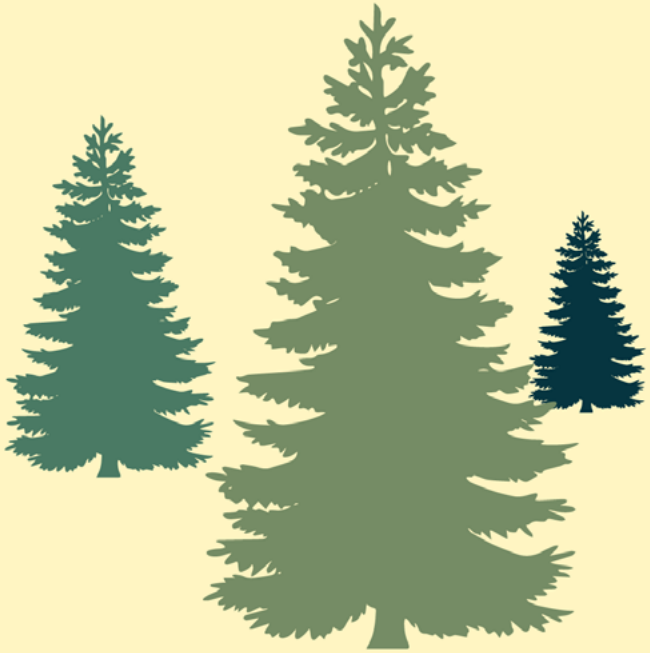
Guide to Local Government *in Maine*



LWV LEAGUE OF WOMEN VOTERS® OF MAINE

Why this guide exists.

The purpose of this guide is to be an easy-to-use resource for any Mainer hoping to better understand or get involved in their **local government** ⓘ . There are excellent resources on local government in Maine already, such as the Maine Municipal Association's Local Government in Maine: Government is People. Our goal in writing this guide is not to replace those resources, but to summarize the enormous amount of information about local government in a single document. Here readers will find answers to questions about their community's forms of local government and ideas about how to get involved. In other words, this guide is a practical how-to manual instead of a comprehensive description of local government in Maine.

This guide has popups!
Use your 🖱 mouse to hover over any ⓘ

Written by: Lane Sturtevant
With additional help from: Carole Boothroyd, Kate Kooperman, Sigrid Olson, and Miles Pulsford
Design by: Jen Lancaster

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Land Acknowledgement.

Welcome reader! The League stands for the right of all people to be active participants in their government. We are so glad you are interested in learning more about your local government and how to get involved in the decisions that impact your community.

We will discuss what is in this guide and how to use it in the Introduction. Before we get to that, we want to first lay out some important context for how Maine got to where it is today, and how the systems, laws, and traditions that make up **local government** ⓘ were shaped by our history. The **indigenous** ⓘ populations of the land that is now called Maine include the Passamaquoddy, Maliseet, Penobscot, Mi'kmaq, and Abenaki (see Maine's First Peoples). Often referred to collectively as the Wabanaki, or People of the Dawnland, these nations have lived on this land, part of an ancestral territory from Cape Cod to Newfoundland, for thousands of years, and — despite the efforts of settler-colonists to **displace** ⓘ them — the Wabanaki still live here today.

Legal and social historians tell us that Settler-colonialism is a form of **colonialism** ⓘ in which colonizers attempt to displace indigenous people in order to permanently settle on their lands. **Towns** ⓘ and other **municipalities** ⓘ in Maine are built on land that settler-colonists stole from these Wabanaki nations. Settlers were authorized to build and govern settlements on the land not by the Wabanaki people who lived there, but by England, the Commonwealth of Massachusetts, or after 1820, the state of Maine. England, Massachusetts, and Maine were all colonizing governments who wanted the land for their settlers. The settlements built on this land have become the municipalities that we now think of as local governments in Maine.

Settlers and their colonizing governments used violence and intimidation to steal the land on which Maine's municipalities are built. This history of violence and intimidation is often erased from the stories that non-indigenous Mainers tell about how towns and **cities** ⓘ in Maine were founded. However, if we look at the history carefully, we can find evidence of violent displacement. For example, colonizing governments would offer rewards for the scalps of indigenous people. Sometimes the reward was the land stolen from the indigenous people who were murdered or forced to flee for their lives by bounty hunters who then founded towns on this land, towns which exist to this day across New England. Westbrook is one such place — it was named after Colonel Thomas Westbrook, a bounty hunter who was directed by the Commonwealth of Massachusetts to attack Wabanaki villages in the region.

DIVE DEEPER INTO WABANAKI TRIBAL GOVERNMENTS

If you would like to learn more about the governments of the Maliseet, Penobscot, Passamaquoddy (at Sipayik and at Indian Township), or Mi'kmaq Nations, we recommend visiting their official websites, the website of the Wabanaki Alliance, or other sources listed in the Additional Resources section of this guide. The Wabanaki Alliance website in particular has a wealth of information about the ongoing efforts of Wabanaki citizens and their allies to have their sovereignty as tribal nations fully recognized by the state of Maine. The League of Women Voters of Maine is a member of the Wabanaki Alliance's tribal legislation coalition.

Why are we beginning our guide with an acknowledgement of the relationship between settler-colonialism and local governments in Maine? First is the issue of sovereignty: who rules? Wabanaki nations, and especially their reservations, are sometimes treated like local governments by surrounding municipalities or the state of Maine. However, local governments in Maine are authorized by the state government to make decisions for their communities, within certain limits. Key to this definition of local government is that the state of Maine is the one that gives local governments the right to govern (and tells them what decisions they can and cannot make). In contrast, the Wabanaki nation's right to govern themselves comes from their own inherent **sovereignty**, ⓘ *not* from the state of Maine. The Passamaquoddy (at Sipayik and at Indian Township), Penobscot, Maliseet, and Mi'kmaq are sovereign nations not local governments, and they are federally recognized as such by the United States. Tribal governments do interact with the local governments of surrounding municipalities and **counties**, ⓘ but their governments should not be mistaken for the various types of local government in Maine. For this reason, we have chosen not to include their forms of government in our guide to local government in Maine.

Second, the history of settler-colonialism has shaped what local government in Maine looks like today. For example, many functions of local government in Maine center around treating land as private property. Private land ownership was a mechanism that colonizing governments used to encourage settlement on land stolen from indigenous

Resource

BOUNTY SHORT FILM

In the film Bounty, produced by the Upstander Project, "Penobscot parents and children resist erasure and commemorate survival by reading and reacting to one of the dozens of government-issued bounty proclamations that motivated colonial settlers to hunt, scalp, and murder Indigenous people." The film is available for personal viewing online and is accompanied by resources that include a teacher's guide, a detailed timeline, and an archive of bounty rewards (both cash and land grants).

populations. They divided that land up into parcels and then gifted or sold **deeds** ⓘ to those parcels to settlers and land speculators. Deeds were a guarantee that the colonizing government would protect the settlers' legal right to own the land and thus gave settlers the assurance to invest time, labor, and money into building settlements on that land. This system of land ownership continues today and local governments are often the ones who deal with its day-to-day aspects: **boundary disputes**,ⓘ **property value assessments**, ⓘ **right of ways**,ⓘ **building permits**, ⓘ **zoning ordinances**,ⓘ and so on.

To be sure, other forces have shaped local government in Maine, such as Puritan ethical norms, **anti-Black racism**,ⓘ patterns of trade and economic development, and the establishment of representative government. Settler-colonists brought with them ideas of self-government and political freedom that they often had been unable to exercise in their lands of origin. They established forms of local government — often influenced by indigenous political ideas — that persist today.

Some of these aspects of history are easier to discuss than others. We hope that, by acknowledging this history, we will broaden your understanding of our state's local government and motivate you to learn more about settler-colonialism, and the Wabanaki nations that resisted and survived in spite of it. We must begin by telling the full truth in order to move into a better future, where all Mainers have a voice in our local governments. After all, democracy works when we can all participate.

Resource

99 Years
If you're interested in learning more about how anti-Black racism in particular has shaped local government in Maine, we recommend checking out the 99 Years podcast. The first season of this podcast was produced in 2022, and it explores the twentieth century history of racist reforms to the structure of local government in Maine and how that structural racism continues to the present day. For a deeper dive into this history, you can also check out the sources page on the 99 Years podcast website.

Introduction.

I. Purpose of this guide

The League of Women Voters of Maine has written this Guide to Local Government in Maine because **local government** ⓘ in Maine is complex, and there are many different types of local government (**county**, ⓘ **municipal**, ⓘ and **district** ⓘ), each taking many different forms (**boards**, ⓘ **councils**, ⓘ **commissions**, ⓘ **town meetings**, ⓘ **mayors**, ⓘ and **town** ⓘ or city managers, etc.). In addition, it can be tricky to determine exactly how local government works in your community and how it impacts your life. For example, your town may have a **select board**, ⓘ but what does it do exactly? For that matter, what does your **county board of commissioners** ⓘ do? And how can you get involved?

We think of local government as having two broad purposes: (1) to provide public services, and (2) to make decisions for a community. Those two purposes are interrelated. For example, a **town council** ⓘ might decide whether or not to put in street lights on a certain stretch of road because pedestrians have complained that drivers do not see them; those new street lights, and others that might be already in place, are a service provided by the town.

How should you read this guide? You can, of course, read the entire guide! However, we recommend you look through the Table of Contents to find sections that interest you or that discuss the types of local government in your community. For example, if you're most interested in **school board** ⓘ issues, check out the section on **school districts**. ⓘ Before you start reading, we recommend you look up your town, **city**, ⓘ or **plantation** ⓘ in our spreadsheet of municipal governments to learn more about the particular form of municipal government in your community. If you live in a **township**, ⓘ you won't find it in the spreadsheet, but we do have a section on townships in this guide. (Very few Mainers live in townships, less than one percent of the state's total population!)

Get Involved

ADVICE FROM A COMMUNITY MEMBER

"So, how do you engage, especially if you are new to an area? Identify areas and activities where you can make use of your own skill set, and reach out to folks who are involved. Try to develop a network that can help you identify other opportunities. Watch the media for groups that are seeking volunteers. Almost every city will have openings on a board or commission, and almost every non-profit in the universe is looking for volunteers – just ask them if you can help. Raise your hand a lot. When you find that first opportunity, do the job. Make sure that you're doing something that's fun!"

— Rick Lyles, Ellsworth

3	Name of Municipality	Type (Plantation, Town or City)	Year Incorporated as a Town	Year Incorporated as a City	Year Unincorporated	Does the municipality have a charter? Y/N	Form of Government	Does the municipality have a city or town Manager? Y/N	Does the municipality have a mayor? Y/N	Town or Plantation Meeting Y/N	Town Meeting Month	Municipal Office Phone Number
4	Kittery	Town	1652	N/A	N/A	Y	Town Council	Y	N			(207) 475-1313
5	York	Town	1652	N/A	N/A	Y	Select Board/Town M	Y	N	Y	May	(207) 363-1003
6	Kennebunkport	Town	1653	N/A	N/A	N	Select Board/Town M	Y	N	Y	June	(207) 967-1610
7	Wells	Town	1653	N/A	N/A	Y	Select Board/Town M	N	N	Y	June	(207) 646-5113
8	Biddeford	City	1653	1855	N/A	Y	City Council	Y	N	N	N/A	(207) 284-9307
9	Scarborough	Town	1658	N/A	N/A	Y	Town Council	Y	N			(207) 730-4020
10	North Yarmouth	Town	1683	N/A	N/A	Y	Select Board/Town M	Y	N	Y	June	(207) 829-3705
11	Berwick	Town	1713	N/A	N/A	N	Select Board/Town M	Y	N	Y	June	(207) 698-1101
12	Georgetown	Town	1716	N/A	N/A	N	Select Board/Town M	N	N	Y	June	(207) 371-2820
13	Falmouth	Town	1718	N/A	N/A	Y	Town Council	Y	N			(207) 781-5253
14	Brunswick	Town	1739	N/A	N/A	Y	Town Council	Y	N			(207) 725-6658
15	Wiscasset	Town	1760	N/A	N/A	N	Select Board/Town M	Y	N	Y	June	(207) 882-8200
16	Bowdoinham	Town	1762	N/A	N/A	N	Select Board/Town M	Y	N	Y	June	(207) 666-5534

Using the spreadsheet to navigate this guide.

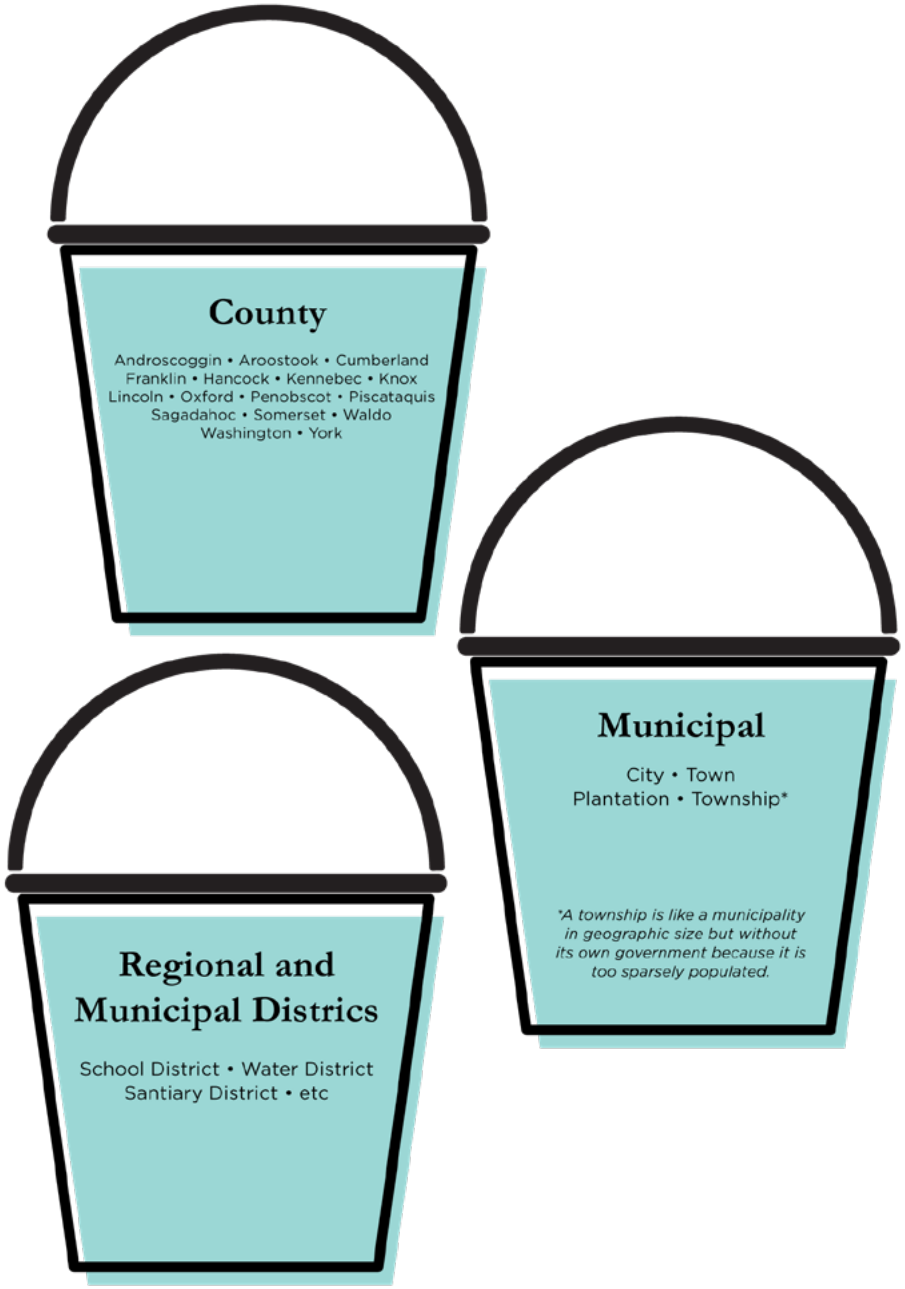
1. Click here to access the spreadsheet, then look up your municipality:
    - You can scroll through the municipality names in Column A or search the spreadsheet by pressing the Ctrl/Command and F keys on your keyboard and typing the name of your municipality into the search bar that appears.
2. Check out the information about your municipality.
3. Using the information on your municipality, you can navigate to specific sections of the guide as outlined below:
    - Is your municipality a town, city, or plantation? If it is a town or city, see the chapter on municipal government in Maine. If it is a plantation, see the specific section on plantations.
    - Does it have a **charter**? ⓘ If yes, see the section on municipalities with charters. If not, see the section on municipalities without charters.
    - What is its form of government? Does it have a **select board** ⓘ /town meeting, **assessors** ⓘ /plantation meeting, town council, city council, or some combination? See the sections that specifically describe those forms of government.
    - Do you have a town or city manager? If yes, see the sections on town and city managers.
    - Do you have a mayor? If yes, see the section on mayors.
    - Does your municipality have town meetings? See the section on town meetings and the different formats of those meetings.

