APPENDIX C

Statutorily Required Municipal Services in Maine
(State and federal law)

This list represents a general review of services municipal government is required by law to maintain. It is not intended to be an exhaustive treatment of all relevant State and federal law. And it does not account for services and obligations required by contract, local mandate, charter, ordinance, or those that result from the application of State agency rules, or, in the broadest sense, those that may arise from the intercourse of commercial and public activities. However, if a reader is aware of any required municipal services that should be included, please feel free to contact us.

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Schools and Education

1) Education. Implement and administer public education as required by the State government. 20-A M.R.S.A. § 2; M.R.S.A. Const. Art. VIII § 1
    a. Duty of school units. School units must raise funds to support public education, and provide primary and secondary education in accordance with the purposes, policies, goals and objective of State law. 20-a M.R.S.A. § 4501, et. seq.
2) No Child Left Behind. Federally required annual student assessment. 20 USC Chapter 70
3) Learning Results. State required assessment. 20-A M.R.S.A. § 6201, et. seq.
4) Special Education. Federally required programs for students with special needs. 20 USC Chapter 33

Roads and Public Works

1) Must maintain public roads. Must keep town ways maintained so as to be safe and convenient for motor vehicle travel. 23 M.R.S.A. § 3651

Sidewalks existing within the right-of-way of a town way must be maintained against defects.

Must remove roadside brush, trees and grass that pose any road safety problem. 23 M.R.S.A. § 2702

Must remove snow and ice in the town way within a reasonable period of time

This includes removal from state-aid highways. 23 M.R.S.A. § 1003

Must prevent damage to private water supplies as a result of construction, reconstruction or maintenance of public highways. 23 M.R.S.A. § 3659

2) Drains, ditches and culverts. Municipalities may install, but discretion may become obligation if installation is necessary to maintain road in safe and convenient status.

Once established, they must be maintained. 23 M.R.S.A. § 3251; 30-A M.R.S.A. § 3401, et. seq.

3) Driveways and culverts. Municipalities must install culverts where private driveways connect to a town way (at owner's expense). Once installed, town must maintain. 23 M.R.S.A. § 705
4) Highway defects. Must correct defects in the road where there has been twenty-four hour notice. 14 M.R.S.A. § 8104-A
5) Public works. A registered professional engineer is required for any public works project exceeding a cost of $100,000.00. 32 M.R.S.A. § 1254
6) Roads in compact areas. Urban compact municipalities must maintain roads within the compact area. 23 M.R.S.A. § 754
7) Street excavation. Municipalities must serve notice upon owners of property abutting a street or highway, and upon others, directing water and conduit connections prior to paving and repairing. 23 M.R.S.A. § 3351 et. seq.

Land Use and Environmental Protection

1) Board of appeals. If a municipality establishes a zoning ordinance, it must create a board of appeals. 30-A M.R.S.A. § 4353
2) Closure of municipal landfills. Municipalities must close designated "open landfills" as determined by DEP. Closed municipal landfills require biannual groundwater testing and monitoring. 42 USC Chapter 82; 38 M.R.S.A. § 1310-C, et. seq.
3) Publication for zoning changes. Notice must be published before adopting a new or amending an existing zoning ordinance or zoning map. 30-A M.R.S.A. § 4352
4) Recycling. Must meet recycling goals as set by State. 38 M.R.S.A. §§ 2132 and 2133
5) Sewers and drains. Where a public drain has been constructed, and a person has paid to connect to it, the municipality must maintain the drain. 30-A M.R.S.A. § 3403
6) Shoreland zoning. Must have zoning and land use controls for areas within 250 feet of normal high water line. 38 M.R.S.A. § 438-A
7) Site Location of Development Act. DEP may designate municipalities as a reviewing authority. Once so designated, municipalities must administer permits for projects requiring review under the Act. 38 M.R.S.A. § 489-A
8) Subdivision. Subdivision review is required. 30-A M.R.S.A. § 4401
9) Waste management. Municipalities must provide solid waste disposal services for domestic and commercial solid waste generated within the municipality. 38 M.R.S.A. § 1305. (It is unclear whether "services" means having a facility available in the town or whether it means providing a service to remove trash.)

