

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

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**Legislative Document**

**No. 2335**

H. P. 2263

House of Representatives, March 30, 1976

Reported by Mr. Dam from Committee on Local and County Government  
and printed under Joint Rules No. 18.

EDWIN H. PERT, Clerk

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-SIX

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**AN ACT to Allow County Budget Determination at the County Level.**

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

**Sec. 1.** 21 MRSA § 1, sub-§ 8 is amended to read:

**8. County office.** "County office" means the office of judge of probate, register of probate, clerk of courts, county treasurer, register of deeds, sheriff, county attorney and county commissioner, but shall not include the county finance board.

**Sec. 2.** 30 MRSA § 2, first paragraph, as last amended by PL 1975, c. 408, § 38, is repealed and the following enacted in place thereof:

The county commissioners, 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 determined by the county finance board, but not to be less than the following; except that clerks of judicial courts and their deputies, bailiffs and other court and jury officers required, the district 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, except as hereinafter provided:

**Sec. 3.** 30 MRSA § 252, as last amended by PL 1971, c. 380, §§ 1, 2 and 3, is repealed and the following enacted in place thereof:

**§ 252. County taxes; estimates, approval and assessment**

1. **County commissioners' duties.** In order to assess a county tax, county commissioners shall annually prepare estimates of the sums necessary to defray expenses which have accrued or which may probably accrue for the purposes set forth in section 253-A, for the coming year. These estimates shall be prepared prior to October 1st in each year, shall be drawn so as to authorize the appropriations to be made to each department or agency of the county government, and shall provide specific amounts for personal services, contractual services, commodities, debt service and capital expenditures.

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 recommend estimates of the same as provided in this section.

A copy of the estimates shall be distributed to each municipality in the county and to each member of the county finance board prior to October 10th. Copies shall also be available during normal business hours in the office of the county commissioners for public inspection and copies shall be provided, at cost, to any county resident.

A copy of the estimates shall be signed by the chairman of the county commissioners and attested by their clerk, and shall be transmitted to the county finance board prior to November 1st.

2. **County finance board duties.** The county finance board shall hold 2 or more public hearings, preferably at different locations within the county, on the county estimates prior to November 30th. Public notice shall be given at least 10 days prior to each hearing by publication in a newspaper of general circulation within the county, by written notice by certified or registered mail to the clerk of each municipality within the county and by written or personal notice to the county commissioners and each department or agency of the county government.

After the public hearings, the county finance board shall adopt any amendments to the estimates, including any changes or alterations required in specific line categories, that are necessary to provide for the public purpose expenditures of the county as authorized under section 253-A. The county finance board shall then adopt the annual county budget, which shall be the county commissioners' estimates with any duly adopted amendments thereto, provided the county finance board shall not approve any single capital expenditure in such estimates or budget that exceeds \$50,000, unless such expenditure has been approved by the voters of the county in a county referendum. All amendments and budgets shall be adopted only by a majority vote of all members of the county finance board and shall be discussed and adopted only at a public hearing.

The county finance board shall, prior to December 15th, transmit signed and attested copies of all approved amendments of the estimates and the approved county budget to the county commissioners, to the clerk of each municipality of the county, and to the State Auditor. A copy of the estimates, amendments

and approved budget shall be a public record at the office of the county clerk and each municipal clerk and shall be retained for a period of 4 years.

Sec. 4. 30 MRSA § 253, as last amended by PL 1973, c. 229, § 1, and c. 386, is repealed and the following enacted in place thereof:

**§ 253. Contingent account; transfer of funds**

1. **Contingent account.** 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.

2. **Transfer of funds.** 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 expenditure, provided that such request shall bear the written approval of the majority of the county finance board.

Any transfers between specific line categories or from the contingent account shall be certified by the county commissioners within 30 days to the county finance board.

