

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1038

H. P. 831

House of Representatives, March 5, 1979

On Motion of Mr. LaPlante of Sabattus, referred to the Committee on Local and County Government. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Michael of Auburn.

Cosponsors: Mr. Lancaster of Kittery, Ms. Lund of Augusta and Mr. Cunningham of New Gloucester.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT to Provide for County Self-government.

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

Sec. 1. 30 MRSA c. 1, sub-c. II-A, is enacted to read:

SUBCHAPTER II-A

COUNTY COUNCILS

§ 431. County Councils

There shall be a county council for each county consisting of 5, 7 or 9 members as determined by the charter commission for that county. The council shall be elected from council districts established by the charter commission by the qualified voters of that district, and shall serve for 2 years or until their successors are elected and qualified.

§ 432. Duties of the council

The county council shall have the following duties:

1. **Policy decisions.** Be responsible for any policy decisions pertaining to county government matters;

2. **Budget.** Have final approval of the annual county budget;
3. **County Manager.** Appoint the county manager;
4. **County department heads.** Approve the appointment of county department heads;
5. **Contracts with localities.** Enter into contract with localities for services, seek and receive federal and state funds and accept other public and private funds; and
6. **Membership of boards, committees, commissions and districts.** Approve the creation and membership of any board, committee, commission or district which affects the county in those instances in which the creation or appointment is not provided by the general law, the Constitution of Maine or the expressed actions of municipalities.

§ 433. County manager

There shall be for each county a county manager appointed by the county council for a term of 2 years and to serve until his successor is appointed and qualified. In case of a vacancy, the council shall appoint a manager to fill the remainder of the unexpired term.

§ 434. Duties of the county manager

The county manager shall have the following duties:

1. **Service as chief administrative officer.** To serve as the chief administrative officer of the county government;
2. **Execution of policies.** To execute the policies of the council;
3. **Direction and coordination of agencies.** To direct and coordinate operational agencies and administrative activities of the county government;
4. **Preparation of budgets.** To prepare annual operating and capital improvement budgets for submission to the council; and
5. **Responsibility for personnel policy.** To be responsible for the administration of county personnel policies, including salary and classification plans approved by the council.

§ 435. Budget

The annual budget shall be submitted to the council by the county manager and the county council shall have final approval over the county budget after holding public hearings on both the proposed and final budget document. Public hearings shall be held in each of the council districts.

No new form of countywide tax shall be levied within any county unless that tax is first approved by the voters of that county voting in a countywide referendum.

The council shall not charge for services to any municipality within the county unless the municipal governing body of the affected municipality shall agree to the charge.

The council shall have the power to seek and accept federal, state and other public and private funds and all the funds shall be clearly identified in the county budget document.

The county budget document shall be made available to the public on a timely basis.

§ 436. Municipal Finance Review Board

Each county may authorize the creation of a Municipal Finance Review Board. The board shall consist of a number of members equal to the number of members on the county council and each member of the board shall be elected by vote of the elected municipal officers within a single council district.

The Municipal Finance Review Board shall be given access to and shall have the right to comment on the county budget document as it progresses through the approval process.

§ 437. County charter commission

Notwithstanding any other provision of this Title, each county in the State shall, in accordance with the procedures set out in chapter 11, establish a county charter commission consisting of 9 members, 6 of whom shall be voters of the county, elected according to this section, and 3 of whom shall be appointed by the county commissioners of that county. Voter members shall be elected in the same manner as county commissioners and shall be elected by district if the county commissioners are so elected, except that they shall be elected without party designation. Appointive members need not be residents of the county, but only one may be a county officer. Appointments shall be made in accordance with county custom or bylaws and shall be made by the county commissioners within 30 days after the adoption of the charter commission.

§ 438. Duties of the charter commission

The charter commission shall, within 3 years of the effective date of this subchapter, submit to the legal voters of the county, to voted on by referendum, a charter for the county including provisions dealing with the following subject areas:

1. Size of council. The size of the county council;
2. Council districts. The designation of the council districts;
3. Municipal Finance Review Board. The need for Municipal Finance Review Board and details of its operation; and
4. Other items. Other county structures, duties and procedures not specifically addressed in this subchapter.

Any charter approved by the voters of a county shall be subject to final approval by the Legislature.

If any county shall fail to adopt a charter within 3 years of the effective date of this subchapter, the Legislature shall establish for that county a minimum structure for the county government as set out in this subchapter.

Any county charter adopted pursuant to this subchapter or established by the Legislature pursuant to this section may be amended or replaced in a manner consistent with the procedures set out in this subchapter.

Sec. 2. Enabling legislation. The Joint Standing Committee on Local and County Government, with the assistance of the various county commissioners throughout the State, shall prepare a plan for the implementation of this Act and shall prepare legislation to be presented to the First Regular Session of the 110th Legislature to amend, repeal and rearrange statutes to reflect the intent of this Act.

No county shall establish a county council or take any other action pursuant to this Act until the Legislature shall have passed such enabling legislation as is needed to implement the provisions of this Act.

STATEMENT OF FACT

The purpose of this bill is to provide for a county council-county manager form of government and to provide for county self-government.