

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES (Filing No. H-659)
109TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 831, L.D. 1038, Bill,
"AN ACT to Provide for County Self-government."

Amend the Bill by striking out everything after the enact-
ing clause and inserting in its place the following:

MRSA
'Sec. 1. 30/§1501, last sentence, as enacted by PL 1977,
c. 486, is repealed as follows:

~~The county charter shall not alter the powers of duties of county
government as established by general law.~~

MRSA
Sec. 2. 30/§1551, sub-§2, as enacted by PL 1977, c. 486,
is amended to read:

2. Alternative method initiative. On the written petition
of a number of voters equal to at least 20% 10% of the number of
votes cast in the county at the last gubernatorial election, ~~but~~
~~in no case less than 10,~~ the county officers shall, by order, pro-
vide for the establishment of a charter commission ~~for the estab-~~
~~lishment of a charter commission~~ for the revision of the county
charter in the form and manner provided in this chapter.

Sec. 3. 30 MRSA §1551, sub-§3, ¶A, 2nd paragraph, as en-
acted by PL 1977, c.486, is amended by adding at the end a new
sentence to read:

Petition blanks shall be issued for each municipality.

Sec. 4. 30 MRSA §1551, sub-§3, ¶B, subdivision (3), as enacted by PL 1977, c. 486, is amended by adding at the end a new sentence to read:

Prior to filing the petitions pursuant to subdivision (4) they shall be submitted to the registrar of each municipality concerned for certification according to Title 21, section 494, subsection 7, paragraph B.

Sec. 5. 30 MRSA §1551, sub-§4, ¶C, as enacted by PL 1977, c. 486, is repealed.

Sec. 6. 30 MRSA §1551, sub-§5, first sentence, as enacted by PL 1977, c. 486, is amended to read:

Within 30 days after the adoption of an order under subsection 1 or the receipt of a certificate or final determination of sufficiency under subsection 4, the county officers shall by order submit the question for establishment of a charter commission to the voters of the county at the next regular or special statewide
~~county/election held not less than 60 days thereafter.~~

Sec. 7. 30 MRSA §1552, sub-§1, ¶A, as enacted by PL 1977, c. 486, is amended by adding after the first sentence a new sentence to read:

County officers are not eligible for election.

Sec. 8. 30 MRSA §1552, sub-§1, ¶B, as enacted by PL 1977, c. 486, is repealed and the following enacted in its place:

B. Appointive members shall be residents of the county but no person shall be appointed who is a resident of a municipality in which another member resides. Appointments shall be made by the county officers within 30 days after

the voter members have been selected. No more than 2 appointive members may be members of the same political party. One appointive member shall be a county officer, one shall be a municipal officer and one shall be either a State Senator or Representative. The county clerk shall give at least 7 days' notice to the clerk of each municipality within the county and each State Senator and Representative residing in the county of the date, time and place of the meeting at which the appointive members will be selected. The date, time and place shall be fixed by the county officers.

Sec. 9. 30 MRSA §1552, sub-§2, first paragraph, last sentence, as enacted by PL 1977, c. 486, is amended to read: Such date, time and place shall be fixed by the clerk and ~~7-days~~^{10-days} notice thereof shall be given.

Sec. 10. 30 MRSA §1552, sub-§2, 2nd paragraph, 2nd sentence, as enacted by PL 1977, c. 486, is amended to read: Vacancies occurring on the commission shall be filled by vote of the commission from the voters of the county and, when the vacating member was elected by a district, the district; except that a vacancy among appointive members shall be promptly filled by the county officers.

Sec. 11. 30 MRSA §1552, sub-§4, first paragraph, last 3 sentences, as enacted by PL 1977, c.486, are repealed and the following enacted in their place: Within 20 days after the election of a charter commission, the county officers shall credit to the charter commission account

the sum of \$500. A county may from time to time transfer additional funds to the charter commission account from surplus or from other accounts in the county budget.

Sec. 12. 30 MRSA §1552, sub-§5, first paragraph, as enacted by PL 1977, c. 486, is repealed and the following enacted in its place:

The charter commission shall hold no fewer than 3 public hearings for the purpose of receiving information, views, comments and other pertinent material relative to its functions. The first hearing shall be held within 30 days after the charter commission's organizational meeting.

Sec. 13. 30 MRSA §1552, sub-§5, 3rd paragraph, last sentence, as enacted by PL 1977, c. 486, is amended to read:
Minority reports, if may be filed, shall not exceed 1,000 words.

Sec. 14. 30 MRSA §1552, sub-§6, as enacted by PL 1977, c. 486, is amended to read:

6. Election. Upon the filing of the final report, the county officers shall order the proposed new charter or charter revision to be submitted to the voters of the county at the next regular or special ^{statewide} ~~county~~ election held at least 30 days after the filing of the final report.

