj	Notes	Location Adjustment		Adj Unit P	Land Value
1	1010	Single Family	VR1		17,424	SF	1.58	1.00000	5	1.00		1.000			1.0000	1.58	27,500
		Total Card Land Units			17,424	SF	Parcel Total Land Area			0.4000					Total Land Value		27,500

Property Location	4 BROWN RD	Map ID	008/ 061/ 000/ 000/	Bldg Name	State Use 1010
Vision ID 480	Account # F0900R	Bldg # 1	Sec # 1 of 1	Card # 1 of 1	Print Date

CONSTRUCTION DETAIL

Element	Cd	Description
Style:	01	Ranch
Model	01	Residential
Grade:	03	Average
Stories:	1	
Occupancy	1	
Exterior Wall 1	06	Board & Batten
Exterior Wall 2		
Roof Structure:	03	Gable/Hip
Roof Cover	01	Metal/Tin
Interior Wall 1	05	Drywall/Sheet
Interior Wall 2		
Interior Flr 1	14	Carpet
Interior Flr 2		
Heat Fuel	02	Oil
Heat Type:	05	Hot Water
AC Type:	01	None
Total Bedrooms	03	3 Bedrooms
Total Bthrms:	1	
Total Half Baths	0	
Total Xtra Fixtrs	0	
Total Rooms:	5	
Bath Style:	02	Average
Kitchen Style:	02	Average

CONSTRUCTION DETAIL (CONTINUED)

Element	Cd	Description

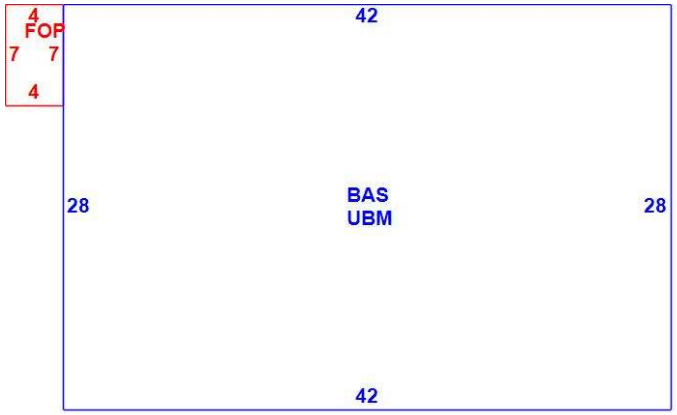
CONDO DATA

Parcel Id		C		Owne	
			B		S

Adjust Type	Code	Description	Factor%
Condo Flr			
Condo Unit			

COST / MARKET VALUATION

Building Value New	142,123
Year Built	1970
Effective Year Built	1979
Depreciation Code	A
Remodel Rating	
Year Remodeled	
Depreciation %	26
Functional Obsol	
External Obsol	
Trend Factor	1
Condition	
Condition %	
Percent Good	74
RCNLD	105,200
Dep % Ovr	
Dep Ovr Comment	
Misc Imp Ovr	
Misc Imp Ovr Comment	
Cost to Cure Ovr	
Cost to Cure Ovr Comment	



OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)

Code	Description	L/B	Units	Unit Price	Yr Blt	Cond. Cd	% Gd	Grade	Grade Adj.	Appr. Value
FGR4	W/LOFT-AVG	L	720	20.00	2005	A	50	00	1.00	7,200
SHD1	SHED FRAME	L	192	8.00	2005	A	50	00	1.00	800

BUILDING SUB-AREA SUMMARY SECTION

Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value
BAS	First Floor	1,176	1,176	1,176	96.77	113,802
FOP	Porch, Open, Finished	0	28	6	20.74	581
UBM	Basement, Unfinished	0	1,176	235	19.34	22,741
	Ttl Gross Liv / Lease Area	1,176	2,380	1,417		137,124

Property Location 4 BROWN RD | Map ID 008/ 061/ 000/ 000/ | Bldg Name | State Use 1010
Vision ID 480 | Account # F0900R | Bldg # 1 | Sec # 1 of 1 | Card # 1 of 1 | Print Date

CURRENT OWNER

NASSA CHRISTOPHER J

4 BROWN ROAD

RAYMOND ME 04071

TOPO		UTILITIES		STRT / ROAD		LOCATION	
4	Rolling	5	Well	1	Paved	3	Rural
		6	Septic				

SUPPLEMENTAL DATA

Alt Prcl ID	008061000000	SEND VAL	
TIF CODE		TAP	
USE PRO		Field 8	
TG ENRO		Field 9	
TG PLAN		Field 10	
LD1 TYPE			
GIS ID	008061000000	Assoc Pid#	

CURRENT ASSESSMENT

Description	Code	Assessed	Assessed
RESIDNTL	1010	98,000	98,000
RES LAND	1010	27,500	27,500
	Total	125,500	125,500

3218

Raymond, ME

VISION

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	1010	27,500		1010	27,500		1010	27,500
				1010	8,000		1010	8,000
	Total	140700		Total	140700		Total	140700

EXEMPTIONS

Year	Code	Description	Amount
		Total	0.00

OTHER ASSESSMENTS

Code	Description	Number	Amount	Comm Int

This signature acknowledges a visit by a Data Collector or Assessor

APPRAISED VALUE SUMMARY

Appraised Bldg. Value (Card)	90,000
Appraised Xf (B) Value (Bldg)	0
Appraised Ob (B) Value (Bldg)	8,000
Appraised Land Value (Bldg)	27,500
Special Land Value	0
Total Appraised Parcel Value	125,500
Valuation Method	C
Total Appraised Parcel Value	125,500

ASSESSING NEIGHBORHOOD

Nbhd	Nbhd Name	B	Tracing	Batch
0001				

NOTES

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SHD1 ATTACHED TO BACK OF

FGR4

BUILDING PERMIT RECORD

Permit Id	Issue Date	Type	Description	Amount	Insp Date	% Comp	Date Comp	Comments

VISIT / CHANGE HISTORY

Date	Id	ABATEMENT INSPECTIO	Purpost/Result
01-28-2021	CL	ABATEMENT INSPECTIO	Change R
10-08-2004	PM		Measur+2Visit -
10-08-2004	PM		Measur+1Visit

LAND LINE VALUATION SECTION

B	Use Code	Description	Zone	Land Type	Land Units		Unit Price	Size Adj	Site Index	Cond.	Nbhd.	Nbhd. Adj	Notes	Location Adjustment		Adj Unit P	Land Value
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Property Location 4 BROWN RD | Map ID 008/ 061/ 000/ 000/ | Bldg Name | State Use 1010
Vision ID 480 | Account # F0900R | Bldg # 1 | Sec # 1 of 1 | Card # 1 of 1 | Print Date

CONSTRUCTION DETAIL

Element	Cd	Description
Style:	01	Ranch
Model	01	Residential
Grade:	03	Average
Stories:	1	
Occupancy	1	
Exterior Wall 1	06	Board & Batten
Exterior Wall 2		
Roof Structure:	03	Gable/Hip
Roof Cover	01	Metal/Tin
Interior Wall 1	05	Drywall/Sheet
Interior Wall 2		
Interior Flr 1	14	Carpet
Interior Flr 2		
Heat Fuel	01	Coal/ Wood/Non
Heat Type:	01	None
AC Type:	01	None
Total Bedrooms	03	3 Bedrooms
Total Bthrms:	1	
Total Half Baths	0	
Total Xtra Fixtrs	0	
Total Rooms:	5	
Bath Style:	02	Average
Kitchen Style:	02	Average

CONSTRUCTION DETAIL (CONTINUED)

Element	Cd	Description

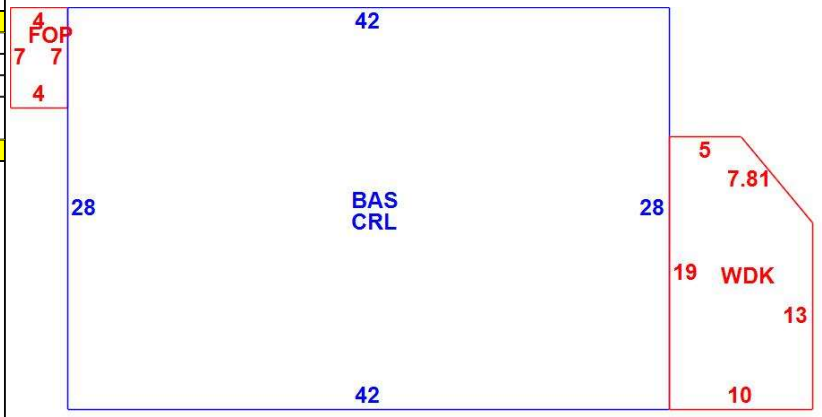
CONDO DATA

Parcel Id		C		Owne
		B		S

Adjust Type	Code	Description	Factor%
Condo Flr			
Condo Unit			

COST / MARKET VALUATION

Building Value New	128,523
Year Built	1970
Effective Year Built	1975
Depreciation Code	F
Remodel Rating	
Year Remodeled	
Depreciation %	30
Functional Obsol	
External Obsol	
Trend Factor	1
Condition	
Condition %	
Percent Good	70
RCNLD	90,000
Dep % Ovr	
Dep Ovr Comment	
Misc Imp Ovr	
Misc Imp Ovr Comment	
Cost to Cure Ovr	
Cost to Cure Ovr Comment	



OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)

Code	Description	L/B	Units	Unit Price	Yr Blt	Cond. Cd	% Gd	Grade	Grade Adj.	Appr. Value
FGR4	W/LOFT-AVG	L	720	20.00	2005	A	50	00	1.00	7,200
SHD1	SHED FRAME	L	192	8.00	2005	A	50	00	1.00	800

BUILDING SUB-AREA SUMMARY SECTION

Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value
WDK	Deck, Wood	0	175	18	9.64	1,687
BAS	First Floor	1,176	1,176	1,176	93.72	110,215
CRL	Crawl Space	0	1,176	118	9.40	11,059
FOP	Porch, Open, Finished	0	28	6	20.08	562
	Ttl Gross Liv / Lease Area	1,176	2,555	1,318		123,523

Maine Moderator's Manual Update

Quote from MMA's Maine Town & City - February 2021:

"Our Legal Services Department last month completed a revam of this important document. We know that the vast majority of our members depend on town meetings as their primary way of passing their annual budgets, ordinances and warrants.

This publication, last updated in 2005, includes new legal references and a step-by-step guide for town meeting moderators to follow this spring. Our legal experts recommend that members with the town meeting form of government adopt the Maine Moderator's Manual and follow it, in order to run efficient and legally proper town meetings in 2021 and the years ahead."

From a practical point of view, I found that the font is larger, the format has been changed to use bullets, and minor errors in the text have been corrected. Sue Look, Town Clerk

MAINE MODERATOR'S MANUAL

A GUIDE TO TOWN MEETING

SEVENTH EDITION
2021

MMA Legal Services
Maine Municipal Association
60 Community Drive
Augusta, Maine 04330
(207) 623-8428; toll free: 800-452-8786
legal@memun.org

MAINE MODERATOR'S MANUAL

Rules of Procedure Table
(2021)

TYPE / MOTION	SECOND REQUIRED	DEBATABLE	AMENDABLE	VOTE REQUIRED	RECONSIDER-ABLE	RANK / NOTES
PRIVILEGED						
Adjourn (*sine die*)	Y	N	N	M	N	1
Recess or Adjourn to Time Certain	Y	Y	Y	M	N	2
SUBSIDIARY						
Previous Question	Y	N	N	2/3	N	3
Limit Debate	Y	N	Y	2/3	Y	4
Postpone to Time Certain	Y	Y	Y	M	Y	5
Amend	Y	Y	Y	M	Y	6
INCIDENTAL						
Appeal	Y	Y	N	M	Y	A, B, D
Fix the Method of Voting	Y	N	N	M	N	B
Withdraw a Motion	N	N	N	M	See Notes	B, C, D
MAIN						
Main Motion	Y	Y	Y	M	Y	
Reconsider	Y	See Notes	N	M	N	A, D, E
Take up Out of Order	Y	Y	N	2/3	N	

Y – Yes, this action is required or permitted.
N – No, this action cannot be taken or is unnecessary.

