

MAINE STATE LEGISLATURE

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STATE OF MAINE
LEGISLATIVE RESEARCH COMMITTEE

**Reports
to the
ONE HUNDRED AND FOURTH LEGISLATURE
Volume Two**

January, 1969

Legislative Research Committee

Publication 104-20 (Vol. II)

LEGISLATIVE RESEARCH COMMITTEE

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 Resigned August 14, 1968
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 Elected September 19, 1968
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 William H. Garside, Augusta, Finance Officer
 Appointed July 17, 1968
 Samuel A. Hinds, Assistant Finance Officer
 Appointed November 20, 1968; Effective, January 1, 1969

LETTER OF TRANSMITTAL

January 15, 1969

To the Members of the 104th Legislature:

As Chairman of the Legislative Research Committee of the 103rd Maine Legislature it is with great pride and pleasure that I present a cumulation of findings and recommendations that we as a Committee have developed on our assigned subjects during the past biennium.

This, the second of three volumes, designated as Legislative Research Committee publication 104-20 (Vol. II), combines in a single publication the findings and recommendations developed in nine specific areas of study which are individually reported in committee publications numbered 104-11 through 104-19.

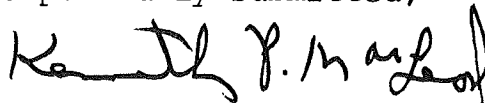
On behalf of the Committee and myself, I would like to take this opportunity to extend our grateful appreciation to Horace A. Hildreth, Jr., formerly our Committee Chairman, to Roger V. Snow, Jr., a former member of the Committee and to Frederick W. Kneeland, the former Legislative Finance Officer, each of whom resigned during the interim after having so faithfully served this Committee.

I also extend, on behalf of the entire Committee, our sincere gratitude and appreciation to the Committee, staff, to the news media and to the many private citizens, organizations and employees of the State, without whose endless cooperation and dedicated

service the Committee could not have reached its conclusions.

The members of the Committee further wish to express their appreciation for being chosen to participate in these assignments and sincerely hope the reports contained herein will prove of benefit to the Members of the Legislature and the people of the State of Maine.

Respectfully submitted,

A handwritten signature in black ink, reading "Kenneth P. MacLeod". The signature is written in a cursive style with a large, prominent initial "K".

KENNETH P. MACLEOD, Chairman
Legislative Research Committee

PROPOSED BILLS TO BE SUBMITTED TO THE 104TH LEGISLATURE

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STATE OF MAINE
LEGISLATIVE RESEARCH COMMITTEE

REPORT ON
COUNTY GOVERNMENT
to
ONE HUNDRED AND FOURTH LEGISLATURE

JANUARY, 1969
Legislative Research Committee
Publication 104-12

SUBCOMMITTEE ON COUNTY GOVERNMENT

CHAIRMAN - Louis Jalbert

VICE CHAIRMAN - Armand Duquette

Sam A. R. Albair

David J. Kennedy

Rodney E. Ross, Jr.

Horace A. Hildreth, Jr., Ex Officio

Kenneth P. MacLeod, Ex Officio

ORDERED, the Senate concurring, that the Legislative Research Committee be directed to study the subject of county salaries for the purpose of collecting comparative data as to the type and level of work performed, analysis of time, fees and other remuneration or fringe benefits which would be of assistance in determining the existence of inequities and salary trends; and be it further

ORDERED, that the Committee be directed to report their findings and recommendations to the 104th Legislature.

Under the foregoing legislative order, and in part upon its own motion, the Legislative Research Committee undertook the following intensive three-part study designed, in a limited sense, to revitalize and standardize county government in Maine: (1) Uniform County Budgeting Procedures; (2) Setting of County Salaries; and (3) Annual Reports to Counties.

The first topic, Uniform County Budgeting Procedures, represents the work of the Committee in the early part of the past biennium and it was reported at the second special session of the 103rd Legislature as Legislative Research Committee Publication 103-14 now on file at the Maine State Library. The report offered significant changes in county budgeting procedures through committee sponsored legislation of AN ACT Relating to County Estimates and Finances which received passage to be enacted as chapter 541 of the public laws of 1967.

After the special session report, the Committee proceeded to hear and deliberate on alternative methods of setting county salaries which, at the present time, are established by the Legislature.

