

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 1764

H. P. 1330

House of Representatives, April 2, 1973

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

E. LOUISE LINCOLN, Clerk

Presented by Mr. Dyar of Strong.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

AN ACT Relating to County Estimates

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

Sec. 1. R. S., T. 30, § 2, amended. Section 2 of Title 30 of the Revised Statutes, as amended, is further amended to read as follows:

§ 2. Salaries

The county commissioners ~~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 receive annual salaries from the county treasury in weekly or monthly payments as follows, except that the~~ and 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, \$3,400; chairman, \$4,000; ~~clerk of courts, \$9,850;~~ county attorney, \$8,500; first assistant county attorney, \$6,000; second assistant county attorney, \$6,000; ~~county treasurer, \$7,300;~~ sheriff, \$9,250; ~~register of deeds, \$8,050;~~ judge of probate, \$7,250; ~~register of probate, \$7,450;~~

Aroostook County: County commissioners, \$1,800; except that one member of the board, designated by the board as chief administrative officer, shall receive \$6,500; ~~clerk of courts, \$8,500;~~ county attorney, \$8,500; assistant county attorney, \$5,500; ~~county treasurer, \$3,500;~~ sheriff, \$7,500; ~~register of~~

deeds, northern district, \$6,500; southern district, \$6,500; judge of probate, \$5,500; register of probate, \$5,000;

Cumberland County: County commissioners, \$5,225; clerk of courts, \$9,600; deputy clerk of courts, \$9,000; county attorney, \$10,000; first assistant county attorney, \$7,000; second assistant county attorney, \$7,000; third assistant county attorney, \$7,000; county treasurer, \$9,000; sheriff, \$10,000; register of deeds, \$9,000; deputy register of deeds, \$7,200; judge of probate, \$10,800; register of probate, \$8,400;

Franklin County: County commissioners, \$1,500; clerk of courts, \$5,750; county attorney, \$7,000; county treasurer, \$2,000; sheriff, \$6,800; register of deeds, \$5,750; judge of probate, \$3,500; register of probate, \$5,750;

Hancock County: County commissioners, \$1,900; chairman, \$2,200; clerk of courts, \$5,250; deputy clerk of courts, \$4,100; county attorney, \$8,500; assistant county attorney, \$4,500; county treasurer, \$4,000; sheriff, \$6,500; register of deeds, \$5,250; judge of probate, \$5,250; register of probate, \$5,250;

Kennebec County: County commissioners, \$3,200; chairman, \$3,500; clerk of courts, \$6,275; deputy clerk of courts, \$4,895; county attorney, \$9,000; assistant county attorney, \$6,000; county treasurer, \$5,000; sheriff, \$7,500; register of deeds, \$7,000; judge of probate, \$7,500; register of probate, \$5,000;

Knox County: County commissioners, \$1,650; clerk of courts, \$5,500; county attorney, \$7,500; county treasurer, \$1,755; sheriff, \$5,660; register of deeds, \$5,660; judge of probate, \$5,000; register of probate, \$4,000;

Lincoln County: County commissioners, \$1,500; chairman \$2,000; clerk of courts, \$6,300; county attorney, \$7,500; county treasurer, \$2,100; sheriff, \$7,000; register of deeds, \$6,300; judge of probate, \$6,000; register of probate, \$6,100;

Oxford County: County commissioners, \$2,250; chairman, \$2,450; clerk of courts, \$5,900; county attorney, \$8,000; assistant county attorney, \$5,000; county treasurer, \$3,000; sheriff, \$7,000; register of deeds, eastern district, \$5,600; western district, \$3,400; judge of probate, \$4,800; register of probate, \$4,800;

Penobscot County: County commissioners, \$3,300; chairman, \$3,550; clerk of courts, \$7,600; deputy clerk of courts, \$6,500; county attorney, \$8,000; first assistant county attorney, \$6,000; second assistant county attorney, \$6,000; county treasurer, \$4,300; sheriff, \$7,500; register of deeds, \$7,000; judge of probate, \$8,000; register of probate, \$6,500;

Piscataquis County: County commissioners, \$1,500; chairman, \$1,800; clerk of courts, \$5,500; county attorney, \$7,000; county treasurer, \$2,200; sheriff, \$6,800; register of deeds, \$6,000; judge of probate, \$5,500; register of probate, \$5,500;

Sagadahoc County: County commissioners, \$1,500; clerk of courts, \$6,000; county attorney, \$7,500; county treasurer, \$3,000; sheriff, \$7,000; register of deeds, \$6,250; judge of probate, \$5,600; register of probate, \$6,000;

Somerset County: County commissioners, \$1,500; chairman, \$1,750; clerk of courts, \$6,250; county attorney, \$8,000; assistant county attorney, \$5,000; county treasurer, \$2,850; sheriff, \$6,250; register of deeds, \$6,250; judge of probate, \$6,250; register of probate, \$6,250;

Waldo County: County commissioners, \$1,400; clerk of courts, \$6,300; county attorney, \$8,000; county treasurer, \$2,100; sheriff, \$6,400; register of deeds, \$5,500; judge of probate, \$5,500; register of probate, \$5,500;

Washington County: County commissioners, \$1,800; chairman, \$2,100; clerk of courts, \$5,200; county attorney, \$8,500; assistant county attorney, \$4,500; county treasurer, \$4,500; sheriff, \$6,250; register of deeds, \$5,200; judge of probate, \$5,700; register of probate, \$5,200;

York County: County commissioners, \$2,600; clerk of courts, \$8,000; deputy clerk of courts, \$5,300; county attorney, \$8,000; first assistant county attorney, \$5,500; second assistant county attorney, \$5,500; county treasurer, \$2,600; sheriff, \$9,000; register of deeds, \$7,500; judge of probate, \$7,000; register of probate, \$5,500.