Introduction.

II. Three Buckets of Local Government

Wherever you live in Maine, you have multiple types of local government, all of which play different roles in providing services and making decisions for your community.

We have sorted the different types of **local government** ⓘ into three categories, or buckets. The first bucket is **counties**.ⓘ There are sixteen counties in Maine. In other states, county government is the type of local government that provides many of the services and makes many of the decisions, but in Maine, county government is relatively weak, and **municipalities**ⓘ play a stronger role (including the role of conducting elections). County governments in Maine have a limited range of governmental functions, such as coordinating emergency services and managing the sheriff's departments and the county jail; some counties also provide planning services or coordination for municipalities. See the chapter on county government in Maine for more information.



The second bucket is municipalities. The municipality is the basic unit of local government in Maine. Larger in size than a neighborhood but smaller than a county, municipalities are what we commonly think of as **towns** and **cities**. Towns and cities are the two types of municipalities recognized by Maine state law. However, we have included **plantations** as a type of municipality in Maine because they have municipal-like governments. We have also included a fourth type, called a **township**, which is like a municipality in geographic size but without its own government because it is too sparsely populated. In Maine, municipal governments provide a wide range of services and make many of the decisions for a community. See the chapter on municipal government in Maine for more information.

The third bucket is what we call **regional** and **municipal districts**. This is the most miscellaneous bucket. Think of this bucket as any local government other than a county or municipality that provides some specific public service — like a **school district**, which runs the elementary and secondary public schools in an area, or a **water district**, which provides drinking water in an area. Districts can provide a service for more than one municipality, like a school district, or to an area smaller than a municipality, like a **sanitary district** that provides public sewer to a more densely populated **village area** within a larger town where most residents have septic tanks. See the chapter on regional and municipal districts in Maine for more information.

Dive Deeper

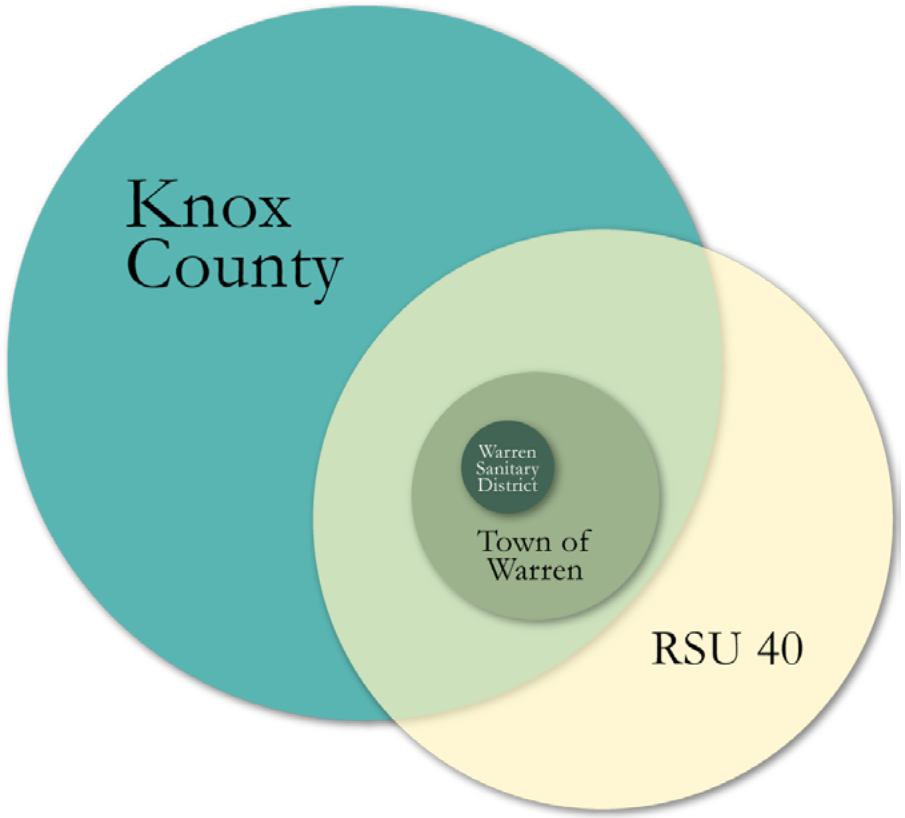
HOW A COMMUNITY BECOMES A TOWN OR CITY

As discussed in the acknowledgement, the authority of local government in Maine (unlike that of tribal governments) comes from the state. One of the ways that communities can seek authority to govern themselves from the state is to organize themselves into a municipality — a town or city — in a process called *incorporation*.

Before Maine established statehood in 1820, the incorporation of municipalities was approved by the Commonwealth of Massachusetts; since 1820, the incorporation of municipalities has been approved by the Maine state legislature. The majority of towns in Maine were incorporated in the late 1700s into the late 1800s, but there was a cluster of incorporations in the 1970s. Cities in Maine have incorporated twice — first as a town and then as a city.

Introduction.

III. Overlapping Circles of Local Government



One way to think of the different types of **local government** ⓘ is to imagine a series of overlapping circles of different sizes. For example, you could live in the Warren Sanitary District (bucket 3), which is a small area that is part of the **town** ⓘ of Warren (bucket 2), which itself is part of Regional School District 40 (bucket 3), a **school district** ⓘ that includes municipalities in both Knox County and Lincoln County (bucket 1).

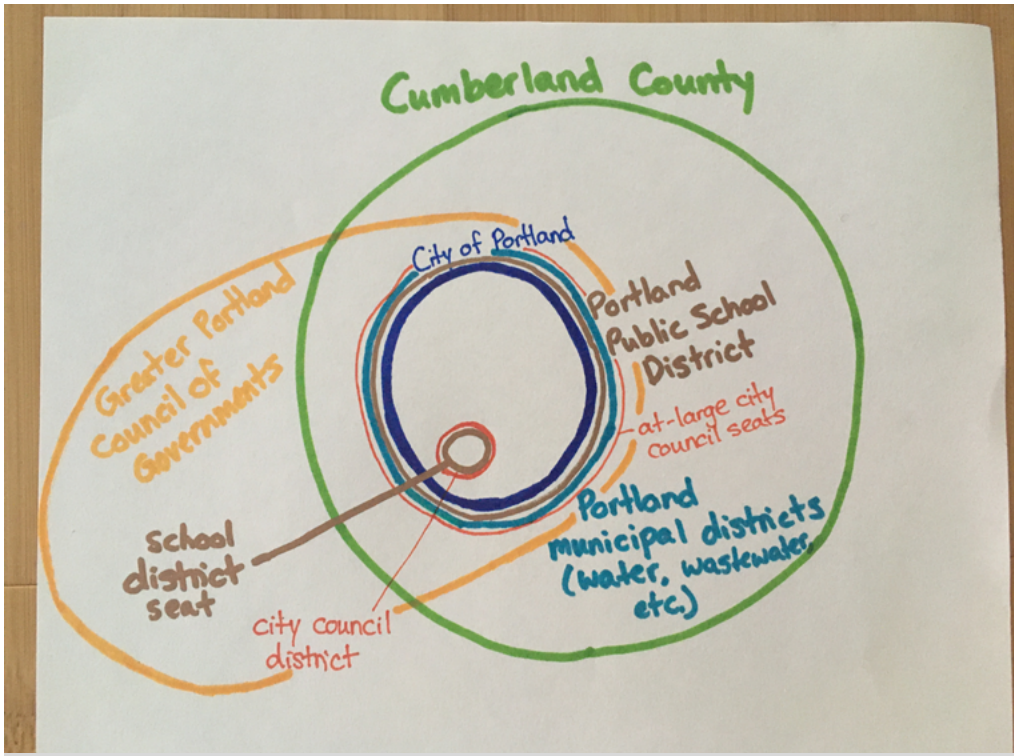
The different types of local government in Maine oversee a huge slice of our community life: our public schools, jails, many of our public roads, emergency services, local law enforcement, fire departments, public libraries, water treatment facilities, harbors, public sewers, land use regulations, and so on. Basically, local government is in charge of all the public parts of our communities that are not overseen by the state government. In very simple terms, the state government in Maine typically deals with issues that affect all residents of Maine, not just residents in one geographic area: issues like statewide economic development or anti-discrimination laws. The state government also distributes funding from the state budget to local governments to pay for part of the expense of services like public education, which are administered at the local level.

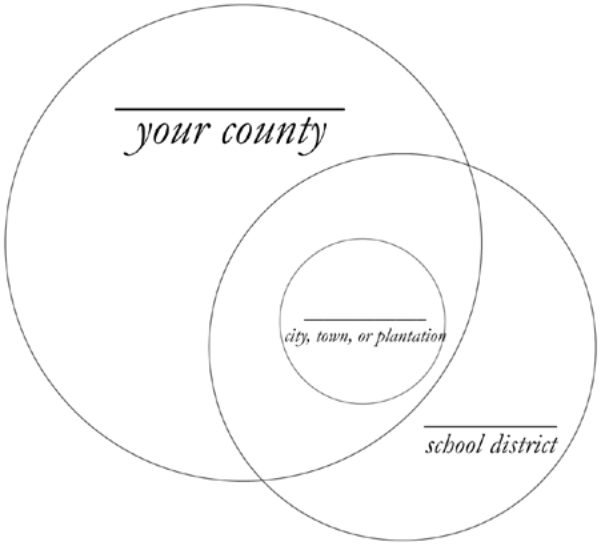
The line between state and local government can be blurry, especially around **infrastructure** ⓘ like roads, some of which are maintained by the state and some of which are maintained by municipalities or **counties**.ⓘ If you're unsure whether a specific issue is local or not, the best bet is to ask your town or **city** ⓘ office.

Dive Deeper

CHANGING CIRCLES

The shape of local government in Maine can change. We've talked elsewhere about communities organizing into towns or cities, but districts can be created as well. In fact, districts probably form or change in size with much more frequency than municipalities do. For example, think of the effort to consolidate school districts in Maine, which reshaped districts across the state in ways that are still being felt by communities. More recently, many local governments are being reshaped by the push toward regionalizing services, such as emergency services, in order to overcome crises like a lack of trained staff or volunteers to deliver those services independently in each community.





Get Involved

MAP YOUR OWN LOCAL GOVERNMENT

When starting to think about local government where you live, drawing these forms of local governments as overlapping circles can be a useful way to visualize them. See the sketch above for a Portland resident's local government, then try mapping your own local government.

Introduction.

IV. Getting Started in This Guide: Municipal Government

This guide will discuss each of the three buckets of **local government**, ⓘ but in Maine, a lot of the action of local government takes place at the **municipal** ⓘ level: **cities** ⓘ and **towns**. ⓘ If you're unsure where to start in learning about or getting involved with your local government, we recommend starting with the municipal level (bucket 2).

Municipalities in Maine all have some sort of **governing document** ⓘ and some form of government to perform the **legislative** ⓘ and **executive** ⓘ functions of the municipality. We discuss what those forms of municipal government look like and how they provide services and make decisions for a community.

But first, we should explain why municipal government is so important in Maine. Who gave towns and cities the power to make so many decisions for their communities anyway? And who charged them with providing so many public services?

ame of unicipality	Type (Plantation, Town or City)	Year Incorporated as a Town	Year Incorporated as a City	Year Unincorporated	Does the municipality have a charter? Y/N	Form of Government
ttery	Town	1652	N/A	N/A	Y	Town Council
rk	Town	1652	N/A	N/A	Y	Select Board
nnebunkport	Town	1653	N/A	N/A	N	Select Board
ells	Town	1653	N/A	N/A	Y	Select Board
ddeford	City	1653	1855	N/A	Y	City Council
arborough	Town	1658	N/A	N/A	Y	Town Council
rth Yarmouth	Town	1683	N/A	N/A	Y	Select Board
rwick	Town	1713	N/A	N/A	N	Select Board
orgetown	Town	1716	N/A	N/A	N	Select Board
lmouth	Town	1718	N/A	N/A	Y	Town Council
unswick	Town	1739	N/A	N/A	Y	Town Council
scasset	Town	1760	N/A	N/A	N	Select Board
wdoinham	Town	1762	N/A	N/A	N	Select Board
xton	Town	1762	N/A	N/A	Y	Select Board
indham	Town	1762	N/A	N/A	Y	Town Council
co	City	1762	1867	N/A	Y	City Council
othbay	Town	1764	N/A	N/A	N	Select Board
psham	Town	1764	N/A	N/A	Y	Select Board

Dive Deeper

DIVE DEEPER INTO THE MUNICIPAL GOVERNMENT SPREADSHEET

This spreadsheet is a list of the towns, cities, and plantations in Maine, along with information about the municipal government in each one (we've left out townships, as explained later on). You can use it to look up info about your own community, but it's also a good resource for comparing and contrasting municipalities across Maine.

Chapter One.

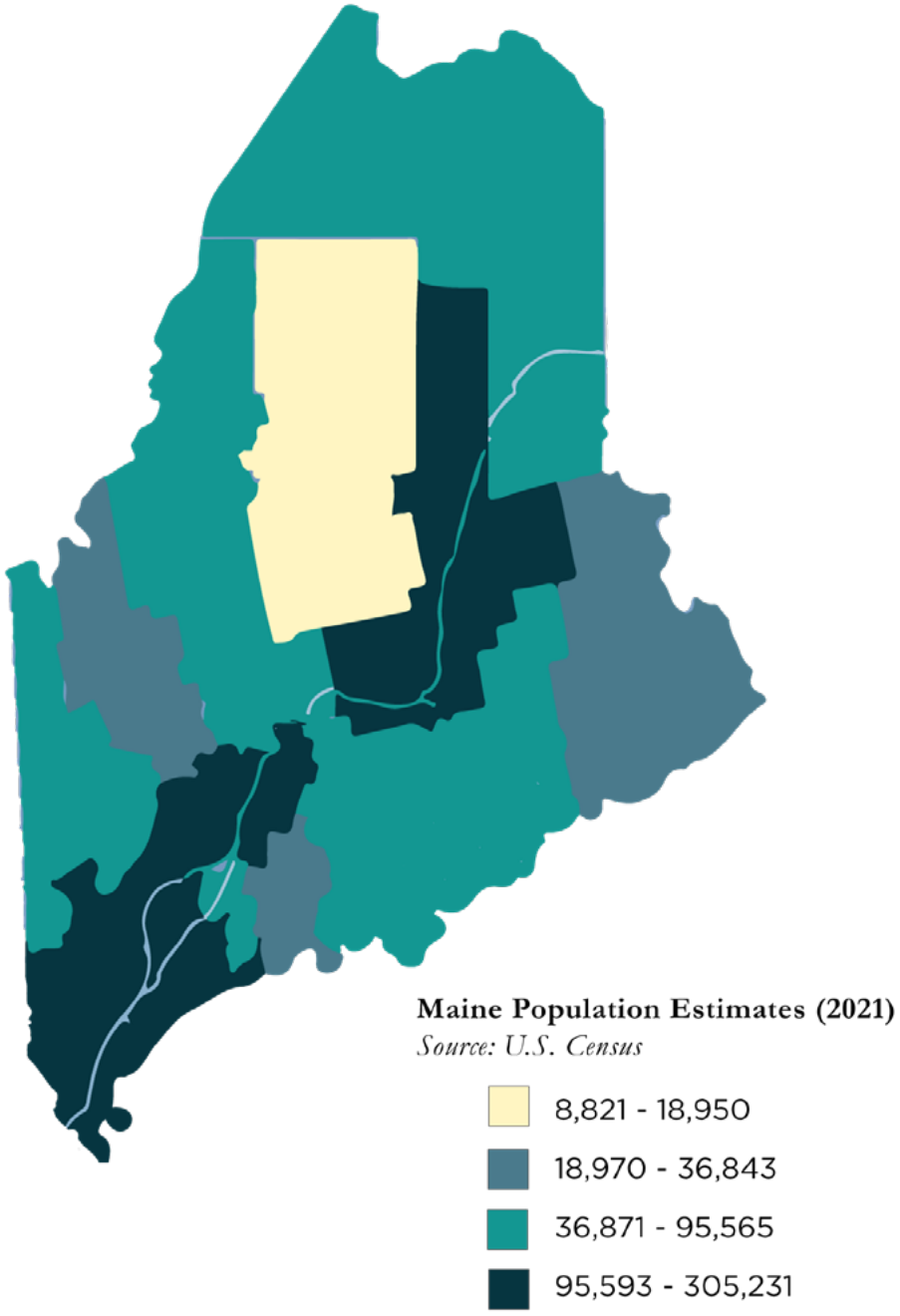
Why Municipalities Govern Local Communities in Maine

– Part A –

Local Government and The Rural Nature of Maine

Fun fact: according to the 2020 census, Maine is the second most **rural** ⓘ state in the country (right up there with Vermont). You might wonder, aren't states like Wyoming or Montana more rural? The answer is: not according to the way that the census defines and measures "rural". What being a highly rural state means is that we have a very high percentage of our total population, over 60%, who don't live in urban areas. Other states, like Wyoming, have vast amounts of rural land, but most of their population still lives in urban areas (in the case of Wyoming, only 38% of their population lives in rural areas).