By ruling of the Attorney General, the Committee was advised that it would be unconstitutional delegation of legislative

authority under the provisions of the Constitution of Maine, Article IV, Part Third, Section 1, to empower the "county delegation" of each county to set the salaries of their respective county officials. However, in the same ruling the Committee was advised that the Legislature could properly delegate the power of determination of county salaries to the County Commissioners provided the following conditions were met. First, that the Legislature itself would set the salaries of the County Commissioners and County and Assistant County Attorneys, and second that all salaries would be subject to final approval of the Legislature. The Committee felt that this alternative offered the County Commissioners a small measure of control which if used in conjunction with the advice and counsel of the members of the Legislature resident in the respective counties would restore a certain amount of authority to the county heads, thereby leading a step closer to home rule in the county system.

The Committee further agreed that the merit of allowing additional latitude to County Commissioners in determining the salaries of their county officers, plus the general overall simplification of procedures, far outweighed the time consuming, cumbersome and most often embarrassing methods now employed by

the numerous counties in bringing about a complete salary bill before the Legislature.

In view of its findings, the Committee submits as Appendix A, draft legislation, in emergency form, entitled AN ACT Relative to Setting Salaries of All County Officials Except County Commissioners and County Attorneys and recommends its immediate adoption.

The third and last topic under Committee study was a proposal involving annual county reports. Title 30 of the Maine Revised Statutes, section 411, as amended by chapter 161 of the public laws of 1965, provides for the issuance of an annual financial report by the County Commissioners. It does not provide, however, for any uniformity in format.

The Committee is of the opinion that uniformity in the system of annual county reports would better enable state officials, as well as legislators, and county officials themselves, to more realistically evaluate program activities and to make financial comparisons as between counties and regions of the State. Therefore, in submitting this recommendation for your favorable consideration, the Committee also includes as Appendix B implementing legislation entitled AN ACT Relating to Annual Reports of Counties.

APPENDIX A

AN ACT Relating to Setting Salaries of All County Officials Except County Commissioners and County Attorneys.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Legislature under present law determines the salaries of all county officials; and

Whereas, it is desirable that more consideration be given to the county commissioners of the respective counties to permit them more latitude in determining what the salaries of the respective county officials should be in conjunction with the members of the Legislature resident in the respective counties; and

Whereas, it is in the interest of the people of the State of Maine and in the promotion of better government on the county level that the following legislation be enacted; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. R. S., T. 4, §301, amended. The 2nd paragraph of section 301 of Title 4 of the Revised Statutes is amended to read as follows:

Judges of probate in the several counties shall receive annual salaries as set forth in Title 30, section 2 2-A.

Sec. 2. R. S., T. 4, §554, amended. The first paragraph of section 554 of Title 4 of the Revised Statutes is amended to read as follows:

The clerks of the judicial courts in the several counties shall receive annual salaries as set forth in Title 30, section 2 2-A.

Sec. 3. R. S., T. 18, §251, amended. The 2nd paragraph of section 251 of Title 18 of the Revised Statutes is amended to read as follows:

Registers of probate in the several counties shall receive annual salaries as set forth in Title 30, section 2 2-A.

Sec. 4. R. S., T. 30, §2, repealed and replaced. Section 2 of Title 30 of the Revised Statutes, as amended, is repealed and the following enacted in place thereof:

§2. Salaries; county attorneys and commissioners

The county commissioners shall receive annual salaries from the county treasury in weekly or monthly payments as follows, except that the county attorneys and their assistants shall receive annual salaries from the State Treasury in monthly payments on the last day of each month in a sum which will, in the year's aggregate, most nearly equal the annual salary, as follows, and no other fees, costs or emoluments shall be allowed them:

Androscoggin County: County commissioners, \$2,800, chairman, \$3,400; county attorney, \$6,500; first assistant county attorney, \$4,500; second assistant county attorney, \$3,500.

Aroostook County: County commissioners, \$1,500, except that one member of the board, designated by the board as chief

administrative officer, shall receive \$5,500; county attorney, \$6,500; assistant county attorney, \$4,500.

Cumberland County: County commissioners, \$4,750; county attorney, \$8,000; first assistant county attorney, \$6,000; second assistant county attorney, \$5,000; third assistant county attorney, \$4,000.

Franklin County: County commissioners, \$1,000; county attorney, \$5,000.

Hancock County: County commissioners, \$1,450; county attorney, \$5,000.

Kennebec County: County commissioners, \$2,250; chairman, \$2,500; county attorney, \$6,500; assistant county attorney, \$4,500.

Knox County: County commissioners, \$1,200; county attorney, \$5,000.

Lincoln County: County commissioners, \$1,100; chairman, \$1,300; county attorney, \$5,000.

Oxford County: County commissioners, \$1,950; chairman, \$2,150; county attorney, \$5,000; assistant county attorney, \$3,500.