Septage/sludge. Each municipality shall provide for the disposal of all refuse, effluent, sludge and any other materials from septic tanks and cesspools. 38 M.R.S.A. § 1305

Transfer stations. For those municipalities having transfer stations, they are required to comply with DEP regulations for the operation of transfer stations and solid waste storage. 38 M.R.S.A. § 1305; Rules of DEP Chapter 402

10) Wastewater treatment facilities. Municipalities with wastewater treatment facilities constructed in whole or in part with State funding must accept wastewater from watercraft sewage pump-out facilities. 38 M.R.S.A. § 414-B
11) Water pollution prevention and control. Municipalities must comply with federal law concerning pollutant and effluent controls necessary to manage water pollution. 33 U.S.C. Chapter 26; 38 M.R.S.A. § c. 3

Storm water regulation. Municipalities must comply with storm water management and of storm water systems regulations.

12) Wharves and fish weirs. Municipalities must examine and hold public hearings upon any application to build or extend any wharf, fish weir or trap in tidewaters within the municipal border. 38 M.R.S.A. § 1022

Public Safety and Health

1) Animal control. Municipalities must enforce the animal welfare laws. 7 M.R.S.A. § 3941, et. seq.
   Appoint an animal control officer. 7 M.R.S.A. § 3947
   Issue dog licenses. 7 M.R.S.A. § 3942
   Control dogs at large animals that are a source of complaint. 7 M.R.S.A. § 3948
   Issue municipal warrants. 7 M.R.S.A. § 3943
   Posting of law concerning dog licenses and municipal duties. 7 M.R.S.A. § 3941
2) Building inspection. Every municipality with greater than 2,000 inhabitants must appoint a building inspector (optional for municipalities with fewer than 2,000 inhabitants). 25 M.R.S.A. § 2351.
3) Emergency Management. Must prepare and keep a disaster emergency plan. 37-B M.R.S.A. §§ 781-786
4) Fire protection. It is not clear whether fire protection is required under Maine law, but it is provided in most municipalities. 30-A M.R.S.A. § 3151, et. seq.
   General requirements

Automotive Equipment Automotive fire equipment purchased with public money must comply with National Fire Protection, Pamphlet 1901, standards.

Equipment and Buildings Firefighters must be equipped with minimum safety equipment, and it must be maintained. 26 M.R.S.A. § 2104.

Training Firefighters must have training pursuant to a training program. 26 M.R.S.A. § 2101, et. seq.

5) Fire Ward/Inspector. Is mandatory if no organized fire department in the municipality. 25 M.R.S.A. § 2391
6) Forest Fire control and costs. Municipalities are responsible in the first instance for fighting fires and for paying for some of the costs incurred in controlling forest fires. 12 M.R.S.A. § 9201, et. seq.

Harbor Master.

If requested, municipal officers shall appoint to oversee administration and enforcement of mooring privileges for boats and vessels. 38 M.R.S.A. § 1

Where boats and lighters are used to carry stone, sand or gravel, the municipal officers shall appoint an inspector to ensure compliance with requirements for marking such boats and lighters. 38 M.R.S.A. § 121

7) Law enforcement and police protection. Municipalities are not required to provide police protection. Where provided, specific costs arise. 30-A M.R.S.A. § 2671, et. seq.

Police officers. A full-time law enforcement officer must complete basic training requirements at the Criminal Justice Academy. 25 M.R.S.A. § 2804-C

Disposal of lost, stolen or unclaimed property. Must keep private property in an attempt to locate the owner. 25 M.R.S.A. § 3501, et. seq.

8) Occupational health requirements. Local government must comply with the OSHA of 1970 as well as similar State requirements to ensure working conditions reasonably free from health hazards or safety threats. OSHA of 1970; 26 M.R.S.A. § 561, et. seq.
9) Plumbing inspection. Must ensure plumbing complies with State and local regulations. 30-A M.R.S.A. § 4221

   Must appoint a plumbing inspector. 30-AM.R.S.A. § 4221
10) Port Warden.

