

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 520

H. P. 469

House of Representatives, January 29, 1981

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

EDWIN H. PERT, Clerk

Presented by Representative Diamond of Bangor.

Cosponsors: Representative Davies of Orono, Representative Prescott of Hampden, Senator Emerson of Penobscot.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

AN ACT to Bring Accountability to the Penobscot County Budget.

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

Sec. 1. 30 MRSA § 252, as last amended by PL 1977, c. 148, §§ 1-3, is further amended by adding at the end a new paragraph to read:

In Penobscot County, whenever expenditures of one or more departments or agencies of county government exceed the specific appropriations for the one or more departments or agencies by the amount placed in the contingent account, the county commissioners shall get the consent of the county legislative delegation before additional expenditures for the one or more departments or agencies are made. If the county commissioners fail to get this consent, any taxpayer of Penobscot County may bring an action in Superior Court against the county commissioners to enjoin further expenditures for the one or more departments or agencies.

Sec. 2. 30 MRSA § 601, first ¶, first sentence is amended to read:

A treasurer shall be elected for each county, except Penobscot County where the treasurer shall be appointed under section 601-A, by the legally qualified voters thereof.

Sec. 3. 30 MRSA § 601-A is enacted to read:

§ 601-A. Penobscot County treasurer appointed

The treasurer of Penobscot County shall be appointed by the county commissioners and approved by the county legislative delegation, to serve at the pleasure of the county commissioners and at a salary set by the county commissioners. The treasurer shall have a background in accounting, business administration or finance and any other qualifications required by the county commissioners.

Sec. 4. 30 MRSA § 703 is amended by adding at the end a new paragraph to read:

The Penobscot County treasurer shall, in addition, make a statement to the county legislative delegation of the financial condition of the county at the end of the 3rd quarter of the fiscal year. The statement shall include projections for the 4th quarter of the fiscal year of county expenditures and whether appropriations for that fiscal year will meet those expenditures.

STATEMENT OF FACT

The purpose of this bill is to provide for greater control over the possibility of deficit spending by Penobscot County.

Section 1 provides that the county commissioners must obtain the approval of the county legislative delegation for additional expenditures for a department or departments once it becomes apparent that any contingent fund will not cover the excess of expenditures over appropriations made to the department or departments. If the commissioners do not obtain this consent, any taxpayer of the county may ask a court to stop further expenditures.

Sections 2 and 3 provide for the appointment rather than the election of a treasurer of Penobscot County.

Section 4 provides that the Penobscot County treasurer make a financial report to the county legislative delegation before the end of the fiscal year. Projections of expenditures for the remainder of the year will enable the county legislative delegation to see if the budget will be exceeded.