

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 1288

S. P. 416

House of Representatives, March 7, 1973

Referred to Committee on County Government. Sent down for concurrence and ordered printed.

HARRY N. STARBRANCH, Secretary

Presented by Senator Cyr of Aroostook.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

AN ACT Relating to County Estimates and Powers of the Legislative Delegation.

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

Sec. 1. R. S., T. 30, § 2, repealed and replaced. Section 2 of Title 30 of the Revised Statutes, as amended, is repealed and the following enacted in place thereof: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

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 attorney, \$8,500; first assistant county attorney, \$6,000; second assistant county attorney, \$6,000;

Aroostook County: County attorney, \$8,500; assistant county attorney, \$5,500;

Cumberland County: County attorney, \$10,000; first assistant county attorney, \$7,000; second assistant county attorney, \$7,000; third assistant county attorney, \$7,000;

Franklin County: County attorney, \$7,000;

Hancock County: County attorney, \$8,500; assistant county attorney, \$4,500;

Kennebec County: County attorney, \$9,000; assistant county attorney, \$6,000;

Knox County: County attorney, \$7,500;

Lincoln County: County attorney, \$7,500;

Oxford County: County attorney, \$8,000; assistant county attorney, \$5,000;

Penobscot County: County attorney, \$8,000; first assistant county attorney, \$6,000; second assistant county attorney, \$6,000;

Piscataquis County: County attorney, \$7,000;

Sagadahoc County: County attorney, \$7,500;

Somerset County: County attorney, \$8,000; assistant county attorney, \$5,000;

Waldo County: County attorney, \$8,000;

Washington County: County attorney, \$8,500; assistant county attorney, \$4,500;

York County: County attorney, \$8,000; first assistant County attorney, \$5,500; second assistant county attorney, \$5,500.

The salaries of all other county officers, judges and employees shall be set and determined annually by their respective county commissioners, subject to the approval of the county finance committee, provided that no such salary shall be less than the amount specified by law previous to the enactment of this Act.

The salaries shall be in full compensation for the performance of all official duties by said officers and judges. County commissioners shall allow to county officers all office expense, clerk hire and travel which the county commissioners deem are necessary, just and proper to the performance of their official duties, subject to the approval of the county finance committee.

Sec. 2. R. S., T. 30, § 3, repealed. Section 3 of Title 30 of the Revised Statutes is repealed.

Sec. 3. R. S., T. 30, § 106, amended. The first sentence of section 106 of Title 30 of the Revised Statutes is amended to read as follows:

The county commissioners in the several counties shall receive annual salaries ~~as set forth in section 2~~ from the treasurer of the counties in monthly, semiannual or annual payments, as determined by the ~~county commissioners~~ county finance committee.

Sec. 4. R. S., T. 30, § 251, amended. The first sentence of section 251 of Title 30 of the Revised Statutes is amended to read as follows:

The county commissioners shall make the county estimates, subject to the approval of the county finance committee, and cause the taxes to be assessed.

Sec. 5. R. S., T. 30, § 252, amended. The first, 2nd and 3rd paragraphs, as last amended by sections 1 and 2 of chapter 380 and the 4th paragraph as enacted by section 3 of chapter 380, of the public laws of 1971, are repealed and the following enacted in place thereof:

In order to assess a county tax, the county commissioners shall first hold a public hearing on or before November 1st of each year. The commissioners shall give notice of such hearing by newspaper notice, stating the place, date and time of said hearing, published in a newspaper of general circulation in the county, at least 5 days before the date set for said hearing. At the hearing any person may be heard on proposals for appropriations to be made to each department or agency of the county government.

After completion of the public hearing, the commissioners shall prepare proposed estimates of the sums necessary to defray the expenses which have accrued or may probably accrue for the coming year, including the building and repairing of jails, courthouses and appurtenances, with the debts owed by their counties. Such estimates shall be drawn so as to authorize the appropriations to be made to each department or agency of the county government for each year. Such estimates shall provide specific amounts for personal services, contractual services, commodities, debt service and capital expenditures. Said estimates shall be made on such forms and in such manner as shall be approved by the State Department of Audit. The proposed estimates shall then be submitted on or before December 1st, to the county finance committee, hereinafter created in this section, with a copy to be distributed to each member of the said county finance committee.

