

The primary purpose of local government is to provide public services. Each unit of government must balance what the citizens of a community want for services with how much they are willing to pay for them. Once the legislative body of a community determines the level of services to be provided, the local officials then have the responsibility for providing those services and collecting the taxes and revenues necessary to pay for them. Citizen participation is needed so that municipal officials understand just what citizens want, and what form of government is best suited for the community to enable those officials to accomplish their responsibility.

Maine's 491 plantations, towns, and cities have created a variety of forms of government that continue to evolve to meet the changing needs and demands of citizens. Since the creation of Home Rule by constitutional amendment in 1969, municipal government has become more diverse and varied. Citizens have been empowered to build their local governments from the bottom up. An example is "referendum government" that is being used in approximately 12 Maine municipalities, including the towns of Bradley, Dixfield, Eliot, Hollis, Jay, Mexico, Monmouth, Ogunquit, Readfield, Rumford, Wiscasset and York, where citizens vote on their warrant items in the voting booth, rather than at the traditional town meeting. The budget approval system for school systems is established in state law. For many years, legislation created similar opportunities for school districts, and "referendum voting" on school budgets was exercised in a number of multi-municipal school districts, now called "Regional School Units" or RSUs. Beginning in 2005, state law has required that all school budgets, after being adopted through the traditional open meeting process, be subsequently ratified by the voters by means of the "school budget validation referendum."

Municipal government, like its federal and state counterparts, must be structured to carry out legislative, executive and judicial functions. Its legislative function is to determine what the laws (ordinances) will be and annually adopt the municipality's budget; the executive function is to carry out, enforce, and administer the budget and those local laws; and the judicial function is to settle disputes that arise as laws are enforced. The judicial function does not involve courts and judges but instead "quasi-judicial" boards or committees, such as the Board of Appeals and the Board of Assessment Review.

To carry on these functions, and meet the needs of its citizens, municipal government in Maine operates under several basic forms of government. What follows are descriptions of the five basic municipal governance structures that cover all Maine communities, although there are numerous variations or hybrids within and among these five forms.

In the descriptions below, there will be many references to the office of "selectman" and the "board of selectmen." There is a range of opinion about whether these historically used terms, which specify gender, are still applicable in a time when gender-neutrality is expected in written discourse. It is certainly the case that women have been elected to serve as the municipal officers of their communities on an equal basis with men throughout modern times. The gender-neutral terms for these offices are "selectperson" and "select board." All of these uses – selectwoman, select board, selectman or selectperson – are perfectly acceptable according to preference. For the purpose of providing an overview of local government in Maine, this

publication continues the practice of using the historical referents, which exist unchanged in state law.

The five basic forms of local government in Maine are:

- Town Meeting – Selectmen
- Town Meeting – Selectmen – Manager
- Town Meeting – Council – Manager
- Council – Manager
- Mayor – Council

Town Meeting - Selectmen

During the more than 300 years it has endured and served towns in New England and throughout Maine, the Town Meeting-Selectmen form of government has often been called the purest form of democracy.

The key to this traditional form of local government is the annual town meeting. It is typically held one day each year, historically in March but now as likely in April, May or June, when the citizens gather in one place to decide the important issues facing the town. Towns that have adopted a July-June fiscal year usually meet in May or June. The issues to be brought before the voters are listed as articles on the warrant, which also announces the time and place of the meeting. At the meeting, votes may be taken only on warrant articles. The first article calls for the election of a moderator, a person chosen to chair the meeting. The moderator has broad powers to regulate the meeting and may even have unruly persons who disrupt the meeting removed.

The town meeting performs the legislative function of local government and every citizen who is a registered voter may directly participate in this “peoples’ assembly.” The town meeting passes laws (ordinances) needed for orderly governance, approves a budget, effectively decides the amount of property taxes to be raised, and elects various town officers.

Among the town officers elected at the town meeting, often by ballot preceding the business session, is the board of selectmen, which performs the executive function by administering, enforcing, and carrying out decisions made at the meeting. The selectmen usually number three, five or, in a few cases, seven. Under state law, they have specific duties relating to town meetings and elections, finances, personnel, streets and highways, public safety, human services, public works and planning. State law grants boards of selectmen some legislative powers as well. These include enacting laws or ordinances regulating vehicles, public ways, cable television, and the local welfare program (general assistance).

Other officials often elected by the town meeting include town clerk, tax collector, road commissioner, and treasurer, although in some towns these positions are appointed by the selectmen or town manager. The duties and responsibilities of all these officials are also specified in state law. Particularly in small towns, the board of selectmen often assumes multiple responsibilities. Duties assumed by a board of selectmen might include road commissioner, assessor and overseer of the poor. Where applicable, state law also requires the voters to elect a school board, which appoints a superintendent of schools to supervise public education. Regional and community school districts operate separately from the town meeting.

