

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

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Legislative Document

No. 1983

H. P. 1549

House of Representatives, May 30, 1973

Reported by a Majority from the Committee on County Government and printed under Joint Rules No. 18.

E. LOUISE LINCOLN, Clerk

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-THREE

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AN ACT Relating to County Estimates.

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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 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, \$5,000; 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, court-houses and appurtenances, with the debts owned 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.~~

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. 3-A. R. S., T. 30, § 252, amended.** Section 252 of Title 30 of the Revised Statutes, as repealed and replaced by section 1 of chapter 541 of the public laws of 1967, and as amended, is further amended by adding at the end 3 new subsections to read as follows:

1. **County finance committee.** There is established in each county a county finance committee consisting of 7 members. The committee shall elect a chairman by majority vote who shall serve at the pleasure of the committee. A majority of the committee shall constitute a quorum for conducting the business of the committee. Vacancies on the committee shall be filled by the remaining committee members from the respective groups represented on the committee by the vacant position. Persons appointed to fill vacancies shall serve the remainder of the term of the person whose vacancy exists. The members of the committee shall receive their actual expenses incurred while in performance of their official duties.

2. **Membership.**

**A. Municipal membership.** Five members of the county finance committee shall be municipal officers from the municipalities within the county. Each municipality in the county shall have one vote in the selection of the municipal members of the committee, which vote shall be cast according to the determination of a majority of the municipal officers of each municipality. No municipality shall have more than one municipal officer serving on the committee. The county commissioners shall convene the municipal officers of each municipality, or one of their number designated to represent them, within the county by October 1st of each year for selection of the municipal membership of the committee.

**B. Legislative delegation membership.** Two members of the committee shall be members of the county legislative delegation and shall be chosen at a caucus by the members of the delegation. A member of the majority and minority party shall be chosen to serve when both parties have repre-

sentatives within the county. The Senator or Senators residing within the county shall be recognized as the member or members representing said county at the caucus.

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

The committee shall have the authority to review proposed estimates and to recommend changes, alterations and revisions to the proposed estimates and to formally adopt the estimates. The committee shall meet to review the proposed estimates and to fully adopt them by resolution not later than December 20th of each year.

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.

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, 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; petition

1. Estimates recorded and sent to Secretary of State. Said estimates shall be filed by their clerk. 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.

2. Petition to Legislature. Upon written petition of  $\frac{3}{5}$  of the municipalities within the county, to the office of the Secretary of State on or before January 1st prior to the convening of the Legislature in regular or special session, requesting that the county estimate shall not be final until it has been presented to the Legislature, the same shall not be final and it shall be referred for legislative approval. In such instance, the county tax for one year shall be granted, after review by the Legislature within 30 days of its convening.

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~~