M – Majority vote required**.**

A – This motion may be made when another motion has the floor.
B – Same rank as motion out of which it arises.
C – Only a prevailing negative vote on this motion may be reconsidered.
D – This motion has the same rank, and is debatable to the same extent, as the motion being reconsidered.
E – Only a person who voted on the prevailing side may make this motion.

None of the motions in the table should interrupt a speaker.

This table does not include the statutory procedure for challenge (to question a vote), mentioned in the "Notes for Voters" and discussed in the *Maine Moderator's Manual*.

TABLE OF CONTENTS

CHAPTER I: INTRODUCTION AND ACKNOWLEDGEMENTS

This is a guide for the orderly conduct of annual and special town meetings in Maine. This is the seventh edition of a manual first published in 1964 and most recently revised in 2005. Its rules are few and simple because a town meeting is no place for complex parliamentary procedure. It is not intended to be a directive – most of the rules discussed here are only procedural suggestions.

Apart from the few rules required by law, any town meeting may adopt reasonable rules of procedure. See *Bullard v. Allen*, 124 Me. 251, 260 (Me. 1925). Because a town meeting is not a continuing body, each meeting is a separate session, so a town that wants to adopt rules of procedure must do so anew, at the start of each meeting. An appropriate motion is "I move that we adopt the *Maine Moderator's Manual*, 2021 edition, to guide the moderator in the conduct of this meeting." Note the careful use of the word "guide" here—this motion would neither bind nor limit the moderator (but note, too, that some rules in this Manual are statutory, not merely parliamentary). In lieu of a formal motion, a moderator may simply declare that the moderator will be guided by this Manual, and if no one objects consent can be inferred. A moderator may wish to have a more detailed body of rules such as Demeter or the Massachusetts guide mentioned below at town meeting for reference.

It is hoped that most town meetings will use this Manual's rules. If a town meeting does not adopt a system of parliamentary procedure, it is incumbent upon the moderator to institute rules of procedure to keep the meeting orderly. For at least the annual meeting, printing this Manual's table of rules in the annual report should aid voters in understanding and participating in the town meeting, and may give them a sense of ownership in this unique New England institution. This edition also includes a page of "Notes for Voters" that can be printed and distributed to voters.

When no rule in this manual or otherwise known to the moderator seems to cover a situation, remember that there is no substitute for the use of good common sense. Bear in mind, also, when using this Manual's Rules of Procedure Table, that more thorough compilations, such as *Robert's Rules of Order*, include variations of the rules for special circumstances (as well as many other rules for other circumstances). The Table in this Manual is simplified and adapted for Town Meeting use, and may be inconsistent with more thorough, general-purpose treatises. Do not let voters who bring their *Robert's* along protract proceedings with a battle of the parliamentary experts or points of parliamentary procedure. Make a procedural ruling with fair dispatch and let it be appealed or not, and continue on as the result indicates. Strive to keep rules few, simple, clear, and protective of the interests of the minority of voters.

We gladly acknowledge the utility of *Town Meeting Time, A Handbook of Parliamentary Law*, by Richard B. Johnson, Benjamin A. Trustman, and Charles Y. Wadsworth (3rd ed., rev. 2001), which informed much of this manual. We also acknowledge the helpful online materials of Professor John A. Cagle, Parliamentarian for the Academic Senate and Professor of Communications at California State University, Fresno. For access to both, see the sources listed in the final Chapter of this Manual.

Citations to a numbered "Section" (or §) are to laws in Title 30-A, M.R.S., unless otherwise indicated. Additional subjects (such as qualifications of office for moderators and deputy moderators) are discussed in Maine Municipal Association's *Town Meeting & Elections Manual*, which may also contain additional discussion of some of the topics covered here.

CHAPTER II: MODERATOR

Election and Tenure

The moderator is the official elected by the town meeting itself to serve as chairperson, to "moderate" the meeting. His or her term of office is for the duration of that town meeting and no longer. If the town meeting is recessed or adjourned to a time certain the moderator has no power in the interim, but presides at the later session without further election or designation by the town meeting. When the town meeting is finally adjourned, the term of the moderator is at a complete end (§ 2524, see Appendix). A later meeting, even one called for the next week, would have to elect a new moderator.

The town clerk, or in the clerk's absence any town selectman or constable, opens the town meeting by calling for the election of the moderator. See § 2524. No matter how other town officials are elected, whether by nominations from the floor or by secret (Australian) ballot, the moderator is always elected by "written ballots," slips of paper prepared by the clerk, on which the voters write the name of the candidate for moderator each prefers. More detail is given in the Outline of Town Meeting, below.

Deputy Moderator

A moderator may appoint and swear a deputy moderator to assist in the conduct of the meeting. If the moderator becomes absent from an open town meeting or unable to carry out his or her duties and has not appointed a deputy, the clerk may call for the election of a deputy to act in the moderator's absence. If the clerk is also absent, a selectman or constable may call for the election of a deputy moderator. (For secret, "Australian" ballot elections—those held at a polling place, § 2528 seems to require that the moderator be present at the polls throughout a secret ballot election, except for a temporary absence, for which the moderator should have a deputy in charge.) For additional guidance on use of a moderator and deputy for a bifurcated town meeting, see chapter 7 of MMA's *Town Meeting & Elections Manual.*

Qualifications, Duties and Functions

Qualifications.
Unless otherwise provided in a municipal charter, moderators and deputy moderators must be citizens of the United States, residents of Maine, and at least 18 years of age. See § 2526(3).

Duties.
The moderator supervises the election of other town officials and presides over the other business of a meeting, the foremost element of which is the annual appropriations, but which may include ordinance adoption and amendment and other matters as well. Both for elections and for other business, the moderator's general duty is to see that definitive, plain, and clear action is taken on each warrant article. The moderator should ensure that the clerk has ample opportunity to record the actions taken.

Functions.
The moderator's general duties include:

- announcing the articles of business to be considered and conducting any elections they call for;
- recognizing voters who seek to speak;
- ruling out of order clearly frivolous or obstructive motions;
- allowing debate to proceed following a second and the moderator's statement of a motion to the assembly;
- enforcing rules governing debate and maintenance of order and decorum;
- answering parliamentary procedure questions and deciding all procedural issues (subject to appeal, discussed below);
- repeating and putting to a vote all questions including motions to amend and announcing the outcome of every vote (which is subject to challenge, discussed below);
- ensuring in a reasonable manner the integrity of the voting process including the written ballot process; and
- allowing a motion to adjourn after ascertaining in consultation with the selectmen, clerk, and assembly that no business remains to be conducted and

that the clerk who is recording the votes of the meeting has no questions about the wording of any amendments or about any action taken.

A moderator is subject to the same penalties for neglect of official duty as are other town officials. See §§ 2524 and 2607.

Powers and Their Exercise

Moderators should be especially on guard to see that a meeting does not become bogged down, sidetracked, or unruly. Section 2524 grants the moderator broad powers of regulation. We also discuss here parliamentary order, the motion to appeal, and the moderator as speaker and voter.

1. Abusive use of parliamentary procedure.

Sometimes a voter may try to use technical parliamentary rules having little application in town meeting. These may confuse the average voter and delay the meeting's progress. The moderator should promptly and firmly inform the voter that the particular rule proposed is not being used, or is inappropriate and that the motion is therefore out of order, and then state any more appropriate rule. If the voter persists or insists, the moderator may suggest a *Motion to Appeal* (discussed below and in Chapter VII, and also mentioned in the "Notes for Voters") to resolve the matter. If the voter persists after losing a motion to appeal, a moderator may threaten to rule the voter out of order and then proceed to do so if necessary.

The moderator may announce and enforce appropriate rules of debate, e.g., that speakers should address the moderator only, and should refer to officials by their title and to other speakers only as "the first speaker," or similar. This is to maintain a formality that will help to keep the focus on business and not on individuals or their differences.

For the same reason, all communication from the floor should be through the moderator. Voters should not address an official or other person directly, but should ask the moderator to put a question to the third party, because what can start as a mild direct question can become a cross-examination or even a shouting match.

The moderator should command silence, if that is required to rein in speakers who attempt to question others directly, and should insist that speakers address the merits and not personalities or other extraneous matters. For other suggested rules of debate, see the "Notes for Voters" at the back of this Manual, and discussion in Chapter VIII.

2. Disorderliness.

Occasionally a voter will behave in a truly disorderly manner. A polite caution may obtain cooperation; sometimes a brief recess and interview will end the difficulty. Where only stronger action will suffice, § 2524 allows the moderator to have a constable escort from the meeting a person who fails to come to order after a moderator's command to do so, and, if necessary, to hold that person in confinement until the meeting is adjourned. We recommend that this be done only by a constable who holds a course completion certificate from the Maine Criminal Justice Academy (MCJA) allowing the constable (with authorization from the board of selectmen) to make arrests.

Any deviation from this advice should occur only after specific consultation with town counsel. In towns lacking an Academy-certified constable, the selectmen may wish to talk with the county sheriff before town meeting about the scheduled date and possible need for on-call assistance.

3. Parliamentary order.

The moderator rules on the priority of motions, that is, the various main motions and privileged, subsidiary, and incidental motions. This Manual's Table includes a column ("Rank") that should aid in determining the priority of motions where multiple motions are sought or made.

Except for an intervening higher-ranking motion or an incidental motion, only one motion should be under discussion and

moving towards disposition at any one time. Following this rule closely will prevent confusion. In the event that a second motion of lower rank is offered before the first motion is disposed of, the moderator should indicate that the second motion is not in order and repeat the essence of the motion that is then being considered by the town meeting.

Keeping one subject only before the meeting and keeping the discussion restricted to that single subject will probably take 90% of a moderator's time and efforts. If many hands are in the air, it will probably be most effective simply to note all of the various kinds of motions down as they are moved and seconded, and then state them to the meeting or otherwise allow debate to begin first on the highest ranking motion, then on the second-highest, etc. If many of the voters who wish to make a motion seek only to amend the pending motion, then it may be most effective to conduct a quick and informal survey of their desires: this may inspire someone to offer a comparatively comprehensive amendment that will address multiple concerns or interests.

Remember that no motion is in order for debate until the moderator says it is or otherwise allows debate to commence.

4. The parliamentary motion of appeal.
Where a moderator's procedural ruling (not the moderator's determination of the outcome of a vote) meets with audible disfavor, maintain order by instructing the meeting on the motion to appeal, under which any voter may appeal to the meeting to overrule the moderator's ruling. Ask the voter to state his or her objection to the ruling, and, where appropriate, the rule the voter believes should apply. It will suffice, however, if someone says "I move to appeal the moderator's ruling and I ask that instead we [describing the proposed competing procedure]." Then call for the vote.

The question is "Shall the moderator's ruling be overturned?" A prevailing affirmative vote reverses the moderator and substitutes the rule proposed by the objecting voter. A negative vote sustains the moderator. A tie vote also sustains the moderator, because the question fails to achieve a majority vote. The motion is in this Manual's Table and mentioned in "Notes for Voters."

