

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)

STATE OF MAINE
HOUSE OF REPRESENTATIVES (Filing No. H-805)
109TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "B" to H.P. 831, L.D. 1038, Bill,
"AN ACT to Provide for County Self-government."

Amend the Bill by striking out everything after the
enacting clause and inserting in its place the following:

'Sec. 1. 30 MRSA §1501, last sentence, as amended by
PL 1979, c. 127, §173, is repealed as follows:

~~The county charter shall not alter the powers or duties of
county government as established by general law.~~

Sec. 2. 30 MRSA §1551, sub-§2, as enacted by PL 1977,
c. 486, is amended to read:

2. Alternative method initiative. On the written petition
of a number of voters equal to at least ~~20%~~ 10% of the number of
votes cast in the county at the last gubernatorial election, ~~but~~
~~in no case less than 10,~~ the county officers shall, by order, pro-
vide for the establishment of a charter commission ~~for the estab-~~
~~lishment of a charter commission~~ for the revision of the county
charter in the form and manner provided in this chapter.

Sec. 3. 30 MRSA §1551, sub-§3, ¶A, 2nd paragraph, as en-
acted by PL 1977, c. 486, is amended by adding at the end a new
sentence to read:

Petition blanks shall be issued for each municipality.

Sec. 4. 30 MRSA §1551, sub-§3, ¶B, subdivision (3), as enacted by PL 1977, c. 486, is amended by adding at the end a new sentence to read:

Prior to filing the petitions pursuant to subdivision (4) they shall be submitted to the registrar of each municipality concerned for certification according to Title 21, section 494, subsection 7, paragraph B.

Sec. 5. 30 MRSA §1551, sub-§4, ¶C, as enacted by PL 1977, c. 486, is repealed.

Sec. 6. 30 MRSA §1551, sub-§5, first sentence, as enacted by PL 1977, c. 486, is amended to read:

Within 30 days after the adoption of an order under subsection 1 or the receipt of a certificate or final determination of sufficiency under subsection 4, the county officers shall by order submit the question for establishment of a charter commission to the voters of the county at the next regular or special statewide ~~county~~/election ~~held-not-less-than-60-days-thereafter~~.

Sec. 7. 30 MRSA §1552, sub-§1, ¶A, as enacted by PL 1977, c. 486, is amended by adding after the first sentence a new sentence to read:

County officers are not eligible for election.

Sec. 8. 30 MRSA §1552, sub-§1, ¶B, as enacted by PL 1977, c. 486, is repealed and the following enacted in its place:

B. Appointive members shall be residents of the county but no person shall be appointed who is a resident of a municipality in which another member resides. Appointments shall be made by the county officers within 30 days after

the voter members have been selected. No more than 2 appointive members may be members of the same political party. One appointive member shall be a county officer, one shall be a municipal officer and one shall be either a State Senator or Representative. The county clerk shall give at least 7 days' notice to the clerk of each municipality within the county and each State Senator and Representative residing in the county of the date, time and place of the meeting at which the appointive members will be selected. The date, time and place shall be fixed by the county officers.

Sec. 9. 30 MRSA §1552, sub-§2, first paragraph, last sentence, as enacted by PL 1977, c. 486, is amended to read:
Such date, time and place shall be fixed by the clerk and 7-days' 10-days' notice thereof shall be given.

Sec. 10. 30 MRSA §1552, sub-§2, 2nd paragraph, 2nd sentence, as enacted by PL 1977, c. 486, is amended to read:
Vacancies occurring on the commission shall be filled by vote of the commission from the voters of the county and, when the vacating member was elected by a district, the district; except that a vacancy among appointive members shall be promptly filled by the county officers.

Sec. 11. 30 MRSA §1552, sub-§4, first paragraph, last 3 sentences, as enacted by PL 1977, c.486, are repealed and the following enacted in their place:
Within 20 days after the election of a charter commission, the county officers shall credit to the charter commission account

the sum of \$500. A county may from time to time transfer additional funds to the charter commission account from surplus or from other accounts in the county budget.

Sec. 12. 30 MRSA §1552, sub-§5, first paragraph, as enacted by PL 1977, c. 486, is repealed and the following enacted in its place:

The charter commission shall hold no fewer than 3 public hearings for the purpose of receiving information, views, comments and other pertinent material relative to its functions. The first hearing shall be held within 30 days after the charter commission's organizational meeting.

Sec. 13. 30 MRSA §1552, sub-§5, 3rd paragraph, last sentence, as enacted by PL 1977, c. 486, is amended to read:
Minority reports, if may be filed, shall not exceed 1,000 words.

Sec. 14. 30 MRSA §1552, sub-§6, as enacted by PL 1977, c. 486, is amended to read:

6. Election. Upon the filing of the final report, the county officers shall order the proposed new charter or charter revision to be submitted to the voters of the county at the next regular or special ^{statewide} county election held at least 30 days after the filing of the final report.

Sec. 15. 30 MRSA §1553, sub-§1, 2nd sentence, as enacted by PL 1977, c. 486, is amended to read:

Within 7 days after the hearing, the county officers may order the proposed amendment to be placed on a ballot at the next regular or special ^{statewide} county election held in the county not less than 30 days after the order is passed, ~~or they may order a special~~

~~election-to-be-held-not-less-than-30-days-from-the-date-of
the-order-for-the-purpose-of-voting-on-the-proposed-amendments.~~

Sec. 16. 30 MRSA §1553, sub-§2, first sentence, as enacted by PL 1977, c. 486, is amended to read:

On the written petition of a number of voters equal to at least 20% 10% of the number of votes cast in a county at the last gubernatorial election, ~~but-in-no-case-less-than-10,~~ the county officers shall, by order, provide that the proposed amendments to the county charter be placed on a ballot in accordance with the following procedures.