Penobscot County: County commissioners, \$2,750; county attorney, \$6,000; first assistant county attorney, \$5,000; second assistant county attorney, \$4,000.

Piscataquis County: County commissioners, \$1,100; chairman, \$1,350; county attorney, \$5,000.

Sagadahoc County: County commissioners, \$1,250; county attorney, \$5,200.

Somerset County: County commissioners, \$1,000; chairman, \$1,200; county attorney, \$5,000; assistant county attorney, \$3,500.

Waldo County: County commissioners, \$1,200; county attorney, \$5,000.

Washington County: County commissioners, \$1,800; chairman, \$2,100; county attorney, \$5,000.

York County: County commissioners, \$2,250; county attorney, \$6,500; assistant county attorney, \$4,500.

Sec. 5. R. S., T. 30, §2-A, additional. Title 30 of the Revised Statutes is amended by adding a new section 2-A, to read as follows:

§2-A. --Other officials

The salaries of all clerks of the judicial courts and their deputies, county treasurers and their deputies, sheriffs, registers of deeds, judges of probate and registers of probate in the several counties shall be determined by the respective county commissioners with the advice and consent of all members of the Legislature resident in the respective county at a meeting to be specially called therefor by the chairmen of the respective county commissioners. The meeting shall be held on or before the regular session of the county commissioners next before the first day of each January in which the Legislature meets. At least 7 days' notice thereof shall be given to the members of the Legislature resident in the county.

The salaries shall all be subject to the final approval of the Legislature.

The salaries shall be paid from the county treasury in weekly or monthly payments.

The salaries mentioned in section 2 and this section shall be in full compensation for the performance of all official duties

by said officers and judges. County commissioners shall allow to said officers all office expense, clerk hire and travel which are necessary, just and proper to the performance of their official duties.

All fees and charges of whatever nature, except charges for the publication of notices required by law, which may be payable to any county officer, shall be payable by them to the county treasurer for the use and benefit of the county, but preserving the right of sheriffs and their deputies to receive fees for service of civil process and of sheriffs and their deputies not on a salary or per diem basis to receive fees for service of criminal process, and no county officer shall receive a private benefit from the labor of any person in the employ of the county.

Sec. 6. R. S., T. 30, §604, amended. Section 604 of Title 30 of the Revised Statutes is amended to read as follows:

§604. Salaries

County treasurers and their deputies shall receive annual salaries as set forth in section 2 2-A.

Sec. 7. R. S., T. 30, §908, amended. The first sentence of section 908 of Title 30 of the Revised Statutes is amended to read as follows:

The sheriffs of the several counties shall receive annual salaries as set forth in section 2 2-A, together with free rental of the house or living apartment connected with the county jail in each county, including the necessary light and fuel.

Sec. 8. R. S., T. 33, §604, amended. The first paragraph of section 604 of Title 33 of the Revised Statutes is amended to read as follows:

Registers of deeds in the several counties shall receive annual salaries as set forth in Title 30, section 2 2-A.

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

AN ACT Relating to Annual Reports of Counties.

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

R. S., T. 30, §411, repealed and replaced. Section 411 of Title 30 of the Revised Statutes, as amended by chapter 161 of the public laws of 1965, is repealed and the following enacted in place thereof:

§411. Annual report

The county commissioners of each county shall publish annually a complete report subject to the following provisions:

1. Paper. It shall be printed on paper of at least 20 pound basis weight and bound not less than 6 inches wide by 9 inches long nor more than 8 1/2 inches wide by 11 inches long.

2. Record of financial transactions. It shall contain a record of all financial transactions of the county during the last fiscal year, including an itemized list of receipts and disbursements indicating to whom and for what purpose each amount was paid and including amounts for personal services, contractual services, commodities and capital expenditures.

A. A county may waive the printing in its annual report of the itemized list of receipts and disbursements which is effective until revoked.

3. Statement of assets, liabilities, reserves and surplus. It shall contain a detailed statement of the assets, liabilities, reserves and surplus of the county.

4. Postaudit report. It shall contain the statement that the complete postaudit report for the latest fiscal year is on file at the county commissioners' office and the following excerpts from that report:

A. Auditor's comments and suggestions for improving the financial administration;

B. Comparative balance sheet;

C. Statement of departmental operations;

D. Analysis of surplus;

E. Statement of public debt.

5. Copies for distribution. Copies of the report shall be deposited in the county commissioners' office, or a convenient place of business for distribution to the public and shall be distributed to each municipality in the county.

6. Copies open for inspection. Copies of the report and all county records shall be kept in the county commissioners' office and shall be open to the inspection of the public during usual business hours.