5. The moderator as speaker and voter.
How does a moderator who is also a voter in a town exercise a voter's right to speak on a motion? Turn the gavel over to a deputy moderator (see below) who has not spoken on the question and does not wish to. To avoid role confusion, go to the floor to seek to be recognized, and resume the chair after the motion has been voted on. It is best to speak, if at all, only when an article distinctly touches and concerns the moderator.

For discussion of the non-voter moderator who wishes to speak on a question, see the discussion in Chapter IV of the 2/3rds consent rule applicable to all non-voters.

A moderator who is a voter in the town may vote in any election or on any question, but typically a moderator refrains both from speaking as a voter and from voting, to remain above partisanship. Some treatises applicable in non-town meeting situations allow a moderator to vote only to break a tie. In a Maine town meeting the moderator should either vote right along with everyone else or refrain from voting. It does not seem sensible, from an outcome point of view, for a moderator to vote in a voice vote or any other vote that is not actually counted: if one more voice or one more hand would determine the outcome then the vote is too close to call in any but quite a small assembly. Except in written ballot voting, the moderator wishing to vote should have a non-voting deputy take over temporarily, even though the moderator's determination of a vote is subject to challenge.

6. Swearing newly elected officials.
By law, the annual town meeting is the meeting at which officials are elected for the ensuing year. However and whenever they are elected, the moderator is empowered to swear them to their offices while the open meeting is in session. It is fairly common practice for the town meeting moderator in

open town meeting to swear, whether individually, by board, or *en masse*, all electees who are present, either after all elections have been concluded or after all the articles on the warrant have been disposed of and immediately before adjournment.

To avoid issues of succession in office where an incumbent has not run again or has been turned out of office, it may be best to swear electees in right before adjournment. Often the members in office prior to the election take an active role in defending the proposed budget, making it less confusing to swear new members in after business has been concluded and immediately before adjournment. However, most of the time it should be fine to follow accepted local practice, including allowing electees to be sworn in later by the town clerk. The wording of oaths of office appears in MMA's *Municipal Clerk's Manual* and *Town Meeting & Elections Manual*.

The moderator should issue a certificate of election to be provided to any electee who is not present or will not be sworn at the open meeting. With that certificate the electee can be sworn by any notary public, attorney at law, or dedimus justice. Even without the certificate an electee can be sworn by a town clerk who was present at the town meeting.

The moderator's power to swear one to office is operative only during the open, active session of a town meeting: a moderator's administration of an oath while a meeting has been adjourned to a later time certain, or during a recess, is invalid and ineffective. Also, the power of the moderator to swear electees is not an exclusive power: one who wants to be sworn in by an attorney or notary friend, for example, may choose to be sworn after adjournment.

In towns that use the § 2528 secret ("Australian") ballot, the moderator will fill out a certificate of the election results and give it to the clerk but will not swear electees to office unless the secret ballot voting is followed by an open town meeting called by the same warrant. In that case, the moderator could swear them in either right after convening the open meeting or right before the open meeting is adjourned. Unless a charter or ordinance provides a specific start date for terms of elected officials, an electee could take the certificate of election and be sworn in by a dedimus justice, notary public, or the municipal clerk immediately after referendum election results are issued.

For secret ballot elections not followed by an open town meeting, the moderator should fill out a certificate of election for each apparent winner and give the certificates to the clerk to deliver. There is probably no need for a moderator to certify open town meeting election results to the clerk in writing, because the clerk is present, hears the moderator declare the results and makes a record in reliance on that declaration.

When does one's term of office begin? A term of one year or more in an elected office should be considered to run, in the absence of an express provision of law, charter or ordinance, from town meeting to town meeting. Viewed that way, one's term of office likely begins when the meeting completes its business and adjourns (although, to enter the office, one must both qualify for the office and be sworn). An exception for school committee members allows towns to vote that they take office on a delayed basis, on a designated date before July 1 of the year of election. A charter town may have a similar delayed-entry provision for other elective offices.

CHAPTER III: A SUGGESTED OUTLINE OF TOWN MEETING

Below we outline open town meeting procedure, not secret ballot election procedure. For that, see MMA's *Town Meeting & Elections Manual*.

Clerk

The clerk convenes the meeting at the appointed time, often reading the Greeting and Return from the original warrant.

The clerk calls for election of a moderator by written ballot (this is often the first article in the warrant) and presides over the nomination and election process.

Once the clerk has opened the floor for nominations a person wishing to nominate need not wait to be recognized, and no second is required. A person nominating a person may not speak against that person but may choose to vote against that person. The clerk does not need a motion to close the floor to nominations, but may declare them closed once it is apparent that no additional voters wish to make a nomination. Although not required to do so, the clerk may seek to obtain the oral consent of nominees to serve if elected.

The clerk distributes written ballots and then collects and counts them, declares the result, swears the moderator to office, and hands over any gavel or other usual local symbol of office. The clerk moves to a table or desk to record the meeting's actions, and the moderator leads the remainder of the meeting.

Although elections for moderator are often uncontested, written ballot voting should nonetheless be used every time, as the law requires it. See §§ 2524, 2525. If there are multiple nominees and a tie results, *all nominees* (not just those who are tied if there are others who garnered fewer votes) remain in play for the second and any further rounds of balloting. Remember that a tally of 3-0 is a majority of votes cast even if there are 1,000 voters present: thus, as a time-saver where there is only one nominee for moderator, the clerk may wish to distribute ballots only to those few who actually request them, rather than insist that all voters take a ballot and return it whether blank or marked. State law forbids the election of *any* town official on a motion to cast one ballot. See § 2525. A motion to "have the clerk cast one ballot," and a motion to elect "by acclamation" probably fall within this prohibition. We recommend to always obtain at least three ballots, where possible, for any *uncontested* race that can be filled only by secret ballot.

Moderator

a. The moderator may appoint a deputy moderator and swear in the deputy.

b. The moderator declares that if there is no objection the moderator will be guided by the *Maine Moderator's Manual* in supervising the conduct of the meeting. (The moderator may prefer to solicit a formal motion and vote for this.)

c. The moderator explains such rules as seem warranted at the head of the meeting and covers housekeeping matters, e.g., maintaining separation of voters and non-voters.

d. The moderator announces the winners of any preceding secret ballot election. Typically, the moderator does not swear them in until just before the meeting adjourns, or by local custom may swear them in on an agreed understanding that they do not enter into duties of office until after the meeting adjourns. (See Chapter II, "Swearing newly elected officials.") The moderator then conducts elections for other officials remaining to be elected by the town meeting.

e. For elections not previously held (or to be held later) by secret ballot vote at the polls, the moderator conducts the nomination process substantially as described above for the clerk in electing the moderator, and calls for the vote, which is done by written ballot for selectman and school committee member even if there is only a single nominee. Remember that even in *uncontested* races a winner must obtain a *majority* of votes in towns of 4,000 and under. For offices where state law or local rules do not require a written ballot, where there is only a single nominee, a voice vote or an uncounted show of hands can suffice to elect. Some moderators use the written ballot voting method (by unanimous

consent, presumably) whenever there are two or more nominees for a single office or board seat, even for offices for which written ballot voting is not ordinarily required.

State law authorizes towns to adopt, in a meeting held at least 90 days before an annual meeting, a requirement that the voting for a particular seat or office in addition to selectman and school committee will be by written ballot (there is no exception for an election with only one nominee); and such a requirement stands until it is rescinded or repealed at a meeting held at least 90 days before the annual meeting. See § 2525. Moderators should ask clerks whether such an extension of written ballot voting to other offices has been locally adopted.

Where there is more than one seat open on a board for the same term of office, it is permissible to have a single set of nominations and a single balloting in a town *over 4,000*, in which case each of the top vote-getters is a *plurality* winner to the extent there are offices to fill, but in a town *under* 4,000 each seat must be filled separately, as each winner must obtain a majority of votes cast. For more discussion of written ballot procedure, see Chapter VI.

f. The moderator declares the winner after each election is complete. The clerk records the votes or, where voting is by voice or uncounted other means, the outcome.

g. When all elections are complete, the moderator (after any swearing-in ordinarily done at this point) takes up the remaining articles on the warrant. These are usually called the "business articles," but may in fact include ordinances and resolutions as well as budget articles—i.e., all business other than elections.

1. The moderator reads the first business article in full after any elections articles. Accompanying recommendations or other information are not part of the article and need not be read. By a motion and vote ("to suspend the reading of the warrant articles") the meeting can waive the routine reading of each article, but the moderator must be aware of possible Americans with Disability Act issues for those with limited vision or other difficulty in reading the warrant in the annual report or otherwise made available to the voters. Even where there are no such special needs, the moderator should be sure to identify each article in turn by number, to ensure that the meeting remains properly focused.

2. The moderator secures an affirmative motion and a second relating to the article. The moderator states the motion to the meeting and thereby opens the motion to floor debate. After this point, a person making the motion (the "movant") may withdraw it only by leave of the town meeting, given by a majority of those voting. This issue usually involves amendments, not main motions.

3. If not already accomplished at the start of the meeting, the moderator may wish to invite the attention of the voters to the Rules of Debate set out in the "Notes for Voters" (if that document has been provided to the voters), and indicate any that the moderator does not wish to apply. The moderator will then want to honor as many as seem appropriate, e.g., to alternate debate between speakers for and against. There is more discussion and there are some suggested additional rules in Chapter VIII.

4. The moderator may choose to recognize first sponsors or special interests for background or other information relating to the particular article. Good practice is to mark the warrant with sponsors' names, where they are known, before the meeting starts. A special rule relating to non-voters who wish to speak is discussed in the next chapter.

5. When discussion ends, the moderator restates the motion and calls for the vote. If an amendment has been proposed, the amendment is voted on

first and then, if there are no other amendments, the main motion (as amended or not, as the case may be) is voted on using a method of voting adopted by the meeting or directed by the moderator.

6. The moderator announces clearly the outcome of the vote so that the meeting knows what happened and the clerk has an opportunity to record the outcome. If the announced outcome of the vote is challenged, the moderator addresses the challenge as discussed below.

7. The moderator ensures the physical comfort of the assembly while it completes the business on the warrant, and without objection or on motion made and seconded adjourns the meeting, either finally (*sine die*, pronounced "see-nay dee-ay") or to a date, time, and place certain for the completion of any unfinished business that the meeting wishes to take up at a continuation meeting.

h. Short of a fire in the hall (!), a motion to adjourn is ill-advised unless the meeting has disposed of all business on the warrant. When adjournment is moved and seconded, a moderator, before putting the question to the assembly, does well to ensure by inquiry of the selectmen, the clerk, and the assembly itself that all warrant articles have been acted upon. Once the moderator puts the question of adjournment to the meeting, it is too late to argue that an item of business is outstanding, because the motion to adjourn is undebatable (and unamendable), so it will have to be defeated (or withdrawn under a *Motion to Withdraw*) in order for the meeting to take up the overlooked article.

If the motion to adjourn occurs while other business is pending, perhaps what the movant intends is a motion to recess or adjourn to a date certain (a continuation meeting, to complete the warrant's business), so the moderator should inquire. An adjournment that is not expressly to a date certain will ordinarily be deemed, after the fact, to have been a motion to adjourn "without day" (*sine die*)—i.e., with finality.

Sine die adjournment ends the meeting, thereby cutting off the ability of a voter to use the *Motion to Reconsider* for any purpose (including to revisit the decision to adjourn), although a new warrant could put the same article before a new meeting. See Chapter VII for discussion of the *Motion to Adjourn*.