Sec. 17. 30 MRSA §1553, sub-§4, ¶A, 2nd sentence, as enacted by PL 1977, c. 486, is amended to read:

The notice of the hearing shall be published in a newspaper having general circulation in the county at least 7 10 days prior to the hearing, and shall contain the text of the proposed amendment and a brief explanation.

Sec. 18. 30 MRSA §1553, sub-§4, ¶C, as enacted by PL 1977, c. 486, is amended to read:

C. On all petitions filed more than 120 days prior to the end of the current county fiscal year, the county officers shall order the proposed amendment to be submitted to the voters of the county at the next regular or special county statewide election held within that year after the filing of the final report. If there is no such election to be held before the end of the current county fiscal ^{year}, the county officers ~~shall~~ may order a special election to be held before the end of the current county fiscal year for the pur-

poses of voting on the proposed amendment. Unrelated charter amendments shall be submitted to the voters as separate questions.

Sec. 19. 30 MRSA §1554, sub-§1, first paragraph, first sentence, as enacted by PL 1977, c. 486, is amended to read: The method of voting at county all elections, when a question relating to a charter revision, a charter adoption or a charter amendment is involved, shall be by secret ballot in the manner prescribed for state elections.

Sec. 20. 30 MRSA §1554, sub-§1, last paragraph, as enacted by PL 1977, c. 486, is amended to read: The Secretary of State shall prepare and furnish to each city, town and plantation in the county all ballots and returns necessary to carry out the purpose of this referendum.

Sec. 21. 30 MRSA §1601, sub-§1, as enacted by PL 1977, c. 486, is amended to read:

1. Charter powers. The charter for any county may provide for the organization of county government, the election or appointment of a county legislative body, and the method of selecting officers, officials and employees, the establishment of county departments, agencies, boards or commissions, and their description, powers and duties, and the powers and authority of county officers or officials to direct, regulate and control these agencies, departments, boards and commissions, the internal activities of county government and the provisions required for the transition to the new form.

Sec. 22. 30 MRSA §1601, sub-§§2 and 3, as enacted by PL 1977, c. 486, are repealed and the following enacted in their place:

2. Limits. A county adopting a charter pursuant to this
← chapter may exercise only those powers specifically stated
in the charter. New powers may only be exercised upon amendment
or revision of the charter. In any event, no county may,
by the adoption, amendment or revision of a charter, exercise
any power or function which the Legislature has power to
confer upon it and which has not been conferred on that county
either expressly or by clear implication by general law or
specific statute. A county may not alter the statutory method
of raising money for county expenditures.

3. Districts. A county adopting a charter pursuant to
this↔chapter shall provide for the election of county
officers from 3, 5 or 7 districts, from each of which one
officer shall be elected. The charter shall specify the number
of districts and establish the boundaries of each district.

Sec. 23. 30 MRSA §1602, sub-§2, as enacted by PL 1977,
c. 486, is amended to read:

2. Duties designated. The county charter shall designate
the county officers, officials or employees, who shall carry
out the duties required of county commissioners, county treasurers
and registers of deeds under general statute should the new
charter abolish any of these offices or positions.

Sec. 24. 30 MRSA §1604 is enacted to read:

§1604. Finance committee

A county adopting a charter pursuant to this<-->chapter may provide for a method of appropriating money for county expenditures other than the present statutory method in sections 2, 252 and 253. Any other alternative method provided shall vest in the county legislative body the authority to appropriate money, according to the budget, which must first receive approval by majority vote of the finance committee. In the event the budget is not approved before the start of a fiscal year, the county shall, until a budget is finally adopted, operate on an interim budget which shall be no more than 80% of the previous year's budget.

A county choosing to exercise its authority under this <--section shall specify in the charter the number, term and method of selection of members of the finance committee. There shall be equal representation from each commissioner district, and one of the following methods of selection shall be used:

1. Appointment by county commissioners. Each county commissioner shall appoint the finance committee members from that commissioner's district from among the municipal officers of that district; or

2. Selection by municipal officers. The municipal officers within each commissioner district shall caucus and elect the finance committee members from that district. The principle of proportional representation shall be followed in the election of the finance committee.

The finance committee shall select its own chairman each year. Members shall not serve ex officio and shall have terms covering at least one full budget cycle.

The county commissioners shall submit a budget estimate to the finance committee in a timely fashion, no later than December 1st for the coming year and shall provide the committee with necessary clerical assistance, office expenses and meeting space, as well as access to county files and information. The committee shall act on the budget in a timely fashion, in any event no later than February 15th of the budget year.'

Statement of Fact

This amendment changes certain county charter adoption provisions presently found in Title 30, chapter 11, ← by providing that a county, in its charter, may authorize its legislative body to adopt a county budget free of control by the Legislature. In this case, a county finance committee would be established to provide an independent review of the budget, as described in section 24.

Procedural revisions specify that the 3 appointive charter commission members shall be a municipal officer, a resident member of the county legislative delegation and a county commissioner. The percentage of voters needed to initiate a referendum on creating a charter commission is reduced from 20% to 10%.