Special town meetings also may be held during the year when the need arises. They are called by the board of selectmen, or by a sufficient number of qualified voters signing a petition.

One of the most important values of the town meeting form of government is that it provides citizens an opportunity to participate directly in governing their community. They truly become “citizen legislators.” In recent decades, there has been concern over lack of attendance at, and participation in, town meetings.

Meeting-Selectmen remained the form of government in 170 Maine towns, and the vast majority of the 140-plus towns employing managers still conduct town meetings as well. The town meeting will probably remain popular in Maine's municipalities for years to come and will likely remain the rule for towns with populations under 2,000.

Town Meeting - Selectmen - Manager

As towns grew, it became increasingly difficult for their part-time, elected officials to effectively run town government. To help carry out the daily operations, the board of selectmen hire a town manager, usually a professional trained in public administration.

Even before the statutory Town Manager Plan was authorized by the Legislature in 1939, many Maine communities had already seen the need for professional help and had obtained special legislative approval to hire a manager. By 1932, 11 Maine cities and towns employed managers. The City of Auburn became the first municipality to appoint a manager, in 1917. In 1925, Camden became the first Maine town to adopt this form of government, followed by Fort Fairfield, Mt. Desert, Washburn, Rumford and Dexter.

The Town Manager Plan clearly defines the duties, responsibilities, and powers of the manager. As administrator of local government, the manager appoints some municipal employees directly and some with the approval of the board of selectmen or council. Towns are also permitted to discontinue some traditionally elected officials, such as clerk, treasurer or tax collector, and give the manager some or all of these responsibilities.

The law gives the manager authority over much of the town's operations. The manager prepares the budget for the selectmen to submit to town meeting, and the manager administers the budget, with the oversight of the selectmen, following town meeting approval. The manager reports to the board of selectmen and may be removed by the board according to provisions of the state law and any contractual agreement. The manager administers all municipal operations, but not the public schools, which are separately controlled by a school board and superintendent.

With the passage of Home Rule, Maine's cities and towns gained the authority to adopt by local charter any form of government employing a town/city manager. Thus, a town also has the option of choosing the statutory Town Manager Plan or of setting forth its own list of duties and responsibilities for the manager in the local charter.

In the Town Meeting-Selectmen-Manager form of government, the legislative and executive functions of government remain fully separated. The town meeting continues as the legislative body, determining what laws should govern the town and where the money is to be spent. The board of selectmen is the executive body, but it now has a single chief administrator, the manager, to supervise daily operations.

There are many variations of this form of government within Maine communities. Towns have considerable flexibility in determining which offices will be under the town manager, which departments the manager will head, which departments have a separate person in charge reporting to the manager, and which offices will be elected at town meeting.

A few communities share a town manager. Sometimes called a "circuit-riding" manager, this person administers the operations of government in more than one community. This variation is usually found in smaller towns that cannot afford a professional administrator on their own. By joining together and paying the manager collectively, the towns can obtain the professional assistance they need.

A single professional manager has served the towns of Castle Hill, Mapleton and Chapman for many years; another serves the towns of Merrill and Smyrna. The largest of these towns is Mapleton with a

population of 1,948 and the smallest is Merrill with 273. Other communities have considered adopting this variation of the town manager system. Small communities also seek professional help on their own. Towns as small as Amity (pop. 238) and Carrabassett Valley (781) employ managers, some of them part time. Other, larger towns, continue to rely on selectmen, although often the “first” selectmen or an assistant to the board carries out administrative duties. These include Buxton (pop. 8,034) Hollis (4,281) and Lebanon (6,031).

Another variation of the manager form of government is in effect in towns where the selectmen have hired a full or part-time administrative assistant (AA). These assistants are generally hired by the selectmen to advise them on specific matters, often finances. There is no state law providing for an administrative assistant, and the responsibilities and duties of administrative assistants vary from town to town, depending on what authority is given to them by the board of selectmen. This variation has proved to be a popular alternative to the manager form. Nearly 60 communities are currently using the Town Meeting-Selectmen-Administrative Assistant option.

In all, 216 towns – 50 percent – were using managers, town administrators or administrative assistants in 2016.

Town Meeting - Council - Manager

This form of government differs from Town Meeting-Selectmen-Manager in that some legislative functions are exercised by the town meeting and some by the council. In communities with this variation, most legislative functions regarding the budget are reserved for the town meeting. For this reason, it is sometimes referred to as the Financial Town Meeting-Council-Manager system. The council exercises legislative functions regarding ordinances. In this form, the council serves the executive function as well as exercising certain legislative responsibilities. In 2016, 18 Maine communities were operating under this form of government.

All of these forms of local government retain the town meeting and entrust at least part of the legislative function to citizens who participate and vote at town meeting. The limits on the pure town meeting form are usually made so decisions can be made more efficiently and economically. Citizens in mostly larger communities have been willing to give up direct control through the representative form of government familiar at the state and national level. Citizens still retain a measure of local control through the ballot box, and continue to employ a mix of direct and representative democracy.