The salaries of all other county officers and employees, including but not limited to clerks of the judicial courts and their deputies, county treasurers and their deputies, sheriffs, registers of deeds, judges of probate and registers of probate, shall be set and determined annually by their respective county commissioners, provided that no such salary shall be less than the amount specified by law previous to the effective date of this Act.

The salaries mentioned in this section shall be in full compensation for the performance of all official duties by said officers and judges. County commissioners shall allow to county said 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.

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

Sec. 3. R. S., T. 30, § 252, amended. The first and 2nd paragraphs, as repealed and replaced by section 1 of chapter 541 of the public laws of 1967 and as amended and the 4th paragraph, as enacted by section 3 of chapter 380 of the public laws of 1971, are further amended to read as follows:

In order to assess a county tax, county commissioners, prior to December 1st before the convening of the Legislature, shall prepare 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 and like estimates for the succeeding year, and after newspaper notice, written notices of which shall be transmitted by registered or certified mail with return receipt requested to the clerk of each municipality in said county ~~and to each member of the Legislature of said county~~, hold a public hearing thereon in the county, prior to December 20th, and the county tax for both said years shall be granted by the Legislature separately at the same session. **The Legislature may change only the total amount stated in the estimates; neither it nor any legislative delegation or member thereof shall have any authority to cut, alter or change individual line items in the estimates.**

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 of the biennium. 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. A copy of such estimate shall be distributed to each municipality in said county ~~and to each member of the legislative delegation of said county~~, at least 10 days prior to meeting of December 20th.

~~Prior to the convening of the Legislature, the county commissioners of each county shall meet with the respective county legislative delegation to finalize estimates for each year of the biennium~~

Sec. 4. R. S., T. 30, §§ 252-A and 252-B, additional. Title 30 of the Revised Statutes is amended by adding 2 new sections, 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 used for county purposes or 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. Education:
- A. Providing for assistance to schools, including transportation of pupils.
4. Health and welfare:
- A. Supporting the poor;
 - B. Supporting a hospital serving its residents;
 - C. Conducting a public health program, including employing the necessary professional help and assistance;
 - D. Providing for extermination and control of pests;
 - E. Providing for a public ambulance and facilities for it;
 - F. Determining the presence of Dutch elm disease and carrying out preventive control measures therefor in any place;
 - G. Providing for a food stamp or donated food program in conformity with regulations promulgated by the United States Department of Agriculture and the United States Department of Health, Education and Welfare.
5. 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. Propagating and protecting fish in public waters located wholly or partially within its boundaries;
 - F. Planning for the purpose of development, including employment of a director of industrial development;
 - G. Assisting a local historical society in writing and publishing its history;
 - H. Assisting conventions.
6. Celebrations and commemorations:

A. Celebrating any anniversary of settlement or founding 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**.

7. Transportation:

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

8. 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. 5. R. S., T. 30, § 253, amended. The first paragraph of section 253 of Title 30 of the Revised Statutes, as amended, is further amended to read as follows:

Said estimates shall be recorded by their clerk in a book. A copy of said estimates shall be transmitted by registered or certified mail by the county commissioners to **the chairman of the governing board of each municipality** in their respective counties on or before the 20th day of December in the year prior to convening of the Legislature. A copy thereof shall be signed by the chairman of the county commissioners and attested by their clerk, who shall transmit it to the office of the Secretary of State on or before the 20th day of each January in which the Legislature meets, together with the county reports for the 2 preceding years, to be by him laid before the Legislature.

Sec. 6. R. S., T. 30, § 254, amended. Section 254 of Title 30 of the Revised Statutes is amended by adding after the first sentence a new sentence to read as follows:

If any such tax is not paid before October 1st the county commissioners may charge interest thereon running from said October 1st at a rate not exceeding that charged by the largest municipality in the county on account of delinquent taxes.

Sec. 7. 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

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 balance 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. 8. 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~~ set by the county commissioners.

Sec. 9. R. S., T. 30, § 958, amended. The 2nd 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 Androscoggin County, Cumberland County and York County~~

STATEMENT OF FACT

This legislation is designed to give some greater flexibility in the setting of county budgets. Under existing statutes counties must resort to the Legislature for the setting of their budgets and biennially a great deal of work must be done by the County Government Committee in going over the county budgets. Under this legislation the budgets would still be submitted to the Legislature but the Legislature would be able to change only the total amount stated in the budget and neither it nor any legislative delegation would have authority to cut, alter or change individual line items in the estimates.

The legislation attempts to spell out, for the first time, the reasons and purposes for which counties may raise money, allows counties to accept federal funds and to issue bonds not exceeding \$500,000 without resort to the Legislature.

County commissioners would have the authority to set all county salaries except their own and that of the County Attorney whose salary is paid from the Attorney General's appropriation.

The legislation, while allowing counties some flexibility in the setting of their budgets, still retains a measure of control by the Legislature.