   By petition, 10 or more citizens can request and municipal officers must appoint a port warden. 38 M.R.S.A. § 41
11) Public Health. Report, prevent and suppress diseases and conditions dangerous to public health. 22 M.R.S.A. § 451

   Must appoint a health officer. 22 M.R.S.A. § 451
12) Subsurface wastewater systems. Municipalities shall serve an order to remedy once receiving notice of malfunctioning subsurface wastewater disposal systems. 30-A M.R.S.A. § 3428

Licensing and Permitting and Economic Regulations

1) ATV registration. It is unlikely that, as an agent for the Commissioner of Inland Fisheries and Wild Life, municipalities can refuse the service of registering ATV's. 12 M.R.S.A. § 7854
2) Alcohol. Assuming local option approval, Municipal officers must act on applications for an on-premises liquor license. 28-A M.R.S.A. § 653.
   1) Bottle Clubs. Municipal officers must act on applications for permission to operate a bottle club or to transfer location thereof. 28-A M.R.S.A. § 161-B
3) Automobiles. Municipalities must collect the excise tax, but are not obligated to receive applications for new or renewed automobile licenses and motor vehicle registrations. 36 M.R.S.A. § 1487 and 29-A M.R.S.A. § 102
4) Beano and Bingo. Municipal officers must review applications for permission to operate beano and bingo amusements. 17 M.R.S.A. § 313
5) Birth/Marriage/Death recording/certificates. Municipal clerk must record and issue permits for births, marriages and deaths. 30-A M.R.S.A. § 2652; 19-A M.R.S.A. §§ 652 and 654 and 22 M.R.S.A. § 2702

6) Bowling alleys, shooting galleries, pool, and bagatelle and billiard rooms. It is unlikely that municipalities can refuse the service of licensing applicants for licenses to operate bowling alleys, shooting galleries, pool bagatelle and billiards rooms. 8 M.R.S.A. §§ 1 and 2
7) Building Permits. A municipal reviewing authority must review and approve all new multi-family housing accommodations before occupancy is permitted. 5 M.R.S.A. § 4582-B
8) Cable TV franchises. Municipalities must honor existing contracts, are required to issue new franchise agreements or to renew same, and they must regulate cable operator's compliance with such agreements. 30-A M.R.S.A. §§ 3008 and 3010
9) Closing-out sales/going out of business. Municipal officers must license. 30-A M.R.S.A. § 3781, et. seq.
10) Concealed weapons. Municipalities must issue permits. If there is no chief of police, can request Chief of State Police to issue permits. 25 M.R.S.A. §§ 2002 and 2002-A, et. seq.
11) Conversion of seasonal dwelling. Municipal Plumbing Inspector must issue permit before a seasonal dwelling in the shoreland zone can be converted to a year-round or principal dwelling. 30-A M.R.S.A. § 4215
12) Dogs and dog kennels. Municipalities must issue dog licenses and kennel licenses. 7 M.R.S.A. §§ 3921, et seq., and 3931-A, et seq.
13) Driveway entrances. Municipality must authorize ingress and egress to property inside an urban compact municipality on state highways state-aid highways. 23 M.R.S.A. § 704
14) Engines. Municipalities must issue permits before a steam engine can be erected in a town. 17 M.R.S.A. § 2795
15) Fishing/hunting/trapping. It is unlikely that municipal clerks, as agents for IF&W, can refuse the service of issuing permits for fishing, hunting or trapping. 12 M.R.S.A. § 7072
16) Games of chance. Municipal officers must sign application. 17 M.R.S.A. § 333
17) Innkeeper/tavernkeeper/lodging house. Municipalities must issue permits before innkeepers, tavernkeepers or lodging houses can operate. 30-A M.R.S.A. §§ 3811-3814 and 3931
18) Junkyards. Must license and police junkyards and automobile recycling and graveyard operations. 30-A M.R.S.A. §3751, et. seq.
19) Lunch wagons. Municipalities must issue licenses to any reputable person maintaining a vehicle for the sale of food. 30-A M.R.S.A. § 3931
20) Mobile homes and over-limit vehicles. Municipalities must issue permits before mobile homes can be moved over public roads, and before over limit vehicles can travel on public roads. 29-A M.R.S.A. §§ 1001 and 2382
21) Off-track betting. Municipality must approve off-track facility where pari-mutuel wagering will occur. 8 M.R.S.A. § 275-D(5)
22) Pawnbrokers. Municipalities must license pawnbrokers. 30-A M.R.S.A. §3961
23) Pinball machines. Municipalities must license those individuals wishing to keep pinball machines for public patronage. 8 M.R.S.A. § 441
24) Plumbing. Municipalities, through the local plumbing inspector, must permit and oversee plumbing. 30-A M.R.S.A. § 4201 et. seq.