Sec. 5. 30 MRSA § 253-A, as enacted by PL 1973, c. 229, § 2, is repealed and the following enacted in place thereof:

**§ 253-A. Authorized expenditures**

1. **Raising and appropriating powers.** The county may raise or appropriate money for the following purpose, subject to subsections 2 and 3.

**A. Operating expenses**

(1) Providing for the operation of county government;

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

(3) Providing for the operation of various departments of county government, including provision for police and fire protection;

(4) 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; or

(5) Obtaining the services of county advisory organizations.

**B. Public works.**

- (1) Providing for buildings, parks, parking places, water or sewage facilities, ways and bridges, except for ways and bridges in unorganized townships and plantations;
- (2) Providing for public solid waste disposal areas, either within or without its boundaries;
- (3) Providing for cemeteries in unorganized territories; or
- (4) Providing for flood control projects.

**C. Health and welfare.**

- (1) Conducting or supporting a public health program, including employing the necessary professional help and assistants;
- (2) Providing for a public ambulance and facilities for it; or
- (3) Providing for a food stamp or donated food program in conformity with regulations promulgated by the United States Department of Health, Education and Welfare.

**D. Development.**

- (1) Supporting a chamber of commerce or board of trade;
- (2) Purchasing real estate and property for county purposes, including purchases from the Federal Government; or
- (3) Planning for the purpose of future development, including employment of a county planner.

**E. Transportation.**

- (1) Providing for the planning, construction, equipping, improvement, extension and operation of airports, provided the airport was approved by the voters of the county in a county referendum.

**F. General duties and operation.**

- (1) Performing any of the duties required of it by law; or
- (2) Providing for any operations authorized by law which by their nature require the expenditure of money.

2. Limitation on raising and appropriating powers. The county may only raise or appropriate money for a purpose listed under subsection 1, paragraphs B to F, if the county raised or appropriated money for the purpose in the preceding year, if raising or appropriating money for the purpose is approved by the voters of the county in a county referendum, or if the purpose is included under subsection 3.

3. Powers granted by other statutes. Any county may also raise or appropriate money under any other authority or power expressed or implied in other statutes or enabling provisions, and no authority or power now existing under any other law shall be repealed or limited by this subsection.

Sec. 6. 30 MRSA § 401-A, 1st ¶, as enacted by PL 1975, c. 5, is amended to read:

The county commissioners of all counties may borrow in anticipation of taxes and to the extent that the county budget has not been approved by the Legislature, the county commissioners of each county may borrow an amount not exceeding 80% of the previous year's budget.

Sec. 7. 30 MRSA c. 1, sub-c. VII is enacted to read:

## SUBCHAPTER VII

### COUNTY FINANCE BOARD

#### § 1121. County finance board; election; terms; districts; vacancies

The county finance board of each county shall consist of at least 5 county residents, who shall be resident in and elected by the voters of the district they represent. No member of the county finance board shall at the same time hold any other county office or any other employment position of the county.

Each county shall be divided into 5 or more board districts, as hereinafter created in section 1125, which shall be reapportioned after each Federal Census.

The members of the board shall be elected for terms of 2 years in the same manner as are town officials, when such officials are nominated by nomination papers and elected by secret ballot. The nomination shall be made by nomination papers signed by not less than 75 nor more than 125 voters of the board district.

When a vacancy occurs by the death, resignation, removal from the county or for any other reason, the Governor shall appoint a person to fill the vacancy, who shall hold office until the first day of January after another has been elected to fill the place.

#### § 1122. Quorum, chairman and rules

A quorum shall consist of one more than a majority of board members.

The members of the board shall elect a chairman and a vice-chairman to act in the absence of the chairman.

The board shall adopt rules of order and procedures for conducting its meetings.

#### § 1123. Compensation

Members of the board shall be compensated at a rate not to exceed \$25 per meeting, not to exceed 10 meetings per year, for attendance at a meeting of the board and for travel at the rate equal to the state travel reimbursement rate going from and returning to their place of residence. The pay and expenses of members shall be paid out of the county treasury monthly, after being certified by the member and approved by the chairman of the county finance board.

