

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
114TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1603, L.D. 2215, Bill, "An Act to Reform County Government"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

Sec. 1. 30-A MRSA §1, sub-§2, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and as amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

2. County officers. "County officers" means the commissioners, treasurer, sheriff, register of deeds, judge of probate and register of probate of a county.

Sec. 2. 30-A MRSA §61-A, as enacted by PL 1989, c. 220, §§1 and 4, is repealed.

Sec. 3. 30-A MRSA §66, sub-§16, as amended by 1989, c. 6; c. 9, §2; c. 104, Pt. C, §§8 and 10; and c. 220, §§2 and 4, is further amended to read:

16. Creation of York County Commissioner Districts. York County is divided into the following 3 districts.

A. Commissioner District Number 1 consists of the municipalities of Acton, Berwick, Buxton, Cornish, Eliot, Hollis, Kittery, Lebanon, Limerick, Limington, Newfield, North Berwick, Parsonsfield and South Berwick. The term of office of the commissioner from this district ~~shall-expire~~ expires in 1992 and every 2 4 years thereafter.

B. Commissioner District Number 2 consists of the municipalities of Arundel, Biddeford, Kennebunk, Kennebunkport, Ogunquit, Wells and York. The term of office of the commissioner from this district ~~shall-expire~~ expires in 1990 and every 4 years thereafter.

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2 C. Commissioner District Number 3 consists of the
3 municipalities of Alfred, Dayton, Lyman, Old Orchard Beach,
4 Saco, Sanford, Shapleigh and Waterboro. The term of office
5 of the commissioner from this district shall-~~expire~~ expires
6 in 1992 and every 2 4 years thereafter.

8 **Sec. 4. 30-A MRSA §81, sub-§1**, as enacted by PL 1987, c. 737,
9 Pt. A, §2 and Pt. C, §106 and as amended by PL 1989, c. 6; c. 9,
10 §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

12 **1. Appointment of clerk; term; clerk pro tempore.** The
13 Except when a county has a county administrator, the county
14 commissioners in each county may shall appoint a suitable person
15 to serve as clerk to the county commissioners. If the county has
16 a county administrator, the commissioners may not appoint a
17 clerk. The clerk of the county commissioners shall is to be
18 known as the county clerk.

20 A. The county clerk serves at the will of the county
21 commissioners.

22 B. When a clerk is absent, the clerk may appoint a clerk
23 pro tempore to the commissioners for whose actions the clerk
24 is responsible.

26 **Sec. 5. 30-A MRSA §101, sub-§6-A**, as enacted by PL 1989, c.
27 561, §18, is amended to read:

30 **6-A. Adopt ethics policy.** In Adopt, at their discretion,
31 ~~the county commissioners may adopt~~ an ethics policy governing the
32 conduct of elected and appointed county officials;

34 **Sec. 6. 30-A MRSA §101, sub-§6-B** is enacted to read:

36 **6-B. Employ counsel.** Employ counsel as necessary to
37 represent the county; and

38 **Sec. 7. 30-A MRSA §282, sub-§§1 and 5**, as enacted by PL 1987,
39 c. 737, Pt. A, §2 and Pt. C, §106 and as amended by PL 1989, c.
40 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, are repealed.

42 **Sec. 8. 30-A MRSA §705**, as enacted by PL 1987, c. 737, Pt. A,
43 §2 and Pt. C, §106 and as amended by PL 1989, c. 6; c. 9, §2; and
44 c. 104, Pt. C, §§8 and 10, is further amended by adding at the
45 end a new paragraph to read:

48 Any agency outside the regular county departments that
49 receives a grant from a county to fund its activities shall file
50 with the county treasurer an audited annual financial report for

2 the year in which grant funds are received. The commissioners
3 shall withhold further funds from any agency that is not in
4 compliance with this paragraph.

5 **Sec. 9. 34-A MRSA §1210, sub-§5,** as amended by PL 1989, c.
6 127, §2, is further amended by adding at the end a new blocked
7 paragraph to read:

8 Notwithstanding any other provision of this section, the entire
9 amount of reimbursement calculated under this subsection must be
10 provided to the counties for their use under subsection 6.

11 **Sec. 10. 34-A MRSA §1210, sub-§6,** as enacted by PL 1985, c.
12 821, §18, is amended to read:

13 **6. County Correctional Improvement Account.** The county
14 commissioners of each county shall establish the County
15 Correctional Improvement Account for funds received from the
16 State under this section, ~~which shall.~~ The funds must be used
17 for improving, maintaining and developing correctional programs,
18 community-based correctional programs, standards compliance and,
19 capital improvements and for the support of prisoners in that
20 county, including personal services, contractual services,
21 commodities, debt service and capital outlay. Funds in this
22 account unexpended at the end of the year ~~de~~ may not lapse, but
23 ~~shall carry~~ must be carried forward into subsequent years.

24 **Sec. 11. PL 1989, c. 220, §3** is repealed.

25 **Sec. 12. PL 1989, c. 220, §4** is amended to read:

26 **Sec. 4. Effective date.** ~~Section 1 of this Act takes effect on~~
27 ~~January 1, 1995.~~ Sections 2 and 3 of this Act take effect on
28 January 1, 1990.

29 **Sec. 13. Retroactivity.** Section 2 of this Act applies
30 retroactively to September 30, 1989.

31 **Sec. 14. Effective date.** This Act takes effect January 1, 1991.'

32 STATEMENT OF FACT

33 This amendment completely replaces the original bill and
34 makes the following reforms to the laws governing county
35 government.

36 1. It makes a technical change to clarify the status of
37 judges of probate as county officers.

38 2. It repeals the authorization for York County to have 5
39 county commissioners instead of 3.

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2 3. It requires all counties to have a county clerk, except
when a county has a county administrator.

4 4. It makes a technical correction in the language
6 concerning the county commissioners' authority to adopt an ethics
policy for county officials.

8 5. It repeals the district attorneys' duty to represent
10 counties in civil matters.

12 6. It requires counties to receive financial reports from
recipients of county grants.

14 7. It allows state reimbursement to county jails to be used
16 for the general support of prisoners.

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