There is created for each county a county finance committee, as follows:

1. Members. The committee shall consist of the members of the Legislature resident in the county and, in election years, of the members of the Legislature-elect resident in the county.

2. Officers; quorum; employees. The committee shall, by majority vote, elect a chairman, vice-chairman and a secretary who shall serve at the pleasure of the committee. A majority of the committee shall constitute a quorum and a majority thereof shall have authority to act on any matter falling within the jurisdiction of the committee. The committee shall keep minutes of matters considered and votes taken at its meetings. Clerical assistance shall be provided the committee by the respective county commissioners.

3. Salaries of commissioners. The committee shall have authority to determine the salaries of the respective county commissioners.

4. Expenses. The members of the committee may receive their actual expenses incurred in the performance of their duties to be paid from the county treasury.

5. Review. The committee shall have the authority to review proposed estimates and to change, alter and revise the proposed estimates and to finally adopt the estimates. The committee shall meet to review the proposed estimates and to finally adopt them by resolution not later than December 20th of each year.

6. Appropriation resolution. Immediately upon final adoption of the estimates, an appropriation resolution in the form of the final estimates shall be passed by the committee and filed with the clerk of the county commissioners. When the appropriation resolution shall have been passed, the county tax shall be determined to be set and levied and the county commissioners shall proceed to assess the county tax.

7. —failure to adopt. In the event that the county finance committee shall fail to finally adopt an estimate for the ensuing year on or before December 20th of each year, the estimate for the preceding year shall constitute the estimate for such ensuing year and the appropriation resolution, with such technical amendment as may be necessary to make it conform to such estimate, shall be deemed to have been passed by the county finance committee as of such date. No change in amounts may be made.

8. Taxes. The county commissioners shall provide for the raising of the taxes required by such estimate in the manner and within the time prescribed by law.

Sec. 6. R. S., T. 30, § 252-A - 252-B, additional. Title 30 of the Revised Statutes is amended by adding 2 new sections, to be numbered 252-A and 252-B, to read as follows:

§ 252-A. Authorized expenditures

The county commissioners may raise or appropriate money for the following purposes:

1. Operating expenses.

A. Providing for the operation of county government;

B. Establishing a contributory pension system for its officials and employees, or participating in an existing system, including the State Retirement System;

C. Providing for the operation of various departments of county government, including provision for police and fire protection;

D. Insuring officials, employees and volunteer workers against public liability and property damage resulting from their negligent operation of any vehicle owned or leased by the county or being for county purposes of business;

E. Obtaining the services of county advisory organizations.

2. Public works.

A. Providing for buildings, ways, bridges, parks, parking places, water or sewage facilities;

B. Providing for public solid waste disposal areas, either within or without its boundaries;

C. Providing for cemeteries;

D. Providing for flood control projects.

3. Health and welfare.

A. Supporting a hospital serving its residents;

B. Conducting a public health program, including employing the necessary professional help and assistance;

C. Providing for extermination and control of pests;

D. Providing for a public ambulance and facilities for it;

E. Providing for a food stamp or donated food program in conformity with regulations promulgated by the United States Department of Health, Education and Welfare.

4. Development.

A. Supporting a chamber of commerce or board of trade;

B. Advertising resources and attractions;

C. Purchasing real estate and property for county purposes, including purchases from the Federal Government;

D. Providing real estate and personal property for a recreational program;

E. Planning for the purpose of development, including employment of a director of industrial development;

F. Assisting a local historical society in writing and publishing its history;

G. Assisting conventions.

5. Celebrations and commemorations.

A. Celebrating any anniversary of settlement or founding of the county and publishing the proceedings of the celebration;

B. Observing and decorating for holidays;

C. Supporting an organization to provide music for functions in public celebration and providing for monuments and memorials and real estate suitable for their erection to honor the veterans of the Armed Forces who sacrificed their lives in the defense of the United States of America.