25) Poles and wires. The municipal officers or their designees must issue permits to those wishing to construct telephone, electric, or cable TV wires, gas or oil pipelines, or water, sewer or steam conduits, along a public way that is a city street or town way or a state or state-aid highway in the compact areas as defined in 23 M.R.S.A. § 754. 35-A M.R.S.A. § 2501, et. seq.
26) Public exhibitions. Must license exhibitions of images, pageantry, sleight of hand tricks, puppet shows, circus, traveling amusement shows, feats of balancing, wire dancing, personal agility, dexterity or theatrical performances. 8 M.R.S.A. §§ 501-502
27) Roller skating rinks. Municipalities must license roller skating rinks. 8 M.R.S.A. § 601, et. seq.
28) Snowmobile registration. Must license snowmobiles. 12 M.R.S.A. § 7824
29) Special amusements. Must issue permit for live music, dancing or entertainment at businesses licensed for on-premises consumption of alcohol. 28-A M.R.S.A. § 1054
30) Watercraft. Must permit anyone wishing to bring into or maintain in the harbor any derelict watercraft for salvage, or anyone abandoning any watercraft in the harbor. 38 M.R.S.A. § 9
31) Wharves, weirs, piers and pilings. Any person wishing to build or extend any wharf, weirs, pier or trap in tidewaters must apply to the municipal officers for a license. 38 M.R.S.A. § 1021

Administration and General Government

1) Accounts for dog and kennel licenses. Municipalities must maintain separate accounts for the fees collected for dog and kennel licenses and also for court fines collected by the municipality. 7 M.R.S.A. § 3945
2) Americans with Disabilities Act. Comprehensive requirements concerning persons with disabilities in the areas of employment, public accommodations, state and local government services. 42 USCA § 12101, et. seq.; 5 M.R.S.A. § 4551, et seq.; and 25 M.R.S.A. § 2701
3) Assessment and taxes. Must assess and collect taxes. Requirements contained in Titles 36 and 30-A of the Statutes of Maine
   Real property
   Excise taxes
   Personal property taxes
4) Annual Meeting. Annual Meeting required at which moderator, selectmen and school committee elected. 30-A M.R.S.A. § 2525
5) Annual report. Must publish an annual report. 30-A M.R.S.A. § 2801
6) Burying grounds. Must care for ancient burying grounds and veteran's graves in public burying grounds. 13 M.R.S.A. § 1101 and 30-A M.R.S.A. § 2901
7) Conditional gifts. A conditional gift received must be complied with perpetually and may benefit from money raised to carry the conditions into effect. 30-A M.R.S.A. § 5654
8) Elections. Municipalities carry election responsibilities under Title 21-A M.R.S.A. § 621, et. seq., for federal, state, SAD, caucus and county elections.

9) Labor and human resource requirements and issues

Fair Labor Standards Act. Municipalities must adhere to federal and State requirements establishing minimum wages, overtime pay, and to regulations regarding child labor and record keeping. 29 USC § 201; 26 M.R.S.A. § 621-A, et. seq., and § 661, et. seq.

Family and Medical Leave Act. Municipalities must guarantee unpaid leave for personal and family reasons. 29 USC § 2601; 26 M.R.S.A. § 843, et. seq.