Council - Manager

The Council-Manager form is the most popular municipal government option used in the United States, and is used in Maine in those communities that have dropped the town meeting system, including all of Maine’s cities and several towns. Unlike town meeting government, which existed at statehood, the council form must be adopted through a local charter.

In this form, the council is the elected body of government and serves both legislative and executive functions. The number of council members varies, but most communities elect five, seven or nine. The method of election also varies. Most communities elect councilors “at-large,” meaning citizens vote for candidates regardless of where they live in the community. In some communities, councilors are elected from wards – electoral subdivisions of the city or town – and only the voters in that ward elect the person to represent them on the council. Some have a mixture of councilors elected by wards and at-large.

In some of the Council-Manager communities in Maine, the mayor is elected directly by the voters to be the council’s presiding officer. More commonly, the mayor is a council member elected to the position by

the other councilors. However chosen, the mayor serves as the presiding officer and represents the council on ceremonial occasions. Most mayors in the Council-Manager communities have neither special administrative duties nor appointive powers. In a few Maine cities, the mayor does have appointive powers, although appointments are often subject to council approval.

In performing its legislative and executive functions, the council sets policies that govern the community and hires a manager to carry them out. The councilors are answerable to the people who elect them. Citizens unhappy with the decisions of the council may replace councilors at the next election, or, in a few instances, recall sitting councilors. The appointed manager is answerable to the council. If the council becomes dissatisfied with the manager's performance, there are legal procedures that must be followed for the manager's removal, similar to those governing managers under boards of selectmen.

By 2016, 20 Maine cities and 24 towns had adopted the Council-Manager form of government.

Mayor - Council

The Mayor-Council form of government, where the mayor is the chief elected and chief administrative official, is quite common outside of Maine but rare in this state. Several Maine communities elect mayors, but only the City of Westbrook has a "strong mayor" in the classic sense. Although the city employs a professional administrator who works for the mayor, the city government's administrative authority is granted entirely to the mayor by charter. Until a charter change voted in November 2005, the City of Waterville also had administrative authority vested in the elected mayor. The term "strong mayor," however, is not defined in stone. In a city or town council municipality, it is often used to distinguish a chief elected official who is granted significant administrative responsibilities or special authority by local charter, from chief elected officials who have little or no administrative authority. There is at least one other variation of a "strong mayor" system.

In 2010, Portland's voters approved changes to the charter that transformed the position of mayor from a more-or-less ceremonial office, elected on an annual basis by the city council, to a full-time position. Portland's mayor is now elected to a four-year term by the voters at large, provided an annual salary of 1.5 times the median income of the residents of the city, and charged with providing community leadership and developing, with the city council, strategic goals and priorities for Portland. The city also employs a city manager, and the division of labor between the two positions is that the manager oversees operations and the mayor oversees policy.

Lewiston is another example of the changing structures that can develop within the forms of local government in Maine. Lewiston's initial system was unique in Maine, and perhaps the nation. It was once described "as a government of 37 legs and no head," by the late Dr. Edward Dow of the Political Science Department at the University of Maine. Government administration and finance rested with six boards and commissions with five members each, a seven-member council, and a mayor.

Since 1980, Lewiston's city government has been a Mayor-Council-City Administrator form of government. The new charter passed in 1979 by Lewiston voters brought in a Council-Administrator government, superseding most of the mayor's previous responsibilities. As in other cities, a professional administrator is now responsible for supervising departments and producing and executing the budget. The administrator, who does not have the title of manager, reports to the city council, whose members are elected to two-year terms.

Lewiston's changing governmental structure illustrates that after Home Rule was instituted, more and more communities acted as architects, designing organizational structures to meet varying needs. Revisions

of city charters have become more common. Augusta has made two major revisions to its charter, in the first instance replacing an all-ward system of electing councilors with four ward representatives and three at-large members. A second charter commission further revised election districts. Augusta's mayor is separately elected by the voters and also may vote to break ties.

In other larger cities, such as Bangor and Rockland, the mayor is elected among the membership of the council. In these cities, the city manager performs a larger executive role, and the council performs a primarily legislative function. Eastport is unique among Maine cities in not designating a mayor, while Pittsfield is a town that nonetheless does choose a mayor. In Eastport, the highest elected official is the city council chairman.

Partisan elections have become a rarity in Maine's local contests, but they continue in the three of the four cities that began with "strong" mayors – Biddeford, Waterville and Westbrook.

The term "hybrid" can certainly be used to describe the various forms of city and town government due in no small part to the freedom at the community level to design unique adaptations of familiar local government forms. Such experiments will no doubt continue in the future as the competing needs of citizens and taxpayers find new expression.