CHAPTER IV: UNANIMOUS CONSENT AND STATE LAW ON PROCEDURE

Unanimous Consent

A moderator who has the trust and confidence of a town meeting can save the town meeting much time that would otherwise be devoted to unnecessary procedure, simply by asking for unanimous consent to procedure that seems a good idea or unobjectionable.

For example, a moderator who knows that an issue is likely to be contentious, *instead of inviting a motion* that the voting on that issue be conducted by written ballot, may say "I ask unanimous consent that the voting on this article be by written ballot" (perhaps stating the purposes such a vote should serve—relative privacy and greater security and certainty of the outcome of the vote). The moderator can instruct that an objecting voter need only call out "No" or "I object." If no one objects, the moderator will say "There being no objection, voting on this article will be by written ballot." Less formally, the moderator can just say "Unless someone wants a vote on whether to do it, I propose that the voting on this article will be by written ballot."

As another example, unanimous consent could be used when taking up an article out of order (perhaps because someone who would like to speak *pro* or *con* has a competing engagement to go to, or because the selectmen want to link consideration of an article to another elsewhere in the warrant).

This motion requires a two-thirds vote, which can be difficult to discern on a voice vote, or even on an uncounted show of hands or an uncounted standing or rising vote, so it may be worthwhile to try for unanimous consent first. A moderator will likely get an early sense of how receptive the meeting is to using unanimous consent on procedural matters.

Some moderators may wish to minimize the use of unanimous consent, because it doesn't take much time to get a motion and a vote. This may also assure voters that they are in charge of the meeting and that the moderator only "moderates" its course.

State Law on Procedure

A very few rules of procedure in Maine are actually set out in law. See § 2524. Because they are laws, they may not be altered, even by unanimous consent in town meeting, except by municipal charter. See § 2501. Two are simple and two require some discussion. All of these are listed in this Manual's "Notes for Voters."

1. **A person may not speak before being recognized by the moderator.**

The usual practice is that voters raise a hand or stand to signal that they wish to be recognized and given the floor.

2. **All persons shall be silent at the moderator's command.**

3. **A *non-voter* may not speak without the consent of 2/3rds of the voters *present*.**

To avoid holding a vote every time a non-voter wants to speak, a moderator may elicit, before taking up any article, the identification of non-voters who may want to speak, and have them named in a single motion (for adoption of which unanimous consent can be sought). Probably the most common examples of non-voters the voters may want to hear is a non-resident school superintendent or manager. Others may be identified only later, but this comprehensive motion and vote will cover most non-voters wanting to speak. We recommend against a general motion that *all* non-voters be allowed to speak.

Notice that the rule applies to *non-voters*, not non-residents. Even a *resident* who is not a registered voter of the town holding the meeting may not speak without consent. Also, notice that the vote must be 2/3rds of all voters *in the hall* ("present"), not just 2/3rds of those who actually vote, so a moderator may want to try for unanimous consent on this one. Surely it is not necessary to include a non-voter moderator in a motion for consent to speak *as moderator*, because that is precisely what the voters have elected the moderator to do. On the other hand, for the (extremely rare) case in which a non-voter moderator wishes to speak in debate, consent is required.

4. **Challenge.**

Any seven voters may immediately challenge the moderator's determination of a vote. When a vote declared by a moderator is immediately questioned by at least seven voters, the moderator is required to "poll" the voters to make it certain unless the town meeting directs use of a different method.

We think "poll" means using the written ballot, not a roll call vote. (*Robert's Rules* say that a roll call vote is inappropriate for an assembly in which the voters participate directly. So the written ballot, probably because it is the most accurate voting method, is the default method here: the meeting will have to use it unless some other method is agreed upon. Because written ballot voting is time-consuming, moderators could suggest to challengers the benefits of specifying, where desired, a less time-consuming method of voting. In fact, however, the law doesn't say whether it's the prerogative of the first challenger to propose the second method of voting, or by what other means it is proposed—it says only that if the town meeting doesn't specify a different means it will be written ballot. To finesse the statute's default resort to a written ballot, and to finesse as well the need for a motion and vote on some other method, the moderator

could use the "unanimous consent" device, e.g., "The result of the voice vote has been challenged by seven voters. Is there unanimous consent that the vote be taken again, by [a named other method]? Hearing no objection, the vote will be by [the specified method]."

It seems fair to guess that outcomes of voice votes or uncounted shows of hands are more likely to be challenged than other means. Although this is a statutory rule of entitlement to re-votes, a moderator may want to convince the meeting, should it come to appear appropriate to do so, that challenges should not be used just to get a routine, instant second vote following a *counted* vote: the moderator may want to ask a challenger why the first counted vote seems uncertain (e.g., a seating section was not counted).

The first statutory rule listed above says that no one can speak without being recognized. The usual procedural rule governing challenges, however, is that if they are not made "immediately" after the vote is declared, the right to challenge is lost. Instruct voters wishing to challenge either to raise their hands (or to stand) to be recognized (see the Rules of Debate in the "Notes for Voters") or, without waiting to be recognized, to call out "I doubt it" (or "Challenge") when the result is declared. The outcry will prompt the moderator to learn whether at least six others also doubt the moderator's determination of the result. Incidentally, we would probably routinely allow as timely a challenge before a motion relating to the next article taken up has been made and seconded and stated to the meeting by the moderator or otherwise put in order for consideration. A decision to disallow a later motion can be appealed.

A moderator who is in doubt as to the outcome of a vote should not declare a result, but simply say "The vote is too close to call," and either invite a motion for a specific other method of counting or ask unanimous consent to move to a named other method of voting.

CHAPTER V: RECURRING ISSUES

Discussed below are special situations requiring distinct knowledge or insight. Particular parliamentary procedures apply in some cases.

Separation of Voters from Non-voters

Before the public is admitted to the assembly hall, it is recommended that the clerk or selectmen already have measures in place to ensure the integrity of voting.

These often include separating voters from non-voters. Most communities that do this put a barrier through the seating area so that the front part of the area is reserved for voters and the back part for others, but some halls have a balcony or gallery where non-voters must sit. Often, the voting area can be reached only through the center aisle, and the clerk will have arranged to have a couple of constables or other designated persons there to keep the non-voters from entering the area. If a person who is denied entry insists she or he is a voter, the moderator (or registrar of voters) may consult the voting list that is used as the incoming voter checklist to sort voters from non-voters as they enter the hall, and if the person's name is on the checklist the person should be allowed to vote. If the person is not on the list and the registrar is present, the registrar may process an application to register.

Some towns use additional or other means to distinguish voters from non-voters. One, which allows families and friends to sit together, is to issue a distinctively colored placard or folded flyer to voters only, at check-in (perhaps with this Manual's table of motions and "Notes for Voters"). Show of hand votes can then be of hands holding the placard aloft. Where extra security is desired, a town can combine separate seating of voters from non-voters with the issuance of a placard. This should considerably facilitate vote-counting in large assemblies. Voters could also be instructed to write their names on their placards and to display them when leaving and re-entering the voters' floor area. A moderator should

ensure that any security measures in effect are respected.

Warrant Articles of No Legal Effect

In some towns, by local custom articles appear on the warrant that are not required by law. Here are three common examples.

1. **"To see if the Town will vote to accept the reports of town officials."**

Where the reports referred to are those in the town's annual report, the article is unnecessary. The town meeting has no power to reject the annual report, so a vote to approve the article will have no legal effect and is only advisory. For this reason, the meeting may wish, by consensus, to just move on to the next article. The clerk or selectmen may make a note to omit this article in future years.

2. **"To act on any other business that may [properly] come before the meeting."**

By law, the warrant must state in *distinct* articles the business of the meeting, and "[n]o other business may be acted upon." See § 2523. The quoted article is *indistinct*, and therefore should not be on the warrant. The only business that can be conducted under this article is adjournment (which does not require an article anyway) or uncontroversial courtesy business, like a round of applause for volunteers. The moderator should rule all substantive motions of new business made under such an article out of order, as a court would on proper complaint declare the action void.

3. **Articles that seek to do an illegal thing or that are otherwise beyond the power of town meeting.**

A favorable vote on an article to operate a municipal market in illegal drugs would be illegal and of no effect. An article to enact a purely local scheme of awarding property tax exemptions deals with a matter that the Maine Constitution and state law reserve to the State. Tax exemptions can legally be awarded, but not by the town meeting, so these articles are *ultra vires* the town meeting—i.e., beyond the power of town meeting to enact. An approved but *ultra vires* article is a legal nullity.

These issues probably arise more often from floor amendments than from the warrant, as hopefully, legal advice was sought by the selectmen when drafting the warrant articles. Be alert to them and try to rule them out of order, or state your own views on the legality of the proposal (whether it arises from the article or from a proposed amendment) and ask the clerk to record your views, and then proceed to a vote. If town counsel is present at the meeting an opinion might be sought from him or her.

Maine statute says only that the moderator is "to preside over and supervise the voting at the meeting." See § 2524(3). Arguably, then, a moderator has no power to rein in a meeting that is running off the rails of the law. But consider the alternative, and the argument that a town meeting, like citizens at large, must operate within the bounds of law. Perhaps a well-phrased and well-timed suggestion that the moderator may resign will get the attention of the voters (but of course it risks being applauded!). Another approach may be to work to ensure that the clerk records careful and exact minutes of the doings of the meeting at the point where it goes off the rails. Sometimes a brief recess may aid the situation.

Negative Motions

A negative motion is one on which the voter must vote "No" in order to mean "Yes." Because of the risk of confusion, a moderator ordinarily should rule a negative motion out of order or ask that it be re-stated. A common example may be "I move that we not approve Article 12": a person who wishes to approve Article 12 must vote in the negative, and one who opposes it must vote in the affirmative, which stands the usual process on its head. And note that a negative motion does not necessarily include the word "not," e.g., "I move that the Article just read be rejected." Sometimes, advocates of a negative motion will argue that the reason for the wording is to "really

send them a message." An appropriate reply is that the best message is an unquestionably *clear* message, and that the way to give that is to act decisively on an affirmative motion that the article be adopted.

The Motion to "Pass over"

The motion to "pass over" may still be in use in some Maine communities. It can be confusing. The voter must vote "No" on this motion in order to have the matter considered at all by the town meeting. If it is not considered (i.e., if it is "passed over"), it is effectively defeated.

Some folks like the motion because it avoids putting the town officially on record as being against something when perhaps they favor the article's concept generally but just don't like a particular unamendable element of the proposal (e.g., that funding comes from the property tax). Sometimes, too, the motion may be made in order to avoid a "winners and losers" situation on an issue on which quite strong feelings exist, or where the voters prefer a more gentle way to let down petitioners or sponsors of an article. And sometimes it will be made where someone thinks the selectmen themselves have brought forward an idea so bad it doesn't merit debate.

In towns routinely using the motion it is probably well understood. An alternative is simply that no motion be made relating to the article. No motion having been made, neither the article nor its subject matter is before the meeting, and a clerk's record to that effect is a record that the article was not taken up. In any event, discourage the use of the motion when the intent appears to be to preempt debate on articles that seem perfectly in order for debate.

A good question is whether a motion to pass over should require a unanimous vote; surely at least a 2/3rds vote should be required, as it is akin to a motion to table. This Manual's Table does not include motions to pass over or to table because it presumes that a town meeting will ordinarily want to take up and dispose of *all* of its business. If a motion to pass over is allowed to go forward, review with the voters before the vote the effect of affirmative and negative votes. And be careful whenever a voter moves that an article be "passed" – ascertain whether the movant means "approved" or "passed over."

