

State and Federal Mandates

Statutorily Required Municipal Services in Maine

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. 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 operation 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. 20-A M.R.S.A. § 2; ME 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. §§ 4501-4504.
- 2) No Child Left Behind. Federally required annual student assessment. 20 U.S.C. Chapter 70
- 3) Learning Results. State-required assessment. 20-A M.R.S.A. §§ 6201-6213.
- 4) Special Education. Federally required programs for students with special needs. 20 U.S.C. 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. Sidewalks existing within the right-of-way of a town way must be maintained against defects. *Wells v. Augusta*, 135 Me 314(1938)

Road obstructions. Must remove loose obstructions, shrubbery and bushes (not planted for ornamentation or profit) that pose any road safety problem. 23 M.R.S.A. § 2702

Snow and ice. 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

Private water supplies. 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. §§ 3401-3409
- 3) Driveways and culverts. Municipalities must at owner's expense install culverts where private driveways connect to a town way. Once installed, municipality 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. §§ 3351-3360-A

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) Solid waste disposal. Municipalities must close designated "open landfills" as determined by DEP. Closed municipal landfills require biannual groundwater testing and monitoring. 42 U.S.C. Chapter 82; 38 M.R.S.A. §§ 1310-C-1310-H-1
- 3) Publication for zoning changes. A public hearing must be held with notice posted at least thirteen days before the hearing, and published twice in a local newspaper. Additional notice requirements apply for zoning changes affecting industrial, commercial, or retail uses. 30-A M.R.S.A. § 4352
- 4) Recycling. Must meet recycling goals as set by State. 38 M.R.S.A. §§ 2132-2133

- 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 and enforce zoning and land use controls for areas within 250 feet of normal high water line. 38 M.R.S.A. §§ 435-448
- 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. Municipal subdivision review is required. 30-A M.R.S.A. §§ 4401-4408
- 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.

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) Protection and improvement of waters. 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., Chapter 3
- 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. §§ 3941-3950-A
- 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-A.

- 3) Maine Uniform Building and Energy Code (MUBEC). Required enforcement of MUBEC for municipalities with a population in excess of 4,000. 10 M.R.S.A. § 9724
- 4) Emergency Management. Must prepare and keep a disaster emergency plan. 37-B M.R.S.A. §§ 781-786
- 5) Fire protection. It is not clear whether fire protection is required under Maine law, but it is provided in most municipalities. Certain firefighting training requirements and equipment standards are mandated in State law. 30-A M.R.S.A. §§ 3151-3157; 26 M.R.S.A. §§ 2101 and 2104
- 6) Fire Ward/Inspector. Is mandatory if no organized fire department in the municipality. 25 M.R.S.A. § 2391
- 7) Forest fire control and costs. Municipalities are responsible in the first instance for fighting forest fires and for paying for some of the costs incurred in controlling forest fires. 12 M.R.S.A. §§ 9201-9206
- 8) Harbor Master. If requested, municipal officers shall appoint a harbor master to oversee administration and enforcement of mooring privileges for boats and vessels. 38 M.R.S.A. § 1

Boats and lighters. 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. § 123
- 9) Law enforcement and police protection. Municipalities are not required to provide police protection. Where provided, specific costs arise. 30-A M.R.S.A. §§ 2671-2678

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

Lost or stolen property. Disposal of lost, stolen or unclaimed property. Must keep private property in an attempt to locate the owner. 25 M.R.S.A. §§ 3501-3507
- 10) Occupational health requirements. Local government must comply with the federal OSHA of 1970 as well as similar State requirements to ensure working conditions reasonably free from health hazards or safety threats. 29 C.F.R. Chapter 17; 26 M.R.S.A. §§ 561-571
- 11) Plumbing inspection. Must appoint a plumbing inspector and ensure plumbing complies with State and local regulations. 30-A M.R.S.A. § 4221

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

Health officer. Must appoint a health officer. 22 M.R.S.A. § 451
- 14) 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. Municipalities must register ATVs. 12 M.R.S.A. § 13155
- 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.
 - a. 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. The municipal tax collector or other designated individual must collect the excise tax. 36 M.R.S.A. § 1487 and 29-A M.R.S.A. § 201
- 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. Municipalities license those wishing to operate bowling alleys, shooting galleries, pool bagatelle and billiards rooms. 8 M.R.S.A. §§ 1-2
- 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. §§ 3781-3784
- 10) Concealed weapons. Municipalities issue permits. Unless there is no chief of police, can request Chief of State Police to issue permits. 25 M.R.S.A. §§ 2001-A-2006
- 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. §§ 3921-3924 and §§ 3931-A-3939-B
- 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) Fishing/hunting/trapping. Agents for IF&W (municipal clerks usually) must issue permits for fishing, hunting and trapping. 12 M.R.S.A. Chapter 913
- 15) Games of chance. Municipal officers must sign application. 17 M.R.S.A. § 1832
- 16) 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
- 17) Junkyards. Must license and police junkyards and automobile recycling and automobile graveyard operations. 30-A M.R.S.A. §§ 3751-3760
- 18) 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
- 19) 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
- 20) Off-track betting. Municipality must approve off-track facility where pari-mutuel wagering will occur. 8 M.R.S.A. § 275-D(5)
- 21) Pawnbrokers. Municipalities must license pawnbrokers. 30-A M.R.S.A. §3961
- 22) Pinball machines. Municipalities must license those individuals wishing to keep pinball machines for public patronage. 8 M.R.S.A. § 441

