

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 637

H. P. 509

House of Representatives, February 16, 1979

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

EDWIN H. PERT, Clerk

Presented by Mrs. Bachrach of Brunswick.

Cosponsors: Mrs. Masterton of Cape Elizabeth, Mr. Howe of South Portland and Mr. Diamond of Windham.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT to Establish Self-Governing Provisions for Cumberland County.

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

Sec. 1. 30 MRSA § 2, sub-§ 1, ¶ C, as amended by PL 1977, c. 657, § 4, is repealed and the following enacted in its place:

C. Cumberland County:

(1) Commissioners

- | | |
|-----------------------------|----------------|
| (a) District members | \$3,500 |
| (b) At-large members | 3,500 |

(2) The salaries of the county treasurer, deputy treasurer, sheriff, register of deeds, deputy register of deeds, judge of probate and register of probate for Cumberland County shall be established by the Cumberland County commissioners as provided in section 256.

Sec. 2. 30 MRSA § 101, as last amended by PL 1975, c. 771, § 308, is repealed and the following enacted in its place:

§ 101. Board Membership; chairman

1. **Cumberland County.** There shall be a board of commissioners for Cumberland County consisting of a chairman and 6 other members. Of the 7 members, 6 members shall be resident in and elected by the voters of a commissioner district, 2 members from each district; and one member shall be an at-large member resident in the county and elected by all the voters of the county. Each member shall be elected for a term of 4 years. The chairman shall be designated by the board of commissioners at their first meeting on or after January 1st annually, to act for one year.

2. **All other counties.** There shall be a board of commissioners for each county, except Cumberland County, consisting of a chairman and 2 other citizens, all resident in the county, who shall be elected every 4 years. The chairman shall be designated by the board of commissioners at their first meeting on or after January 1st annually, to act for one year.

Sec. 3. 30 MRSA § 103 as amended by PL 1975, c. 771, § 309, is further amended by adding at the end the following new sentence to read:

When the vacancy occurs in the Cumberland County office of county commissioners, the appointment shall be made by the remaining county commissioners, by majority vote.

Sec. 4. 30 MRSA § 151, 4th ¶, is repealed and the following enacted in its place:

Cumberland, terms of record on the first Tuesdays of January and June, and regular sessions at least once a month on a regular day after having given public notice of that day;

Sec. 5. 30 MRSA § 152, is repealed and the following enacted in its place:

§152. Quorum

In Cumberland County 4 commissioners constitute a quorum. In all other counties, 2 commissioners constitute a quorum. When a quorum is not present, the commission members present may adjourn to a convenient time and place. When no commissioner attends, the clerk may adjourn as provided in Title 4, section 112.

Sec. 6. 30 MRSA § 202, as enacted by PL 1975, c. 736, § 3, is amended by adding after the 3rd paragraph the following:

Notwithstanding this section, in Cumberland County, the county administrator shall be the chief administrative official of the county and shall be responsible for the administration of all departments and offices over which the county commissioners have control. He may act as the clerk of the county or as county treasurer, if appointed as clerk or treasurer by the county commissioners. He shall act as purchasing agent for all departments and offices of the county, provided that the county commissioners may require that all purchases greater than a designated amount shall be submitted by sealed bid. He shall attend all

meetings of the county commissioners, except when his removal or suspension is being considered. He shall keep the county commissioners informed as to financial condition of the county and shall collect all data necessary for the preparation of the budget. He may undertake such other duties as may be authorized by the county commissioners. The county commissioners may hire another person as clerk of the county if the full-time county administrator is not appointed as clerk. If the county commissioners hire a full-time county administrator, they shall not forego their annual salary as provided in this section, but shall be paid the salary provided in section 2.

Sec. 7. 30 MRSA § 251, is amended by adding after the first sentence a new sentence to read:

In Cumberland County, the county commissioners shall make the county estimates, approve the county budget with the advice of the County Finance Board, and cause the taxes to be assessed as provided in section 256.

Sec. 8. 30 MRSA § 256, is enacted to read:

§ 256. Assessment of taxes in Cumberland County

1. Other provisions inapplicable. The provisions for the assessment of taxes in sections 252 to 254-B shall not apply to Cumberland County. Cumberland County shall assess taxes as provided in this section.

2. Estimated budget. The county commissioners shall prepare a county budget each year that will estimate the sums necessary to defray the expenses of the county for the coming fiscal year, which have or may probably accrue for the purposes set forth in section 427. The estimated county budget shall be drawn so as to authorize appropriations for each department or agency of the county government for the year. The salaries of county officers shall be separately established by the commissioners. The estimated county budget shall include expenditures of federal revenue sharing funds or any other federal or state grants received pursuant to section 255. The county commissioners shall meet with the County Finance Board, as provided in subsection 9, to review the estimated budget prior to the public hearing required under subsection 3.