What does this fact have to do with **local government** ⓘ in Maine? Well, it shows that Maine, unlike many other states, has a lot more small **towns** ⓘ



than big **cities**. ⓘ So our local government is less concentrated in a few large **municipal governments** ⓘ representing large populations, and is instead more spread out in a multitude of town governments. Essentially, the rural nature of Maine results in more local government, and in particular, many small municipal governments, in less populous communities than you will find in other states (though these communities sometimes encompass large areas of land).

Dive Deeper

RURAL STATE CASE STUDY

The only state with a higher percentage of rural population than Maine, according to the 2020 census, is Vermont: 64.9% vs. 61.4%. As rural New England states, there are strong similarities in local government between Maine and Vermont, such as a use of the town meeting form of government and stronger municipal government than county government.

However, unlike Maine, Vermont is *not* a home rule state. This means that, in Vermont, if a town or city wants to adopt a municipal charter, or amend that charter, they have to seek the approval of the state legislature and the governor. For example, in 2021, voters in the city of Burlington voted by a two-thirds margin in favor of using Ranked Choice Voting for city council elections but the city had to wait a year to implement the change until the state legislature approved it and the governor allowed it. When voters in Portland, Maine voted in 2010 to use Ranked Choice Voting to elect their mayor, they did not have to seek approval from the state legislature, because home rule gives Maine communities local control over their municipal governments.

– Part B –

Home Rule in Maine

You might have never heard of it, but if you live in Maine, **home rule** ⓘ shapes your community and your experience of government in profound ways. Along with the rural nature of Maine, home rule is a primary reason that municipal government is so important in the day-to-day lives of Mainers. Home rule is one approach that a state can take to define the relationship between state and local governments. By adopting home rule, a state authorizes municipalities to make their own decisions for their communities, as long as those decisions are not in conflict with state law, the state constitution, federal law, or the United States constitution. Some states have adopted home rule and some haven't (link).

Home rule creates a relationship between towns and cities in Maine and the state government that is similar to the way state governments relate to the federal government. For example, states can require helmets for motorcyclists — or not. Motorcycle helmet requirements are not specified in federal law or the U.S. Constitution, which means those decisions are left to state governments. Similarly, a town or city in

Maine can choose to ban the sale of flavored tobacco products. Flavored tobacco sales are not specified in Maine state law or the Maine state constitution, which means those decisions are left to towns and cities.

Maine adopted home rule in an amendment to the state constitution in 1969. Home rule was then written into state law. Home rule allows all municipalities (in this case, Maine's legal definition of municipalities, which includes towns and cities) to pass **ordinances** ⓘ or approve **municipal charter** ⓘ amendments on a wide range of issues that shape their communities, like **zoning**, ⓘ minimum wage, or municipal election law. However, the state legislature can still pass laws that limit the ability of municipalities to make certain decisions. For example, in 2022, the Maine Legislature passed a law to allow an accessory dwelling on a property with a single-family dwelling; this law requires municipalities to allow these accessory dwellings and, as a result, takes away the local control of municipalities to restrict such dwellings. If there is a potential conflict between a municipal ordinance and a Maine state law or the Maine state constitution, it is up to the Maine Supreme Court to determine if the municipal ordinance is legal, in the same way it is up to the U.S. Supreme Court to determine the legality of state laws that potentially conflict with federal law or the U.S. Constitution.

– Part C –

Implications of Maine's Rural Nature and Home Rule for Local Government

Disadvantages:

- Local government in Maine is largely decentralized. Instead of a regionalized approach to local government, where the state and counties provide many of the services and make many of the decisions for communities, much of local government happens among the nearly five hundred municipalities in Maine. This empowers each community to decide what is best for itself, but it also makes it more challenging to build regional collaboration among neighboring communities, something that is necessary for successful long-term economic and environmental planning.
- Local governments in smaller communities have fewer resources for raising money for their budgets (fewer businesses for sales tax revenue and fewer structures for **property taxes**ⓘ), but often face costly unique rural challenges (e.g. miles of road, a lack of qualified applicants to staff the local public schools or emergency services, etc).
- Communities in Maine also tend to have fewer residents to fill the elected and appointed roles needed for local government to operate. Many local elections in Maine only have one candidate running and occasionally no candidates run at all!

Advantages:

- On the other hand, more localized government means there are more opportunities for community members to get involved and it is easier for them to do so. There are not only more elected positions, but more appointed positions (like serving on a municipal **committee**ⓘ). Local governments are often eager to have residents volunteer and have plenty of roles that need to be filled.
- More local government for smaller communities also means that it is easier for any single resident, or group of residents, to connect with their local officials or to influence a decision at the local level. If you want to see a change in your community, it can be easier to make your voice heard by decision-makers in a small town than a big city. In this way, local government in Maine can be more flexible and responsive than local government in many other states.

To sum up, both home rule and the rural nature of Maine are important reasons why municipal government is so important in Maine. The state government, in adopting home rule, gave towns and cities the authority to make many individual decisions for their communities. The rural nature of Maine means that services have long been, and continue to be, provided at the municipal level instead of at a centralized county or state level. Schools are run locally instead of by counties, elections are administered by the town or city clerk instead of the Secretary of State's office, and so on.

Mainers have often expressed a preference for local control over their government, so there has not been enough interest or political momentum for the state to move toward more centralized or regionalized government, which might include stronger county government. However, the insistence on local control has begun to change in an era of large-scale challenges, like climate change, that individual communities cannot tackle alone. For now though local government, especially municipal government, continues to shape the lives of Mainers in fundamental ways. This is why it is so critical for community members to get involved in local government. Local government shapes your life; in return, you can shape local government. In fact, local government depends upon the involvement of community members in order to successfully make decisions and provide services to the community.

Get Involved

CITIZENS JOINING TOGETHER

"I live in Franklin, a town of about 1,500 people. Recently a 70 acre tract near me, right off Taunton Bay, was purchased by a company planning to blast quarries one acre at a time to avoid EPA rules. Town officials okayed it because there were no restrictions. My neighbors, who own homes we cherish near or on the bay, were appalled but were told the Planning Board had no control. So we gathered all the necessary signatures to put a referendum on the ballot demanding a 6 month moratorium on building quarries while Franklin considers setting reasonable limits (including not polluting a beautiful bay). We rallied voters and got it passed. We are far from done, but we didn't give up and we won't no matter what! Each of us can make a difference."

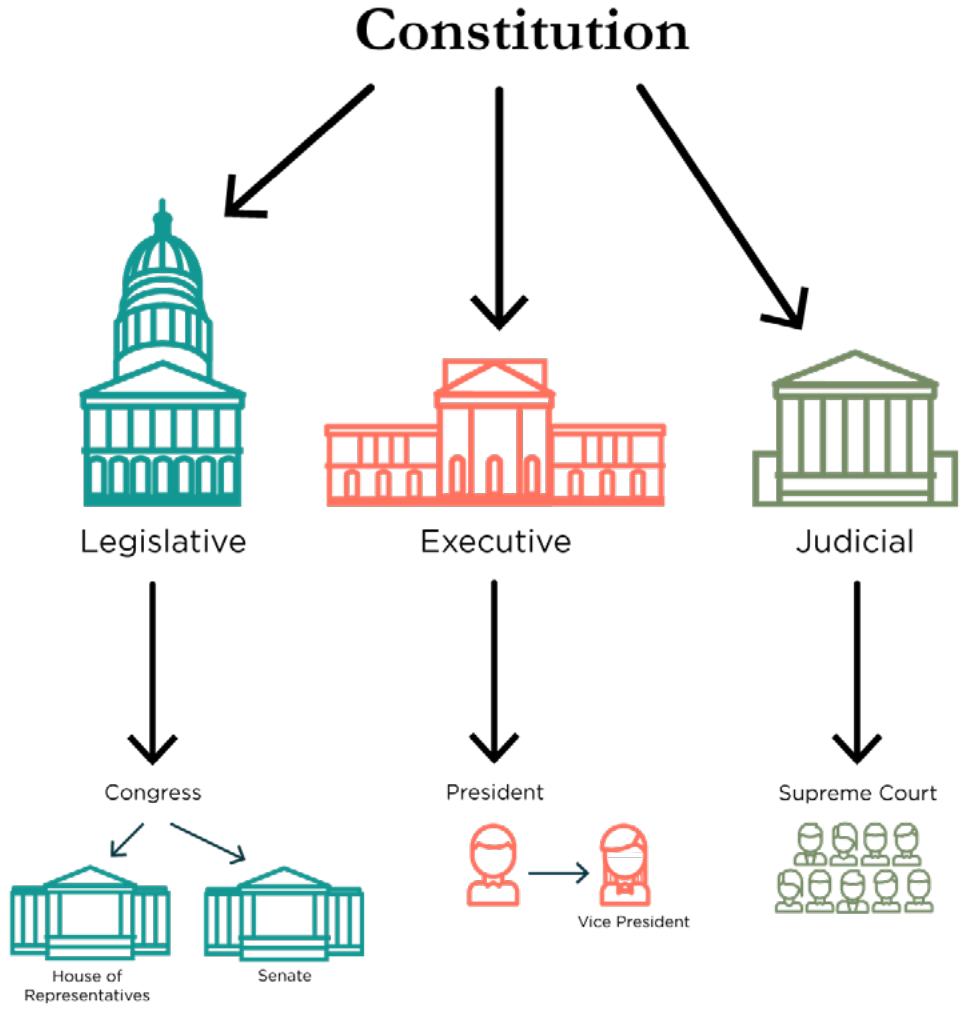
— Laurie Fogelman, Franklin

Chapter Two.

Overview of Local Government Functions

The functions of **municipal government** ⓘ in Maine are similar to the functions of state and federal government but on a smaller scale. Municipal governments include the same basic powers and functions, although not always in the same way. At the federal and state level, the structure of government is divided into separate powers: the **executive**, ⓘ the **legislative**, ⓘ and the **judicial**. ⓘ

- A **governing document** ⓘ outlines the roles and responsibilities of each part of government. At the federal level that document is the U.S. Constitution. At the state level it is a state constitution.
- The legislature makes laws and passes **budgets**. ⓘ At the federal level, the legislature is a representative body called Congress (the U.S. House and U.S. Senate). States also have representative bodies for their legislature. In Maine, that includes the Maine State House of Representatives and the Maine State Senate.
- The executive implements laws and oversees the **administration** ⓘ of government. At the federal



level, the President is the **chief executive** ⓘ official. At the state level, the chief executive is the Governor. Both oversee appointed administrative officials who run the various departments and agencies of the government, like the U.S. Department of Labor.

- The judiciary interprets the law and its application and determines its constitutionality. At the federal level, that is the U.S. Supreme Court and a system of federal courts. At the state level, there is a State Supreme Court and a system of state courts.

Local government ⓘ in Maine has all of these same functions. However, at the local level the boundaries between the executive, legislative, and judicial parts of government can sometimes be less clear than at the federal or state level. For example, sometimes local government does not have separate offices for each of these parts of government and so some officials serve more than one role (i.e. a **town council** ⓘ in a **town** ⓘ without a **mayor** ⓘ might pass legislation but also act as the executive by overseeing the administration of municipal government). Sometimes the elected body, for example the **select board**, ⓘ is not a legislative body at all, but rather an executive one. Whenever you aren't sure who does what in your local government, we recommend asking your town or city office for clarification.

Dive Deeper

COURT OF APPEALS?

The judicial function of local government is one example of how the functions of local government are sometimes structured in confusing ways. It's true that municipalities in Maine do not have their own courts — instead the local court system is at the county and district level — but municipalities do have a quasi-judicial body: their board of appeals. A board of appeals is a municipal board that considers requests from community members challenging code enforcement decisions or outcomes resulting from the enforcement, or failure to enforce, a municipal ordinance. You could say that municipal boards of appeals act similarly to courts by resolving minor disputes about the implementation of ordinances.

Chapter Three.

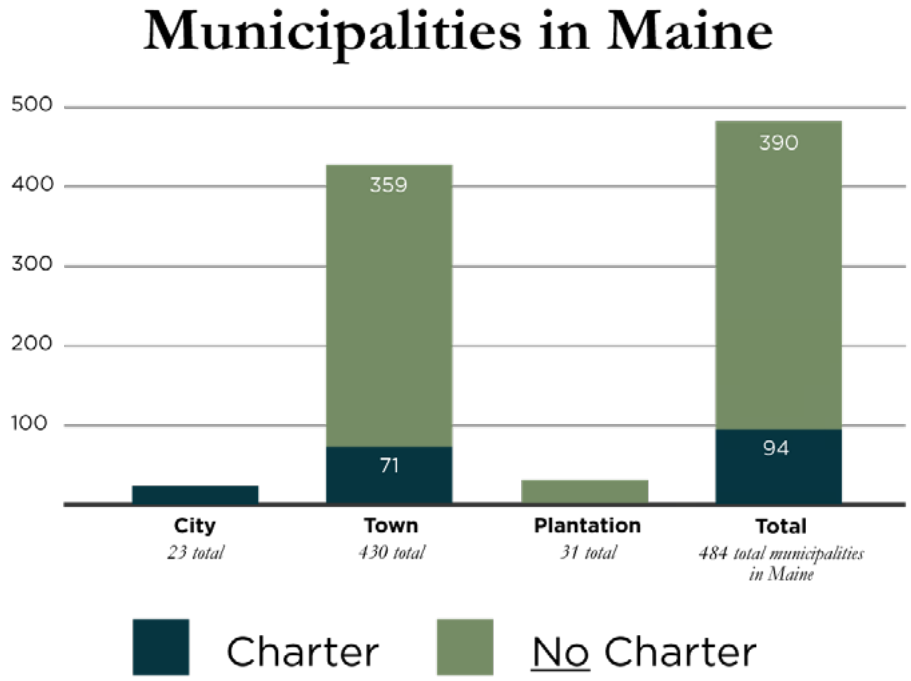
Municipal Government in Maine

– Part A –

The Governing Documents of a Municipality: Municipal Charters & State Law

As discussed in the *Overview of Local Government Functions*, the roles and responsibilities of each part of a **municipal government** ⓘ in Maine are outlined by a **governing document**.ⓘ This document is the municipality's charter, like a constitution for that municipality. If a **municipality** ⓘ does not have a charter, then the document that describes the roles and responsibilities of its municipal government is Title 30-A, the Maine state law that describes the default form of government for municipalities.

The bar graph to the right shows how many municipalities in Maine have charters and how many do not, broken down by **cities**,ⓘ **towns**,ⓘ and **plantations**.ⓘ All 23 cities in Maine have city charters. Roughly 71 out of 430 towns, fewer than twenty percent of the towns in Maine, have town charters.



Adopting a municipal charter takes time and energy on the part of a community and many smaller towns are willing to use state law as their governing document instead.

There are good reasons to have a municipal charter, though, especially for more populated municipalities. Charters allow a municipality to determine what form of government is the best fit for its community, right down to details like whether the **legislative body**, ⓘ **town** or **city council**, ⓘ should be elected **at-large** ⓘ or by **districts**, ⓘ and what role, if any, a **mayor** ⓘ should play in the government.

When a municipality adopts a charter, it usually chooses a town or city council form of government. Sometimes towns choose to keep their **town meeting** ⓘ form of government, the default for municipalities without charters (we'll talk more about the town meeting form of government in the section on municipalities without charters). Some municipalities, when adopting a charter, choose to have a form of government that combines town council and town meeting. (Local government in Maine can be really complicated!) We discuss that combined form of government in the section on town councils, city councils, and town meetings.

Municipalities with charters also have more flexibility in making changes to their form of government than municipalities that use state law. A municipality can amend its charter, whereas only the state legislature can change state law. Like an amendment to the United States Constitution, a **municipal charter amendment** ⓘ can be proposed by the legislative body, in this case, the town or city council rather than Congress, but must be approved by voters before being adopted (voters can also propose a charter amendment themselves through a **petition** ⓘ process).