Amendments and the Concept of an Article's "Scope"

Three common methods of amending. These are (1) to insert consecutive words, (2) to strike out consecutive words, and (3) to strike out words and to insert or substitute different words.

A town meeting warrant is both a warning and a protection.
The "Greeting" in a warrant typically says to the constable or other person to whom it is addressed, "You are required to notify and *warn* the inhabitants" of the meeting. A warrant warns voters of the scope of subjects and actions that may be taken by town meeting, and state law says a warrant must state the business of a meeting in distinct articles, and that no other business may be conducted. See § 2523. A voter who reads the warrant and concludes that she or he is comfortable with any outcome under it should be able to go fishing on town meeting day in confidence that the warrant's statement of town meeting business has reasonable and fair outer limits. The concept of "scope" defines those limits.

If a warrant article asks for $100,000 from new taxes to build a fire station annex, then the article cannot be amended to change the core subject matter from a fire station annex to an addition to the town library. On the other hand, an amendment could say that the annex will not be built within three miles of the existing station, or that it must be constructed to fireproofing standards of an identified building code. Such amendments relate to putting the core project into execution, but they do not substitute a different vision or purpose for the proposed core project. So think of amendments as being either core or peripheral.

For another example, an amendment to erect a sign or plaque, appropriated funds permitting, naming the proposed annex for a firefighter who has died in the line of duty would be peripheral and therefore allowable: it does not interfere with the core proposal, but it does relate directly to the subject matter, so it is relevant ("germane" is the technical word) without overwhelming the core proposal, and therefore would ordinarily be allowable (i.e., the motion to amend is "in order").

Summary advice.
When it is difficult to discern whether an amendment goes too far, think of the hypothetical absent voter and err on the side of caution.

"Capped" and "Open" Appropriation Articles

When a stated sum of money to be appropriated appears *in the actual wording of the article*, the article can be said to be "capped" – the amount cannot be increased. The article can be approved only at the amount stated in the article's text or at some lower amount stated in the motion on the article or in an amendment to the article where the article is moved as printed. See *Austin v. Inhabitants of York*, 57 Me. 304 (1869) at pages 306 and 307. The Court said the warrant's notice of such a capped article is "a guaranty against voting a larger sum." This is because of the concept of "scope" and a warrant's warning.

An article that asks "To see what sum, if any, the town will vote to appropriate from surplus [or some other source] for [some stated purpose]" always requires a motion that proposes a precise amount, so a motion to "approve the article as printed" is out of order. Be alert never to let one of these get by, and seek assurance that the clerk is recording the amount moved, and not just that the article was approved or adopted. An appropriate motion in the example above is "I move that the article be approved and that [say] $10,000 be appropriated from surplus for [the stated purpose]." A motion, e.g., to "approve Article 14 as printed" seems permissible where the article is capped.

Where an article in the "To see what sum" form also has a stated sum, not in the article's text but in an accompanying selectmen's or budget committee's *recommendation* (which usually appears *after* the text of an article, the article is an open one and any amount may be moved and approved.

In towns where recommendations of the selectmen and of the budget committee appear on the warrant, any debate will ordinarily focus on those amounts, and so most budget articles are disposed of with not more than two votes. Where voters have many different notions about the appropriate amount at which to fund an article, a moderator may want to use an informal process to learn all of the amounts voters have in mind and to work through them in an orderly way, from highest down, rather than to rely just on the randomness of which voter is recognized first, second, etc. (When the question is of setting a minimum price at which to authorize the selectmen to sell town-owned property, it is more sensible to begin with the lowest proposed figure.) No law or rule requires an unbending formality in all procedure used at town meeting (but of course the final vote should be a formal one), and the budget process in particular may be an appropriate one for a little play in the joints of government.

Exception to the general rule regarding "capped" articles.
Despite a stated amount, an article proposing an amount of damages to be paid to a landowner for a municipal exercise of eminent domain (an involuntary taking of private land for public purposes) can be moved at a higher amount. The purpose is likely to avoid having the question of damages go to court just because the selectmen have stated too low a figure in the warrant.

Categorical Budget Article or Line Item Budget Article?

An article reading "To see if the Town will vote to raise and appropriate $45,000 for road maintenance and repair, as follows:" is arguably *unambiguous* on the question of the selectmen's spending authority where there follows a list of individual roads and amounts for each. Each line item is a firm limit on the amount available for expenditure on the road it names. This article awards line item authority only and not the relative flexibility of a categorical article.

An *ambiguous* article would be one reading the same and punctuated the same, but where the word "Recommended" appeared before the list of individual roads proposed for maintenance and repair, and an amendment to clarify whether the article is intended to award categorical authority or line item authority only is in order. The moderator will do well to ensure that the clerk records the amendment clearly.

MMA's *Town Meeting & Elections Manual* has more discussion and a reprint of a *Maine Town & City,* Legal Note on this subject.

The Source(s) of Money to be Voted

Some towns may use an article form for appropriations that does not name a source. An example could be "To see if the Town will vote to authorize the Selectmen to expend not more than $20,000 for a storage shed for cemetery maintenance equipment, and to determine the source or sources of that sum." (Such an article could also ask "To see what sum the Town will vote to authorize the Selectmen to expend for a storage shed for cemetery maintenance, and to determine the source or sources of that sum.") *Do not overlook the need to obtain a main motion or amendment that specifies a source*, e.g., property taxation, motor vehicle excise taxes, or town surplus. The selectmen likely will have sources in mind.

The concept of *scope* (discussed above) means that where an article *does* state a source of funding, the source may not be changed to another one by amendment. For example, if an article proposes to raise a tax, the meeting may not substitute taking the money from surplus or selling a town asset to raise cash.

Similarly, if a $20,000 article proposes $10,000 from motor vehicle excise taxes and $10,000 from surplus, the town meeting can delete or reduce either amount, but it may not offset the decrease in one by increasing the other, even though it is not increasing the total amount requested. This, too, follows from the concept of scope: a voter who has read the warrant should be able to be absent from the meeting in reliance that, under the article, not more than $10,000 will be taken from excise taxes or from surplus to fund it, and that, although one of these two sources can be eliminated, no other source can be substituted or added.

Written Ballot Voting on Budget

A town meeting vote to exceed or increase the "property tax levy limit" must be by written ballot. See § 5721-A(7). The clerk should record the count.

Also, a town meeting vote on an "additional local appropriation" for education that exceeds the "local cost share expectation" must be by written ballot if the additional local appropriation would cause the school administrative unit to exceed the "maximum school spending target." See 20-A M.R.S. § 15671-A(3) and (5).

Maine law requires a "recorded" vote on several school budget items. The clerk should record in the minutes the tallies of votes on: (1) municipal contribution to the school administrative unit's contribution to the total cost of funding public education from kindergarten to grade 12; (2) the annual debt service payments on non-state-funded school construction; (3) the amount of additional local funds for education; and (4) the total school budget amount. See 20-A M.R.S. § 15690.

Amendment Procedure

The purpose of the *Motion to Amend* is to modify or change a seconded, pending motion before voting to adopt or reject the pending motion. The first amendment to any pending main motion (typically, an article as printed) is called "the primary amendment."

A primary amendment to the main motion must be "germane" (i.e., it must be related) to the main motion. It cannot introduce a new and separate subject, although it can introduce an aspect or facet of the subject of the main motion that is not addressed by the main motion.

A person wishing to make an amendment to the main motion seeks to be recognized by the moderator, and, once recognized, makes an amendment motion. A voter seconding the amendment motion need not wait to be recognized, and a second is usually forthcoming. If none is, the moderator may ask "Is there a second?" and if so may say "It has been moved and seconded that [stating the motion]" and then ask "Is there discussion?" and then the floor is open for discussion and debate. If the motion to amend is not seconded, the moderator may say, "Hearing no second, the motion to amend is not before the meeting. Is there discussion of the main motion or is there another motion to amend the main motion?" and the meeting proceeds accordingly.

Only one primary amendment can be pending at any one time: it must be disposed of, with or without amendments to itself, before another primary amendment is in order. The first amending motion is itself debatable where it is applied to a debatable motion, is itself amendable, requires a majority vote, and may be reconsidered.

When debate on the amendment seems complete, the moderator asks, "Are you ready for the question?" and if it then seems appropriate to vote, repeats the question by saying "It has been moved and seconded that the main motion be amended by [stating the amendment]" and takes the vote. If the amendment is approved, the moderator then states the main motion as amended and calls for debate.

Similarly, following debate, the moderator asks the voters if they are ready for the question and then repeats it, takes the vote, and declares the result. If the amendment to the main motion is defeated, the moderator says, "The 'No's' have it and the motion to amend fails. Is there another motion to amend?" If none is forthcoming, then the moderator asks, "Is there further discussion of the main motion?" and, if none, confirms this by asking "Are you ready for the question?" If no one seeks to speak, the moderator may say, "It has been moved and seconded that [e.g., Article 14 be approved as printed in the warrant]. Those who favor the motion will now say 'Aye,'" and then "Those opposed to the motion will now say 'No.'" The moderator then declares the result.

Some moderators may choose not to allow secondary amendments. Where allowed, a secondary amendment—an amendment to a primary amendment—must relate to the primary amendment. It is disposed of before the primary amendment. If it is defeated, then another secondary motion may be introduced. If it is approved, then the primary amendment, as now amended by the amendment to it, is next disposed of. When the primary amendment has been disposed of, other primary amendments may be in order. Ultimately, the main motion is taken up (as amended or not) and disposed of.

Amendments in the third degree not allowed.
An "amendment to the amendment to the amendment" should never be allowed—it is too complicated for town meeting.

Ordinance Enactment and Amendment

The statutorily required wording for enactment of ordinances and ordinance amendments calls for a "Yes" or "No" vote on the version of a new ordinance or amendment to an existing ordinance as

presented in or advertised by the warrant. See § 3002.

Because the law calls for a simple “yes” or “no” vote, and because ordinances by their nature are substantive law, no amendment to an ordinance or to a proposed amendment to an ordinance should be accepted from the floor. If there is a perceived serious defect in the proposed ordinance or the proposed amendment, the selectmen should either ask the meeting to enact it without change and then plan to bring repairs back to a future town meeting or (more appropriate where the defect is central or large) move to take up the next article out of order and proceed to the conclusion of the meeting without returning to the ordinance or amendment article.

If an article moving the ordinance or amendment is already on the floor, its proponent can make a *Motion for Leave to Withdraw* it. An appropriate clerk’s record might read, “On motion of Selectman Johnson seconded and voted, the meeting gave leave to her to withdraw her motion to approve Article 46. It was duly withdrawn and the meeting took no further action on that article.” Leave could also be given by unanimous consent, in which case the clerk would record that fact.

Because comprehensive plans and zoning maps are also substantive, and follow the same general enactment procedures as ordinances, floor amendments to them should not be allowed either.

Majority Vote

No general Maine *statute* requires town meetings to act, either on an election or an issue, by a majority of voters *present*. The general *parliamentary rule* is that a majority is 50% plus one *of those voting*, but that if an odd number of votes is cast, a majority is one more than the number of votes cast on the opposing side. Thus, 41 is a majority of both 80 votes and of 81 votes, and this is so even if 80 other voters present refrained from voting. The fact that 80 of those present did not vote means nothing unless a particular statute (or a Private and Special Act of the Legislature) requires that there be an absolute majority vote of all persons present: where such a vote is required but not attained, the motion fails.