**§ 1124. Powers and duties**

The county finance board shall have the power and duty to review, amend and approve an annual county budget pursuant to section 252, and to set the salaries of the county commissioners, county treasurer and his deputy, sheriff, register of deeds, judge of probate and register of probate, provided such salaries are not less than the amounts set forth in section 2.

**§ 1125. County finance board districts**

The following number of board members and districts are established for the election of members of the county finance board.

1. Androscoggin County: Five board members, one from each of the following districts:

Board District No. 1 consisting of th municipality of Auburn;

Board District No. 2 consisting of Wards 1, 2 and 3 and Precinct 1 of Ward 4 of the municipality of Lewiston;

Board District No. 3 consisting of Precinct 2 of Ward 4 and Wards 5, 6 and 7 of the municipality of Lewiston;

Board District No. 4 consisting of the municipalities of Poland, Mechanic Falls, Minot, Turner, Livermore and Livermore Falls; and

Board District No. 5 consisting of the municipalities of Leeds, Greene, Wales, Webster, Lisbon and Durham.

2. Aroostook County: Five board members, one from each of the following districts:

Board District No. 1 consisting of the municipalities and unorganized territory of Madawaska, Saint Agatha, Frenchville, Fort Kent, New Canada Plantation, Wallagrass Plantation, St. John Plantation, St. Francis Plantation, Allagash, Eagle Lake, Winterville Plantation, Unorganized Territory-North, Portage Lake, Nashville Plantation, Garfield Plantation and Ashland;

Board District No. 2 consisting of the municipalities and unorganized territory of Grand Isle, Van Buren, Hamlin, Cyr Plantation, Stockholm, New Sweden, Westmanland Plantation, Perham, Wade, Connor, Caswell Plantation and Limestone;

Board District No. 3 consisting of the municipalities of Caribou, Fort Fairfield, Easton and Mars Hill;

Board District No. 4 consisting of the municipalities and unorganized territory of Woodland, Washburn, Castle Hill, Mapleton, Presque Isle, Chapman, Westfield, E Plantation, Blaine, Unorganized Territory-Central, Masardis and Oxbow Plantation;

Board District No. 5 consisting of the municipalities and unorganized territory of Bridgewater, Monticello, Littleton, Hammond Plantation, Ludlow, Smyrna, Merrill, Moro Plantation, Hersey, Dyer Brook, Oakfield, New

Limerick, Houlton, Hodgdon, Linneus, Island Falls, Crystal, Sherman, Cary Plantation, Amity, Orient, Haynesville, Glenwood Plantation, Unorganized Territory-South, Benedicta, Macwahoc Plantation, Reed Plantation, Bancroft and Weston.

3. Cumberland County: Fifteen board members, 3 elected at large from each of the following districts:

Board District No. 1 consisting of Precincts 1 and 2 of Ward 1, Precincts 1 and 2 of Ward 2, Precinct 1 of Ward 3, and Precincts 1 and 2 of Ward 4 of the municipality of Portland;

Board District No. 2 consisting of Precinct 2 of Ward 3, Precincts 1 and 2 of Ward 5, Precincts 1 and 2 of Ward 6 of the municipality of Portland and the municipalities of Falmouth and Cumberland;

Board District No. 3 consisting of the municipalities of Casco, Raymond, Gray, New Gloucester, Pownal, North Yarmouth, Yarmouth, Freeport, Brunswick and Harpswell;

Board District No. 4 consisting of the municipalities of Bridgton, Harrison, Otisfield, Naples, Sebago, Baldwin, Standish, Gorham, Windham and Westbrook;

Board District No. 5 consisting of the municipalities of South Portland, Cape Elizabeth and Scarborough.