Get Involved

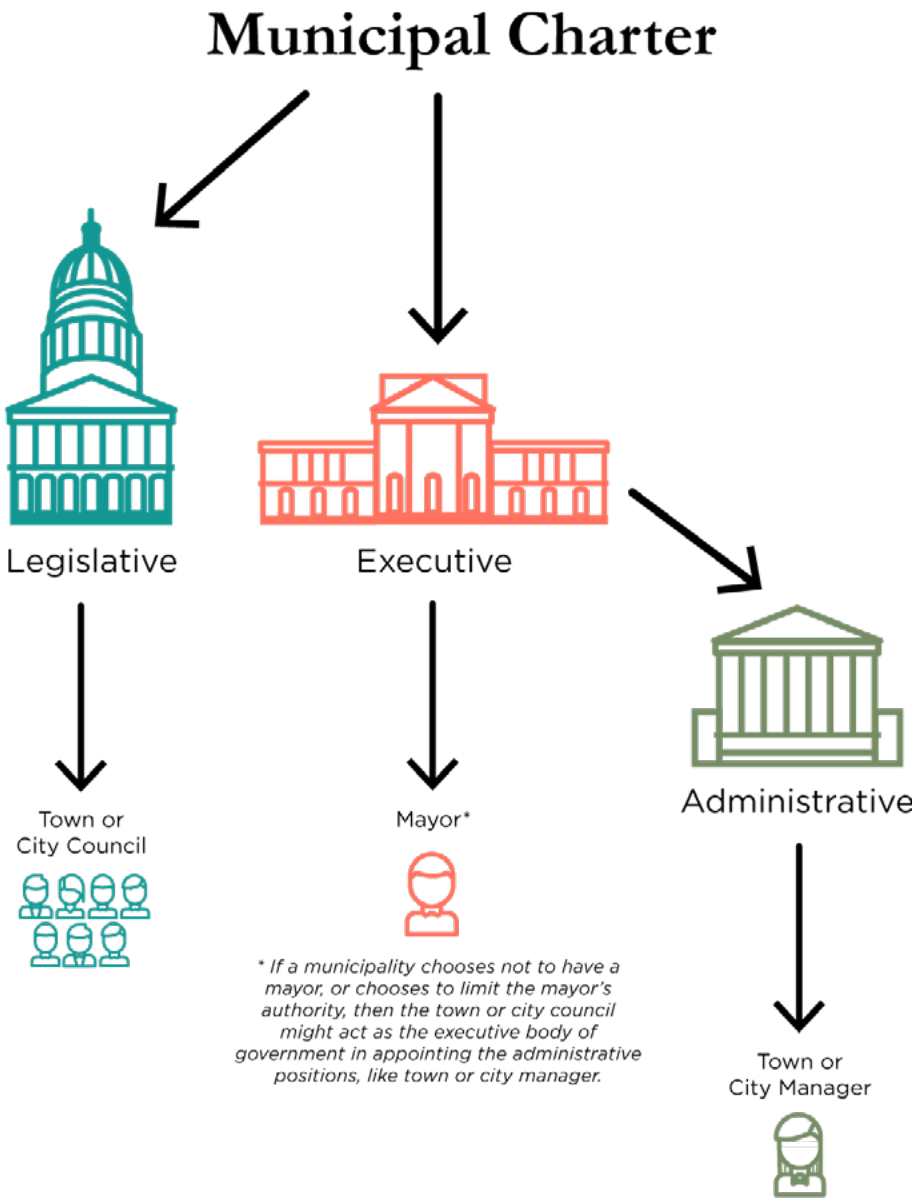
Charter Amendments
If you live in a municipality with a charter and want to change your local government in some way, you can do so by initiating a charter amendment process!

Check it out:
In Westbrook, Ranked Choice Voting supporter Samantha asked her city councilor David Morse to introduce a charter amendment to bring RCV to local elections. Samantha and David worked together to show the council that there was public support by organizing other RCV supporters to show up at council hearings and contact their councilors. They convinced a majority of the council to send the amendment out to the voters, who passed it with strong majority support in November 2021.

The Governing Documents of a Municipality:
I. Municipal Government <u>with</u> a Charter

To the right is a diagram illustrating how **municipal government** ⓘ in Maine is commonly structured when a **municipality** ⓘ has a **charter**. ⓘ

- The municipal charter is the **governing document** ⓘ of a municipality that outlines the roles and responsibilities of each part of the municipal government, including the roles and responsibilities of **administrative officials**, ⓘ like **town** or **city managers**. ⓘ
- The **town** or **city council** ⓘ are the **legislative** ⓘ officials that make laws (called **ordinances** ⓘ at the municipal level) and pass **budgets**. ⓘ
- The **mayor** ⓘ is the **executive official** ⓘ who oversees the **administration** ⓘ of government. If a municipality chooses not to have a mayor, or chooses to limit the mayor's authority, then the town or city council might act as the **executive body** ⓘ of government in appointing the administrative positions, like town or city manager. Administrative positions are often filled by professional part- or full-time staff.
  - » The town or city manager is the appointed official who administers municipal government.
  - » The **town** or **city clerk** ⓘ is another official who administers municipal government. Sometimes clerks are appointed and sometimes they are elected.



Get Involved

SERVING ON A CHARTER COMMISSION
"Serving on the Charter Commission offered me a crash course in local government in ways that were specific to Portland and broadly applicable to many elected offices. There's no better way to see how a thing functions than to take it apart and look at it from the inside out — and that is at the core of a Charter Commission's task. As we revised the foundational document that shapes our City, I had to develop a broad systems-view of our municipal government while learning and listening to what worked and what didn't, both in our own City and in cities across the country."

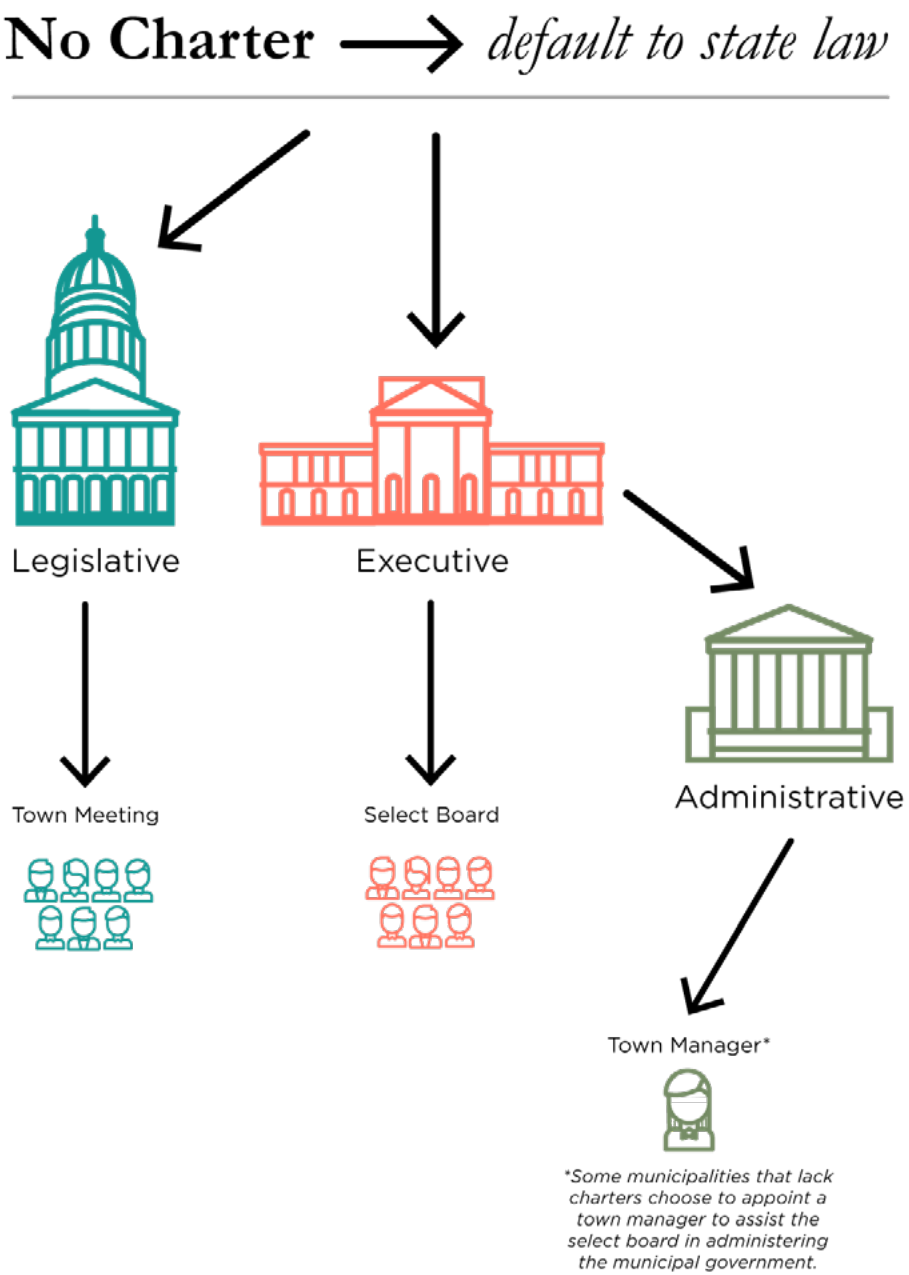
— Catherine Buxton, Portland

Click to read more!

The Governing Documents of a Municipality:
II. Municipal Government without a Charter

Most **municipalities** ⓘ in Maine do not have a **municipal charter** ⓘ because they are too small or haven't had enough interest to adopt one. The process of writing and adopting a municipal charter is a lot of work (think of the Constitutional Convention and the ratification process for the United States Constitution).

So, what does a **municipal government** ⓘ without a charter look like? The diagram above illustrates how the structure of municipal governments without charters has some similarities and some differences from municipalities with charters.



- The **governing document** ⓘ is the state law that outlines municipal government, Title 30-A, "Municipalities and Counties". Title 30-A describes the roles and responsibilities of each part of a municipal government that lacks a charter. If a municipality wants to change their form of government from what that law describes, they must adopt a charter.
- Instead of a **town** or **city council**, ⓘ the **legislative body** ⓘ is actually . . . the voters themselves! This is called a **town meeting** ⓘ form of government. Voters convene during a town meeting to pass **ordinances**, ⓘ adopt **budgets**, ⓘ and elect certain **municipal officials**, ⓘ like **select board** ⓘ members.
- As the **executive officials**, ⓘ a select board is much more limited in its powers than a town or city council is; it can't pass budgets or ordinances, it can only implement them. Instead, it oversees the **administration** ⓘ of the municipal government.
  - » Some municipalities that lack charters choose to appoint a **town manager** ⓘ to assist the select board in administering the municipal government.
  - » The **town** or **city clerk** ⓘ is another official who administers municipal government. Sometimes clerks are appointed and sometimes they are elected.

Get Involved

GET YOUR TOWN TO ADOPT A CHARTER

1. Talk to fellow community members about the idea of adopting a charter. Explain why your town should go through the work of adopting a charter: what does your town get out of it? You can talk about the increased local control that a charter would allow, or the opportunity to tailor the town government to uniquely suit the town.
2. Talk to your select board. Make your case for a charter.
3. If the select board votes to order a charter commission, great! And if they don't vote to order one, start gathering signatures to petition for a charter commission.
4. Town voters vote on whether to establish a charter commission.
5. If a charter commission is approved, help find community members to run to serve on it.
6. Once the charter commission submits the charter proposal to voters, campaign to have it adopted!

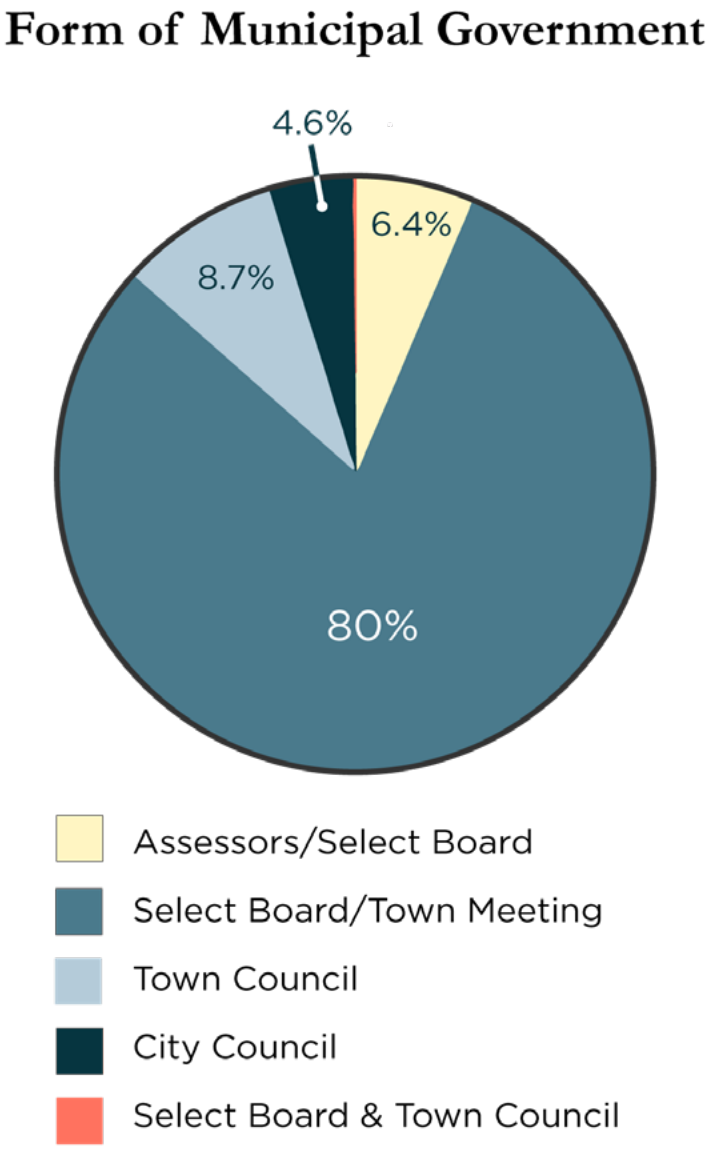
– Part B –

The Legislature of a Municipality: Town Councils, City Councils, and Town Meetings

As discussed in the *Overview of Local Government Functions*, the **legislature** ⓘ of a **municipal government** ⓘ is like Congress in that it makes laws, which are called **ordinances** ⓘ at the municipal level, and passes **budgets**. ⓘ The legislature can take several forms in Maine municipalities: **town** or **city council**, ⓘ **town meeting**, ⓘ or a combination of town council and town meeting.

Town and City Councils: Town and city councils, like Congress, are **representative bodies**. ⓘ Voters elect **representatives** ⓘ to a town or city council and those representatives are charged with passing ordinances and budgets for a municipality. A **municipality** ⓘ chooses how many members serve on a council, the length of **terms** ⓘ in office, and whether members are elected by voters across the entire municipality or in specific **districts**. ⓘ These details are written into the **municipal charter** ⓘ and can be changed through a **charter amendment**. ⓘ

Town Council-Town Meeting: Approximately 18 towns in Maine have chosen a combined town council and town meeting form of legislative government. In these towns, the town council usually has the authority to pass ordinances but a town meeting is required to pass the **annual town budget**. ⓘ



Town Meetings: Unlike town or city councils, town meetings are a form of direct democracy, not representative democracy. Instead of electing representatives to a town or city council to legislate on behalf of the voters, the voters themselves serve as the legislature.

How town meetings work: whenever the municipality needs to vote on an ordinance or a **budget item**, ⓘ the **select board** ⓘ convenes a town meeting. To convene a town meeting, the select board posts a notice, called a **warrant**, ⓘ with the date and location of the town meeting and a list of all items, called **warrant articles**, ⓘ to be discussed and voted on at the meeting. Voters in the municipality can show up at the meeting, discuss the ordinance, and then vote on it. When voters are in that town meeting they become the legislature for the town. Similarly, an **annual town meeting** ⓘ is held in order to vote on the municipal budget and elect certain municipal officials, such as select board members.

Open town meetings: ⓘ traditionally, town meetings were in-person events, a literal meeting of the town. Many towns in Maine still use in-person town meetings to vote on ordinances, especially when a vote is needed outside of the annual town meeting. These town meetings, which can be held throughout the year, are called **special town meetings** ⓘ and often take place to vote on a time-sensitive issue. Any town meeting that is held in-person is referred to as an open town meeting. Because open refers to the format, some annual and many special town meetings

Get Involved

PATHWAYS TO PASSING AN ORDINANCE

1. Research the issue, and find out if there is a municipal committee for this topic.
   - » If there is a committee, talk to them. You can ask if they will help write the ordinance or bring it to the select board or town or city council.

2. Talk to your select board or town or city council.
   - » Town or city council: if they seem supportive, have a councilor present the ordinance for a vote. If it passes, congrats — you did it!
   - » Select board: if they seem supportive, have a board member present the ordinance for a vote to call a town meeting on it. If the vote succeeds, great — onto the town meeting.

