

# MAINE STATE LEGISLATURE

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# ONE HUNDRED AND SEVENTH LEGISLATURE

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**Legislative Document**

**No. 1243**

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H. P. 980

House of Representatives, March 20, 1975

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

EDWIN H. PERT, Clerk

Presented by Mr. Burns of Anson.

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## STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-FIVE

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### AN ACT Relating to the Powers of County Government.

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

Sec. 1. 30 MRSA § 2, as last amended by PL 1973, c. 775, § 1, is repealed and the following enacted in place thereof:

#### § 2. Salaries

The salaries of all county officers, except county commissioners, shall be set and determined by their respective county commissioners. These shall include, but not be limited to, clerks of the judicial courts and their deputies, county treasurers and their deputies, sheriffs and their deputies, registers of deeds and their deputies, judges of probate and registers of probate and their deputies, provided that no such salary shall be less than the amount specified by law previous to January 1, 1975.

The salaries as set by the commissioners shall be in full compensation for the performance of all official duties by said officers and employees. County commissioners shall allow to county officers and the district attorney serving the county, all office expense, clerk hire and travel which the county commissioners deem 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. 30 MRSA § 3 is repealed.

Sec. 3. 30 MRSA § 252, as last amended by PL 1971, c. 380, § 3, is repealed and the following enacted in place thereof:

§ 252. Annual estimates for county taxes; penalty

In order to assess a county tax, county commissioners, prior to November 15th of each year, shall prepare estimates of the sums necessary to defray the expenses of the county which have accrued or may probably accrue for the coming year.

Such estimates shall be drawn so as to authorize the appropriations to be made to each department or agency of the county government for the forthcoming 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. Copies of such forms shall be transmitted to the county commissioners by the office of the Secretary of State no later than the 10th day of October of each year. A copy of such estimate shall be distributed to each municipality in said county on or before the 20th day of November of each year, by mailing a copy thereof to the chairman of the governing body of said municipality.

On or before November 20th of each year, the commissioners shall submit the prepared estimates to the county finance committee, as hereafter established. The county finance committee shall review estimates and may recommend changes, alterations and revisions. On or before December 15th of each year, the finance committee shall submit the estimates with recommended changes, alterations and revisions, if any, to the county commissioners who shall, on or before January 1st of each year, give notice to the chairman of the finance committee of the acceptance or rejection of the proposed changes, alterations or revisions.

The county commissioners shall, after the aforesaid notice to the chairman of the finance committee, hold a public meeting to consider the estimates of the county commissioners, the proposed changes, alterations or revisions of the finance committee, if any, and any other changes, alterations or revisions presented at the meeting. Such meeting shall be held on or before January 15th of each year. Public notice of such meeting shall be by publication in a newspaper of general circulation in the county at least 10 days prior to the date of such meeting and by notice of such meeting mailed to the chairman of the governing body of each municipality within the county by certified mail, return receipt requested.

After such meeting and before February 1st of each year, the county commissioners shall by appropriate resolution filed with the clerk of the county commissioners adopt final estimates for the current year, giving due consideration to the recommended changes, alterations or revisions of the finance

committee and the public meeting. When the appropriate resolution has been filed, the county tax shall be assessed.

Whenever any specific appropriation of a department or agency of county government shall prove insufficient to pay the required expenditures for the statutory purposes for which such appropriation was made, the county commissioners may, upon written request of such department or agency, transfer from any other specific line appropriation of the same department or agency an amount as required to meet such request which shall bear the written approval of the majority of the county commissioners.

There is established a contingent account in each county in an amount not to exceed \$50,000. Such funds as are available to each county may be used for this purpose. This fund shall be used for emergency purposes only at the discretion of the county commissioners. At the end of each fiscal year there shall be transferred from unencumbered county funds an amount sufficient to restore the established county contingent account.

Any transfers between specific line categories or from the contingent account shall be certified by the county commissioners within 30 days to the State Department of Audit.

Sec. 4. 30 MRSA § 253, as last amended by PL 1973, c. 386, is repealed.

Sec. 5. 30 MRSA § 253-A, as enacted by PL 1973, c. 229, § 2, is repealed.

Sec. 6. 30 MRSA § 253-B is enacted to read:

§ 253-B. Review of estimates and determination of county commissioners' salaries by the county finance committee

1. County finance committee. There is established in each county a county finance committee consisting of not more than 5 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 county legislative delegation. Persons appointed to fill vacancies shall serve the remainder of the term of the person whose vacancy exists.

2. Membership. The members of the county finance committee shall be members of the county legislative delegation in the year that the Legislature is not elected and in the year that the Legislature is elected, they shall be members of the legislative delegation-elect. The legislative members of the county finance committee shall be chosen at a caucus to be called by the chairman of the county commissioners in the respective counties within 9 days after election, or on the 2nd Tuesday of November in a nonelection year. The county finance committee shall be chosen in proportion to the number of each party elected in the county. The Senator or Representative residing within or representing a portion of the county shall be recognized as being eligible.

3. Authority. The committee shall have authority to review proposed estimates of the county commissioners and to recommend changes, alterations

and revisions of the proposed estimates and in addition shall have authority to determine the salaries of the respective county commissioners.

Sec. 7. 30 MRSA § 254, as amended by PL 1973, c. 155, is repealed and the following enacted in place thereof:

§ 254. Apportionment of county tax; warrants

When a county tax is assessed, the county commissioners shall, in February in the year for which the tax is assessed, levy it upon the towns and other places according to the last state valuation and fix the time for payment of the same, which shall not be earlier than the first day of the following September. They may add such sum above the sum so agreed upon, not exceeding 2% of said sum, as a fractional division renders convenient and certify that fact in the record of said tax levy and issue their warrant to the municipal assessors of the municipalities of the county requiring them forthwith to assess the sum levied to their town or place, and to commit their assessment to the constable or collector for collection, and the county treasurer shall immediately certify the mill rate to the State Tax Assessor.

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. 8. 30 MRSA §§ 256 and 257 are enacted to read:

§ 256. 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. Insuring its 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 while being used for county business. Insuring its officers, officials and employees against any personal liability which they may incur out of and in the course of their acting by, for or on behalf of the county while in performance of their duties as public officers, officials and employees. Said liability shall not exceed the limits of coverage of said insurance or \$100,000, whichever is the greater amount;

D. Obtaining the services of county advisory organizations.

2. Development.

A. So that the counties may enter into contracts with municipalities, towns and townships, on a fee basis, to provide for the planning, construction,

equipping, improvement, extension and operation of airports and including the provision of ground transportation, equipment and facilities;

B. Assisting the local historical societies in writing and publishing their works and histories;

C. Providing for celebrations and commemorations.

§ 257. Financial powers of county commissioners

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

1. Duties required by law. To perform any of the duties required by law.

2. Operations authorized by law. To provide 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.

Sec. 9. 30 MRSA § 409 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 and to make such improvements and to build such facilities as they deem advisable. The county commissioners may borrow from time to time upon the full faith and credit of the county, such sums 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 by referendum, 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 provided for in this section. Any notes issued in anticipation of the serial bonds shall be paid from the proceeds thereof.

STATEMENT OF FACT

It is the intent of this Act to revise certain laws relating to finance within the powers of County Government.