

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 727

H. P. 563

House of Representatives, February 22, 1979

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

EDWIN H. PERT, Clerk

Presented by Mr. Birt of East Millinocket.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT to Establish Self-governing Provisions for Penobscot County.

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

Sec. 1. 30 MRSA § 2, sub-§ 1, ¶J, as amended by PL 1977, c. 657, § 10, is repealed and the following enacted in its place:

J. Penobscot County

- (1) **The salaries of the commissioners shall be as provided in section 106.**
- (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 Penobscot County shall be established by the Penobscot 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Sec. 2. 30 MRSA § 101, as last amended by PL 1975, c. 771, § 308, is repealed and the following enacted in its place: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. Penobscot County. There shall be a board of commissioners for Penobscot County consisting of a chairman and 6 other members. Of the 7 members, 5 members shall be resident in and elected by the voters of Commissioner Districts 2 through 6, one member from each district; and 2 members shall be resident in

and elected by Commissioner District 1. Each member shall be elected for a term of 2 years. The chairman shall be designated by the board of commissioners at their first meeting on or after the first day of January annually, to act for one year.

2. All other counties. There shall be a board of commissioners for each county, except Penobscot County, consisting of a chairman and 2 other citizens, all residents 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 the first day of January 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 a new sentence to read:

However, when the vacancy occurs in the Penobscot County office of county commissioner, the appointment shall be made by the remaining county commissioners by majority vote.

Sec. 4. 30 MRSA § 105-P, as enacted by PL 1975, c. 145, § 1, is repealed and the following enacted in its place:

§ 105-P. Creation of Penobscot County Commissioner Districts

Penobscot County shall be divided into the following 6 districts:

Commissioner District number 1, consisting of Bangor and Veazie;

Commissioner District number 2, consisting of the municipalities of Hermon, Brewer, Clifton, Eddington, Holden and Orrington;

Commissioner District number 3, consisting of Dexter, Garland, Exeter, Corinna, Newport, Stetson, Plymouth, Etna, Carmel, Levant, Hampden, Newburgh and Dixmont;

Commissioner District number 4, consisting of Old Town and Orono;

Commissioner District number 5, consisting of Lincoln, Howland, Enfield, Greenfield, Greenbush, Lowell, Burlington, Seboeis, Maxfield, Milford, Bradley, Alton, Lagrange, Bradford, Hudson, Glenburn, Kenduskeag, Corinth, Charleston, Edinburg, Grand Falls Plantation, Passadumkeag, the unorganized territory of Argyle and the Penobscot Indian Reservation;

Commissioner District number 6, consisting of Millinocket, East Millinocket, Medway, Patten, Stacyville, Mount Chase Plantation, Mattawamkeag, Woodville, Chester, Springfield, Lee, Prentiss Plt., Carroll Plt., Lakeville Plt., Kingman Township, Winn, Drew Plt., Webster Plt. and the unorganized territory of northern Penobscot County.

Sec. 5. 30 MRSA § 106, as last amended by PL 1977, c. 121, is amended by adding at the end a new paragraph to read:

Notwithstanding the provisions of this section, the county commissioners of Penobscot County shall receive \$50 each for each meeting attended and shall

receive reimbursement for all necessary expenses and travel, including travel to and from the county seat. Travel allowances shall be at the same rate established for state employees.

Sec. 6. 30 MRSA § 152 is repealed and the following enacted in its place:

§ 152. Quorum

In Penobscot 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. 7. 30 MRSA § 202, as enacted by PL 1975, c. 736, § 3, is amended by adding after the 3rd paragraph a new paragraph to read:

Notwithstanding the provisions of this section, in Penobscot 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 to sealed bid. He shall act as the county personnel officer. He shall attend all meetings of the county commissioners, except when his removal or suspension is being considered. He shall keep the county commissioners and the legislative delegation of the county informed as to financial condition of the county and shall prepare 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 be paid the salary provided in section 106.

Sec. 8. 30 MRSA § 251, is amended by adding after the first sentence a new sentence to read:

In Penobscot County, the county commissioners and county administrator shall make the county estimates, approve the county budget and cause the taxes to be assessed as provided in section 256.

Sec. 9. 30 MRSA § 256 is enacted to read:

§ 256. Assessment of taxes in Penobscot County

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

2. **Estimated budget.** The county administrator 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 accrued 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 county 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 committee 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 county administrator 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 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.

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 according to section 253, 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 that 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 such 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 committee.** A finance committee of municipal officers shall advise the commissioners on the county budget. The county finance committee shall consist of 7 members, with one member from each commissioner district, except district number 1, which shall have 2 members. The committee members shall be elected by majority vote of the municipal officers of that district for a term of one year.

Sec. 10. 30 MRSA § 401-A, first ¶, as enacted by PL 1975, c. 5, is amended by adding at the end a new sentence to read:

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

Sec. 11. 30 MRSA §§ 427 and 428 are enacted to read:

§ 427. Authorized expenditures of Penobscot County

1. **Statutory duties.** Penobscot 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.** Penobscot 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. 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. 12. 30 MRSA 601, first sentence, is amended to read:

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

Sec. 13. 30 MRSA § 601, as amended by PL 1975, c. 771, § 315, is further amended by adding at the end a new paragraph to read:

In Penobscot County, the county administrator, with the approval of the county commissioners, shall appoint some suitable person to serve as county treasurer. The county treasurer of Penobscot 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. 14 30 MRSA § 603 is amended by adding at the end a 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. 15. 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 Penobscot County**, and in each registry district by the legally qualified voters thereof, who shall serve for a term of 4 years. **In Penobscot County, the county administrator, with the approval of the county commissioners, shall appoint some suitable person as the register of deeds.**

Sec. 16. 33 MRSA § 601, last ¶, as amended by PL 1975, c. 771, § 374, is further amended by adding at the end a new sentence to read:

In Penobscot County, the county administrator, with the approval of the county commissioners, shall fill any vacancy.

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 Penobscot 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 registers of deed 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.

Members of the board of commissioners shall be elected in Penobscot 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, 1978, during the remainder of his term, without his consent.

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 Penobscot at a special countywide 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 ‘AN ACT to Establish self-governing Provisions for Penobscot County’ become law”?

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 Penobscot County with the authority to govern itself. Generally, this bill does the following:

1. Changes the board of county commissioners to a several member board. 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; and

4. Provides for appointment of county treasurers and registers of deeds and for consolidation of the officers of county administrator, treasurer and county clerk.

This bill is based on the recommendations of the Governor's Task Force on Regional and District Organizations.