6. Transportation.

A. Providing for the planning, construction, equipping, improvement, extension and operation of airports and including the provision of ground transportation equipment and facilities.

7. General duties and operation.

A. Performing any of the duties required of it by law;

B. Providing for any operations authorized by law which by their nature require the expenditure of money.

The powers and authority provided in this section are additional and supplemental to any other authority or power of the counties, whether that authority or power be expressed or implied in existing statutes or other enabling provisions and shall not be regarded as in derogation of or as repealing any authority or power now existing under any other law.

§ 252-B. Federal and state grants

A county may accept grants.

1. Federal. Counties may apply for and accept federal grants for any purpose for which federal grants are made available to counties, either directly or through the State.

2. State. Counties may apply for and accept state grants for any purpose for which state grants are made available to counties, either directly or through a state agency.

Sec. 7. R. S., T. 30, § 253, repealed and replaced. Section 253 of Title 30 of the Revised Statutes, as amended, is repealed and the following enacted in place thereof:

§ 253. Estimates recorded

Said estimates shall be recorded by their clerk in a book. A copy of said estimates shall be transmitted by registered mail by the county commissioners to the chairman of the governing board of each municipality in their respective counties and to the State Auditor on or before the first day of January of the year following the adoption of the estimate.

Sec. 8. R. S., T. 30, § 409, repealed and replaced. Section 409 of Title 30 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 409. Bonds, temporary notes

To provide funds for capital improvements, the county commissioners are authorized to raise and expend sums not exceeding \$500,000 and to make such improvements and to build such facilities as they may deem advisable. The county commissioners may borrow from time to time upon the full faith and credit of the county, such sums not exceeding in the aggregate \$500,000 as may be necessary therefor and may issue bonds therefor which shall bear on their face the words "(Name of county) County Capital Improvement Bonds, 19 (year)." A county having occasion to issue such bonds may make them payable in installments extending over a period of not more than 50 years. Such bonds shall be signed by the treasurer of the county and countersigned by a majority of the county commissioners. The county may sell such bonds at public or private sale upon such terms and conditions as the county commissioners may deem proper but at not less than par and accrued interest. Such bonds shall not be valid without first obtaining the consent of the county, substantially as provided in section 302.

The county treasurer, with the approval of the county commissioners, may issue temporary notes of the county, payable in not more than one year from their date, in anticipation of the issue of serial bonds under these provisions and may renew the same, but the time within which such serial bonds shall become due and payable shall not, by reason of such temporary notes, be extended beyond the term fixed by these provisions. Any notes issued in anticipation of the serial bonds shall be paid from the proceeds thereof. The ballots submitted to the voters to authorize the issuance of bonds shall state the general purpose for which the proposed bonds are to be issued and the maximum principal amount of the proposed bonds authorized to be issued.

Sec. 9. R. S., T. 30, § 604, repealed. Section 604 of Title 30 of the Revised Statutes is repealed.

Sec. 10. 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 9~~ **set by the county commissioners**, 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. 11. R. S., T. 30, § 958, amended. The last sentence of section 958 of Title 30 of the Revised Statutes, as amended, is repealed as follows:

~~Such full time deputy sheriffs shall not receive more than \$126 and chief deputies shall not receive more than \$130 in the aggregate for any one week, except that these limitations shall not apply to Androscooggin County, Cumberland County and York County~~

Sec. 12. Effective date. This Act shall become operative on September 1, 1974 only for the purpose of allowing county commissioners to utilize the procedural provisions to set the county tax and to establish the tax for the year 1975 and succeeding years and shall become fully effective on January 1, 1975.

STATEMENT OF FACT

This bill grants the individual counties the authority to set salaries for county officials, establishes a new method of preparation and review of county budgets and grants the final authority over the budget to the county legislative delegation, organized as the county finance committee.