4. Franklin County: Five members, one from each of the following districts:

Board District No. 1 consisting of the municipalities and unorganized territory of Unorganized Territory - North, Eustis, Coplin Plantation, Dallas Plantation, Rangeley, Rangeley Plantation, Sandy River Plantation, Madrid, Phillips, Unorganized Territory - West Central, Weld and Avon;

Board District No. 2 consisting of the municipalities and unorganized territory of Kingfield, Carrabasset Valley, Unorganized Territory - East Central, Strong, New Vineyard, Industry and New Sharon;

Board District No. 3 consisting of the municipalities and unorganized territory of Carthage, Unorganized Territory - South, Temple and Wilton;

Board District No. 4 consisting of the municipality of Farmington;

Board District No. 5 consisting of the municipalities of Jay and Chester-ville.

5. Hancock County: Five board members, one from each of the following districts:

Board District No. 1 consisting of the municipalities and unorganized territory of Plantation No. 33, Unorganized Territory - East, Aurora, Amherst, Great Pond Plantation, Mariaville, Otis, Waltham, Osborn Plantation, Eastbrook, Franklin, Unorganized Territory - Central, Hancock, Lamoine, Sullivan, Sorrento, Gouldsboro, Winter Harbor and Township 7, S.D.;



Board District No. 2 consisting of the municipalities of Dedham, Bucksport, Orland, Verona and Penobscot;

Board District No. 3 consisting of the municipalities and unorganized territory of Ellsworth, Surry, Trenton, Tremont, Cranberry Isles and Long Island Plantation;

Board District No. 4 consisting of the municipalities of Bar Harbor, Mount Desert and Southwest Harbor;

Board District No. 5 consisting of the municipalities of Castine, Blue Hill, Brooklin, Sedgwick, Brooksville, Deer Isle, Stonington and Swan's Island.

6. Kennebec County: Five board members, one from each of the following districts:

Board District No. 1 consisting of the municipality of Augusta;

Board District No. 2 consisting of the municipality of Waterville;

Board District No. 3 consisting of the municipalities and unorganized territory of Clinton, Benton, Unity Plantation, Winslow, Albion, Vassalborough, China and Windsor;

Board District No. 4 consisting of the municipalities of Chelsea, Hallowell, Farmingdale, West Gardiner, Gardiner, Randolph and Pittston;

Board District No. 5 consisting of the municipalities of Vienna, Rome, Oakland, Fayette, Mount Vernon, Belgrade, Sidney, Readfield, Wayne, Winthrop, Manchester, Monmouth and Litchfield.

7. Knox County: Five board members, one from each of the following districts:

Board District No. 1 consisting of the municipality of Rockland;

Board District No. 2 consisting of the municipalities of Owls Head, Vinalhaven, North Haven, Matinicus Isle Plantation, Isle au Haut, Friendship and South Thomaston;

Board District No. 3 consisting of the municipalities of Thomaston, St. George and Cushing;

Board District No. 4 consisting of the municipalities of Camden, Hope and Appleton;

Board District No. 5 consisting of the municipalities of Rockport, Warren, Union and Washington.

8. Lincoln County: Five board members, one from each of the following districts:

Board District No. 1 consisting of the municipalities and unorganized territory of Somerville Plantation, Jefferson, Whitefield, Alna and Newcastle;

Board District No. 2 consisting of the municipalities of Nobleboro and Waldoboro;

Board District No. 3 consisting of the municipalities and unorganized territory of Damariscotta, Bremen, Bristol, South Bristol and Monhegan Plantation;

Board District No. 4 consisting of the municipalities of Dresden, Wiscasset, Westport, Edgecomb and Southport;

Board District No. 5 consisting of the municipalities of Boothbay and Boothbay Harbor.

