

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)

(EMERGENCY)
FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 1494

S. P. 533

In Senate, March 26, 1981

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

MAY M. ROSS, Secretary of the Senate

Presented by Senator McBreairty of Aroostook.

Cosponsors: Senator Carpenter of Aroostook, Representative A. Nelson of New Sweden and Representative Peterson of Caribou.

STATE OF MAINE

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

AN ACT to Reorganize the Government of Aroostook County.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, it is desirable that the first elections take place in November, 1981 in order for Aroostook County to begin gaining the financial and other benefits of this reorganization as soon as possible; and

Whereas, considerable lead time is needed to effect an orderly transition; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 4 MRSA § 301 is amended by adding at the end a new paragraph to read:

When a revised Probate Court system with full-time judges is enacted statewide in accordance with the Resolves of 1967, chapter 77, the Judge of Probate and the register of probate for Aroostook County shall be appointed by the county

commissioners, subject to confirmation of 2/3 majority of the entire finance committee.

Sec. 2. 30 MRSA § 2, sub-§ 1, ¶ B, as amended by PL 1979, c. 647, § 1, is repealed and the following enacted in its place:

B. Aroostook County:

(1) Commissioners

(a) Chairman \$ 1,000

(b) Members 1,000

(2) Administrator-Treasurer 20,000

(3) Sheriff 13,500

(4) Judge of Probate 8,500

(5) Register of Probate 7,000

(6) Register of Deeds

(a) Northern District 9,500

(b) Southern District 9,500

Sec. 3. 30 MRSA § 105-A, as last amended by PL 1975, c. 623, § 45, is repealed and the following enacted in its place:

§ 105-A. Creation of Aroostook County Commissioner Districts

Effective January 1, 1982, Aroostook County shall be divided into the following 5 districts:

Commissioner District number 1, consisting of the municipalities and unorganized territories of Molunkus Twp., Macwahoc Plt., Reed Plt., Bancroft, Weston, 1R5, North Yarmouth Academy Grant, Upper Molunkus Twp., Orient, Haynesville, Glenwood Plt., 2R4, Silver Ridge Twp., Benedicta, Sherman, 3R4, 3R3, Forkstown Twp., Amity, Cary Plt., AR2, 4R3, Island Falls, Crystal, Hersey, Dyer Brook, Oakfield, Linneus, Hodgdon, Houlton, New Limerick, Ludlow, Smyrna, Merrill, Moro Plt., 7R5, Webbertown Twp., Dudley Twp., Hammond Plt., Littleton, Monticello, CR2, 8R3, St. Croix Twp., 8R5, 9R5, 9R4, 9R3, DR2, Bridgewater, Cox Patent.

Commissioner District number 2, consisting of the municipalities and unorganized territories of 10R3, E. Plt., Blaine, Mars Hill, Westfield, Chapman, Presque Isle City, Easton, Mapleton.

Commissioner District number 3, consisting of the municipalities and unorganized territories of Fort Fairfield, Caribou City, Washburn, Wade, Perham, Woodland.

Commissioner District number 4, consisting of the municipalities and unorganized territories of Limestone, Caswell Plt., Hamlin, Cyr Plt., 17R3, Van Buren, Grand Isle, Madawaska.

Commissioner District number 5, consisting of the municipalities and unorganized territories of 11R17, 11R16, 11R15, 11R14, 11R13, 11R12, 11R11, 11R10, 11R9, 11R8, 11R7, Garfield Plt., Ashland, 11R4, Squapan Twp., Masardis, 10R6, 10R7, 10R8, 9R8, 9R7, Oxbow Plt., Castle Hill, Nashville Plt., 12R7, 12R8, 12R9, 12R10, 12R11, 12R12, 12R13, 12R14, 12R15, 12R16, 12R17, 13R16, 13R15, 13R14, 13R13, 13R12, 13R11, 13R10, 13R9, 13R8, 13R7, Portage Lake, 13R5, 14R5, 14R6, 14R7, 14R8, 14R9, 14R10, 14R11, 14R12, 14R13, 14R14, 14R15, 14R16, 15R15, 15R14, 15R13, 15R12, 15R11, 15R10, 15R9, 15R8, Winterville Plt., 15R6, 15R5, Westmanland Plt., New Sweden, Connor Twp., Stockholm, 16R4, 16R5, 16R6, Eagle Lake, 16R8, 16R9, Allagash, 16R12, 16R13, 16R14, 17R14, 17R13, 17R12, St. Francis, St. John Plt., Wallagrass Plt., New Canada, 17R5, 17R4, St. Agatha, Fort Kent.