Sec. 15. 30 MRSA §1553, sub-§1 2nd sentence, as enacted by PL 1977, c. 486, is amended to read:

Within 7 days after the hearing, the county officers may order the proposed amendment to be placed on a ballot at the next regular or special ^{statewide} ~~county~~ election held in the county not less than 30 days after the order is passed; ~~or they may order a special~~

~~election-to-be-held-not-less-than-30-days-from-the-date-of
the-order-for-the-purpose-of-voting-on-the-proposed-amendments.~~

Sec. 16. 30 MRSA §1553, sub-§2, first sentence, as enacted by PL 1977, c. 486, is amended to read:

On the written petition of a number of voters equal to at least ~~20%~~ 10% of the number of votes cast in a county at the last gubernatorial election~~7-but-in-no-case-less-than-10~~, the county officers shall, by order, provide that the proposed amendments to the county charter be placed on a ballot in accordance with the following procedures.

Sec. 17. 30 MRSA §1553, sub-§4, ¶A, 2nd sentence, as enacted by PL 1977, c. 486, is amended to read:

The notice of the hearing shall be published in a newspaper having general circulation in the county at least ~~7~~ 10 days prior to the hearing, and shall contain the text of the proposed amendment and a brief explanation.

Sec. 18. 30 MRSA §1553, sub-§4, ¶C, as enacted by PL 1977, c. 486, is amended to read:

C. On all petitions filed more than 120 days prior to the end of the current county fiscal year, the county officers shall order the proposed amendment to be submitted to the voters of the county at the next regular or special ~~county~~ statewide / election held within that year after the filing of the final report. If there is no such ^{year} election to be held before the end of the current county fiscal~~/~~, the county officers ~~shall~~ may order a special election to be held before the end of the current county fiscal year for the pur-

poses of voting on the proposed amendment. Unrelated charter amendments shall be submitted to the voters as separate questions.

Sec. 19. 30 MRSA §1554, sub-§1, first paragraph, first sentence, as enacted by PL 1977, c. 486, is amended to read: The method of voting at ~~county~~ all elections, when a question relating to a charter revision, a charter adoption or a charter amendment is involved, shall be by secret ballot in the manner prescribed for state elections.

Sec. 20. 30 MRSA §1554, sub-§1, last paragraph, as enacted by PL 1977, c. 486, is amended to read: The Secretary of State shall prepare and furnish to each city, town and plantation in the county all ballots and returns necessary to carry out the purpose of this referendum.

Sec. 21. 30 MRSA §1601, sub-§1, as enacted by PL 1977, c. 486, is amended to read:

1. Charter powers. The charter for any county may provide for the organization of county government, the election ~~or appointment~~ of a county legislative body, and the method of selecting officers, officials and employees, the establishment of county departments, agencies, boards or commissions, and their description, powers and duties, and the powers and authority of county officers or officials to direct, regulate and control these agencies, departments, boards and commissions, the internal activities of county government and the provisions required for the transition to the new form.

Sec. 22. 30 MRSA §1601, sub-§§2 and 3, as enacted by PL 1977, c. 486, are repealed and the following enacted in their place:

Limits.
2.7 A county adopting a charter pursuant to this subchapter
may exercise only those powers specifically stated in the charter.
New powers may only be exercised upon amendment or revision of
the charter. In any event, no county may, by the adoption, amend-
ment or revision of a charter, exercise any power or function which
the Legislature has power to confer upon it and which has not been
conferred on that county either expressly or by clear implica-
tion by general law or specific statute. A county may not alter
the statutory method of raising money for county expenditures.

A county adopting a charter pursuant to this subchapter may provide
for a method of appropriating money for county expenditures other
than the present statutory method. The alternative method shall
vest in the county legislative body the authority to appropriate
money provided that within 45 days of final adoption of the county
budget the legislative bodies of the municipalities within the
county may cause the budget to be recalled if the municipalities
so voting represent a majority of the population of the county.
If the budget is recalled, the county shall, until a budget is
finally adopted, operate on 80% of the previous year's budget.

3. Districts. A county adopting a charter pursuant to this
subchapter shall provide for the election of county officers from
3, 5 or 7 districts, from each of which one officer shall be
elected. The charter shall specify the number of districts and
establish the boundaries of each district.

Sec. 23. 30 MRSA §1602, sub-§2, as enacted by PL 1977, c. 486, is amended to read:

2. Duties designated. The county charter shall designate the county officers, officials or employees, who shall carry out the duties required of county commissioners, county treasurers and registers of deeds under general statute should the new charter abolish any of these offices or positions.'

Statement of Fact

This amendment changes certain county charter adoption the Maine Revised Statutes, provision presently found in Title 30, chapter 11 by providing that a county in its charter may authorize its legislative body to adopt a county budget free of legislative control. However, the municipalities of the county may recall the budget if those towns representing a majority of the county's population elect to do so.

Procedural revisions specify that the 3 appointive charter commission members shall be a municipal officer, a resident member of the county legislative delegation and a county commissioner. The percentage of voters needed to initiate a referendum on creating a charter commission is reduced from 20% to 10%.