

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 1307

S. P. 398

In Senate, March 25, 1975

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

HARRY N. STARBRANCH, Secretary

Presented by Senator Carbonneau of Androscoggin.

Cosponsor: Senator Cyr of Aroostook.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

AN ACT Relating to County Home Rule Powers of the County Delegation.

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Sec. 1. 30 MRSA § 2, as last amended by PL 1973, c. 775, § 1, is repealed and the following enacted in place thereof: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 county legislative delegation of each county shall determine the salaries of the respective county commissioners.

The salaries of all county officers and employees, including but not limited to clerks of the judicial courts and their deputies, sheriffs and their deputies, registers of deeds, treasurers and their deputies, judges of probate and registers of probate and their deputies, shall be set and determined annually by their respective county commissioners, subject to the approval of the county legislative delegation, provided that no such salary shall be less than the amount specified by law as of January 1, 1975.

The salaries 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 attorneys 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, subject to the approval of the county legislative delegation.

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 the right of sheriffs and their deputies to receive fees for service of civil process and the right of sheriffs and of their deputies not receiving a salary or paid on a per diem basis to receive fees for service of criminal process is preserved. 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Sec. 2. 30 MRSA § 3 is repealed.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 § 106, first sentence, is amended to read:

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, semi-annual or annual payments, as determined by the county ~~commissioners~~ legislative delegation.

Sec. 4. 30 MRSA § 251, first sentence, is amended to read:

The county commissioners shall make the county estimates, **subject to the approval of the county legislative delegation**, and cause the taxes to be assessed.

Sec. 5. 30 MRSA § 252, first, 2nd, 3rd and 4th ¶¶, as amended, 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 December 15th 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 10 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.

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 January 15th, to the county legislative delegation, with a copy to be submitted by registered mail to each member of the delegation and with a copy to be submitted to each municipality in the county.

The delegation 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. The delegation shall, by a majority vote, elect a chairman, vice-chairman and a secretary who shall serve at the pleasure of the delegation. A majority of the delegation shall constitute a quorum and a majority thereof shall have the authority to act on any matter falling within

the jurisdiction of the delegation. The delegation shall keep minutes of matters considered and votes taken at its meetings. Clerical assistance shall be provided the delegation by the respective county commissioners. The members of the delegation may receive their actual expenses incurred in the performance of their duties to be paid from the county treasury. The delegation shall have the authority to review proposed estimates and to change, alter and revise the proposed estimates, including specific line categories; and to finally adopt the estimates. The delegation shall meet to review the proposed estimates and to finally adopt them by resolution not later than February 28th of each year. The meeting shall be a public meeting.

The county treasurer shall furnish to the delegation a quarterly financial statement of all receipts and expenditures of the county, by department.

Sec. 6. 30 MRSA § 253, as last amended by PL 1973, c. 386, 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.

Any county which is the recipient of federal revenue sharing funds shall provide for the expenditure of such funds in accordance with the laws and procedures applicable to the expenditure of its own revenue and shall record estimates as provided in this section.

Sec. 7. 30 MRSA § 253-A, as enacted by PL 1973, c. 229, § 2, is repealed.

Sec. 8. 30 MRSA § 254, as amended by PL 1973, c. 155, is amended by adding the following new paragraph:

If any such tax is not paid before October 15th the county commissioners may charge interest thereon running from said October 15th at a rate not exceeding that charged by the largest municipality in the county on account of delinquent taxes.

Sec. 9. 30 MRSA § 409 is repealed and the following enacted in place thereof:

§ 409. Bonds, temporary notes

To provide funds for capital improvements, the county commissioners, subject to the approval of the county legislative delegation, 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, subject to the approval of the county legislative delegation, 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 and the county legislative delegation, 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. 10. 30 MRSA § 604 is repealed.

Sec. 11. 30 MRSA § 908, first sentence, is amended to read:

The sheriffs of the several counties shall receive annual salaries as set forth in section 9 set by the county commissioners subject to the approval of the county legislative delegation, 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. 12. 30 MRSA § 958, as last amended by PL 1973, c. 385, is further amended to read:

§ 958. Full-time deputies in all counties; compensation

The sheriffs of all counties shall respectively appoint full-time deputy sheriffs, who shall serve at the pleasure of said respective sheriffs and whose special duty shall be to enforce the criminal laws in said counties and who shall receive as compensation therefor the sum of \$21 per day and such additional pay and mileage allowance as the respective county commissioners and county legislative delegations may approve, to be paid from the respective county treasuries, together with such incidental expenses as may be necessary for the proper enforcement of said laws; bills for which shall be audited as provided in Title 15, section 1902. ~~Such full-time deputy sheriffs shall not receive more than \$147 and chief deputies shall not receive more than \$157 in the aggregate for any one week, except that these limitations shall not apply to Androscoggin County, Cumberland County and York County~~

Sec. 13. **Effective date.** This Act shall become operative on September 1, 1976 only for purposes of allowing county commissioners to utilize the procedural provisions to set the county tax and to establish the tax for the year 1977 and succeeding years and shall become fully effective on January 1, 1977.

STATEMENT OF FACT

The basic purpose of the bill is to give county home rule powers to the elected legislative delegation of the county. This participation of the county delegation would mean broader representation in the county taxation process. The county delegation would make the final determination of its county budget, thus removing from the Legislature the burden of ruling on each county's budget.