

MAINE STATE LEGISLATURE

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

COMMITTEE AMENDMENT "B" 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:

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Sec. 2. 30-A MRSA §2, sub-§1, as amended by PL 1989, c. 6; c. 9, §2; as repealed and replaced by PL 1989, c. 104, Pt. A, §1 and as amended by PL 1989, c. 104, Pt. C, §§8 and 10; as repealed and replaced by PL 1989, c. 476; and as amended by PL 1989, c. 517, §1, is repealed and the following enacted in its place:

1. County officers' salaries. The county commissioners, sheriffs, judges of probate, and registers of probate are entitled to receive annual salaries from the county treasury in weekly, biweekly or monthly payments as provided in the county budget.

Sec. 3. 30-A MRSA §51, sub-§§1 and 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 C, §§8 and 10, are repealed and the following enacted in their place:

1. Compensation. Each county commissioner is entitled to receive compensation as provided in the county budgets and reimbursement for travel at the same rate established for state employees.

2 2. Full compensation. The payments authorized in
3 subsection 1 are in full compensation for all services of the
4 commissioners and for any expenses of their travel to and from
5 the county seat except as provided in section 105.

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7 and 4, is repealed.

10 **Sec. 5. 30-A MRSA §66, sub-§16**, as amended by 1989, c. 6; c.
11 9, §2; c. 104, Pt. C, §§8 and 10; and c. 220, §§2 and 4, is
12 further amended to read:

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

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

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

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

36 **Sec. 6. 30-A MRSA §81**, as enacted by PL 1987, c. 737, Pt. A,
37 §2 and Pt. C, §106 and as amended by PL 1989, c. 6; c. 9, §2; and
38 c. 104, Pt. C, §§8 and 10, is repealed.

40 **Sec. 7. 30-A MRSA §81-A** is enacted to read:

42 **§81-A. County clerk**

44 Each county shall appropriate funds for the hiring of a
45 county clerk.

46 1. Appointment; qualifications. The county commissioners
47 shall choose the county clerk solely on the basis of executive
48 and administrative qualifications with special reference to
49 actual experience in, or knowledge of, the duties of the office
50 as set forth in the policies established by the county
51 commissioners and by law.

2 A. At the time of appointment, the county clerk need not be
4 a resident of the county, but while in office the county
 clerk may reside outside that county only with the approval
 of the county commissioners.

6 B. A county clerk may not hold any elective county office.

8 2. Compensation; tenure of office; removal; suspension.
10 The county commissioners shall determine the county clerk's
12 compensation. The county clerk holds office for an indefinite
14 term unless otherwise specified by contract. In the absence or
 during the disability of the county clerk the county
 commissioners may appoint an official of the county to perform
 the clerk's duties.

16 The commissioners may remove or suspend the county clerk only for
18 cause in accordance with the following procedures.

20 A. The commissioners shall adopt a preliminary resolution
22 of removal or suspension, temporarily suspend the county
 clerk from duty and appoint an acting clerk to serve in that
 capacity pending final disposition of the resolution.

24 B. The commissioners shall file the preliminary resolution
26 in writing with the acting clerk stating the specific
28 reasons for the proposed removal. A copy of that resolution
 must be delivered to the clerk within 10 days of filing.

30 C. Within 20 days of receiving the resolution, the clerk
 may reply in writing and request a public hearing.

32 D. Upon request, the commissioners shall hold a public
34 hearing at least 10 days but not more than 30 days after the
 request is filed.

36 E. After the public hearing or, if no request has been
38 made, at the expiration of the time permitted the
 commissioners may adopt or reject the resolution of removal.

40 F. The salary of the clerk may not be affected until a
42 final resolution of removal has been adopted.

44 3. Duties. The county clerk shall act at the direction of
46 the county commissioners and implement the policies established
 by the county commissioners. The county clerk is the chief
48 administrative official of the county and is responsible for the
 management of all departments and offices controlled by the
 county commissioners. If directed by the county commissioners,
50 the county clerk may act as purchasing agent for all departments
 and offices of the county, although the county commissioners may

2 require that all purchases greater than a designated amount be
3 submitted to sealed bid. The county clerk must attend all
4 meetings of the county commissioners, except when the clerk's
5 removal or suspension is being considered. The county clerk
6 shall keep the county commissioners and the county legislative
7 delegation informed as to the financial condition of the county
8 and shall assist in the collection of all data necessary to
9 prepare the budget.

10 4. Commissioners' records. The county clerk shall record
11 the actions of the county commissioners. The commissioners shall
12 examine these records and, when correct, certify them. The clerk
13 shall enter them into the permanent records of the county
14 commissioners.

16 **Sec. 8. 30-A MRSA §82**, as enacted by PL 1987, c. 737, Pt. A,
17 §2 and Pt. C, §106 and as amended by PL 1989, c. 6; c. 9, §2; and
18 c. 104, Pt. A, §2 and Pt. C, §§8 and 10, is repealed.

20 **Sec. 9. 30-A MRSA §101, sub-§6-A**, as enacted by PL 1989, c.
21 561, §18, is amended to read:

22 **6-A. Adopt ethics policy.** In Adopt, at their discretion,
23 ~~the county commissioners may adopt~~ an ethics policy governing
24 the conduct of elected and appointed county officials;

26 **Sec. 10. 30-A MRSA §101, sub-§6-B** is enacted to read:

28 **6-B. Employ counsel.** Employ counsel as necessary to
29 represent the county; and

32 **Sec. 11. 30-A MRSA §§151 and 152**, as enacted by PL 1987, c.
33 737, Pt. A, §2 and Pt. C, §106 and as amended by PL 1989, c. 6;
34 c. 9, §2; and c. 104, Pt. C, §§8 and 10, are repealed.

