

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)

FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 1291

H. P. 1094

House of Representatives, March 13, 1981

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

EDWIN H. PERT, Clerk

Presented by Representative LaPlante of Sabattus.

STATE OF MAINE

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

AN ACT to Improve the Efficiency of County Government.

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

Sec. 1. 30 MRSA § 201, as amended by PL 1975, c. 736, § 2, is further amended by adding at the end the following new sentence:

If a clerk performs any of the duties given a county administrator under section 202, other than acting as a clerk, his employment shall be governed by the terms of that section.

Sec. 2. 30 MRSA § 252, 5th ¶, as amended by PL 1975, c. 716, § 1, is further amended to read:

Prior to ~~the convening of the Legislature~~ **January 1st**, the county commissioners of each county shall meet with the respective county legislative delegation to finalize estimates for the year.

Sec. 3. 30 MRSA § 253, as repealed and replaced by PL 1979, c. 351, § 1, is repealed and the following enacted in its place:

§ 253. County legislative delegation to approve budget

Each county legislative delegation shall approve a final county budget based on the estimates submitted to them by the county commissioners. The delegation may change or alter specific line categories within the county estimates. The

delegation, upon approving a final budget, shall transmit a copy of the budget to the Secretary of State on or before February 1st. The Secretary of State shall transmit a copy of each budget to the Department of Audit for proofreading. When the Department of Audit notifies the Secretary of State that a budget is in order, the Secretary of State shall notify the county legislative delegation that the budget is in force. The delegation shall inform the county commissioners when this notice is received.

A copy of each county budget shall be retained by the Department of Audit for 3 years and shall be a public record at the office of the clerk of courts in the county which transmitted it.

Sec. 4. 30 MRSA § 253-A, as enacted by PL 1973, c. 229, § 2, is repealed and the following enacted in its place:

§ 253-A. Federal funds and agency grants

Any county which receives federal revenue sharing funds shall provide for the recording and expenditure of these funds in accordance with the laws and procedures applicable to the recording and expenditure of its own revenue.

Any grants placed in the county budget to any agency outside of the regular county departments must be paid to the agencies on a quarterly basis. The commissioners may withhold funds from an agency if there is evidence that funds have been misappropriated or misapplied by the agency.

Sec. 5. 30 MRSA § 253-B, as amended by PL 1979, c. 40, is repealed and the following enacted in its place:

§ 253-B. County legislative delegation as personnel board

Where provision for hearing grievances of appointed county employees has not been made under subchapter VII, the county legislative delegation may act as a personnel board with the power to hear, decide upon and enforce its decision concerning any grievances of any appointed county employee.

Sec. 6. 30 MRSA § 253-C, first sentence, as enacted by PL 1979, c. 351, § 2, is amended to read:

If federal funds become available to the county for expenditure by the county ~~while the Legislature is not in session~~ **after approval of the county budget for the current fiscal year**, and if availability of those funds could not reasonably have been anticipated and included in the estimate adopted ~~by the Legislature~~ for the fiscal year in question, the county may accept those funds on its behalf and may make expenditures of such funds as are authorized by federal and state law.

Sec. 7. 30 MRSA § 254, first ¶, first sentence, as repealed and replaced by PL 1977, c. 698, § 3, is amended to read:

~~When a county tax is authorized the final county budget is approved and put in force under section 253, the total amount of that budget is granted as a tax on the~~

~~county.~~ **The** county commissioners shall, in March 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 September.

STATEMENT OF FACT

The purpose of this bill is to improve the efficiency of county government by, among other things, eliminating the involvement of the full Legislature in the approval of county budgets.

Section 1 of this bill provides that whenever a county clerk is performing the duties of a county administrator his employment shall be according to the terms of the statute governing county administrators.

Section 2 provides that estimated budgets shall be given to each county legislative delegation prior to January 1st.

Section 3 provides a new procedure for approving county budgets, involving only the county legislative delegations and not the full Legislature.

Section 4 contains provisions dealing with federal funds and grants to agencies similar to those contained currently in Revised Statutes, Title 30, sections 253 and 253-B.

Section 5 authorizes a county legislative delegation to act as a personnel board to hear grievances of appointed county employees.

Section 6 eliminates the tying of the procedure for use of unanticipated federal funds by counties to times when the Legislature is not in session.

Section 7 provides that when the county budget is approved by the county legislative delegation and put in force the budget is then granted as a tax on the county.