3. Citizen-Initiated Petition: If the ordinance fails at the town or city council or select board, collect signatures for a citizen petition to bring it to the ballot or a town meeting.
   - » Town meeting: Campaign to get voters to show up in support of the ordinance (knock on doors, hold an informational forum, etc.). At the town meeting, make your case for the ordinance. If it passes, congrats — you did it!
   - » Ballot question: Campaign to get voters to support the ordinance on the ballot (knock on doors, hold an informational forum, etc.). If it passes, congrats – you did it!

are open. In-person town meetings are useful because voters can take time to discuss an item before voting on it and can even propose amendments to the item, just like Congress, the Maine State Legislature, or town and city councils can.

Holding town meetings in person doesn't always work, however. Towns often have really low attendance from voters at in-person town meetings. How democratic is your government if only ten voters in a town of 4,000 residents show up to pass an ordinance that affects the whole town? The reasons voters might not show up to an in-person town meeting vary and include not knowing the meeting is happening, not having child care, having to be at work during the meeting time, not having transportation to the meeting location, not feeling that the issue is important to them personally, not understanding the issue, etc. Some people, for example, single parents, or people with disabilities, may find it very difficult to attend.

Referendum town meetings:ⓘ As a result, some towns have changed their town meetings from in-person meetings (open town meetings) to votes by ballot, which are referred to as referendum town meetings. The town will schedule a time when voters can go vote on the town meeting items at a **polling location**.ⓘ The window of time that voters have to vote can differ from town to town, but it is often at least four hours and voters can also request an absentee ballot to vote in the town meeting. To a voter, the experience of a referendum town meeting is much like any other election in Maine: they vote at the

Get Involved

ATTEND A TOWN OR CITY COUNCIL MEETING
Town or city councils generally meet twice a month, on weekday evenings. During those meetings, they discuss the legislative business of the municipality.

- **When & Where:** You can look on your municipal website or call your town or city office to find out when and where they meet. Sometimes councils livestream or record their meetings, in case you cannot make it in person.
- **What:** Often, agendas for those meetings are posted on the municipal website, and notes from past meetings might be as well.
- **Who (. . . you!):** There should be a time on the agenda at each meeting for public comment — in other words, a time when any community member can address the council about their concerns relating to something on the agenda or something else affecting themselves or the community that they want the council to consider.

polls or absentee, using a pre-printed paper ballot.

Today, many towns mix and match the two styles of town meetings. Special town meetings, held for a single time-sensitive issue, might be held in-person because it would be too much hassle or take too much time to print ballots for that one item. Annual town meetings, where voters pass the annual town budget, are scheduled in advance, so they are easier to hold as referendum town meetings. Often, towns will put some of the annual town meeting items on a ballot, like the election for select board members and other **municipal officials**, ⓘ but will also have an open town meeting to discuss and vote on each line item of the town budget. In this case, towns will usually hold the in-person part of the town meeting the same week, sometimes later the same day, as the referendum, or election, part.

If this all sounds confusing to you, you're not alone! The fact that there is such diversity in how and when town meetings are held across the state makes it difficult for community members to figure out what is going on and how to get involved. However, you can make it easier for yourself and your neighbors by asking your town office when your town holds its annual town meeting. That date usually stays the same year to year (for example, it could be the second Tuesday in March), so you can mark it on your calendar and make the necessary child care, work, or transportation arrangements to show up. Remember, if you are a voter in a town with a town meeting form of government, you ARE the legislature. You have the direct power to pass laws and budgets for your community!

Get Involved

HOW TO JOIN A COMMITTEE

The first step is to talk to your town or city office. They will often hand you a volunteer application to fill out, after which you might be asked to show up to a select board or council meeting to be officially appointed.

If you want to join a committee or board that is an elected position, like some planning boards, ask your town or city office how to take out papers as a candidate. In some towns, you might need to show up at the town meeting and nominate yourself or have someone else nominate you in order to run.

Committees: ⓘ Regardless of whether you live in a municipality with a town or city council, or a town meeting form of legislative government, that government likely has several committees or **boards** ⓘ that tackle the nitty gritty details of community decision-making, all the stuff that the town or city council or town meeting doesn't have the time or expertise to deal with. These committees might be charged with the work of putting together proposed budgets, reviewing and approving **building permits**,ⓘ supervising **municipal personnel**,ⓘ reviewing applications for **property tax abatement**,ⓘ managing community spaces (like a park or community garden), and so on. Common committees include a **budget committee**,ⓘ a **board of appeals**,ⓘ and a **planning board**.ⓘ Some committees, like a board of appeals, are described in state law, while each municipality can choose what other types of committees to have and what they look like. Municipalities, especially larger ones, might also have **commissions**ⓘ or **task forces**ⓘ as well.

Some boards or committees are appointed positions; if you want to serve on them, the town or city manager or select board could appoint you. Other boards and committees are elected positions; you have to run as a candidate or be nominated as a candidate to be elected by a Town Meeting or town or city council. Serving on a board or committee, whether the position is elected or appointed, is a wonderful way to learn about the ins and outs of your local government and to have a voice in the decision-making process of your community. As one community planner told us, from his perspective, committees were a gateway to increased participation in local government because they are such a low-barrier way to get involved: community members start by showing up at committee meetings, then becoming a committee member, then running for elected office.

Get Involved

CREATING A CLIMATE ACTION TASK FORCE IN YARMOUTH

"In 2022, I worked with Yarmouth high schoolers, Yarmouth town councilors, and the Committee for Energy Efficiency and Sustainability to write, propose, and eventually pass a climate emergency declaration in Yarmouth. After many negotiations, resolution re-writes, and advocacy efforts, Yarmouth declared a climate emergency. These advocacy efforts included a petition from Yarmouth students given to the Town Council, yard signs that I printed and placed around town about the declaration, and phone calls lobbying councilors. The declaration had the town of Yarmouth create a Yarmouth Climate Action Task Force. The Task Force is now making a Climate Action Plan that has carbon emission reduction goals in line with what both science and justice demand. I, along with other youth, serve on the Task Force today."

— Anna Siegel, Yarmouth

– Part C –

The Executive Officials of Municipal Government: Mayors and Select Boards

As discussed in the overview of the structure of local government, the **executive** of a **municipal government** is like the U.S. President (or the Maine state governor) in that it implements laws and oversees the **administration** of municipal government. The executive can take a few forms in Maine **municipalities**: municipalities with **town meetings** have a **select board** as their **executive body**, while municipalities with **town** or **city councils** can choose to have a **mayor** or have their council serve the executive and **legislative** roles.

Select Board: A select board serves as the executive body for any municipality that legislates through town meetings. Select boards consist of three or five members, elected by a town meeting. Select boards implement the **ordinances** passed by the town meetings, as well as administer the municipal government. They manage the municipal **budget** and town officials, like **town clerks**, or delegate that management to a **town manager**. We'll discuss town and city managers, an appointed role that assists in administering government, below.

One important role of select boards is that they vote on whether or not to send a proposed ordinance or **budget item** to a vote of a town meeting. They don't vote on the ordinance or budget item

Get Involved

ATTENDING A SELECT BOARD MEETING

Like town or city councils, select boards generally meet twice a month on weekday evenings. During those meetings, they discuss the executive business of the municipality and sometimes vote on sending ordinances to town meetings.

- **When & Where:** You can look on your municipal website or call your town or city office to find out when and where they meet. Sometimes select boards livestream or record their meetings, in case you cannot make it in person.
- **What:** Often, especially for larger towns, agendas for those meetings are posted on the municipal website and notes from past meetings might be as well.
- **Who (. . . you!):** There should be a time on the agenda at each meeting for public comment; in other words, a time when any community member can address the council about their concerns relating to something on the agenda or something else affecting themselves or the community that they want the select board to consider.

themselves, but they decide if it should be considered by the voters. If a select board votes to send it to a town meeting, then the town clerk will schedule the town meeting and post a public notice to inform voters of it. Often, ordinances or budget items are brought to the select board by a **committee**ⓘ working on the issue; in such cases, the committee usually drafts the language of the ordinance.

If a select board votes to not send a proposed ordinance or budget item to a town meeting, then voters do not have the chance to consider the item and potentially pass it into effect. In other words, the ordinance or budget item dies. However, voters can override the select board's decision by initiating a **petition**ⓘ to bring the ordinance or budget item to a town meeting. (See the sidebar on the pathways of passing an ordinance.) Select boards are required to send a successful petition-initiated ordinance to a town meeting for a vote.

Mayor: In some states, mayors play a large role in local government as the **chief executive**ⓘ of a municipality (a role similar to the president's role as the chief executive of the federal government), but in Maine, less than twenty communities have a mayor at all. In the Maine communities that do have a mayor, the mayor often has less power than a chief executive would.

The role of mayor is defined in a **municipal charter**,ⓘ and it varies somewhat among the municipalities that have a mayor. In some municipalities, the role of the mayor is mostly to chair the town or city council (sometimes such mayors are elected by a vote of the council and sometimes they are elected by the voters); this type of mayor is called a "weak mayor". In at least one community in Maine where the mayor is not a councilor, they serve as a tie-break vote for the city council. In other communities, the mayor is more of the executive official of municipal government, though the mayor's powers are often still more limited than other chief executives, like our governor or the president; this type of mayor is called a "strong mayor". If you live in a town or city with a mayor, you can look up their specific roles and responsibilities in your municipal charter.

When a town or city has a council but no mayor, or the mayor is limited to serving as the chair of the council, then the council itself is both the legislative and executive body for that municipality. In the council's executive role, they would appoint **administrative officials**,ⓘ like a town or city manager. This is one example of the boundaries between the functions of local government overlapping in ways that are different than at the state and local level.

Get Involved

"I served as a Select Board Member in Trenton for three years. When I joined, I represented a generation with a distinctly different experience than others on the board and brought my perspective as a parent of children in elementary, middle, and high-school. Having a diversity of voices in decision-making bodies promotes nuanced understanding of issues and supports the development of better solutions for complex issues.

"I deeply valued speaking with community members to learn about ideas, asking questions to clarify understanding and perspectives, and being a voice at the table. It was great to coordinate with our State Representatives and others on projects with regional impact.

"It is also good to acknowledge when it is time to pause. People who serve, perhaps especially women or others in caregiving positions, need to know that it is okay to take time to rest between periods of activity such that it is possible to step forward again in the future.

"Asking people to assist is vital. Many people want to be involved, but aren't sure how to get engaged or what there is to do. Invite them in. Many hands make light work, and the more people who participate, the lighter the lift and the more interesting the process. Every voice and action has a huge impact."

— Rachel Nobel, Trenton

Administration

As we've said elsewhere in this guide, **municipal governments** ⓘ in Maine are in charge of providing many services and making many decisions for a community. This is an enormous job and the elected **executive** ⓘ and **legislative** ⓘ officials of most **municipalities**,ⓘ **town** or **city councils**,ⓘ **select boards**,ⓘ and **mayors**,ⓘ can't do it alone. Often, these elected officials are not professional, full-time office-holders and aren't paid enough to govern full time (see the sidebar for examples of city councilor pay). They are frequently retirees or community members who serve in municipal government on top of their other jobs. As a result, over the decades, more and more municipalities in Maine have added a paid **administrative** ⓘ position, typically in the form of a **town** or **city manager**,ⓘ to help run their communities.

Dive Deeper

HOW MUCH DO MUNICIPAL ELECTED OFFICIALS MAKE?
Most town and city councilors, select board members, and even mayors are paid very little. The amounts vary from municipality to municipality, but here are a few examples of city councilor compensation:

Brewer: $1,000 a year
Biddeford: $100 a month
Presque Isle: $1,500 a year
Augusta: $200 a month
Lewiston: $4,000 a year

Administration
I. Town and City Managers

The town or city manager is the appointed official who administers municipal government. Managers often supervise local government activities, appoint certain municipal officials, assist in preparing the municipal **budget**, ⓘ etc. The roles and responsibilities of a manager are described in a **municipal charter**, ⓘ if the town has one.

Some municipalities without charters also choose to appoint a town manager to assist the select board in administering the municipal government. The roles and responsibilities of a town manager in a municipality without a charter are described in Title 30-A.

Administration
II. Other Administrative Officials

In addition to the town or city manager, municipalities in Maine have another important administrative position. This is the **town** or **city clerk**, ⓘ who also administers certain aspects of municipal government. Clerks conduct elections, keep records, and issue some kinds of licenses. Clerks are usually appointed, but in some municipalities they are elected. Being a town or city clerk is often a full-time job, but in smaller municipalities, the position might be part-time.

Depending on size, municipalities might have other paid administrative officials in their town or city office, like deputy clerks, assistant managers, **code enforcement** ⓘ officers, and town or city planners; some of these roles, and the qualifications required to perform them, are described in state law. Municipal departments such as animal control, emergency services (like ambulance and fire services), **public works**, ⓘ and police (if your municipality has its own police department) might have paid officials or they might be run by volunteers, or a mix of both paid and volunteer labor. Municipalities also use the services of an attorney to help them resolve any legal questions or issues about municipal government.

Administration
III. Comprehensive Town Plans

Besides a municipal charter (the municipality's constitution), and the ordinances of a municipality (its laws), there is one other document that plays a critical role in the decision-making of a community: a **comprehensive town** or **city plan** ⓘ (link). A comprehensive plan is like a roadmap for a community, and helps it manage changes, like growth in population. A plan starts with an in-depth inventory and analysis of information about a community, including its demographics, housing, economy, natural resources, land and water use, transportation systems, and much more (a comprehensive inventory for a

comprehensive plan!). Collecting this information helps a community identify issues it might face now or in the future.

A municipality then takes all that data and turns it into a set of policies for managing the combination of community resources, community needs, and anticipated changes in a community. The final part of a comprehensive plan details the strategy for how a municipality will implement those policies through **zoning** and **ordinances**. A comprehensive plan is developed by a planning **committee** along with staff, community member input, and often assistance from outside consultants. It is then adopted by a town or city council or town meeting.

Not all municipalities in Maine have comprehensive plans, and some municipalities have comprehensive plans that are out of date (plans should be updated every ten years). Creating a comprehensive plan, like creating a municipal charter, is a lot of work for a community. However, there are important reasons why a community should put in the time and energy to create or update a comprehensive plan. Comprehensive plans allow municipalities to plan ahead: to be proactive, instead of reactive, to changes in their community.

Without a plan for navigating future challenges, a municipal government is likely to be unprepared to deal with such challenges and might end up seeing changes to the community that members didn't want. A lack of planning for development of luxury housing in a sleepy coastal town, for example, could leave year-round residents struggling to afford rising rent and property costs. Also, many state and philanthropic grants to municipalities either require the municipality to have a comprehensive plan or prioritize municipalities that have one. Communities without plans can lose out on significant funding.

Get Involved

CITIZEN INPUT IN THE PLANNING PROCESS

"One fulfilling aspect of civic engagement is involvement in longer term planning. This is especially true for preparation of the city's comprehensive plan, an important undertaking for any city – it sets the tone and parameters for how a city should develop, typically over the next 10 years. Preparation of the plan is an exercise in grassroots, citizen-driven democracy – as such, citizen input to the process is crucial. This can also include working with groups with interests in special areas (e.g. housing or transportation). So, service is not limited to formal appointments like a planning board, but also can mean working with volunteer subcommittees and through general citizen participation. The bottom line, though, is that the plan will only be as good as the civic engagement."

— Rick Lyles, Ellsworth

– Part D –

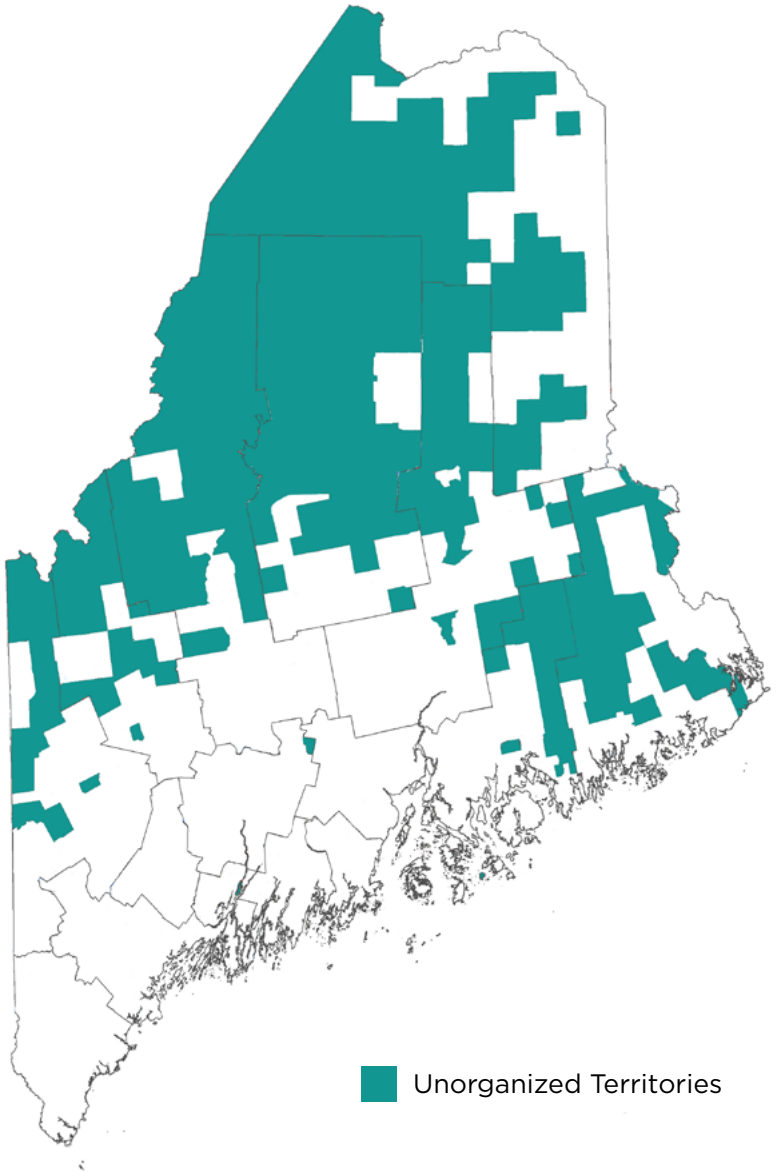
Plantations and Townships

Earlier in this guide, we put **plantations** ⓘ and **townships** ⓘ in the municipal bucket of **local government**, ⓘ but noted that neither are considered **municipalities** ⓘ under state law, which only includes **towns** ⓘ and **cities** ⓘ in the legal category of municipality.

