

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINTH LEGISLATURE

AT THE

SECOND REGULAR SESSION

January 2, 1980 to April 3, 1980

AND AT THE

THIRD SPECIAL SESSION

May 22, 1980

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 164, SUBSECTION 6.

K. J. Printing Co.
Augusta, Maine

PUBLIC LAWS
OF THE
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Sec. 23. 20 MRSA § 4748-A, as enacted by PL 1977, c. 625, § 8, and as amended by PL 1977, c. 690, § 14-A, is repealed.

Sec. 24. 20 MRSA § 4750, sub-§ 7, first and next to last sentences, as enacted by PL 1977, c. 625, § 8, are repealed.

Sec. 25. 29 MRSA § 2019, sub-§ 1, as last repealed and replaced by PL 1977, c. 78, § 168, is amended to read:

1. **Receiving or discharging passengers.** All school bus operators shall activate the system of flashing red lights at least 100 feet before any stop is made to receive or discharge its passengers and these lights shall be continually displayed until after the bus has received or discharged its passengers.

Sec. 26. 29 MRSA § 2019, sub-§ 4, as last repealed and replaced by PL 1977, c. 78, § 168, is amended to read:

4. **Use of flashing lights restricted.** A school bus operator shall not use the system of red flashing lights on a school bus for any purpose other than controlling traffic in connection with the stopping of that bus for the purpose of receiving or discharging school children.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective March 28, 1980

CHAPTER 671

H. P. 831 — L. D. 1038

AN ACT to Provide for County Self-government.

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

Sec. 1. 30 MRSA § 152 is amended to read:

§ 152. Quorum

~~Two~~ A majority of the commissioners constitute a quorum. When ~~only one~~ attends, ~~he fewer attend,~~ they may adjourn to a convenient time and place. When no commissioner attends, the clerk may adjourn as provided in Title 4, section 112.

Sec. 2. 30 MRSA § 1501, last sentence, as amended by PL 1979, c. 127, § 173, is repealed as follows:

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

Sec. 3. 30 MRSA § 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, provide for the establishment of a charter commission ~~for the establishment of a charter commission~~ for the revision of the county charter in the form and manner provided in this chapter.

Sec. 4. 30 MRSA § 1551, sub-§ 3, ¶ A, 2nd paragraph, as enacted 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. 5. 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. 6. 30 MRSA § 1551, sub-§ 4, ¶ C, as enacted by PL 1977, c. 486, is repealed.

Sec. 7. 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 ~~county~~ statewide election ~~held not less than 60 days thereafter.~~

Sec. 8. 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. 9. 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. 10. 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. 11. 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. 12. 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. 13. 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. 14. 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. 15. 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 ~~county~~ **statewide** election held at least 30 days after the filing of the final report.

Sec. 16. 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 county statewide** 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. 17. 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 ~~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. 18. 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. 19. 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 election to be held before the end of the current county fiscal year, the county officers ~~shall~~ **may** order a special election to be held before the end of the current county fiscal year for the purposes of voting on the proposed amendment. Unrelated charter amendments shall be submitted to the voters as separate questions.

Sec. 20. 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. 21. 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. 22. 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. 23. 30 MRSA § 1601, sub-§§ 2 and 3, as enacted by PL 1977, c. 486, are repealed and the following enacted in their place:

2. **Limits.** A county adopting a charter pursuant to this chapter 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, amendment 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 implication by general law or specific statute. A county may not alter the statutory method of raising money for county expenditures.

3. **Districts.** A county adopting a charter pursuant to this chapter 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. 24. 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.**

Sec. 25. 30 MRSA § 1604 is enacted to read:

§ 1604. **Finance committee**

A county adopting a charter pursuant to this chapter may provide for a method of appropriating money for county expenditures other than the present statutory method in sections 2, 252 and 253. Any other alternative method provided shall vest in the county legislative body the authority to appropriate money, according to the

budget, which must first receive approval by majority vote of the finance committee. In the event the budget is not approved before the start of a fiscal year, the county shall, until a budget is finally adopted, operate on an interim budget which shall be no more than 80% of the previous year's budget.

A county choosing to exercise its authority under this section shall specify in the charter the number, term and method of selection of members of the finance committee. There shall be equal representation from each commissioner district, and one of the following methods of selection shall be used:

1. Appointment by county commissioners. Each county commissioner shall appoint the finance committee members from that commissioner's district from among the municipal officers of that district; or

2. Selection by municipal officers. The municipal officers within each commissioner district shall caucus and elect the finance committee members from that district. The principle of proportional representation shall be followed in the election of the finance committee.

The finance committee shall select its own chairman each year. Members shall not serve ex officio and shall have terms covering at least one full budget cycle.

The county commissioner shall submit a budget estimate to the finance committee in a timely fashion, no later than October 1st for the coming year and shall provide the committee with necessary clerical assistance, office expenses and meeting space, as well as access to county files and information. The committee shall act on the budget in a timely fashion, in any event not later than December 15th of the budget year.

Sec. 26. 30 MRS § 1605 is enacted to read:

§ 1605. Budget procedures

Any county adopting an alternative method of appropriating money for county expenditures, as authorized by section 1604, shall require in the charter that the county officers hold one or more public hearings in the county on the budget estimates prior to October 1st. A copy of the final budget estimates shall be filed, on forms approved by the Department of Audit, with the State Auditor, who shall retain them for a period of 3 years.

Effective July 3, 1980