

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 913

H. P. 714

House of Representatives, March 9, 1977

Referred to Committee on Local and County Government. Sent up for concurrence and 1,800 ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Burns of Anson.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

AN ACT to Give Counties Power to Assess and Collect Their Own Taxes.

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

Sec. 1. 30 MRSA § 252, as last amended by PL 1975, c. 716, §§ 1 and 4, is repealed and the following enacted in its place:

§ 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 those 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 those estimates or budget that exceeds \$50,000, unless that 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 public record at the office of the county clerk and each municipal clerk and shall be retained for a period of 4 years.

Sec. 2. 30 MRSA § 253, as last amended by PL 1975, c. 716, §§ 2, 3 and 4, is repealed and the following enacted in its place:

§ 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 the appropriation was made, the county commissioners may, upon written request of that department or agency, transfer from any other specific line appropriation of the same department or agency an amount as required to meet this expenditure,

provided that the 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. 3. 30 MRSA § 253-A, as enacted by PL 1973, c. 229, § 2, is repealed and the following enacted in its place:

§ 253-A. Authorized expenditures

The county 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; or
- E. Obtaining the services of county advisory organizations.

2. Public works:

- A. Providing for buildings, parks, parking places, water or sewage facilities, ways and bridges, except for ways and bridges in unorganized townships and plantations;
- B. Providing for public solid waste disposal areas, either within or without its boundaries;
- C. Providing for cemeteries in unorganized territories; or
- D. Providing for flood control projects.

3. Health and welfare:

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

4. Development:

- A. Supporting a chamber of commerce or board of trade;
 - B. Purchasing real estate and property for county purposes, including purchases from the Federal Government; or
 - C. Planning for the purpose of future development, including employment of a county planner.
5. Transportation:
- A. 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.
6. General duties and operations:
- A. Performing any of the duties required of it by law; or
 - 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.

Sec. 4. 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. 5. 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 5 county residents, who shall be resident in and elected by the voters of the district they represent. The members of the board shall be elected for terms of 2 years in the same manner as are members of the Legislature.

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

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

Three members of the board must be present to constitute a quorum.

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 undertake any other activities established by law.

§ 1125. County finance board districts

The following districts are established for the election of members of the county finance board:

1. Androscoggin County:

Council District No. 1 consisting of the municipality of Auburn;

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

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

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

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

2. Aroostook County:

Council 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;

Council 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;

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

Council 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;

Council District No. 5 consisting of the municipalities and unorganized territory of Bridgewater, Monticello, Littleton, Hammond Plantation, Ludicw, 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:

County 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;

Council 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;

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

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

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

4. Franklin County:

Council 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;

Council District No. 2 consisting of the municipalities and unorganized territory of Kingfield, Unorganized Territory — East Central, Strong, New Vineyard, Industry and New Sharon;

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

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

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

5. Hancock County:

Council District No. 1 consisting of the municipalities and unorganized territory of Plantation No. 33, Unorganized Territory — East, Aurora, Amherst, Mariaville, Otis, Waltham, Osborn Plantation, Eastbrook, Franklin, Unorganized Territory — Central, Hancock, Lamoine, Sullivan, Sorrento, Gouldsboro and Winter Harbor;

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

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

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

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

6. Kennebec County:

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

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

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

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

Council 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:

Council District No. 1 consisting of the municipalities of Washington, Union, Appleton, Hope and Rockport;

Council District No. 2 consisting of the municipalities of Camden, North Haven, Vinalhaven and Isle au Haut;

Council District No. 3 consisting of the municipality of Rockland;

Council District No. 4 consisting of the municipalities of Thomaston, South Thomaston and Owls Head;

Council District No. 5 consisting of the municipalities and unorganized territory of Friendship, Cushing, Warren, St. George and Matinicus Isle Plantation.

8. Lincoln County:

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

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

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

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

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

9. Oxford County:

Council District No. 1 consisting of the municipalities and unorganized territory of Unorganized Territory — North, Lincoln Plantation, Magalloway Plantation, Upton, Byron, Roxbury, Andover, Newry, Gilead, Unorganized Territory — South, Stow, Lovell, Stoneham, Waterford, Sweden, Fryeburg, Denmark, Brownfield, Hiram and Porter;

Council District No. 2 consisting of the municipalities of Hanover, Bethel, Greenwood, Norway and Oxford;

Council District No. 3 consisting of the municipality of Rumford;

Council District No. 4 consisting of the municipalities of Mexico, Dixfield, Peru and Canton;

Council District No. 5 consisting of the municipalities and unorganized territory of Milton Plantation, Woodstock, West Paris, Sumner, Hartford, Buckfield, Paris and Hebron.

10. Penobscot County:

Council District No. 1 consisting of the municipalities and unorganized territory of Unorganized Territory — North, Mount Chase Plantation, 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;

Council 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, Bradley;

Council 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;

Council 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;

Council 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:

Council District No. 1 consisting of the municipalities and unorganized territory of Unorganized Territory — North, Greenville, Shirley, Blanchard Plantation, Kingsbury Plantation, Wellington and Parkman;

Council 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;

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

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

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

12. Sagadahoc County:

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

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

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

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

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

13. Somerset County:

Council 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, Anson, Starks and Mercer;

Council District No. 2 consisting of the municipalities of Madison, Solon, Athens, Hartland, Harmony, Ripley and Cambridge;

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

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

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

14. Waldo County:

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

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

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

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

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

15. Washington County:

Council 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, Baring, Alexander, Crawford, Wesley and Beddington;

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

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

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

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

16. York County:

Council 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;

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

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

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

Council 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.

STATEMENT OF FACT

The purpose of this bill is to give the power to approve budgets to a county finance board, a representative board elected by the voters of the county.