3. Public hearing. At least one public hearing shall be held in the county on the estimated county budget, prior to its final approval and adoption by the county commissioners. At least 10 days prior to the public hearing, the commissioners shall cause to be published a public notice of the hearing in a newspaper of general circulation within the county, and shall also distribute to each municipality in the county a copy of the estimated county budget. Copies shall also be available for public inspection during normal business hours in the office of the county commissioners and copies shall be provided, at cost, to any county resident.

4. Approval and adoption of budget. Prior to December 31st, the county commissioners shall approve and adopt a final county budget for the coming fiscal year. As part of that budget for 1981 and thereafter, the commissioners shall separately approve and adopt salaries for county officers. The final county budget

shall be the estimated county budget, together with any amendments approved by the county commissioners. All amendments to the estimated county budget and the approval and adoption of the final county budget shall be only by a majority vote of all members of the board of county commissioners, and shall be discussed and adopted at a public meeting.

5. Copies of approved budget. Copies of all approved amendments to the estimated county budget and of the final county budget shall be distributed to the clerk of each municipality of the county and to the State Auditor. A copy of the estimated county budget, amendments thereto, and the final county 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.

6. Apportionment of county tax; warrants. When the final county budget is approved and adopted, the total amount of that budget is granted as a tax on the county. The county commissioners shall, in January in the year for which the tax is granted, apportion it upon the towns and other places according to the last state valuation and fix the time for the payment of the same, which shall not be earlier than the first day of the following July. They may add the sum above the sum so authorized, not exceeding 2% of that sum, as a fractional division renders convenient, and certify that fact in the record of the apportionment, and issue their warrant to the assessors requiring them forthwith to assess the sum apportioned 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 millage rate to the State Tax Assessor.

7. Delinquent taxes. The county may collect delinquent taxes and charge interest on delinquent county taxes as provided under Title 36, sections 891, 892 and 892-A.

8. Fiscal year. The fiscal year for the county shall begin on January 1st and end on December 31st.

9. Finance Board. The county commissioners shall appoint a finance board of municipal officers to advise the commissioners on the county budget. The County Finance Board shall consist of 9 members, with 3 members from each commissioner district. The committee members shall be appointed for a term of 3 years, with a member from each district appointed each year. The county commissioners shall provide necessary clerical assistance, office expenses and suitable space for meetings.

Sec. 9. 30 MRSA § 401-A, as enacted by PL 1975, c. 5, is amended by adding at the end of the first paragraph the following:

The county commissioners of Cumberland County may borrow in anticipation of taxes an amount not exceeding 80% of the approved county budget.

Sec. 10. 30 MRSA §§ 427, 428 and 429, are enacted to read:

§ 427. Authorized expenditures of Cumberland County

1. Statutory duties. Cumberland County may raise and appropriate money for

the purposes of operating county government, performing any duties required by law and providing any services or facilities authorized by statute. No authority or power now existing under any other statute shall be repealed or limited by this section.

2. **Building, parks, airports, utilities.** Cumberland County shall only raise and appropriate money for the purpose of providing or maintaining buildings, parks or airports, or providing water or sewer utilities, that are not authorized by law prior to January 1, 1979, when these services or facilities are authorized by a contract under section 63.

§ 428. **Cumberland County Human Services Board**

1. **Appointment.** The Cumberland County county commissioners shall appoint a human services board of not less than 5 members and not more than 9 members. The members shall have terms of 2 years. The board shall elect its own chairman annually.

2. **Evaluations.** The board shall establish a system for obtaining information from each human service agency requesting county funds. The information obtained shall include the services offered by the agency, the organization of the agency, the funding from all sources and other information the board deems necessary. The board shall annually review and evaluate the information it receives and prepare a report on each agency. That report shall include an evaluation and any recommendations on the efficiency, accountability, services and budget requests of each agency. The report shall be communicated to the County Finance Board and the county commissioners prior to October 1st.

3. **Assessment.** The board may establish a system for regularly assessing the needs of the county for particular human services, and shall regularly study and report on the needs assessment to the county.

4. **County department.** The board shall be deemed a department of county government and all costs of operations shall be paid from the county treasury as authorized by the county budget. The county commissioners shall provide the clerical assistance, office expenses and suitable space for meetings. The clerical costs of the board shall be a separate line item of the county budget.

§ 429. **Combining services of counties**

The county commissioners of each county may contract with other counties to provide combined or consolidated county services, when each county is authorized to perform the services. The contract shall meet the requirements of section 63, including the approval of the Attorney General. Pursuant to the contract, the county commissioners may also contract with other persons, organizations or governmental entities as is provided under section 63 for county-municipal contracts.

Sec. 11. 30 MRSA § 601, first sentence, is amended to read:

A treasurer shall be elected for each county **except Cumberland** by the legally qualified voters thereof.