Sec. 4. 30 MRSA § 202, 2nd ¶, 2nd sentence, as enacted by PL 1975, c. 736, § 3, is amended to read:

The county commissioners shall determine the compensation of the county administrator, **except in Aroostook, where section 2, subsection 1, paragraph B, subparagraph (2), shall apply.**

Sec. 5. 30 MRSA § 202, 5th ¶, as enacted by PL 1975, c. 736, § 3, is amended to read:

Notwithstanding section 2 and any other provision of law, **except in Aroostook County**, if the county commissioners hire a full-time county administrator, they shall forgo the annual salary otherwise due them and shall only receive \$25 each for each meeting attended and reimbursement for travel at the same rate established for state employees.

Sec. 6. 30 MRSA § 202, as enacted by PL 1975, c. 736, § 3, is amended by adding at the end a new paragraph to read:

The county commissioners of Aroostook shall hire a full-time county administrator, as provided in this section, to serve at the pleasure of the commissioners. The appointment of the Aroostook county administrator shall be subject to confirmation by a 2/3 majority of the entire finance committee. The administrator may also serve as treasurer.

Sec. 7. 30 MRSA § 451, as amended by PL 1975, c. 771, § 312, is further amended to read:

§ 451. Election; vacancies

District attorneys, **except for Prosecutorial District 8, here called the Aroostook District, as described in section 553-A**, shall be elected and notified, their elections determined and vacancies filled in the same manner, and they shall

enter upon the discharge of their duties at the same time as is provided respecting county commissioners, but they shall hold office for 4 years.

The **elected** district attorneys shall be elected on the Tuesday following the first Monday of November in every 4th year, by the written votes of electors qualified to vote for Representatives. The vote shall be received, sorted, counted and declared as votes for Representatives are. The names of the persons voted for, the number of votes for each and the whole number of ballots received shall be recorded by the clerk of each town within the prosecutorial district, and true copies thereof, sealed and attested as returns of votes for Senators, shall be transmitted to the Secretary of State.

When the office of an **elected** district attorney becomes vacant, as defined in section 552, before the first day of October in the 2nd year after the election of a district attorney, there shall be a new election held to fill the vacancy in accordance with the other provisions of this section.

Only attorneys-at-law admitted to the general practice of law in this State and resident in the prosecutorial district shall be elected or appointed district attorney, and removal therefrom vacates the office.

The district attorney of the Aroostook district shall serve full-time and shall be appointed by the county commissioners for a 4-year term beginning on January 1st following the regular election of the commissioners and serving until a successor is qualified. The appointment shall be subject to confirmation by a 2/3 majority of the entire finance committee. When a vacancy occurs in the office of Aroostook district attorney the commissioners shall appoint a replacement in the same way to serve the unexpired term.

Sec. 8. 30 MRSA § 553-B, sub-§ 1, as enacted by PL 1979, c. 544, § 10, is amended to read:

1. Annual salary. The district attorney for each of the several prosecutorial districts, as described in section 553-A, **except Prosecutorial District Number 8, shall receive an annual salary of \$25,500. The district attorney for Prosecutorial District Number 8 shall receive an annual salary of \$25,500.**

Sec. 9. 30 MRSA § 601, as amended by PL 1975, c. 771, § 315, is further amended to read:

§ 601. Election; vacancy

A treasurer shall be elected for each county, **except Aroostook County**, by the legally qualified voters thereof. He shall be a resident of such county and shall serve for a term of 4 years. Neither the Attorney General, county attorney, clerk of courts, sheriff of the county nor any of his deputies shall be county treasurer.

If Except in Aroostook County, if a person so chosen declines to accept or a vacancy occurs, the Governor may appoint a suitable resident of the county who, having accepted the trust, given bond and been sworn, shall be treasurer until the first day of January following the next biennial election, at which said election a

treasurer shall be chosen for the remainder of the term, if any; but in any event he shall hold office until another is chosen and qualified.

The Aroostook County administrator shall serve as treasurer. Any person appointed as county administrator and treasurer must show competence in bookkeeping and financial management. The treasurer shall be the chief financial officer of Aroostook County and, under the commissioners, shall be fully responsible for all payment to and disbursement from the county treasury. The office of administrator-treasurer shall be a full-time position, and any deputy treasurer, if appointed, shall serve part time.

Sec. 10. 30 MRSA § 704, as enacted by PL 1967, c. 282, § 1, is amended by adding at the end a new sentence to read:

The treasurer shall not make any payment unless it is in accordance with the authorized county budget estimate or a duly authorized exception to it.