9. Oxford County: Nine board members, one from each of Districts 1-7, and 2 elected at large from District 8, as follows:

Board District No. 1 consisting of the municipalities of Porter, Hiram, Denmark, Brownfield and Fryeburg;

Board District No. 2 consisting of the municipalities and unorganized territory of Lynchtown, Lovell, Sweden, Waterford, Stow, Stoneham, Albany, Bethel, Gilead, Grafton, Mason Plantation and Newry;

Board District No. 3 consisting of the municipalities and unorganized territory of Oxford, Hebron, Buckfield, Hartford, Sumner, Canton and Batchelders Grant;

Board District No. 4 consisting of the municipalities of Norway, Greenwood and Woodstock;

Board District No. 5 consisting of the municipalities of Paris and West Paris;

Board District No. 6 consisting of the municipalities and unorganized territories of Peru, Dixfield, Hanover, Milton Plantation, Andover, Lincoln Plantation, Magalloway Plantation, Upton, Township A No. 1 Riley, No. 4 R. 1 Richardstown and No. 4 R. 2 Adamstown;

Board District No. 7 consisting of the municipalities of Mexico, Roxbury and Byron;

Board District No. 8 consisting of the municipality of Rumford.

10. Penobscot County: Five board members, one from each of the following districts:

Board District No. 1 consisting of the municipalities and unorganized territory of Unorganized Territory - North, Mount Chase, Patten, Stacyville, Millinocket, East Millinocket, Medway, Woodville, Mattawamkeag, Kingman Plantation, Drew Plantation, Prentiss Plantation, Webster Plantation, Winn, Chester, Seboeis Plantation, Maxfield, Howland, Enfield, Lincoln, Lee, Springfield, Carroll Plantation, Lakeville Plantation and Burlington;

Board District No. 2 consisting of the municipalities and unorganized territory of Lowell, Passadumkeag, Edinburg, Lagrange, Alton, Unorganized Territory - Argyle, Greenbush, Grand Falls Plantation, Greenfield, Milford, Old Town, Glenburn, Orono and Bradley;

Board District No. 3 consisting of Precincts 1 and 2 of Ward 3, Precincts 1 and 2 of Ward 4, Ward 5, Ward 6 and Precinct 2 of Ward 7 of the municipality of Bangor;

Board District No. 4 consisting of Ward 1, Ward 2 and Precinct 1 of Ward 7 of the municipality of Bangor and the municipalities of Veazie, Brewer, Orrington, Holden, Eddington and Clifton;

Board District No. 5 consisting of the municipalities of Dexter, Garland, Charleston, Bradford, Hudson, Corinth, Exeter, Corinna, Newport, Stetson, Levant, Kenduskeag, Hermon, Carmel, Etna, Plymouth, Dixmont, Newburgh and Hampden.

#### 11. Piscataquis County

Board District No. 1 consisting of the municipalities and unorganized territory of Unorganized Territory-North, Greenville, Beaver Cove Plantation, Shirley, Blanchard Plantation, Kingsbury Plantation, Wellington and Parkman;

Board District No. 2 consisting of the municipalities and unorganized territory of Elliottsville Plantation, Monson, Willimantic, Bowerbank, Barnard Plantation, Brownville, Lake View Plantation, Unorganized Territory-South East, Medford and Atkinson;

Board District No. 3 consisting of the municipalities of Abbot, Guilford and Sangerville;

Board District No. 4 consisting of the municipality of Dover-Foxcroft;

Board District No. 5 consisting of the municipalities of Sebec and Milo.

#### 12. Sagadahoc County

Board District No. 1 consisting of the municipalities of Bowdoin, Bowdoinham and Richmond;

Board District No. 2 consisting of the municipality of Topsham;

Board District No. 3 consisting of Wards 1, 2, 3 and 4 of the municipality of Bath;

Board District No. 4 consisting of Wards 5, 6 and 7 of the municipality of Bath;

Board District No. 5 consisting of the municipalities of Woolwich, West Bath, Phippsburg, Arrowsic and Georgetown.