- 23) Plumbing. Municipalities, through the local plumbing inspector, must permit and oversee plumbing. 30-A M.R.S.A. § 4215 et. seq.
- 24) 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. §§ 2501-2522
- 25) 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
- 26) Roller skating rinks. Municipalities must license roller skating rinks. 8 M.R.S.A. §§ 601-608
- 27) Snowmobile registration. Must register snowmobiles. 12 M.R.S.A. § 13104
- 28) 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
- 29) 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
- 30) 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. § 1022

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 U.S.C. Chapter 126; 5 M.R.S.A. §§ 4551-4634; and 25 M.R.S.A. § 2701
- 3) Assessment and collection of taxes. Must assess and collect property and excise taxes. Requirements contained in Titles 36 and 30-A of the Statutes of Maine
 - a. Real property
 - b. Personal property taxes
 - c. Excise 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 including post-audit. 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) Gifts. A gift received must be accepted by the municipal legislative body, but gifts of cash to supplement a specific appropriation already made may be accepted by the municipal officers. Conditions on gifts must be observed. 30-A M.R.S.A. §§ 5652-5655
- 8) Elections. Municipalities have election responsibilities under Title 21-A M.R.S.A. §§ 621-A-633, for federal, state, school administrative unit, 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 U.S.C. Chapter 8; 26 M.R.S.A. §§ 621-A-636 and §§ 661-672

Family and Medical Leave Act. Municipalities must guarantee unpaid leave for personal and family reasons. 29 U.S.C. Chapter 28; 26 M.R.S.A. §§ 843-848

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

- i) Sexual harassment training. 26 M.R.S.A. § 807
- ii) Video display terminal education and training. 26 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. § 1304-C
- 13) Municipal officials required by Maine law:
 - a) Animal Control Officer. 7 M.R.S.A. § 3947
 - b) Assessor. 36 M.R.S.A. § 327(3) and 30-AM.R.S.A. § 2526(5)
 - c) Board of Appeals (if zoning ordinance enacted). 30-A M.R.S.A. § 2691
 - d) Building Inspector. 25 M.R.S.A. § 2351-A
 - e) Civil Emergency Preparedness Agency Director. 37-B M.R.S.A. § 782(1)
 - f) Clerk. 30-AM.R.S.A. § 2525(2)
 - g) Code Enforcement Officer. 30-A M.R.S.A. § 4451

- h) Election (Ballot) Clerks. 30-A M.R.S.A. § 2528(8) and 21-AM.R.S.A. § 503
- i) Excise Tax Collector. 36 M.R.S.A. § 1487(1)
- j) Fence Viewers (if services requested). 30-A M.R.S.A. § 2953
- k) Fire Inspector. 25 M.R.S.A. § 2391
- l) Fire Chief. 30-A M.R.S.A. § 3153
- m) Forest Fire Warden. 12 M.R.S.A. § 8902
- n) GA Fair Hearing Authority. 22 M.R.S.A. § 4322
- o) Harbor Master (if services requested). 38 M.R.S.A. § 1
- p) Health Officer. 22 M.R.S.A. § 451
- q) Local Sealer. 10 M.R.S.A. §§ 2451 and 2452
- r) Equipment necessary to be purchased. 10 M.R.S.A. § 2354
- s) Moderator. 30-A M.R.S.A. §2521(1)
- t) Municipal Officers. 30-A M.R.S.A. § 2521 (selectmen or councilors)
- u) Overseers of the Poor. 30-A M.R.S.A. § 2526(4) and 22 M.R.S.A. § 4301(12)
- v) Plumbing Inspector. 30-A M.R.S.A. §4221
- w) Registrar of Voters. 21-A M.R.S.A. §101
- x) Road Commissioners. 30-A M.R.S.A. §2526(7)
- y) School committees and boards. 30-A M.R.S.A. § 2525(1); 20-A M.R.S.A. § 2302; 20-A M.R.S.A. §§ 1251, 1471 and 1651
- z) Shellfish Warden. Required if a municipality enacts a shellfish conservation ordinance. 12 M.R.S.A. § 6671(8)
- aa) Tax Collector. 30-A M.R.S.A. § 2525(2)
- bb) Treasurer. 30-A M.R.S.A. § 2525(2)

14) National Voter Registration Act. Processing and registration of voters. 42 U.S.C. Chapter 20; 21-A M.R.S.A. §§ 180-182

15) Post audit of accounts. Arrange annual post audit of town accounts. 30-A M.R.S.A. §5823

16) Recycled goods procurement. Review procurement procedures to encourage use of recycled goods, supplies, equipment and materials. 30-A M.R.S.A. §5656(1)

17) Records keeping and preservation.

Denials and approvals. All denials and all conditional approvals for licenses, certificates, approvals or other types of permits must be in writing. 1 M.R.S.A. §407

Employment termination. 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

Final disciplinary action. Must maintain records of final employee disciplinary action. 30-A M.R.S.A. § 2702(1)(B)(5)

Records preservation. Local government records must be maintained and stored as required by Maine law and as directed by the State Archivist. 5 M.R.S.A. § 95-B

- 18) Revenue receipts and disbursements. Municipal treasurer necessary to receive and record all revenues and disbursements. 30-A M.R.S.A. § 5603, et. seq.
- 19) Town equipment. Municipalities are liable for their negligent acts or omissions in its ownership, maintenance, or use of its equipment, vehicles and machinery. 14 M.R.S.A. §8104-A
- 20) Town buildings. Municipalities are generally liable for their negligent acts or omissions in the construction, operation, or maintenance of any public buildings. 14 M.R.S.A. §8104-A