Townships are geographic units the size of a municipality that don't have enough residents to run their own local government. There are 429 townships in Maine, which collectively make up what is called the **unorganized territory** ⓘ (townships are sometimes also called unorganized townships – reflecting the fact that they don't have an organized form of local government). Only about 9,000 Mainers reside year-round in all 429 of these townships combined. The local services in these townships are provided by **county** ⓘ government, state agencies, and sometimes neighboring municipalities.

Plantations have more local government than a township, but not as much as a town or city. There are approximately 30 plantations in Maine. Most of these are small communities in Maine's interior. A few are island communities, like Matinicus and Monhegan. The term plantation originated in colonial times; the Massachusetts colony applied the term to the temporary government of a settlement that was

Unorganized Territories in Maine



evolving from a township to town. Today, it is a more permanent form of local government. Maine seems to be the only state that uses the term plantation in this manner.

Like a town, plantations hold an annual meeting to approve a budget and elect officials, called **assessors**, who will administer their local government. Assessors are comparable to **select board** members. However, unlike towns, plantations are not considered a municipality, and so **home rule** does not apply to them. This means that they cannot pass **ordinances** (or laws) for their communities like towns and cities can.

If you live in a township and want to learn more about your local government, we recommend contacting your county officials to find out how local government works in your community. If you live in a plantation, your county government is a useful resource, but you might also ask an assessor when your community holds its annual meeting, which is the time and place you are likely to learn the most about your community's local government.

Dive Deeper

TOWN ---> TOWNSHIP

Earlier, we talked about how communities can choose to organize into towns or cities. They can also choose to unorganize (or deorganize, as it's called in Maine law). Why would a town or plantation give up its local control by becoming an unorganized township? Well, in some rural areas of Maine, small towns have been losing population and are facing this tough decision because they no longer have the resources to run their own municipal government. Check out this article describing the experience of one such town in Washington County.

Chapter Four.

Districts in Maine

– Part A –

School Districts

The type of local government that often draws as much, if not more, attention in a community than the municipal **representative body** ⓘ is the **school board**. ⓘ One reason for this is that public schools play a central role in the lives of many Maine families and entire communities. Schools are gathering places for recreation and entertainment (like basketball games or student musicals) and provide needed child care and social services. Public schools, like municipal governments, are also funded to a large extent by **property taxes**, ⓘ so residents who pay these taxes might feel like they have a personal investment in how their community's schools are run.

Public school districts in Maine come in several variations, the most important difference being that some **municipalities** ⓘ have their own school systems and other municipalities share a school district. So school districts around the state can and do differ

Get Involved

STUDENT SCHOOL BOARD REPRESENTATIVE

To make sure student perspectives are heard by Portland's Board of Education, junior Natalie Santiago decided last year to run as Deering High School's student representative to that Board. Since 2004, each Portland's four high schools, plus the Adult Education program, have sent a representative elected by their peers to attend twice-monthly Portland Board meetings as a non-voting member. Santiago believes board members really listen to students at meetings and use their input to develop better policies. One example she cites in which students played a significant role is the recent decision about school choice. To ensure that resources are distributed fairly across Deering, Portland and Casco Bay High Schools, the Board endorsed a lottery system to replace the current method of allowing each student to choose their high school. This lottery system will be in place for the class of 2027.

When asked how she thought students could have an impact in their own schools, Santiago said, "I believe it is important for administrators to hear students' voices; administrators are responsive to students, so students should speak to them." Inspired by her involvement in her school and motivated to be more involved in politics, Santiago will begin an internship this month with a state representative. "I am more comfortable speaking in public now and sharing my opinion," she says. "I am assertive in my community."

in their government structure, but generally these are minor differences. The typical school district in Maine has an elected board which passes policies, implements the **budget**, ⓘ and administers the district's schools. However, the annual school budget itself must be approved by voters in the district and sometimes also by the **town** or **city council**. ⓘ As a result, a school board has more **legislative** ⓘ authority than a **select board** ⓘ because it can pass policies for a school district while select boards can't pass ordinances, but less authority than town or city councils, some of which can pass municipal budgets. School boards hire a **superintendent** ⓘ to manage the **administrative** ⓘ tasks of a district, similar to the way that municipal governments can appoint a **town** or **city manager**. ⓘ

The number of board members varies from school district to school district. In school districts that include more than one municipality, it is usual for each municipality in the district to elect a certain number of board members, though some districts also elect a few members **at-large**. ⓘ Some school boards also have student representatives (typically non-voting) from the high schools in their district.

Multiple school districts can overlap in a community, which can be confusing. It is not uncommon for **rural** ⓘ communities to have one school district for their elementary and middle school and be part of another, larger district for their local high school. Communities can also be members of alternative organization structures, for sharing functions such as school district superintendents, special education, and administration. For example, Bar Harbor has a municipal school department for their kindergarten through eighth grade school, and is one of four towns sharing a high school in the Mount Desert Community School District. Bar Harbor is also a member of the Mount Desert Island Regional School System, which consists of those two school districts plus seven others.

The best way to know which school districts you live in is to call the office or search the websites of your local elementary, middle, or high schools. Those schools might belong to different districts, so first decide which kind of public school most interests you.

Get Involved

FROM THE COMFORT OF YOUR COUCH

During the early stages of the pandemic, public school districts in Maine had to make difficult decisions concerning remote learning and, eventually, returning to in-person instruction. However, one of the silver linings from this time is that school boards – along with other local government bodies – started to live stream their meetings. Many school boards have continued to live stream meetings and some even continue to allow remote participation during the public comment period. If you're interested in your school board but unable to make their meetings in person (perhaps due to child care), ask your school board whether they have a live stream option. The same goes for other local government meetings!

– Part B –

Other Types of Districts in Maine

Community members might be most interested in **school districts**, ⓘ but other types of **regional** or **municipal districts** ⓘ do exist! We've mentioned a few throughout this guide, like **sanitary districts**, ⓘ which provide public sewer services, and **water districts**, ⓘ which provide public water.

Districts like these exist to provide a service or maintain **infrastructure** ⓘ that encompasses too large an area or is too complicated for one **municipality** ⓘ to maintain, or is offered in an area that is smaller than the municipality itself (meaning that not all residents of the municipality are affected by that district's government or charged for that service).

Regional and municipal districts generally have a **board** ⓘ of elected or appointed officials, sometimes called **trustees**, ⓘ who are tasked with oversight of the service or the infrastructure that the district has been created to provide. Because services and infrastructures can be complicated, for example, water treatment plants with all their pipelines for delivering public water to individual households, many of these districts also have expert, professional **administrative officials**. ⓘ Services are funded, at least in part, by charging fees to the residents or local governments and government departments, schools, fire departments, etc., who use them.

One final type of district worth mentioning is **judicial districts**. ⓘ The district court system in Maine is made up of eight regions, each of which contains several district courts. Most of these regions span over several **counties**, ⓘ though York and Cumberland counties each have their own district court regions. You can learn more about district courts in the chapter on the judicial aspect of local government, which comes after the chapter on county government in Maine.

Dive Deeper

MANAGING DRINKING WATER IN MAINE

Making sure that Maine residents have access to clean water is one of the most critical services of local government. Many rural Mainers have wells, but many others (listed here) rely on public water districts to supply their drinking water.

Public water districts were in the news in 2022 with the passage of a law addressing the contaminated water supply of the Passamaquoddy Water District. One of the issues was that this water district, unlike any others in the state, had not been exempted from property taxes. The new law showed how those affected — and their allies — can work to dismantle racism and oppression in local government.

The management of our public and private drinking water also faces new challenges with the increase in shortages due to climate change, challenges which will require more cooperation between communities and between state and local governments.

Chapter Five.

County Government in Maine

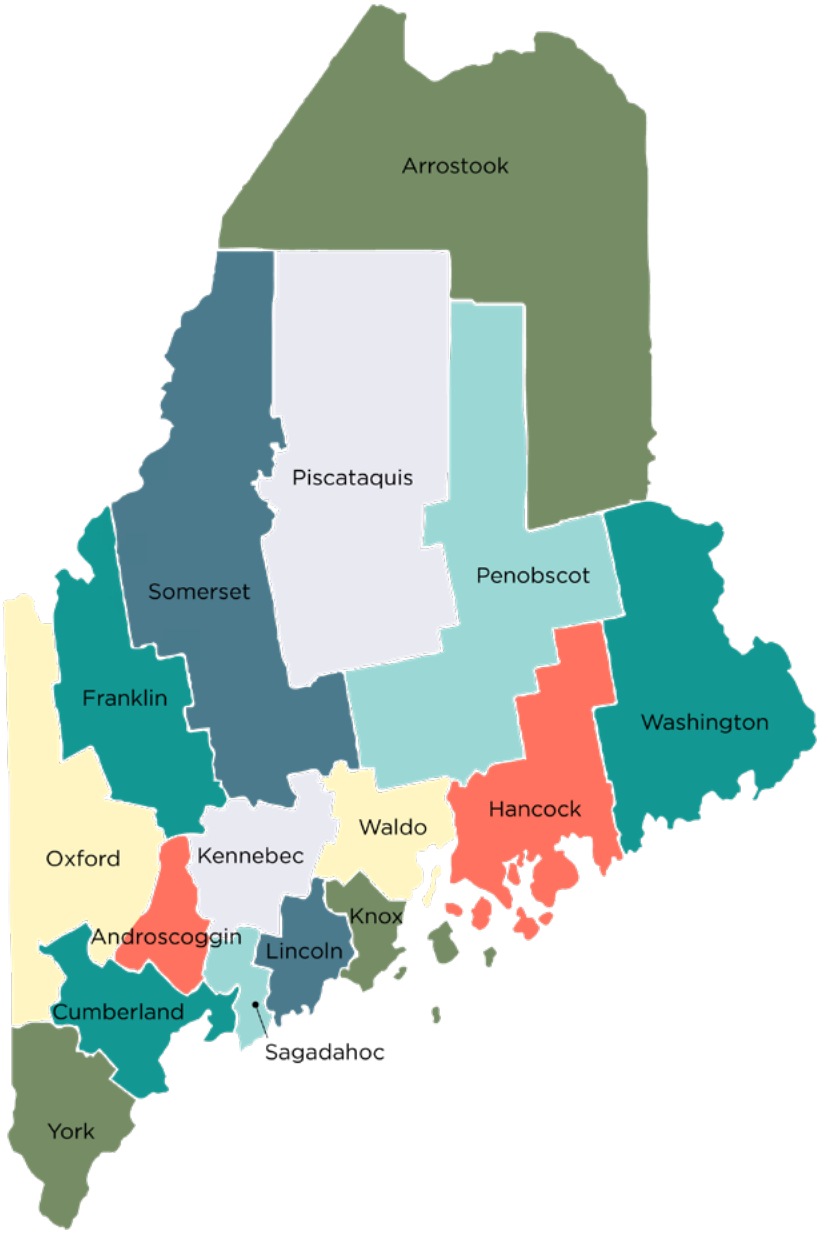
– Part A –

Role of County Government in Maine

The role of **county** ⓘ government is outlined in the same part of Maine law that outlines **municipal government** ⓘ in **municipalities** ⓘ without **charters**, ⓘ Title 30-A. Like municipalities, counties in Maine can also choose to adopt **county charters** ⓘ by a vote of their residents. County charters describe the roles and responsibilities of county government and its officials; however, county charters are more limited in scope than municipal charters, they cannot give any power to a county that is not either expressly granted or clearly implied in Maine law.

Many of the services that counties provide and decisions that counties make in other states are done at the municipal level in Maine. But Maine's 16 counties do provide a variety of services. Some of these services are required by state law, and as a result are provided in all 16 counties. Other services are provided

Map of Maine's 16 Counties



by some counties but not others. Counties fund their services by charging municipalities an **assessment** ⓘ based on **property values**. ⓘ Some municipal **property tax** ⓘ bills break out what portion of your tax is for the county. Services that Maine counties provide include emergency management, sheriff's offices and jails, real estate records, **probate courts**, ⓘ and oversight of some federal funds (like the American Rescue Plan Act). Counties also provide municipal services for **townships** ⓘ in the **unorganized territory** ⓘ of Maine, including road maintenance, fire departments, police services, and election administration.

Some counties provide additional services reflecting needs specific to that county. For example, some counties manage an airport, while other counties don't have an airport. In **rural** ⓘ areas, some counties provide services that are typically provided by municipalities so that those services are more efficiently administered. Emergency dispatch (911) is an example. Services provided by some – but not all – Maine counties include:

- Airports
- Emergency dispatch (911 Call Center)
- Recycling plants
- Addiction treatment centers
- Child advocacy centers
- Public health
- Economic development
- Tax districts for projects like wind power or trails
- Passports
- Assessing for towns that contract to the county
- Regional planning and municipal planning assistance (often done by planning commissions or other county level organizations)

Resource

2023 DIRECTORY OF MAINE COUNTIES

If you want to learn more about your particular county government and county officials, check out the 2023 Directory of Maine Counties, published by the Maine County Commissioners Association (link). The directory lists all county commissioners and their contact info, as well as county districts, plus the contact info for other county offices (like sheriffs, EMA directors, county administrators, etc). It's an excellent resource if you want to track down any aspect of your county government!

– Part B –

Elected County Officials: Commissions, Sheriffs, and Registers of Deeds and County Treasurer

County boards of commissioners, ⓘ the **executive bodies** ⓘ of county government, are tasked with administering county government, managing county property and business, and overseeing county finances (link). Counties are required by Maine law to have at least three commissioners, though some counties have more than three. Commissioners are elected to four-year terms. They appoint most non-elected officials of the county, such as the Director of the Emergency Management Agency, and can choose to appoint county administrators to assist in administering county government.

The **sheriff** ⓘ is the chief law enforcement officer of a county. The county sheriff is elected to a four-year term, and the sheriff appoints the non-elected officials in the sheriff's office, like the deputies and the jail administrator. Sheriff's offices provide law enforcement services to **municipalities** ⓘ that do not have their own police department, though they may share this duty with the State Police; they also support municipal police departments. Sheriffs also run the jails in their counties. County jails incarcerate people serving short sentences, usually a year or less, and people awaiting trial. (Where counties share a jail, an agreement lays out what the responsibilities of each county are.)

The **Register of Deeds** ⓘ is responsible for recording and filing records of all real estate transactions in the county. The register of deeds is elected to a four-year term.

The County Treasurer, who oversees the finances of a county, can be either elected or appointed (a county's commissioners can ask voters to approve changing this office to a position appointed by the county commission). When elected, the treasurer serves a four-year term.