The exception to the general parliamentary rule requiring elections and issues to be determined only by those actually voting is the particular Maine statute, discussed above, requiring the consent of at least 2/3rds of voters *present* before a non-voter may speak.

Two-Thirds Vote

The long way to determine whether a vote of at least two-thirds has been attained is to add the affirmative and negative votes and multiply the sum by .66666, or to multiply the vote total by 2 and then divide that product by 3. Thus, if 60 votes are cast in all, two times that is 120, and 120 divided by 3 = 40, so if the affirmative votes total 40 or more, then a two-thirds vote has been attained. This is harder to calculate, however, where the total vote is (say) 62, because of rounding. The easier and faster way to determine whether a vote is by 2/3rds or better is to double the negative vote: if the affirmative vote is that large or larger, then the vote is 2/3rds or better. If the negative vote is 20 (say) out of 62, then an affirmative vote of 40 or more prevails and any lesser vote fails. If the negative vote were 21 out of 62, then an affirmative vote of 42 or more would prevail, but there cannot be more than 41 affirmative votes out of 62 total if there are 21 negative votes, so the measure fails for lack of 2/3rds.

Certainly on a motion requiring a 2/3rds vote, the clerk should always record the actual vote tally, to show whether the 2/3rds was attained, e.g., “On motion made and seconded, it was voted 43 to 19 to limit debate to three minutes per speaker. The Moderator declared that the motion had carried.”

Elections by Majority; by Plurality

Elective offices in towns (and plantations) of *4,000 or fewer* in population must be filled

by majority vote at open town meeting. See § 2526. Voting should continue until a majority is achieved or it becomes clear a deadlock is not going to be broken. A nominee who has more votes than any other nominee but who has less than a majority is a person who has a mere plurality of the votes cast. If a mere plurality candidate is declared the winner in a town of 4,000 or fewer, there will have been a failure to elect, which produces a vacancy in office, and that will require another election if the office is selectman. Failure to elect for most other offices will result in the office being filled by appointment by the selectmen rather than by vote of the town meeting. See § 2602. (Note that school board members are subject to unique rules, not discussed here).

In towns *larger than 4,000*, election of town officials is by a mere plurality, so the first vote determines the matter unless it is a tie. See § 2526. Obviously, votes on issues always require a majority vote in all towns.

Regardless of population, all elections using the statutory secret ballot (voting at a polling place) are determined by plurality vote. See § 2528.

CHAPTER VI: VOTING METHODS

Five methods of voting—voice vote, show of hands, standing vote, division of the house, and written ballot—are available at town meeting. Here we discuss them in their probable descending order of frequency of use, and in ascending order of certainty of result or security of the vote.

For voting on issues, voice voting or show of hands will probably be regarded as the presumptive first method of voting. Any voter by motion can propose a different method of voting. Where no motion is forthcoming but a moderator thinks that a vote by some other method may be appropriate for a particular article, the moderator can suggest or invite an appropriate motion. Or, a moderator can just seek unanimous consent to a different method or simply announce that voting will be by some other method and see if anyone objects, and then, infer unanimous consent from silence. As discussed above ("Unanimous Consent"), some moderators will prefer to have a *Motion to Fix the Method of Voting.*

Voice Vote

("As many as are in favor of the motion will now please say 'Aye'…. As many as are opposed will now please say 'No.'")

When a moderator thinks a voice vote is too close to call, the moderator may, without waiting for a challenge (discussed in Chapter IV), ask for a show of hands vote or may prefer to go to a standing vote.

Show of Hands

("As many as are in favor of the motion will now raise their right hand…[observing or counting]. Hands down. As many as are opposed to the motion will now please raise their right hand…[observing or counting]. Hands down.")

When a voice vote is questioned and the outcome is not sufficiently clear, so that a vote of greater certainty is demanded, the moderator may say it is too close to call and then ask for a show of hands on the affirmative and then on the negative. This will save more time than other methods. Of course hands can always be counted, but it will probably be more accurate to proceed to a standing vote, discussed next. In any event, remember that no matter which of the first two methods is generally used, one can always move before-hand for a more certain method, and one can challenge a result immediately after it is declared and (with six other voters) ask for use of a more certain method of voting.

Standing Vote

("As many as are in favor of the motion will now please rise….Be seated. As many as are opposed to the motion will now please rise….Be seated.")

If an uncounted show of hands is indecisive, the moderator may then call for a standing vote (also called a "rising" vote). If the

outcome cannot be called without a count, then the proponents stand and are counted by the moderator or (in larger assemblies) by tellers that he or she would appoint, and then the opponents stand and are likewise counted.

Division of the House

("As many as are in favor of the motion will please assemble to the right side of the moderator's podium and as many as are opposed to the motion will now please assemble to the left side of the moderator's podium.") Where a count is then to be made by tellers: "You will pass between tellers of the election as they may direct you and return to your seats after you have been counted [or, when I so instruct you]." Or other appropriate direction may be given.

Of the first four types of votes, this one is the most decisive and is probably quicker than a written ballot vote. It is important for the moderator to establish controls for the ends of the two lines, to frustrate attempts at voting twice. The tellers report their counts to the moderator who announces the outcome and then the voters return to their seats if they have not been asked to do so promptly after voting. If secrecy is an issue (it will be when feelings are running high), then all other forms of voting should probably be ignored and a written ballot should be taken from the first. Some moderators would caution that a physical division of the house can itself emotionally divide the house: where there is any *potential* for feelings to run high, it may be better to bypass this method and use written ballots.

Written Ballot

("Voting will be conducted by written ballot. Each voter will receive and return one ballot only, whether marked or unmarked, and will, if voting, write the name of the person of the voter's choice on the ballot" [or, "will check the appropriate box, yea or nay, on the question"].)

Where plain pieces of paper are used even for voting on questions (discussed below), the moderator instructs voters to write "Yes" or "No" on the ballot.

Written ballot may be used by vote, by unanimous consent, or because required by law on some questions.

The town clerk must prepare a sufficient number of these written ballots before town meeting. The ballots must be of uniform size and color and must be blank, except that 2 squares may be printed on them with "Yes" by one and "No" by the other. See § 2524. The moderator or tellers appointed by the moderator pass out the written ballots, one to a voter for each vote taken. No other ballots may be counted.

The process requires more time than others, so it should not be resorted to too quickly or frequently where its use is not required by law, by express vote of the town meeting, or pursuant to a challenge to the moderator's determination of a vote.

Some moderators may wish to discourage folding of ballots (unfolded ballots can be counted more quickly), but in fact no state law forbids folding them. Voters may also feel they lose privacy unless the local procedure allows voters to deposit their ballots directly into a ballot box. In any event the moderator should instruct that ballots should not be folded one inside another, or they will risk being invalidated.

1. Full, formal written ballot procedure.

In its most secure form, voters come forward, much as at the polls for a secret ballot election. Voters may even be checked off on a voting list to ensure they do not vote twice, and each personally deposits a written ballot in a ballot box under the watchful eye of the moderator, deputy moderator, or a teller. In some towns, this full-blown procedure is used, perhaps, because written ballot voting is being confused with the Australian secret ballot method. Because this is a slow process in large assemblies, it may be best to use it only where it has been routinely used locally or where the town meeting indicates that for a particular vote it wants all attendant formalities observed. The moderator can

appoint a chief teller, who will supervise the counting and present an oral or written report of the balloting to the moderator, who then declares the result. For more discussion, see "Counting written ballots," below.

2. Less formal written ballot procedure.

No Maine law expressly requires the full procedure described above. Where a moderator or a town meeting is willing to trade off some security to save some time, the following modifications may be desirable. Moderators and meetings can come up with their own procedures and perhaps implement them without objection. First, where voters are segregated from non-voters, or where a colored placard is given to voters on check-in for identification, the moderator or tellers can distribute ballots to voters in their seats, working down the aisles in a larger assembly and counting the number required for a row and allowing them to be passed down the row, one per voter. The moderator would want to be sure to instruct that every voter should take one and return one, even if returned blank. Because of the segregated seating and/or use of a placard system, the use of a check-off voting list for every written ballot can be dispensed with or without seriously compromising the integrity of the voting. The tellers can allow a minute or two for marking ballots and then in smaller assemblies collect a ballot back from each voter or where seating is in rows with aisles instruct voters to pass their ballots to the voter on the aisle, who will hand all of them to a collecting teller. As all ballots in tellers' sections are collected, they bring them forward to a counting table and stand by for counting.

In this suggested alternative system, a ballot box is not used at all: ballots can be collected in hand, or in hats or shoeboxes for that matter. Distribution and collection can be accomplished fairly quickly, and the process does not compromise much in privacy or security.

3. Counting written ballots.

At an appropriate point, the moderator may say, "The voting is now concluded," and the count will then begin. The tallying should be done in sight of the assembly rather than in a separate room. The tellers refer any ballots they feel should not be counted to the moderator for resolution. The moderator may seek the tellers' and the clerk's counsel on questionable ballots. A ballot should be counted if it is possible to discern the voter's choice. For example, if a written name has a line through it, the appropriate inference would be that the voter made a choice and then negated it, did not make another choice, and is effectively casting a blank ballot.

For tallying written ballots, here is some guidance for the counters. On a pre-printed "Yes" and "No" ballot, any method that clearly indicates the voter's intent as to choice suffices—e.g., marking the box with a check-mark (√) or cross ("X"), filling in a box, circling a box, circling the word "Yes" or "No," or underlining a word. In voting for an office, a misspelled name or use of a surname or first name only where only one nominee fits the bill should not invalidate a ballot.

Blank ballots are those on which no name has been written or on which no box or choice has been marked or otherwise indicated. Blank ballots should be totaled separately from other ballots and are omitted from any statement of the total vote.

However, invalid—i.e., non-countable—ballots should be included as a listed element in a tally of total votes cast, where a total is compiled and reported. Invalid ballots are: two or more ballots that are folded together, where it is more likely than not that they did not simply become accidentally commingled in the ballot box or in the process of collection, or in the counting pile. For example, if two ballots are folded twice together—i.e., by thirds, this would tend to show that one person controlled both, which is why neither should be counted, because to count one would not

punish the conduct and to count two would reward it.

Also invalid are ballots with an "over vote," e.g., where two board members are to be chosen by writing two names on a single written ballot from among five nominees for equal terms of office, and a ballot has three or more names written on it and no other markings on the ballot indicate a narrowing of choice to two.

Also invalid for counting purposes are ballots from which no clear choice can be determined or inferred, as well as ballots that are simply unintelligible (e.g., a plain-paper ballot for a "Yes" or "No" vote on which instead of writing one of those two words the voter has written something else that can in no way be construed as an affirmative or negative vote).

If the number of unintelligible ballots will affect the outcome, the moderator should expressly rule on them and then allow those determinations to be appealed to the meeting, or simply put the question of acceptance of them directly to the meeting.

The clerk's duty is to record "the votes" of the meeting, which likely includes the numbers and not just the outcome. Although no law requires a formal written report from the tellers to the moderator, it is sound practice for the chief teller, witnessed by at least one teller, to write down the results and pass them to the moderator. For every race for an office (even an uncontested one), the chief teller should write down the tally for each nominee, the total of blank ballots, and the total of invalid ballots, and it may state (and should state, in towns of population 4,000 and under on votes for officials) also the total votes cast, including invalid ballots but excluding blanks from that total.