#### 13. Somerset County

Board District No. 1 consisting of the municipalities and unorganized territory of Unorganized Territory - North, Dennistown Plantation, Moose River, Jackman, West Forks Plantation, The Forks Plantation, Caratunk Plantation, Highland Plantation, Pleasant Ridge Plantation, Moscow, Unorganized Territory - Central, Bingham, Brighton Plantation, New Portland, Embden, Harmony, Hartland, Ripley and Cambridge;

Board District No. 2 consisting of the municipalities of Madison, Solon, Athens, Anson, Starks and Mercer;

Board District No. 3 consisting of the municipalities of Norridgewock, Smithfield and Fairfield;

Board District No. 4 consisting of the municipalities of Cornville and Skowhegan;

Board District No. 5 consisting of the municipalities of Canaan, Pittsfield, Detroit, Palmyra and St. Albans.

14. Waldo County

Board District No. 1 consisting of the municipalities of Burnham, Troy, Unity, Freedom, Palermo and Liberty;

Board District No. 2 consisting of the municipalities of Thorndike, Knox, Brooks, Jackson, Monroe and Winterport;

Board District No. 3 consisting of the municipalities of Frankfort, Swanville, Searsport, Prospect and Stockton Springs;

Board District No. 4 consisting of the municipality of Belfast;

Board District No. 5 consisting of the municipalities of Waldo, Morrill, Montville, Searsmont, Belmont, Lincolnville, Northport and Islesboro.

15. Washington County

Board District No. 1 consisting of the municipalities and unorganized territories of Danforth, Unorganized Territory - North, Vanceboro, Codyville Plantation, Waite, Talmadge, Grand Lake Stream Plantation, Plantation No. 21, Princeton, Baileyville, Alexander, Crawford and Wesley;

Board District No. 2 consisting of the municipalities and unorganized territory of Calais, Robbinston, Perry, Charlotte, Meddybemps, Cooper, Plantation No. 14, Dennysville and Baring;

Board District No. 3 consisting of the municipalities of Deblois, Cherryfield, Steuben, Milbridge, Harrington, Addison, Jonesport, Beals and Beddington;

Board District No. 4 consisting of the municipalities of Columbia, Columbia Falls, Northfield, Centerville, Jonesboro, Roque Bluffs, Whitneyville, Marshfield, East Machias, Machias and Machiasport;

Board District No. 5 consisting of the municipalities and unorganized territory of Whiting, Cutler, Unorganized Territory - Lubec, Pembroke and Eastport.

16. York County

Board District No. 1 consisting of the municipalities of Parsonsfield, Cornish, Limington, Limerick, Newfield, Acton, Shapleigh, Waterboro, Lyman, Alfred, Lebanon, North Berwick, Berwick, South Berwick and Eliot;

Board District No. 2 consisting of the municipalities of Hollis, Buxton, Dayton, Saco and Old Orchard Beach;

Board District No. 3 consisting of the municipalities of Biddeford and Kennebunkport;

Board District No. 4 consisting of the municipalities of Sanford, Kennebunk and Arundel;

Board District No. 5 consisting of the municipalities of Wells, York and Kittery.

Each member of a county finance board shall be a resident in the district he represents, and shall be elected by the voters of that district.

**Sec. 8. Effective date and application.** This Act shall take effect 90 days after adjournment of the Legislature only for the purpose of electing members of county finance boards and shall become effective in all its parts on January 1, 1977, at which time those elected to the board shall take office, provided that the dates for action by the county commissioners and county finance board for preparing 1977 estimates and approving the 1977 county budgets, shall be 90 days later than the dates set for such actions in section 3 of this bill.

#### FISCAL NOTE

This Act will result in an annual savings of approximately \$250,000 because of the savings in legislative time in considering county budgets.

#### STATEMENT OF FACT

This Act transfers to the county control over their own budget, but does not expand the present authority of counties to undertake new functions, unless those are authorized by the vote of the people.