Sec. 11. 30 MRSA § 901, as amended by PL 1977, c. 431, § 3, is further amended by adding at the end a new paragraph to read:

At such time as the Constitution is amended to delete the requirement for election of sheriffs, the sheriff of Aroostook County shall be appointed by the commissioners for a 4-year term beginning on January 1st following the regular election of the commissioners and serving until a successor is qualified. The appointment shall be subject to confirmation by a 2/3 majority of the entire finance committee. When a vacancy occurs in the office of sheriff of Aroostook County, the commissioners shall appoint a replacement in the same way to serve the unexpired term.

Sec. 12. 30 MRSA § 954, as amended by PL 1977, c. 431, § 9, is further amended by adding at the end a new sentence to read:

In Aroostook County, the chief deputy sheriff shall be appointed by the sheriff, subject to confirmation by the commissioners in accordance with section 951.

Sec. 13. 30 MRSA § 1001, sub-§ 1, as repealed and replaced by PL 1977, c. 564, § 113-A, is amended by adding at the end a new paragraph to read:

In Aroostook County, the sheriff shall be responsible to the county commissioners for the activities of his office and the budget of the sheriff shall be subject to approval by the commissioners prior to submission to the finance committee.

Sec. 14. 30 MRSA § 1604-A is enacted to read:

§ 1604-A. Aroostook County finance committee

In Aroostook County, there shall be an 11 member finance committee composed of 2 municipal officials from each of the 5 commissioner districts and one from the unorganized territory, but there shall not be more than one member from any municipality. The municipal officers within each district shall caucus and elect

the finance committee members from that district for 2-year terms. The principle of proportional representation shall be followed in the election. The 10 members from organized municipalities shall request applicants and select one member from the unorganized territory to serve as the 11th voting member of the finance committee. The finance committee shall serve without pay, but will receive mileage and expenses when attending meetings. A quorum of the finance committee shall be 6 members. The committee shall elect its own chairman annually.

Sec. 15. 30 MRSA § 1605-A is enacted to read:

§ 1605-A. Aroostook County budget

In Aroostook County, the county commissioners shall present a preliminary budget to the finance committee by January 10th and hold a public hearing on the budget prior to presentation of the final budget proposal. The proposed budget shall be presented by February 1st to the finance committee for approval by majority vote. The finance committee may withhold final approval until a complete audit is available for the preceding year. If the proposed budget is not approved by the finance committee, it shall be returned to the commissioners for revision and resubmission within 2 weeks. Until a budget is finally adopted, the county shall operate on an interim budget, equal to 80% of the previous year's budget. A copy of the final budget estimate including proposed changes to statutory salaries shall be filed, on forms approved by the Department of Audit, with the State Auditor, who shall retain them for 3 years.

Sec. 16. 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 and in each registry district by the legally qualified voters thereof, who shall serve for a term of 4 years, except in Aroostook County.

Sec. 17. 33 MRSA § 601, as last amended by PL 1975, c. 771, § 374, is further amended by adding at the end a new paragraph to read:

There shall be 2 registers of deeds for Aroostook County, one for the northern district and one for the southern district, as defined by section 703. These registers of deeds shall serve full time and shall be appointed by the commissioners for a 4-year term beginning on January 1st following the regular election of the commissioners, and serving until a successor is qualified. The appointment shall be subject to confirmation by a 2/3 majority of the entire finance committee. When a vacancy occurs, the commissioners shall appoint a replacement in the same way to serve the unexpired term.

Sec. 18. 36 MRSA § 1604, sub-§ 3 is enacted to read:

3. Aroostook County. In Aroostook County, the county commissioners shall present a budget for the unorganized territories to the finance committee for approval in accordance with the procedures of Title 30, section 1605-A.

Sec. 19. 36 MRSA § 1606-A is enacted to read:

§ 1606-A. Unorganized territories in Aroostook County

Any funds held by Aroostook County for the unorganized territories shall be kept separate from the funds raised for countywide activities and shall not be comingled. The return on investment of funds in each account shall be added to that account, for the benefit of the unorganized territories or the county as a whole, and shall not be transferred from one to the other.

Sec. 20. Elections. The first election of commissioners in the 5 districts defined in section 3 shall be held in November, 1981 by the present county commissioners following normal procedures for special elections. Their terms shall expire on January 1st, 3 in 1982 and 2 in 1984. The first commissioners shall draw lots for these terms.

Sec. 21. Effective date. This Act, except for section 17, shall take effect January 1, 1982, except that, for election purposes, it shall take effect on enactment. Section 17 shall take effect for each register of deeds on the later of January 1, 1982, or when a vacancy occurs due to expiration of a term, resignation or other cause.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect as described in section 21.

STATEMENT OF FACT

The purpose of this bill is to reorganize the government of Aroostook County in order to make it more efficient, more effective and more accountable to the citizens.