Dive Deeper

ADDRESSING RACIAL BIAS IN LOCAL LAW ENFORCEMENT

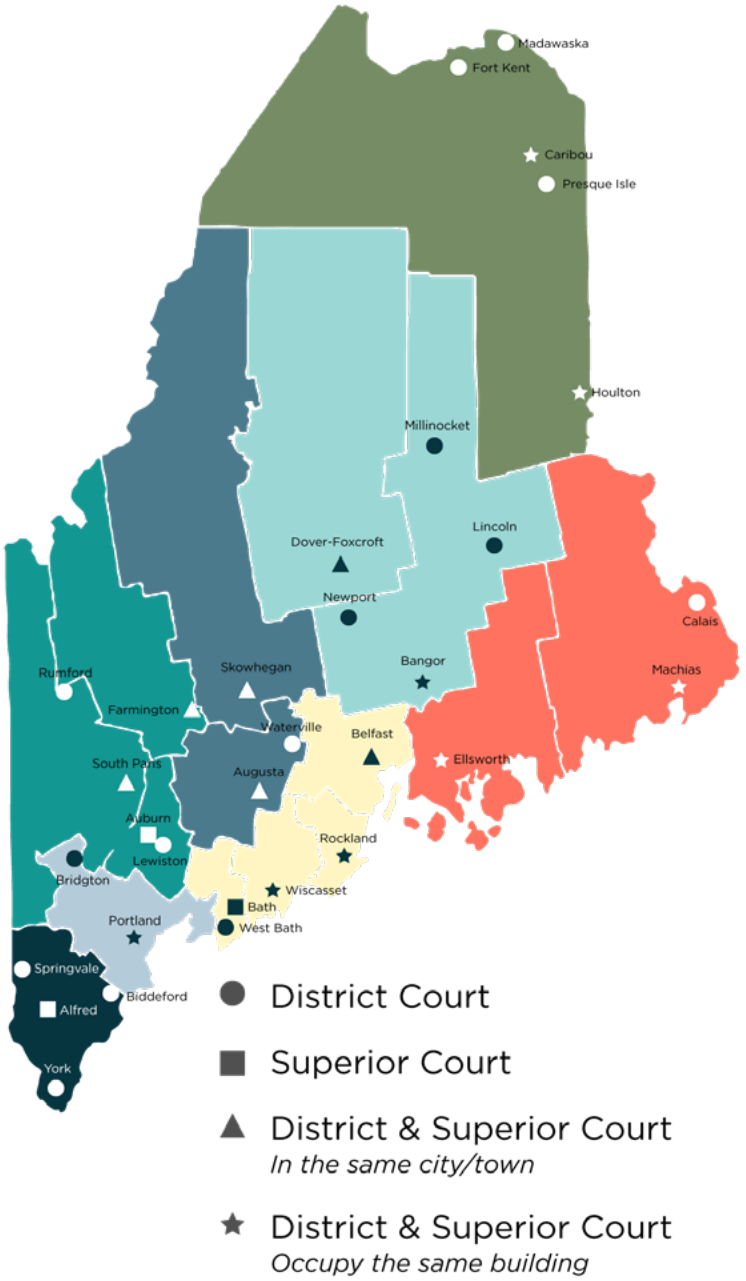
In Maine, determining the extent of racial bias in policing in Maine is difficult because data about race and policing is not easily available (if it is collected at all). However, the data we do have suggests that Black Mainers have disproportionate rates of contact with the criminal justice system (at least as youth), arrests, and imprisonments compared to white Mainers. Because policing happens at the local level (county sheriffs and municipal police departments) as well as the state level, community members can take action to address potential racial bias in policing in their own communities. This could involve electing sheriffs and district attorneys who are committed to a more equitable justice system, passing ordinances to enhance civil rights, and establishing police review committees.

Chapter Six.

The Judicial Aspect of Local Government: District and Probate Courts

We mentioned the **judicial** ⓘ function of government when talking about the structure of **local government**, ⓘ but we didn't include it in our section on **municipal government** ⓘ because **municipalities** ⓘ in Maine don't have their own courts (though municipal **boards of appeals** ⓘ play a quasi-judicial role in resolving conflicts regarding **code enforcement** ⓘ and other municipal ordinance enforcement decisions). Note that we have chosen to include our discussion on the judicial aspect of local government after the **county** ⓘ chapter because **probate courts**, ⓘ and therefore elected probate officials, like **judges of probate** ⓘ and **registers of probate**, ⓘ are an example of county government. Technically, though, **district courts** ⓘ fall under the eight judicial districts in Maine, most of which are made up of more than one county.

First let's remind ourselves that the judicial function of the US government consists of courts that interpret the law and determine its constitutionality. Courts also hold criminal and civil trials that deal with violations of a law or lawsuits involving some sort



of illegal harm. In other words, the judicial branch resolves conflicts between people, between people and the legal authorities (accusations of violations of the law), between the law and the state constitution, and between state law and local **ordinances**.

The local **judiciary** in Maine is primarily made up of two types of courts: district courts and probate courts. (Significant legal issues, like those that require a jury trial, are dealt with in Maine's superior courts.)

Probate Courts are county level courts that deal with minor issues that do not require a trial by jury. They determine the legitimacy of **wills**, oversee distribution of **estates**, and process name changes, adoptions, **guardianships** and **conservatorships**.

The Judge of Probate is an official who performs the judicial business of probate court; voters in each county elect a Judge of Probate for a four-year term.

The Register of Probate, who also is elected to a four-year term, is responsible for **administration** of probate court and maintaining records as required by law.

District courts are run by the State of Maine's judicial system. There are over 20 district courts that oversee eight districts in Maine. They deal with civil, criminal, and family issues, as well as small claims (conflicts involving $6,000 or less). District courts do not conduct trials by jury. If a dispute is big enough for a jury trial, it is dealt with in the **Maine Superior Court**, another part of the state's judicial system (there is one Superior Court in each of the eight districts).

District Attorneys (DAs) are elected officials who prosecute all crimes except murder that occur in a district. They serve a four-year term.

Dive Deeper

ELECTING JUDGES

In Maine, judges of probate are the only judges we elect. Other states elect more of their judges — sometimes even electing the judges to their State Supreme Court! Check out this map on how states across the U.S. select their judges.

THE RIGHT TO A LAWYER

Up until 2022, Maine was unique in its judicial system, and not for a positive reason: it was the only state without public defenders. The right to a lawyer is guaranteed in the U.S. Constitution, and every other state provides for this right through a system of public defenders. Maine instead contracted private attorneys to provide legal services for defendants who are unable to afford such services on their own, a system that led to lawyers who were ineligible to deal with serious criminal cases being assigned those cases anyway, among other failings.

In 2022, Maine did fund a rural public defender program, which will start to address the crisis of not being able to find legal services for those who need it, though the program is not nearly large enough yet to solve the problem. Until the issue is fully addressed, defendants in Maine who cannot afford adequate, qualified legal services will continue to face harsher outcomes in the legal system. Because income inequality in the state falls along racial lines, this problem — in intersection with bias in policing and sentencing — contributes to significant, ongoing racial injustice in Maine.

Conclusion.

Hello again, reader! We hope this guide has provided you with useful information about your **local government**.ⓘ Perhaps you've been inspired to get involved by attending a local government meeting, participating in a **town meeting**,ⓘ joining a **committee**,ⓘ volunteering for some community service or project, **petitioning**ⓘ your **municipal officials**ⓘ for an **ordinance**ⓘ or **charter amendment**,ⓘ joining a **charter commission**ⓘ or **comprehensive plan**ⓘ review process, running for local office, or taking some other form of local action. As you can see, the list of possible ways to get involved is very long, with all different types of involvement, which take different amounts of time and energy.

This guide is a basic overview of local government. If you still have questions about a particular form of government, or want to understand more about the specific opportunities to get involved in your local government before you dive in, there are other resources available that offer that detail. Some of these resources are listed under the Additional Resources section of this guide — go check them out! Two in particular that we would like to shout out are the Maine Municipal Association's Local Government in

Maine: "Government is People" guide (link) and their Citizen's Guide to Town Meeting (link).

You can also check out our recorded workshops on running for local office and overcoming challenges in taking local action. The League of Women Voters of Maine would like to hold more workshops, both virtual and in person, on understanding local government and how to get involved, so if you have a group of community members who would like to host a workshop, let us know, and we can collaborate with you to organize one! It could be an introduction to local government, such as an interactive version of this guide, or tailored to a more specific topic — for instance, running a petition initiative to put an ordinance on your local ballot. (In fact, we have a whole other guide for implementing Ranked Choice Voting in local elections. Email Lane Sturtevant at lane@lwvme.org for more information.)

But really, the best way to learn more about your own local government and how you can get involved is to contact your local government officials. Stop by your **town** ⓘ or **city** ⓘ office if you want to know more about your **municipal government**, ⓘ or call or email your **town** or **city manager** ⓘ or **town** or **city clerk**. ⓘ They can tell you when the next **city** or **town council** ⓘ or town meeting is, what is coming up for a vote soon, what committees need members, or what community projects need volunteers. (This information is also sometimes available on your local government's official website or Facebook page.) You can also reach out directly to a town or city councilor or **select board** ⓘ member. If you're interested in your **school district,** ⓘ stop by the district's central office, sometimes called the **superintendent**'s ⓘ office, or call or email your superintendent or their **administrative** ⓘ staff. You can also reach out directly to a **school board** ⓘ member (again, contact information often is available on the school district's website or Facebook page). For **counties,** ⓘ contact a county **administrative official** ⓘ or a **county commissioner** ⓘ (or visit the county website).

Good luck! We would love to hear from you about our guide and especially about your experience with local government. Email us at info@lwvme.org or call (207) 622-0256.

Get Involved

LOCAL DEMOCRACY IN ACTION

"Like many residents, I have views of what I want in my town. I was first asked by another town resident to join the Solid Waste Committee because of my interest in the environment. While on that committee, we started a recycling program. I realized with those experiences, one can make a difference in your town. I then joined the Planning Board to help write the ordinance on solar projects. To keep abreast of what is happening in my town, I have been regularly attending the select board meetings and am not shy about voicing my concerns in these meetings as well. This is local democracy in action."

— Michael Gilmartin, Trenton

Glossary.

– A –

Administrative: The function of government to implement laws or ordinances and provide governmental services.

- **Administrative Official:** An appointed or elected official who assists in the implementation of governmental services and laws or ordinances. Town and city managers are a common appointed administrative official in Maine municipal governments.
- **Administration:** The implementation of government; also refers to the section of a government, including elected and appointed officials, governmental offices and departments, who implement laws or ordinances and provide services.

Anti-Black Racism: A form of racism specifically directed at Black people. In the United States, anti-Black racism has played an especially large role in shaping our society and government, starting with the institution of slavery and continuing to the present.

Assessor: The government official or officials who are in charge of assessing the value of properties in the municipality for tax purposes, and setting the annual rate for property taxes (called the mil or mill rate). In many towns, the select board members are also the assessors, but they usually appoint an official or hire an outside service, depending on the size of the municipality, to do the actual assessments.

- **Assessor (Plantation):** The title of elected municipal officials in a plantation is assessor. They are in charge of assessment, but also administering local government.

At-Large: When an elected official represents the entire community, and not a certain area, or district, of that community. An at-large election means that all voters in a community vote for that office. Some elected bodies are a mix of at-large representatives and representatives for districts.

– B –

Board: A body that oversees the administration of a municipal or district government, or some part of that government. School boards and select boards are two types of boards, though there are many other types. In some cases, local government bodies, like councils or select boards, have the authority to delegate certain governing roles to a board or boards. Board members are often elected, but sometimes appointed, depending on the type of board.

[*Board continued on next page...*]

- **Board of Appeals:** A municipal board made up of members usually appointed by municipal officials which considers requests from community members about code enforcement decisions or other issues resulting from the enforcement – or failure to enforce – a municipal ordinance. In this way, boards of appeals have a quasi-judicial role in municipal government. The role and responsibilities of municipal boards of appeal, as well as their jurisdiction, are outlined in Maine law, Title 30–A, Chapter 123, Subchapter 5 (and sometimes in municipal charters).
- **Board of Trustees:** A group of officials that oversee certain types of districts, such as sanitary districts and water districts. Trustees are sometimes elected by voters in a district, although trustees in other cases can be appointed and often have experience or expertise in the management of a service.
- **Planning Board:** A municipal board made up of members, appointed by municipal officials or elected by voters, that reviews proposals for development to determine whether they follow all local land use and zoning ordinances and are consistent with a comprehensive plan, if the municipality has one. Planning boards sometimes also make recommendations for land use, growth management, or zoning policy changes.
- **School Board:** The representative body that governs a public school district. School boards are elected by voters in a district, sometimes by municipality or district and sometimes at-large.

Boundary Dispute: A conflict between two or more property owners about where their property ends and another property begins.

Budget: A plan for raising governmental funds (from revenue like taxes and service fees) and how those funds will be spent to cover the cost of government and the services it provides. Some local government budgets, such as annual public school district budgets and annual municipal budgets in most towns, are approved by voters. The proposed budget is typically developed by a budget committee.

- **Annual Budget:** A yearly plan for raising governmental funds (from revenue like taxes and service fees) and how those funds will be spent to cover the cost of government and the services it provides. Annual budgets for towns and public school districts are often approved by voters.
- **Budget Committee:** The group, either appointed or elected, in charge of drafting a proposed budget, which is then reviewed and approved by either the voters or a representative body, like a city council.
- **Budget Item:** A specific cost or funding source in a budget. At annual town meetings, voters typically vote on each major budget item in an annual town budget separately. In other cases, like annual school district budgets, voters vote on the entire budget altogether.

Building Permit: Legal permission for construction or demolition, or certain other structural changes, to a property. The specific types of changes to a

property that require a permit vary depending on the municipality. Plumbing, electrical, and septic projects might require their own permit. Permits are granted by the municipal code enforcement department or official, who is in charge of determining whether a change complies with municipal ordinances, like zoning and fire code ordinances.

– C –

Charter: A charter is a governing document for an organized group. A charter describes the government of that group: the structure of its government and the roles and responsibilities of each part. In this guide, a charter refers specifically to the governing document for municipalities and counties in Maine.

- **Charter Amendment:** A change or addition to a charter that is adopted by voters.
- **Municipal Charter:** A municipal charter is a document adopted by a municipality that describes its government. A municipal charter must be approved by the voters in a municipality and can be amended with their approval.
- **County Charter:** A county charter is a document adopted by a county that describes its government. A county charter must be approved by the voters in a county and can be amended with their approval.

City: A type of municipality in Maine. In Maine, a town can choose to incorporate into a city, with the approval of the state legislature. Aside from being officially incorporated as one or the other, there is no legal difference between towns and cities in Maine.

Clerk (Town or City): A town or city clerk is an administrative official who oversees elections and maintains records and registrations.

Code Enforcement: The municipal department or official in charge of ensuring that ordinances that outline codes for a municipality, like zoning codes, building codes, and fire codes, are being followed by residents and property owners in that municipality. Code enforcement reviews and grants applications for building permits.

Colonialism: Colonialism is the process where a group of people, or colonizers, take control over a place and its indigenous people (the original inhabitants of that place). Sometimes this process involves forcing the indigenous people out of their homeland – displacing them – so that the colonizers can settle that place for themselves.

- **Settler-colonialism:** A form of colonialism in which colonizers attempt to displace indigenous people in order to permanently settle on their lands.

Commission: A body, sometimes elected but often appointed, that has been created and authorized to deal with a specific issue or perform a specific duty. For example, some municipalities have created housing commissions to work on the issue of affordable housing in their community. Charter

commissions are another example of a commission, created to draft or review a municipal charter.

Committee: A body, sometimes elected but often appointed, that is charged with developing local policy proposals for a particular issue, or with maintaining a local service or community space.

- **Municipal Committee:** Most municipalities have several committees; these committees can be a mix of appointed and elected officials or community members. Common municipal committees include parks & recreation committees, library committees, economic development committees, and energy and sustainability committees. Sometimes committees are formed to address an emerging issue – for example, a solar committee to address increasing large-scale solar panel development in a community.

Comprehensive Plan: A comprehensive town or city plan is a road map for that community that includes an inventory and analysis of the municipality, a set of policies for managing change to the community, and a strategy for implementing those policies.

Conservatorship: A legal term for when a judge appoints someone (the conservator) to control the finances and personal affairs of someone else (the conservatee) due to a judgment that the person lacks capacity to manage these affairs for themselves.

Council: A body that oversees the legislative, and sometimes the administrative, functions of a local government. Councils are representative bodies, made up of officials who are elected by voters in a community at large or in districts (or a mix of both).

- **City Council:** A form of legislature for cities, made up of representatives elected by the voters in the city at large or in districts, that passes ordinances for that city and typically passes the city budget as well. The specific role and responsibilities of a city council are described in that city's charter. Some city councils also act as the town's executive body, unless a mayor serves that role.
- **Town Council:** A form of legislature made up of representatives elected by voters in a town, at large or in districts, which passes ordinances for that town and sometimes passes the town budget as well. The specific role and responsibilities of a town council are described in that town's charter. Some town councils also act as the town's executive body.

County: A type of local government that is larger than a municipality. There are sixteen counties in Maine. See the county section of this guide for more information on the functions of county government.

County Board of Commissioners: The executive body of county government, made up of at least three commissioners who are elected by voters in each commissioner district for a county. The role and responsibilities of county boards of commissioners are outlined in Maine law: Title 30-A, Chapter 1.

Court: A judicial body that interprets the law and sometimes determines its constitutionality. Courts also hold criminal and civil trials that deal with violations of a law or lawsuits involving some sort of illegal harm.

