

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1538

S. P. 478

In Senate, March 28, 1979

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

Presented by Senator Trafton of Androscoggin.

Cosponsor: Senator Clark of Cumberland.

MAY M. ROSS, Secretary of the Senate

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

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

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

Sec. 1. 30 MRSA § 2, sub-§ 1, ¶ A, as last amended by PL 1977, c. 657, § 2, is repealed and the following enacted in its place:

A. Androscoggin County:

(1) The commissioners shall receive \$25 for each meeting attended and reimbursement for their travel at the same rate as state employees. Each commissioner shall not receive more than \$2,500 a year in per diem and reimbursement;

(2) The salaries of the deputy county treasurer, sheriff, register of deeds, deputy register of deeds, judge of probate and register of probate for Androscoggin County shall be established by the 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Sec. 2. 30 MRSA § 101, as last amended by PL 1975, c. 771, § 308, is repealed and the following enacted in its place: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. **Board of commissioners.** There shall be a board of commissioners for each county, except Androscoggin 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.

2. **Androscoggin County.** There shall be a board of commissioners for Androscoggin County consisting of a chairman and 4 other members. Each member shall be resident in and elected by the voters of a commissioner district, for a term of 2 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 § 102, as amended by PL 1975, c. 332, § 2, is further amended by adding at the end a new sentence to read:

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

Sec. 4. 30 MRSA § 105-I, as last amended by PL 1977, c. 219, § 1, is repealed.

Sec. 5. 30 MRSA § 151, 2nd ¶ is repealed and the following enacted in its place:

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

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

§ 152. Quorum

Two 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. In Androscoggin County 3 commissioners constitute a quorum.

Sec. 7. 30 MRSA § 202, 3rd ¶, as enacted by PL 1975, c. 736, § 3, is amended by adding after the 3rd paragraph the following new paragraph:

Notwithstanding this section, in Androscoggin County, the commissioners shall appoint a county administrator, who 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 shall act as the clerk of the county and as county treasurer. 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 attend all meetings of the county commissioners, except when his removal or suspension is being considered. He shall keep the county commissioners and the county board 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.

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

In Androscoggin 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. 9. 30 MRSA § 256 is enacted to read:

§ 256. Assessment of Taxes in Androscoggin County

1. Other provisions inapplicable. The provisions for the assessment of taxes in sections 252 to 254-B shall not apply to Androscoggin County. Androscoggin 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 accrued or may accrue for the purposes set forth in section 427. The estimated county budget shall be drawn 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 distribute to each municipality in the county a copy of the estimated county budget. Copies shall 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 the final county budget for the coming fiscal year. As part of that budget, 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 taxes; 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 following July 1st. They may add the sum above the sum so authorized, not exceeding 2% of that sum, as a fractional division renders convenient, certify that fact in the record of the apportionment, issue their warrant to the assessors requiring them forthwith to assess the sum apportioned to their town or place and commit their assessment to the constable or collector for collection. 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. **Androscoggin County Finance Board.** The county commissioners shall appoint a finance board of municipal officers to be known as the Androscoggin County Finance Board to advise the commissioners on the county budget. Appointments to the board shall be reviewed and confirmed by the Legislature. The Androscoggin County Finance Board shall consist of 10 members, with 2 members from each commissioner district. The committee members shall be appointed for a term of 2 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. 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 Androscoggin County may borrow in anticipation of taxes an amount not exceeding 80% of the approved county budget.

Sec. 11. 30 MRSA § 427, is enacted to read:

§ 427. Authorized expenditures of Androscoggin County

1. **Statutory duties.** Androscoggin 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. Raising and appropriating money for water or sewer utilities. Androscoggin County shall only raise and appropriate money for the purpose of providing water or sewer utilities that are not authorized by law prior to January 1, 1980, when those services or facilities are authorized by a contract under section 63.

Sec. 12. 30 MRS § 428, is enacted to read:

§ 428. Androscoggin County human services subcommittee

1. Appointment. The Androscoggin County Finance Board shall appoint a human services subcommittee board.

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 such 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 request 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 shall establish a system for regularly assessing the needs of the county for particular human services and shall regularly study and report on needs assessment to the county.

Sec. 13. 30 MRS § 429, is enacted to read:

§ 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. 14. 30 MRS § 601, first sentence, is amended to read:

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

Sec. 15. 30 MRS § 601, as amended by PL 1975, c. 771, § 315, is further amended by adding at the end a new paragraph to read:

In Androscoggin County the county commissioners shall appoint the county administrator to serve as county treasurer.

Sec. 16. 30 MRS § 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 faithful discharge of his duties in such sum as the commissioners order and with such sureties as they approve in writing thereon.

Sec. 17. 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 Androscoggin County**, and in each registry district by the legally qualified voters thereof, who shall serve for a term of 4 years. **In Androscoggin County, the county commissioners shall appoint a suitable person as the register of deeds, who shall serve at the pleasure of the commissioners.**

Sec. 18. 33 MRSA § 601, 2nd ¶, as amended by PL 1975, c. 771, § 374, is further amended by adding at the end a new sentence to read:

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

Sec. 19. 36 MRSA § 507, is enacted to read:

§ 507. Tax distribution on tax bill in Androscoggin County

If a municipality in Androscoggin 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 and actual amount, of the amount of the total property tax assessment allocated to Androscoggin County under Title 30, section 256 and Title 36, section 753.

Sec. 20. Commission. No later than 15 days following the effective date of this Act the Governor shall appoint a commission composed of 9 members who shall be appointed for a term of 4 months after which time the commission shall cease to exist.

The duty of the commission shall be to determine a proper division of Androscoggin County into commissioner districts. For this purpose the commission may meet at such time and in such places as it may deem necessary.

No later than December 1, 1979, the commission shall submit to the Legislative Council for introduction at the Second Regular Session of the 109th Legislature, legislation, in final draft form, dividing Androscoggin County into commissioner districts according to the recommendations and findings of the commission.

Sec. 21. Effective date and transition.

This Act shall become effective on January 1, 1981, except as provided in this section.

Section 20 of this Act shall take effect 90 days after adjournment of the Legislature.

The county budget for 1981 shall be approved in the manner provided in this Act, except that the budget shall be approved prior to March 31st rather than December 31st. The tax shall be apportioned in April and the date for payment shall not be earlier than September 1st.

The county treasurer and register of deeds elected prior to December 31, 1980 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 the Revised Statutes, Title 30, section 2 on December 31, 1980, 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.

The members of the board of commissioners shall be elected in Androscoggin 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 for the district in which he resides, 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 the Revised Statutes, Title 30, section 2 on July 1, 1980, during the remainder of his term, without his consent.

Sec. 22. Sunset provision. Sections 8 and 9 of this Act shall remain effective until March 1, 1983.

STATEMENT OF FACT

This bill creates a self-governing board of commissioners for Androscoggin County and authorizes the board to set and approve the county budget. The following specific provisions are included.

1. The county board has 5 district members who shall be elected every 2 years. The commissioners receive a per meeting payment of \$25 and expenses, rather than a salary.
2. The commissioners are to appoint a county administrator who is the chief administrative official. He is also the county treasurer and county clerk.
3. The commissioners also appoint a county finance board composed of municipal officers to advise them on county actions. The members of the finance board are reviewed and confirmed by the Legislature.
4. The commissioners have authority to establish and approve a county budget.
5. The register of deeds is appointed by the commissioners.
6. The budget approval provisions of the bill have a sunset provision that will make them ineffective after March 1, 1983.