

MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION
2

3 ONE HUNDRED AND TENTH LEGISLATURE
4

5 Legislative Document

No. 1775

6
7 H. P. 1785 House of Representatives, January 7, 1982
8 Approved for introduction by the Legislative Council pursuant to
Joint Rule 26.

Referred to the Committee on Local and County Government. Sent
up for concurrence and 1,600 ordered printed.

EDWIN H. PERT, Clerk

9 Presented by Representative Racine of Biddeford.

10 Cosponsors: Representative Hanson of Kennebunkport and Sena-
11 tor Dutremble of York.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-TWO
16

17 AN ACT to Prohibit County Departments from
18 Overspending their Budgets.
19

20 Be it enacted by the People of the State of Maine as follows:

21 30 MRSA §59, as enacted by PL 1967, c. 541, §6, is
22 amended to read:

23 §59. Penalty

24 Any agent or officer who shall willfully violate sec-
25 tions intentionally or knowingly violates section 252, 401,
26 403 or 408 shall be punished by a fine of not more than \$500
27 or by imprisonment for not more than 6 months, or by both
28 commits a Class E crime.

29 Any agent or officer who negligently violates those
30 provisions of section 252 relating to procedures to be fol-
31 lowed regarding intradepartmental transfers of funds and who

1 overspends his departmental or intradepartmental appropria-
2 tion, or who otherwise negligently overspends his departmen-
3 tal or intradepartmental appropriation, shall be personally
4 liable in a civil action for the amount of the overspending.
5 The action shall be brought by the district attorney who is
6 without authority to negotiate a settlement for any less
7 than the amount for which the agent or officer is allegedly
8 liable.

9

STATEMENT OF FACT

10 Negligent and intentional disregard by county depart-
11 ment heads of procedures established for budgetary control
12 has resulted in recurring deficits in county budgets. Ade-
13 quate procedures exist for intradepartmental fund transfers
14 and resort to county contingent funds in emergency situa-
15 tions. This bill places those officials at their peril for
16 carelessly violating these procedures by making them person-
17 ally liable for any amount of overspending. This bill also
18 prohibits the district attorney from negotiating a settle-
19 ment of the case for lesser amounts than that for which the
20 responsible official is allegedly liable.

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