The total number of votes cast is needed in order to say whether a majority vote for a candidate has been attained in *a town of 4,000 or under*, something that will not always be apparent in a race with three or more candidates. Consider a tally of 49, 36, 11, and 3, with 4 illegal ballots: it would be easier to determine whether the highest vote-getter has a majority if the actual total of 103 were stated; with that, it is apparent that no candidate has a majority on this ballot. Where this happens, the moderator declares "No election," or explains "There has been a failure to elect, because no candidate has attained a majority of votes cast," and the voting will continue without limiting the eligible nominees until a majority is attained or until the moderator without objection declares a deadlock or the meeting agrees to end voting or simply adjourns without filling the position. A fair question is whether the moderator should announce *by the numbers* an interim result like this, before each successive round of voting. It seems fair to do so.

4. When may use of the written ballot be avoided in elections?

For offices *other* than selectman, school committee and moderator, and where a town charter or previous vote does not require election by written ballot, any other method of voting can be used unless the meeting votes otherwise. Usually, a voice vote will be taken where there is only one nominee. Where there are two nominees for those offices, any method of voting could theoretically be used, but a written ballot is usually recommended unless another method is approved by unanimous consent. Where there are three or more nominees, always use written ballots. The moderator should be sure always to call for the Nays as well as the Yeas—this is not a mere formality.

In any event, in towns of population *4,000 and under*, the moderator should always verify that an apparent winner in a race of three or more nominees has indeed won a majority of all votes cast. In a race between two, short of a tie, one nominee will always win a majority of the votes cast, absent a large number of invalid votes.

CHAPTER VII: MOTIONS AND THEIR RANK

The rank of motions governs which motions may be made when another question is

pending. For example, while a motion to adjourn is pending, no other motion can be made. The main motion has the lowest rank—it cannot be made or acted upon when another motion has the floor, and it yields to all other motions that can be made while another is pending.

The Classes of Motions

Motions are commonly classified as privileged, subsidiary, incidental, and main. All privileged motions rank higher than any subsidiary motion, and incidental motions take the rank of the motion out of which they arise. In this Manual, the motions, in order from highest rank to lowest, are: (1) (privileged motions) *Adjourn* (*sine die*—without day), *Adjourn or Recess to a Time Certain*; (2) and (subsidiary motions) *The Previous Question, Limit or Extend Debate, Postpone to a Time Certain*, and *Amend*. The Incidental motions are: *Appeal, Fix the Method of Voting, Nominations* (when made to a committee that the town meeting decides to establish on the spot), and *Withdraw a Motion*. Subsidiary and incidental motions must relate to the motion out of which they arise. The Main Motion has no rank. A *Motion to Reconsider* is itself a species of Main Motion, as is a motion *To Take up an Article Out of Order*.

A *Motion to Reconsider* takes the same rank and is debatable to the same extent as the motion out of which it arises. Thus, for example, because a *Motion to Limit Debate* is not itself debatable, a *Motion to Reconsider* action taken on a *Motion to Limit Debate* is itself not debatable. For more, see the Table on the inside front cover of this Manual.

Main Motion, Privileged and Subsidiary Motions

Below is a discussion of the main motion, which has no rank, and of selected privileged and subsidiary ranked motions in ascending order of precedence.

1. Main Motion (including Motion to Reconsider).

This has no rank or precedence and may not be made when any other question is before the meeting.

The *Motion to Reconsider* should be regarded as a *Main Motion*. Ordinarily, it can be made at any time until a *Motion to Adjourn* is approved. It may be preferable to seek unanimous consent to a rule that a main motion may be reconsidered no later than after the next warrant article is disposed of. While that rule itself could be altered by the town meeting, it is possible that once the meeting establishes it or accepts it, it will be accorded deference in all but the most unusual circumstances. This will avoid midnight attacks on articles decided hours before. Adoption of this suggestion would not preclude reconsideration of procedural motions, such as to *Limit Debate*.

If such a rule were adopted, it would seem fair to allow, at a continuation meeting, a motion to reconsider the last article disposed of at the initial session. If the rule were not adopted, it would seem that any article approved at the initial session could be reconsidered at any time before all continuation sessions are finally adjourned, just as all actions can be reconsidered until the final adjournment of a meeting that is concluded without a continuation session.

A *Motion to Reconsider* may be postponed to a time certain. It is debatable to the same extent that the motion proposed to be reconsidered was itself debatable. It may not be amended, nor itself, reconsidered. Votes on *The Previous Question* and on motions to recess or adjourn may not be reconsidered. In the Table, we recommend that the motions *To Fix the Method of Voting* and to *Take Up an Article Out of Order* be also regarded as not reconsiderable. And, if we regard a nomination as a motion (that one be elected), then nominations ought not be reconsiderable, either.

Reconsideration triggers a two-step process. The motion—the question whether to reconsider—must first be voted on. If it carries, the meeting then revisits the item of business. Whether the meeting simply votes anew on the same motion, whether new discussion will be allowed, and whether, and under what circumstances, the originally-voted-on motion may be modified, are questions that may require resolution. Probably the best advice, particularly in the context of reconsideration of *defeated* appropriation articles, is that whatever reasonable process the moderator or the town meeting adopts is probably going to withstand any later attack, so just work it out on the spot.

2. Amend.

This is a subsidiary motion and must be disposed of before the main motion is voted on. See the Table for the rules governing it. The motion is discussed in several contexts in Chapter V.

3. Postpone to a Time Certain.

("I move that this article be postponed until after consideration of Article No. _____" (referring to one farther on in the warrant) or "until _____ o'clock."

This motion defers the article under consideration, not the town meeting itself. If the motion carries, the meeting proceeds to the next article. The motion takes precedence over either the *Main Motion* or a *Motion to Amend* and has the effect of delaying action while the meeting proceeds with other business. Akin to the *Motion to Take Up an Article Out of Order*, this motion also operates to re-order slightly the sequence of articles (but not their numbers) in the printed warrant. It is best not to name a significantly later time in the motion, but to refer to another article by number, to avoid a situation where the meeting completes all of its business long before the stated hour for taking up a particular article. In that situation, a *Motion to Reconsider* the *Motion to Postpone* is probably what's needed.

The *Motion to Postpone to a Time Certain* requires a second and is amendable and debatable, and requires a majority vote. In debate, the merits of the underlying question are pertinent only as they relate to the question of postponement.

4. Limit Debate.

("I move that debate on the pending article [or "motion"] be limited to [____ minutes per speaker] [to a total of _____ minutes]").

This motion requires a second and is undebatable but may be amended. It requires a 2/3rds vote and may be reconsidered. When it is made, a moderator should get straight with the movant whether it is intended to apply only to the pending motion (e.g., a motion to amend) or to all associated motions (i.e., including the underlying main motion).

In general parliamentary procedure the *Motion to Limit Debate* can be used to extend as well as to limit debate. Because of the size of most town meeting agendas, it is suggested that it not ordinarily be made available to extend debate. If it is allowed in order to extend debate, be aware that sometimes it may be offered in that form solely to wear out the assembly's patience and attention before it reaches some other article deeper on the warrant.

The need for this motion in order to impose a time limit on individual speakers can usually be avoided by a moderator's judicious use of unanimous consent. Perhaps consent can also be obtained for limiting the total time for debate on an issue, but here a little prompting or polite inquiry will often move debate along. If a moderator simply orders a limit on debate, the order should be subject to a *Motion to Appeal*.

5. Previous Question.

("I move the previous question")

This is a subsidiary motion that has the effect of ending debate and moving directly to a vote on the underlying question, which is usually the pending article or an amendment to it. When this motion is made it must be voted upon immediately, and it is not subject to debate. Because it has the

effect of ending debate, it requires a 2/3rds majority. If it carries, then the meeting proceeds to vote on the pending question (e.g., "The question is, Shall Article 19 be approved as printed?").

6. Recess or Adjourn to a Time Certain.

("I move that this meeting be in recess until/for [state a time/a number of minutes]," or "I move that this meeting adjourn until seven o'clock tomorrow evening.)"

This is a privileged motion that is always in order, even when another subject is before the meeting. For simplicity, our Table of Procedure makes it debatable. Some moderators would perhaps make a finer ruling and say that it must be acted upon immediately, without debate, if it interrupts an item of business, but that if it is to grant time for meals or for counting ballots or for some other purpose, it is just like any other main motion and is debatable.

And see the discussion of the *Motion to Adjourn*, next below.

7. Adjourn (Sine Die).

("I move that this meeting be adjourned," or "I move that this meeting be adjourned *sine die*") (pronounced "see-nay dee-ay")

This motion, if adopted, dissolves the meeting. It should be handled circumspectly. Good practice is to regard the *Motion to Adjourn* as not debatable (and not amendable, nor reconsiderable) if it is clear that all of the business of the warrant has been disposed of, but to treat it as being debatable where that is not the case. Before putting the question, the moderator should ensure that the voters understand the effect of approval of this motion. If adopted, the motion cannot be reconsidered because the meeting has been dissolved immediately upon the motion's passage.

The Incidental Motions

1. Appeal.

("I appeal the moderator's ruling, and I ask instead that [stating an alternative procedure or ruling].")

When a *Motion to Appeal* is seconded, the moderator may wish to reconsider the ruling just made, and correct or alter it as may then seem appropriate, and then see whether the movant will withdraw the appeal. If not, then the moderator puts it to the floor for action in the form of the question "Shall the moderator's ruling be overturned and the proposed substitute rule be approved?" On a tie vote, the negative prevails and the moderator's ruling is upheld. A moderator may debate the appeal without leaving the rostrum or lectern, because the issue arises from the moderator's official position. A moderator who wants to speak as a voter should appoint a deputy and go to the floor, as discussed in Chapter II. A moderator who is a voter is not obliged to refrain from voting on the question. An appeal is not amendable but is ordinarily debatable. An appeal, being an incidental motion, yields to privileged motions, and Motion to *Move the Previous Question* is available to expedite voting on it.

A fair question is what to do when an appeal proposes a potentially illegal course of conduct, one that demonstrably prejudices the rights of the minority of voters, such as allowing a majority vote where a two-thirds vote is required, or that clearly prejudices the rights of absent voters, such as allowing an amendment that is clearly beyond an article's scope. Chapter V's discussion of what to do when a voter proposes an illegal main motion or amendment is pertinent also to procedural motion appeals.

2. Fix the Method of Voting.

("I move that we vote on the pending motion by [specifying a method of voting].")

This motion requires a second but is not debatable or amendable, and may not be reconsidered. The usual rule of parliamentary procedure may allow debate and amendment, and a moderator certainly can ask unanimous consent to allow debate where some good reason appears. But ordinarily the reasons favoring a more secure or a more private method of voting in

a town meeting will be fairly apparent from the subject matter or other circumstances.

Even before the first vote is taken this motion allows a voter to propose a method of voting other than voice vote, which is presumably the customary method of voting. The challenge procedure discussed in Chapter IV, by contrast, is used *after* an initial vote in order to determine the outcome by a more certain means.

3. Withdraw a Motion.

("I move that I be allowed to withdraw my motion.")

Why do we need a *Motion for Leave to Withdraw*? The parliamentary concept is that once a motion is on the floor, it belongs to the assembly and may be withdrawn only with the permission of the assembly. But sometimes a movant realizes that his motion is causing embarrassment to himself or another, or that its importance is not proportional to the time likely required for debate. A voter making a motion can unilaterally withdraw it even after it has been seconded, but not once the moderator has put the motion to the town meeting for debate ("It has been moved and seconded that….Is there discussion or an amendment?") or allows debate to proceed without formally repeating the motion. Thereafter, if unanimous consent is not sought or is sought but not obtained, the *Motion for Leave to Withdraw* should be used, where a movant has a change of mind, and the question is determined by a majority of those voting. See the Table for the Motion's attributes. This motion yields to privileged motions, and may be made while incidental and subsidiary motions are pending (and carries them with it), and no subsidiary motion can be applied to it.