- **District Court:** A type of court in Maine, run by the state, that deals with civil, criminal, and family issues, as well as small claims (conflicts involving $6,000 or less) in one of Maine's eight judicial districts. District courts do not conduct trials by jury.
- **Maine Superior Court:** A type of court in Maine, run by the state, that deals with more significant legal issues in each of Maine's eight judicial districts, including cases that involve a jury trial.
- **Probate Court:** A type of court in Maine, run at the county level, that deals with minor issues that do not require a trial by jury. They determine the legitimacy of wills, distribution of estates, and process name changes, adoptions, guardianships and conservatorships.

– D –

Deed: A legal document that serves as an official record of ownership of a parcel of land (also called a property).

Displace: To forcibly move a person or group of people from a place that they inhabit.

District: A type of local government other than a municipality or county. Districts can be smaller or larger than a municipality, and are a type of local government that typically provides a specific service, like public education or public sewer.

- **Municipal District:** A type of local government that covers an area the size of or smaller than a municipality. Municipal districts typically provide services, and are common in all municipalities, though larger municipalities tend to have more forms of municipal districts, including municipal school districts.
- **Regional District:** A type of local government that covers an area larger than a single municipality. Regional districts typically provide specific services, and are common in more rural parts of the states.
- **Sanitary District:** A type of local government that provides public sewer services for an area. Not all areas in Maine have sanitary districts; residents in areas without public sewer services use private septic systems.
- **School District:** A type of local government that provides public education in an area. A school district is governed by a school board, a representative body elected by voters in the district. Some school districts in Maine are municipal and some are regional.
- **Water District:** A type of local government that provides public water services in an area. Not all areas in Maine have water districts; residents in areas without public water services use private wells.

District Attorney: An elected official who prosecutes all crimes except murder that occur in the Maine judicial district where they are elected to serve.
Estate: A legal term that refers to everything of legal and financial value that a person owns, including property and money.

– E –

Executive: The function of government to oversee the implementation of laws or ordinances and administration of governmental services. The executive function of government can be performed by a single elected official, like a mayor, or an elected body, like a select board.

- **Chief Executive:** The official who serves as the head of the executive function of a government. Chief executives are typically elected by voters but in some municipalities in Maine are elected by the city council.
- **Executive Body:** The group of elected officials who serve as the collective head of the executive function of government. Most towns in Maine do not have a mayor to serve as a chief executive; instead, their select board or town or city council is their executive body.
- **Executive Official:** Any officials, elected or appointed, who assists in the implementation of laws or ordinances and the administration of government services.

– G –

Governing Document: A document that describes the functions and powers of a government. Some governing documents, like constitutions and charters, must be adopted by voters. The U.S. Constitution and the Maine State Constitution are examples of federal and state governing documents. At the local level, a governing document is either a charter or, in the absence of a charter, the Maine law that describes that form of government.

Guardianship: A legal term for when a judge appoints someone (the guardian) to make decisions for someone else (the ward) due to a judgment that the person lacks capacity to make decisions for themselves due their age or lack of comprehension or self-control.

– H –

Home Rule: An approach to local governance where a state authorizes municipalities to make their own decisions for their communities, as long as those decisions are not in conflict with state law, the state constitution, federal law, or the United States constitution.

– I –

Indigenous/Indigenous Populations: The original inhabitants of an area.

Infrastructure: The systems and facilities that are necessary for a community to function, such as roads, transfer stations, and power lines. The parts of this infrastructure that are maintained by local governments are often called public works.
Judge of Probate: A county official, elected by voters of a county, who performs the judicial business of probate court.

– J –

Judicial: The function of government that interprets the law and its application and determines its constitutionality.

- **Judiciary:** The group of elected and appointed officials who serve the judicial function of government through a system of courts.

– L –

Legislative: The function of government that makes the laws or ordinances (in other words, the policies) of that government and passes its budgets.

- **Legislative Body/Legislature:** The group of elected officials who serve the legislative function of government. Some municipalities in Maine have representative bodies (town or city councils) that serve as their legislature, but in most towns, the voters serve as the legislature through town meetings.

Local Government: Local government in Maine includes all the types of government that exist to make the decisions and provide the services to communities that are not directly administered by the state government. Local government includes counties, municipalities, and regional or municipal districts.

– M –

Manager, Town or City: A paid professional official, appointed by a municipality's executive body or chief executive, who assists in administering municipal government. The roles and responsibilities of a manager are described in Maine law, Title 30-A, Chapter 123, Subchapter 2, or in a municipal charter if the town or city has one.

Mayor: An executive official of a town or city, whose role and responsibilities vary widely from municipality to municipality and are described in a municipal charter. Some mayors are elected by voters in a municipality and some are elected by the municipality's town or city council.

Mill (Millage) Rate: The rate at which property taxes are charged. Mill stands for millage, which means that

the rate is out of a thousand dollars; for example, a mill rate of one would mean that the tax on a property is one dollar for every thousand dollars in assessed value. Assessors use the amount of revenue that needs to be raised in property taxes and the total assessed value of property in the municipality to calculate the mill rate each year.

Municipal Government: A type of local government that makes decisions and provides services for a municipality (a town or city).

- **Municipal Official:** An appointed or elected official who serves some role in municipal government.
- **Municipal Personnel:** An official who is employed by a municipality to serve a role in its government.

Municipality: In Maine, a municipality is a town or city. Ordinance: A policy or regulation that a Maine municipality adopts through a vote of its voters or its representative body.

– P –

Petition: A written application asking for a local government action, such as: a town meeting or ballot question for a proposed ordinance, the establishment of a charter commission to adopt or revise a charter, or ballot question on a charter amendment. If the petition organizers succeed in collecting the necessary number of signatures from voters in municipality (or county), local government officials are required to take action on the petition by scheduling an election or town meeting for a vote on it (the specific numbers of signatures required is described in Maine law or municipal charter). Municipalities are not allowed to prohibit petitions for municipal initiatives.

- **Nomination Petition:** Municipalities without charters can choose to have candidates fill out a written application to run for elected municipal office. The candidate must collect a certain number of signatures of voters as part of the nomination petition (the details of this process are described in Maine law). In Maine cities, a candidate can also run for elected city office by filling out nomination papers as described in Maine law.
- **Recall Petition:** Some municipal charters allow voters to collect signatures on a written application for the recall of a municipal official. The process for a municipal recall petition, if allowed, is described in the municipal charter.

Plantation: A form of local government that is similar in geographic size to a town or city but has less municipal government, typically due to having insufficient population.

Polling Location: The place or places where an election is held, where voters can vote on the date of the election. (In-person absentee voting might happen at another location, like the town or city office). A local election might have a single polling location or multiple polling locations.

Property Tax: A tax, or fee, that is charged to a property owner based on the value of their property and the revenue needed to be raised to fund municipal, county, and district services like the local public schools. The rate at which property is taxed is called the mill (or millage) rate.

- **Property Tax Abatement:** A reduction in the amount of property taxes owed due to an overestimate of the property's value or some other error in assessing the property tax.

Property Value Assessment: An evaluation of the monetary value of a property based on the land and physical structures on the property. This evaluation is used to determine the property taxes for a property.

Public Works: A local government department that deals with the operation and maintenance of municipal infrastructure, like roads, sidewalks, plowing, storm drains, traffic signs, road signs, recycling collection, transfer facilities, and so on.

– R –

Register of Deeds: A county official, elected by voters in a county, who maintains all legal documents affecting real estate in that county.

Register of Probate: A county official, elected by voters in a county, who is responsible for administration of probate court and maintaining records as required by law.

Representative: A government official who is elected to represent the voters of a community or a district within that community.

Representative Body: A government body made up of officials who are elected to represent the voters of a community or districts within that community.

Right of Way: A legal term for permission to pass through a property that you do not own. The specific route that you are granted permission to pass along is also called the right of way.

Rural: A U.S. census definition of an area that is less densely populated than a city and its surrounding area (or suburbs).

– S –

Select Board: The executive body of a town meeting form of government that oversees the administration of that government and also votes to send warrant articles to town meetings. Select board members are elected by voters in a town at the annual town meeting.

Sheriff: The chief law enforcement officer for a county, elected by voters in that county. In Maine, the county sheriff's office oversees the county jail and often provides law enforcement services for municipalities that do not have their own municipal police department.

Sovereignty: The right of a group of people to govern themselves.

Superintendent: The administrator of a school district, who is appointed by the district's school board. Superintendents, like many town or city managers, are professional, full-time officials.

– T –

Task Force: A body, typically appointed, that has been created to research a specific issue and often provide policy or regulatory recommendations on that issue. Task forces tend to differ from commissions or committees in that they are less permanent.

Term: The length of time that an official is elected to serve. For local officials, terms are often three or four years.

Town Meeting: A form of legislature in some towns, made up of the voters of the town themselves.

- **Annual Town Meeting:** A yearly town meeting where voters conduct town business, including passing the annual town budget, electing municipal officials, and perhaps voting on proposed ordinances.
- **Special Town Meeting:** A town meeting in addition to the annual town meeting for voters to consider and vote on an often time-sensitive proposed ordinance or budget item. A town might have more than one special town meeting in a year.
- **Open Town Meeting:** A form of town meeting where voters gather in an in-person meeting to discuss and vote on town business.
- **Referendum Town Meeting:** A form of town meeting where voters vote absentee or at a polling location on town business, using printed ballots. Annual town meetings are held exclusively as referendum town meetings in some towns; other towns hold them as open town meetings or a combination of the two formats (voting on municipal officials by referendum and on the town budget by open meeting).

Town: A type of municipality in Maine. In Maine, towns are incorporated with the approval of the state legislature. Towns vary in both geographic size and population, but are often more populated than plantations or townships and less populated than cities. Some towns adopt town charters as the governing document of their town government, while other towns use the Maine law, Title 30-A, as their governing document.

Township: A township is similar in geographic size to a municipality, but without a municipal government due to its lack of sufficient population.

Trustee: An official who is elected or appointed to a board of trustees to manage a particular type of local government, like a sanitary or water district.

– U –

Unorganized Territory: The area of Maine made up of townships. This area is extremely rural and is mostly in the interior of the state, though it includes some island communities. Local government in the unorganized territory is provided by counties, the state, and, sometimes, neighboring municipalities.

– V –

Village Area: A downtown or more populated part of a municipality, often in the center of the municipality. Village areas are often the historical center of a municipality and might be a hub of businesses (like general stores) and infrastructure (like sidewalks). Some municipalities have more than one village area. Village areas are not municipalities on their own, but they can choose to become a village corporation in order to pass ordinances, as long as such ordinances do not conflict with the municipality's ordinances.

– W –

Warrant: In reference to municipal government in Maine, a warrant is the written notice that calls for a town meeting, as voted on by a select board. A warrant includes all of the items that will be considered and voted on by voters at the town meeting; these items are called warrant articles.

- **Warrant Article:** A business item that will be considered and voted on by voters at the town meeting that is called for by the warrant.

Will: A legal document that describes how someone would like their property to be distributed after their death.

– Z –

Zoning: An approach to regulating land use where a municipality divides a community into zones and applies different land use policies in these different zones. The number of zones and detail of land use policies varies across municipalities, but a common broad distinction is between residential and non-residential areas.

- **Zoning Ordinance:** A type of land use ordinance that divides a municipality into zones and calls for different land use policies in each zone, depending on the desired land uses or population density in that district. These zones commonly have names, like "residential district" or "industrial district."

Additional Resources.

This guide is a how-to manual on local government in Maine, which means that we did not have the space to include a lot of details about all the different types of local government! If you want to learn more about local government, here are some additional resources. We've sorted them by section, so you can find the ones that relate to the topic, or topics, in this guide that really got your attention. This is not a comprehensive list; if you have suggestions of other resources we should add in future versions of the guide, please let us know.

Acknowledgement

Resources on Wabanaki Nations, settler-colonialism in Maine, and anti-Black racism and local government in Maine:

- Houlton Band of Maliseet Indians Official Website: Information on the Houlton Band of Maliseet Indians and their government.
- Mi'kmaq Nation Official Website: Information on the Mi'kmaq Nation and their government.
- Passamaquoddy Tribe at Indian Township Official Website: Information on the Passamaquoddy Tribe at Indian Township and their government.
- Passamaquoddy Tribe at Sipayik Official Website: Information on the Passamaquoddy Tribe at Sipayik and their government.
- Penobscot Nation Official Website: Information on the Penobscot Nation and their government.
- Wabanaki Alliance: Advocacy group, formed by the Wabanaki nations, to work toward securing sovereignty for tribes in Maine.
- Wabanaki REACH (Restoration, Engagement, Advocacy, Change, and Healing): An organization that supports the self-determination of Wabanaki people through education, truth-telling, restorative justice, and restorative practices in Wabanaki and Maine communities.
- Bounty Film: A film about bounty proclamations against indigenous peoples. The film website's resources include a teacher's guide, a detailed timeline, and an archive of bounty rewards.
- Understanding Dawnland Webinar Series: An educational webinar series from the League of Women Voters of Maine promoting a better understanding of the past and present of the Wabanaki nations. Webpage includes a resource guide.
- 99 Years Podcast: A podcast that explores the twentieth century history of racist reforms to the structure of local government in Maine and how that structural racist continues to the present day. The podcast's website includes a sources page for more information.

Why Municipalities Govern Local Communities in Maine

Resources on the Rural Nature of Maine and Home Rule:

- United States Census: Urban and Rural: United States Census page on urban-rural classification, including data from 2020 Census.
- United States Census: Rural America: United States Census story map on rural America.
- Rural America at a Glance: 2021 edition of the U.S. Department of Agriculture's Economic Research Service report on rural America.
- Maine State Constitution, Article VIII, Part Two: The section of the Maine state constitution that includes its home rule amendment.
- Title 30-A, Chapter 111: Home Rule: The section of Maine law that outlines home rule.
- Home Rule: Webpage about home rule from the Community Environmental Defense Fund.
- Dillon Rule and Home Rule: Principles of Local Governance: Two-page description of home rule, and its alternative – Dillon Rule, from the Nebraska Legislative Research Office.

Municipal Government in Maine Resources

Municipal Government in Maine:

- Title 30-A, Part 2: Municipalities: The section of Maine law that describes the authority and function of municipalities, including their home rule authority and the default municipal government for towns without charters.
- Local Government in Maine: "Government is the People": Maine Municipal Association's very comprehensive guide to local government in Maine. Focuses on municipal government from its settler-colonial origins through today, but includes a section on county government and regional forms of government.
- Local Action Workshops: Running for Local Office and Overcoming Challenges: League of Women Voters of Maine recorded workshops on taking action in local government.

Town Meetings:

- Title 30-A, Chapter 121: Meetings and Elections: The section of Maine law that describes town meetings.
- A Citizen's Guide to Town Meeting: A detailed guide for participating in town meetings from the Maine Municipal Association.
- What You Need to Know about Maine Town Meetings: A 2023 explainer from the Bangor Daily News about town meetings in Maine.

Comprehensive Plans

- Comprehensive Plans: State website on comprehensive plans from the Municipal Planning Assistance Program.
- Comprehensive Planning: Why Bother?: A program on comprehensive planning in Maine from the Democracy Forum, a radio show of the Downeast League of Women Voters on WERU Community Radio.

Plantations and Townships

- Unorganized Territory: State webpage about the unorganized territory of Maine.
- Title 30-A, Chapter 305: Municipal Services in

Unorganized Areas: The section of Maine law that describes municipal services in townships (which are administered by the county).
- Title 30-A, Chapter 301: Plantations: The section of Maine law that describes plantations.

Districts in Maine Resources:

School Districts:
- Maine Schools: Structures & Governance: The Maine Department of Education's webpage describing the different types of school districts in Maine.
- MSBA Handbook: A Guide for Maine School Board Members and Maine School Superintendents: The Maine School Boards Association's very comprehensive guide about school boards (designed for school board members and superintendents, it has a lot of information that is useful to community members in general).

Other Types of Districts
- Municipal Water Systems (Public Water Utilities): Maine CDC Division of Environmental and Community Health's list of public water districts in Maine.

County Government in Maine Resources:

- Title 30-A, Part 1: Counties: The section of Maine law that describes county government.
- 2023 Directory of Maine Counties: Directory of county officials in Maine, from the Maine County Commissioners Association (link).

The Judicial Part of Local Government Resources:

- State of Maine Judicial Branch: Find a Court: A map of district and superior courts in Maine, along with links to a list of municipalities and their corresponding court.
- State of Maine Judicial Branch: District Court: A list of district courts in Maine and their locations.
- Maine Probate Courts: A list of probate courts and their Judges of Probate and Registers of Probate.
- State of Maine Judicial Branch: Help: An overview of legal topics dealt with in Maine district and superior courts, including traffic violations, divorce, foreclosures, and small claims.
- The Maine Judicial Branch 2020: A presentation on the Maine judicial system including district and probate courts.

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