Uniformed Services Employment and Reemployment Act. Municipalities cannot discriminate against members of the military in hiring and retention practices. 38 USC, Chapter 43, Sections 4301-4333

Workplace training

Sexual harassment training. 26 M.R.S.A. § 807

Video display terminal education and training. 25 M.R.S.A. § 252

10) Freedom of Access Act. Must provide public access to public records and notice of meetings. 1 M.R.S.A. §408 and 409(1)
11) General Assistance. Municipalities are required to provide assistance in meeting basic necessities. 22 M.R.S.A. § 4305
12) Municipal annual solid waste report. Municipalities must report to DEP any material produced by a municipal solid waste processing facility. 38 M.R.S.A. § 3945-C
13) Municipal officials required by Maine law

Animal Control Officer. 7 M.R.S.A. § 3947

Assessor. 36 M.R.S.A. §§ 2526(5) and 327(3) and 30-AM.R.S.A. § 2526(5)

Board of Appeals (if zoning ordinance enacted). 30-A M.R.S.A. § 2691(2)(A)

Building Inspector. 25 M.R.S.A. § 2351

Civil Emergency Preparedness Agency Director. 37-B M.R.S.A. § 782(1)

Clerk. 30-AM.R.S.A. § 2525(2)

Code Enforcement Officer. 30-A M.R.S.A. § 4451

Election (Ballot) Clerks. 30-A M.R.S.A. § 2528(8) and 21-AM.R.S.A. § 503(3)

Excise Tax Collector. 36 M.R.S.A. § 1487(1)

Fence Viewers (if services requested). 30-A M.R.S.A. § 2953

Fire Inspector. 25 M.R.S.A. § 2391

Fire Chief. 30-A M.R.S.A. § 3153

Forest Fire Warden. 12 M.R.S.A. § 8902

GA Fair Hearing Authority. 22 M.R.S.A. § 4322

Harbor Master (if services requested). 38 M.R.S.A. § 1

Health Officer. 22 M.R.S.A. § 451

Local Sealer. 10 M.R.S.A. § 2451

Equipment necessary to be purchased. 10 M.R.S.A. § 2354

Moderator. 30-A M.R.S.A. §2521(1)

Municipal Officers. 30-A M.R.S.A. § 2521 (selectmen or councilors)

Overseers of the Poor. 30-A M.R.S.A. § 2526(4) and 22 M.R.S.A. § 4301(12)

Plumbing Inspector. 30-A M.R.S.A. §4221

Registrar of Voters. 21-A M.R.S.A. §101

Road Commissioners. 30-A M.R.S.A. §2526(7)

School Board Committee. 30-A M.R.S.A. § 2525(1); 20-A M.R.S.A. § 2302; 20-A M.R.S.A. §§ 1251 and 1651

School Superintendent. 20-A M.R.S.A. § 1051

Shellfish Warden. Required if a municipality enacts a shellfish conservation ordinance. 12 M.R.S.A. § 6671(8)

Tax Collector. 30-A M.R.S.A. § 2525(2)

Treasurer. 30-A M.R.S.A. § 2525(2)

14) National Voter Registration Act. Processing and registration of voters. 42 USC Chapter 20; 21-A M.R.S.A. § 180 et. seq.
15) Post audit of accounts. Arrange annual post audit of town accounts by Department of Audit or qualified CPA. 30-A M.R.S.A. §5823
16) Recycled goods procurement. Review procurement procedures to ensure against discrimination in use of recycled goods, supplies, equipment and materials. 30-A M.R.S.A. §5656(1)
17) Records keeping.

Must maintain denials and all conditional approvals for licenses, certificates, approvals or other types of permits. 1 M.R.S.A. §407

Must maintain record of decisions involving dismissal or refusal to renew contract of a public official, employee or appointee. 1 M.R.S.A. § 407

Must maintain records of final employee disciplinary action. 30-A M.R.S.A. § 2702(B)(5)

Records preservation. 5 M.R.S.A. § 95-B

Local government records must be maintained and stored as required by Maine law and as directed by the State Archivist. The volume of records can be quite large, particularly with respect to the records handled by the offices of the clerk, treasurer, tax collector and assessor.

18) Revenue receipts and disbursements. Municipal treasurer necessary to receive and record all revenues and disbursements. 30-A M.R.S.A. § 5601, et. seq.
19) Town equipment. Municipalities must maintain equipment, vehicles and machinery. 14 M.R.S.A. §8104-A
20) Town buildings. Municipalities must maintain town owned buildings. 14 M.R.S.A. §8104