It follows that a motion may not be withdrawn (even with leave) after it has been voted on. The *Motion to Reconsider* is in order then. A motion to withdraw made while voting on the underlying motion is in progress is allowable but must pass unanimously.

The motion is also available to modify a motion in lieu of withdrawing it, although in that instance the voter who has seconded it can withdraw her or his second. In the informal play of town meeting, sometimes a speaker will ask whether the movant will accept a certain modification to her or his motion (often called a "friendly amendment"), and sometimes the movant will indicate acceptance; and so, without a formal motion to amend or to modify, but by general consent, a motion winds up being effectively modified or amended; and general consent will be taken to be unanimous consent in the absence of any objection. Where a movant does not accept a suggestion for modification another voter can make the suggestion the subject of a *Motion to Amend*.

CHAPTER VIII: RULES OF DEBATE

Principles

Dr. John A. Cagle (see the Manual Preface) suggests the following as bedrock principles: (1) the purpose of parliamentary procedure is to facilitate, not to obscure or confound, the transaction of business, and to promote cooperation and harmony (and, we might add, courtesy and justice, or fairness); (2) all voters in attendance have equal rights, privileges, and obligations, and, while the majority has the right to decide most questions, the minority has rights to be protected (foremost, the right to be heard); (3) full and free discussion of every motion is a fundamental right; (4) only one question may be considered at any given time, unless by agreement; and (5) voters have the right to know at all times what the immediately pending question is, and to have the moderator restate it before a vote is taken. A good moderator is in truth, and is perceived to be, fair and impartial throughout the proceedings.

Rules

This Manual's "Notes for Voters" lists almost twenty rules of debate, all of which a prospective moderator should review, and any of which the moderator or the meeting may modify. Among those listed in the

Notes are the statutory rules (including the "challenge" procedure) discussed above. A moderator should be familiar with them and able to refer to them quickly. Below are some additional rules or suggestions, which can in the moderator's discretion be shared with the voters at the head of the meeting or selectively invoked as occasion warrants. (And the moderator may modify any of them, except the four statutory rules identified in Chapter IV, as may seem appropriate.) Some of what follows here and that is in the "Notes for Voters" is derived from the work of Randi Sutphin, cited in Chapter IX of this Manual. In a few instances the following may repeat but elaborate on a rule in the "Notes for Voters."

Moderator Controls

As discussed above, no one may speak without first being recognized by the moderator, and all persons shall be silent at the moderator's command. See § 2524. A person, once recognized by the moderator, has the floor and the right to speak without interruption (except to the extent interrupting motions are allowed by the adopted rules, or when the moderator interrupts, e.g., to call for silence in the seats) until he or she has exhausted the time allotted.

A moderator may wonder whether the moderator should stand or sit while debate and discussion are in progress. There is no fixed rule. The moderator can sit after recognizing each speaker, or simply stand back from the rostrum or lectern while a voter speaks.

Additional Rules

Here are some suggested rules not included in the "Notes for Voters."

1. **Voters should not clamor to be recognized.**
   This distracts and may even intimidate some voters.

2. **Time limit on debate.**
   Any time limit imposed should be fairly short. General parliamentary procedure manuals often limit a speaker to a total of ten minutes on any one subject or question. But, unlike agendas for monthly or quarterly meetings of boards of directors of local and other organizations, annual town meeting agendas are large, often comprised of 50 or more articles of business. Accordingly, for annual meeting a limit of as little as three or four minutes total per speaker per question may be appropriate, while for a special meeting with only one or two questions a longer time might be more feasible. Most speakers will exercise self-restraint, so it is possible that, with a little cajoling of others, no formal limit will have to be fixed. If one is, it will be wise to appoint a volunteer (not the clerk, who has enough to do) as a timekeeper.

3. **If a time limit per speaker is established, then unused time is not transferable.**

4. **Where there are speakers both pro and con the debate should alternate between speakers for and against.**
   (A moderator can always ask before allowing debate to begin). If this is not done, and a motion is approved to curtail debate, the voters will have heard only one side.

5. **Extended debate on procedural motions is discouraged.**
   Save time for substance.

6. **Town meeting is not a courtroom: cross-examination will not be allowed.**
   Even an inquirer who observes proper procedure by putting questions to the moderator for referral to another will not be allowed to engage indirectly in an extended interview of another.

7. **No one may hinder the moderator's view of a speaker.**

8. **Unless the hall is on fire, a voter should not interrupt a speaker.**
   For example, one wishing to move *The Previous Question* should wait until a speaker has concluded.

9. **"I call the question," "I move the previous question" and "Question!"**
   A voter who has already spoken twice on the subject, or who has already exhausted or nearly exhausted any fixed time allotted for speaking, should not be the one who seeks to terminate debate, certainly not while anyone wishing to speak has not been heard a first time. Rule the motion out of order when made by such a voter, or, more informally, ask whether someone who has not spoken wishes to adopt the motion and be substituted as the movant.

CHAPTER IX: CONCLUSION AND SOURCES

The material in this Manual answers perhaps 95% of parliamentary questions relating to town meeting. For aid with others, a moderator may want to have one or more of the following compilations: the pertinent chapters from MMA's *Town Meeting & Elections Manual*; *Town Meeting Time* (full title listed in Manual Introduction), available from the Massachusetts Moderators Association, c/o Steven Fors, 203 River Road, Westport, MA 02790, (https://massmoderators.org/). Another resource, unfortunately currently out of print, but perhaps available in libraries: Randi Sutphin, *Parliamentary Procedure Basics for Governmental Bodies*, 3rd ed., Agenda Associates, Orlando, FL (1998). Other compilations can be found in bookstores and online.

Online sources for further learning include:

- National Association of Parliamentarians: www.parliamentarians.org
- New England Association of Parliamentarians: www.neparl.org
- Cagle's Parliamentary Procedure: www.csufresno.edu/comm/cagle-p3.htm;
- Roberts Rules.org: www.robertsrules.com;
- American Institute of Parliamentarians: www.parliamentaryprocedure.org

Professor Cagle's webpages are particularly useful.

Suggestions for improvement to this Manual are welcome. Send them to: MMA Legal Services Department, Maine Municipal Association, 60 Community Drive, Augusta, ME 04330 or legal@memun.org.

APPENDIX:

30-A M.R.S. § 2524. General Town Meeting Provisions

The following provisions apply to all town meetings:

1. Qualified voter. Every voter in the town may vote in the election of all town officials and in all town affairs.

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

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

   B. Receiving and counting the votes for moderator; and

   C. Swearing in the moderator.

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

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

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

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

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

4. Votes recorded by clerk. The clerk shall accurately record the votes of the meeting.

   A. If the clerk is absent, the moderator shall appoint and swear in a temporary clerk.

5. Written ballots. The clerk shall prepare the ballots. Ballots shall be of uniform size and color, and must be blank except that 2 squares with "yes" by one and "no" by the other may be printed on them.

   The moderator shall ensure that each voter receives only one ballot for each vote taken.

6. Location of meetings. Town meetings may be held outside the corporate limits of the municipality if the municipal officers determine that there is no adequate facility for the meeting within the municipality. The proposed location must be:

   A. Within an adjoining or nearby municipality;

   B. Not more than 25 miles from the corporate limits of the municipality holding the meetings; and

   C. Reasonably accessible to all voters of the town.

Notes for Voters on Town Meeting Procedure

Rules of procedure, in general. It is important to understand two core concepts. First, rules of procedure are not rules of law. Their purpose is to facilitate the conduct of the meeting, and courts will usually uphold a moderator's decision and the actions of a meeting unless clear unfairness or error resulting in misunderstanding or confusion has actually affected the vote. Second, questions about appropriate procedure or the outcome of a vote should be addressed in the meeting itself (see the discussion of "appeal" and "challenge," below). If questionable decisions or determinations of the vote are not brought to the moderator's attention and addressed on the spot, a court may decline to review the issue later, even where it would otherwise be appropriate for judicial review.

Distinguishing or Separating Voters and Non-Voters. Please respect any measures in effect for distinguishing or separating voters from non-voters.

Unanimous Consent. To expedite procedure, the moderator may from time to time invite or suggest that the meeting give "unanimous consent" to proceeding in a certain way. Cooperation where you can freely give it will usually save time and avoid unnecessary complication, but if you do not wish to give consent simply call out "Objection" or "I object" when the moderator asks for unanimous consent. The moderator may then suggest or invite a motion and vote on procedure and you will then have the opportunity to speak in opposition to the procedure.

Rules of Debate. Maine law makes three rules: (1) a person may not speak without being recognized by the moderator; (2) everyone shall be silent at the moderator's command; and (3) a person who is not a town voter may not speak without the consent of two-thirds of the voters present. 30-A M.R.S. § 2524.

In addition, the moderator *may* ask that one or more of the following rules be observed, and may invoke others to maintain good order and decorum.

- Raise your hand or stand, as directed by the moderator, to be recognized, and then state your name and what you would like to do.
- Stand while speaking unless otherwise directed or authorized by the moderator.
- Refrain from making negative motions (e.g., "I move that Article 16 be defeated").
- After a motion has been made and seconded, the moderator will open the floor for discussion. The moderator may call on the Selectmen or other sponsors of an article to speak first on a main motion (a motion to approve an article as printed, for example). Thereafter, the affirmative side speaks.
- A person who makes a motion is entitled but not required to be the first speaker on the motion and may not vote against the motion but may seek consent to withdraw it.
- A person seconding a motion may both speak against it and vote against it.
- Do not make a speech and conclude it with a motion: rather, make the motion and then speak to it after it has been seconded and put to floor debate by the moderator.
- Address all remarks and all questions to the moderator alone.
- Remarks must be relevant to the motion. Debate will generally alternate between those in favor and those opposed. No one should address the same subject more than twice without the express permission of the moderator.
- The meeting may establish a time limit per speaker per question and an overall time limit on a motion.

- No one may speak a second time until all who wish to speak a first time have done so.
- Speak to the issue, not to the person, and do not question motives or speak ill of another. Profanity is out of order.
- Do not read from any document except the warrant without first obtaining the moderator's consent.
- Listen attentively, do not whisper in the seats, and do not interrupt a speaker.
- Take conversation outside, and mute all but emergency workers' cell phones.

Nominations and Elections. No second is required for a nomination, but the moderator may request or require a candidate's consent to run (and if elected to serve), as a safeguard not only against the possibility that a nominee who is present will decide not to accept an office once won, but also as a safeguard against election of an absent person who when notified declines the office.

Written Ballot. State law requires the moderator, selectmen, and school committee members to be elected by written ballot, even if there is only one nominee. On motion and a majority of votes cast, or by unanimous consent, the meeting can determine to require written ballot voting on other offices or on any business or other article on the warrant. Do not fold, and do not allow another to fold, your ballot together with another, or they may both be invalidated.

Appeal. A voter who thinks it appropriate to follow a procedure other than one announced by the moderator may seek to be recognized and then move a procedure the voter believes more appropriate.

Methods of Voting. These are, in increasing order of certainty (and, for most, of the time required): voice vote, show of hands, rising (or standing) vote, division of the house, and written ballot vote.

Challenge. A voter who thinks the moderator has not correctly determined the outcome of a voice or other vote short of an actual count and who wishes to challenge the moderator's determination should immediately seek to be recognized, and when recognized, say "I doubt it." The moderator will then determine whether at least six other voters agree. If so, the moderator will make the determination more certain by using a designated other method of voting.