Sec. 12. 30 MRSA § 601, as amended by PL 1975, c. 771, § 315, is further amended by adding at the end the following new paragraph to read:

In Cumberland County the county commissioners shall appoint some suitable person to serve as county treasurer, the services to be at the pleasure of the county commissioners. The county treasurer of Cumberland County may also serve as the county administrator, if qualified and appointed by the county commissioners, but shall not hold any other county office.

Sec. 13. 30 MRSA § 603, is amended by adding at the end the following new sentence to read:

If the county treasurer is appointed, he shall also give bond to the county for the faithful discharge of his duties in such sum as the commissioners order and with such sureties as they approve in writing thereon.

Sec. 14. 33 MRSA § 601, first ¶, as repealed and replaced by PL 1975, c. 445, § 1, is amended to read:

A register of deeds shall be elected for each county **except Cumberland County** and in each registry district by the legally qualified voters thereof, who shall serve for a term of 4 years. **In Cumberland County, the county commissioners shall appoint some suitable person as the register of deeds, who shall serve at the pleasure of the commissioners.**

Sec. 15 33 MRSA § 601, 2nd ¶, as amended by PL 1975, c. 771, § 374, is further amended by adding at the end the following:

In Cumberland County, the county commissioners shall fill any vacancy.

Sec. 16. 36 MRSA § 507, is enacted to read:

§ 507. Tax distribution on tax bill in Cumberland County

If a municipality in Cumberland County gives written notice to persons liable to taxation in the municipality or primary assessing area of the amount of tax due or payable, that notice shall contain a statement, in percentage or actual amount, of the amount of the total property tax assessment allocated to Cumberland County under Title 30, section 256 and Title 36, section 753.

Sec. 17. Transition. This Act shall become effective, if approved by the voters in referendum, on January 1, 1981, except as provided in this section.

The Cumberland County budgets for 1979 and 1980 shall be submitted to and approved by the Legislature as required by statutes in effect on December 31, 1978. The budget for 1981 and thereafter shall be approved in the manner provided in this Act.

The county treasurer and register of deeds elected prior to December 31, 1979, shall remain in office until the expiration of their term. The salary of the elected treasurer and register of deeds shall not be reduced below the salary authorized by Title 30, section 2, on January 1, 1979, during the remainder of their term,

without their consent. At the expiration of that term, the county treasurer or register of deeds shall be appointed as provided in this Act.

District members and the at-large member of the board of commissioners shall be elected in Cumberland County on the Tuesday following the first Monday in November of 1980. They shall be elected in accordance with this Act, and shall take office on January 1, 1981.

Each county commissioner elected prior to July 1, 1980, shall remain in office until his term has expired; and he shall be deemed to be a district member of the board of commissioners from January 1, 1981 to the expiration of his term. The salary of a county commissioner, elected prior to July 1, 1980, and acting as a district member after January 1, 1981, shall not, by this Act or the action of the board of county commissioners, be reduced below the salary established by Title 30, section 2, on January 1, 1979, during the remainder of his term, without his consent. At the expiration of the present terms, the transition to 4-year terms for district members shall be in such a manner as to provide for election by each district of one commissioner every 2 years.

Sec. 18. Statutory referendum procedure; submission at special county election; effective date. This Act shall be submitted to the legal voters of the County of Cumberland at a special county election to be held on the Tuesday following the first Monday of November following passage of this Act. The city aldermen, town selectmen and plantation assessors of this county shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, to vote on the acceptance or rejection of this Act by voting on the following question:

“Shall a seven-member Board of County Commissioners be established in Cumberland County, and shall a procedure be adopted to allow that board to approve the county budget and to appoint the Treasurer and Register of Deeds?”

The legal voters of each city, town and plantation shall vote by ballot on this question, and shall designate their choice by a cross or check mark placed within a corresponding square below the word “Yes” or “No.” The ballots shall be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns and, if it appears that a majority of the legal votes are in favor of the Act, the Governor shall proclaim that fact without delay, and the Act shall become effective on January 1, 1981.

The Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this Act necessary to carry out the purposes of this referendum.

STATEMENT OF FACT

This bill provides Cumberland County with the authority to govern itself. In

order to improve the performance of county government, to identify clearly the responsibility for budget decisions, and to allow the county and the towns to operate the programs they desire in an efficient manner, this legislation does the following:

1. Changes the board of county commissioners to a 7-member board, with 6 members elected from districts and one at-large member. The board will be the governing and policy-making body of the county;
2. Authorizes the board of county commissioners to approve the county budget and determine county officers' salaries;
3. Provides for a county finance committee composed of municipal officers, who review the county budget;
4. Grants counties the authority to coordinate and review human services provided by county and municipal funds; and
5. Provides for appointment of the county treasurer and register of deeds, and for consolidation of the officers of county administrator, treasurer or county clerk.