36 **Sec. 12. 30-A MRSA §153**, as enacted by PL 1987, c. 737, Pt.
37 A, §2 and Pt. C, §106 and as amended by PL 1989, c. 6; c. 9, §2;
38 and c. 104, Pt. C, §§8 and 10, is further amended to read:

40 **§153. Bond required**

42 ~~The person elected under section 152 and accepting the~~
43 ~~office of~~ appointed as county treasurer shall give bond to the
44 county for the faithful discharge of duties in the sum ordered by
45 the commissioners and with such sureties as they approve in
46 writing on the bond.

48 **Sec. 13. 30-A MRSA §154**, as enacted by PL 1987, c. 737, Pt.
49 A, §2 and Pt. C, §106 and as amended by PL 1989, c. 6; c. 9, §2;
50 and c. 104, Pt. C, §§8 and 10, is repealed and the following
51 enacted in its place:

§154. Compensation

The county treasurer and the deputy treasurer are entitled to receive compensation as approved by the county commissioners.

Sec. 14. 30-A MRSA §§155 and 156, 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, are repealed.

Sec. 15. 30-A MRSA §156-A is enacted to read:

§156-A. Appointed county treasurer

1. Appointment; duties. The county commissioners shall appoint a county treasurer to hold office for an indefinite term unless otherwise specified by contract. The treasurer must be qualified in matters of business administration and finance.

2. Removal or suspension. The commissioners may remove or suspend the treasurer only for cause as provided in this subsection.

A. The commissioners shall adopt a preliminary resolution of removal or suspension, temporarily suspend the treasurer from duty and appoint an acting treasurer to serve pending final disposition of the resolution.

B. The commissioners shall file the preliminary resolution in writing with the county clerk stating the specific reasons for the proposed removal. A copy of that resolution must be delivered to the treasurer within 10 days of filing.

C. Within 20 days of receiving the resolution, the treasurer may reply in writing and request a public hearing.

D. Upon request, the commissioners shall hold a public hearing at least 10 days but not more than 30 days after the request is filed.

E. After the public hearing or, if no request has been made, at the expiration of the time permitted the commissioners may adopt or reject the resolution of removal.

F. The salary of the treasurer may not be affected until a final resolution of removal has been adopted.

Sec. 16. 30-A MRSA §282, sub-§§1 and 5, 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, are repealed.

Sec. 17. 30-A MRSA §375 is enacted to read:

§375. Qualifications for election or appointment

2
4 1. Qualifications. Any person elected or appointed to the
6 office of sheriff must meet the qualifications required of deputy
8 sheriffs by section 381, subsections 1 and 2 within 6 months
10 after the election or appointment.

12 2. Notice to Attorney General. The county commissioners of
14 each county, within 2 weeks after the election or appointment of
16 a sheriff, shall examine the sheriff's qualifications to
18 determine whether the requirements of subsection 1 have been met
20 and report those findings to the Attorney General. The county
22 commissioners shall reexamine the qualifications of the sheriff
24 and submit additional reports to the Attorney General:

26 A. No later than 6 months following the election or
28 appointment of a sheriff whose qualifications were found in
30 the initial report to be insufficient to meet the
32 requirements of subsection 1; and

34 B. At any time on request of the Attorney General.

36 3. Notification of Governor. The Attorney General shall
38 review each report received from the county commissioners under
40 subsection 2 and determine whether the sheriff is faithfully
42 performing the duty imposed by subsection 1. In making this
44 determination, the Attorney General may also review other
46 relevant information. The Attorney General may initiate an
48 investigation, upon suitable cause, to determine whether a
50 sheriff is faithfully performing the duty imposed by subsection
52 1. If the Attorney General determines that a sheriff is not
faithfully performing the duty imposed by subsection 1, the
Attorney General shall report this finding in the form of a
complaint to the Governor. The Governor shall initiate a hearing
under the Constitution of Maine, Article IX, Section 10, to
determine whether the sheriff is to be removed from office.

4. Transition. Any person holding the office of sheriff on
the effective date of this section is considered elected on that
date for the purposes of this section. The duties imposed by
this section apply as if that person had been elected on that
date. This subsection is repealed on June 1, 1992.

44 **Sec. 18. 30-A MRSA §701, sub-§2, as enacted by PL 1987, c.**
46 **737, Pt. A, §2, and Pt. C, §106 and as amended by PL 1989, c. 6;**
48 **c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to**
50 **read:**

52 **2. Preparation of estimates. In order to assess a county**
tax, the county commissioners, prior to November 7th 1st in each
year, shall prepare estimates of the sums necessary to pay the
expenses which that have accrued or may probably accrue for the

2 coming year, including the building and repairing of jails,
courthouses and appurtenances, with the debts owed by their
4 counties.

6 The estimates must be drawn so as to authorize the appropriations
to be made to each department or agency of the county government
for the year. The estimates must provide specific amounts for
8 personal services, contractual services, commodities, debt
service and capital expenditures.

10 **Sec. 19. 30-A MRSA §701, sub-§§3 and 4,** as amended by PL 1989,
12 c. 6; c. 9, §2; c. 23; and c. 104, Pt. C, §§8 and 10, are
repealed.

14 **Sec. 20. 30-A MRSA §702,** as enacted by PL 1987, c. 737, Pt.
16 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 repealed.

18 **Sec. 21. 30-A MRSA §702-A** is enacted to read:

20 **§702-A. Final budget; filing**

22 The county commissioners shall file a copy of the final
24 budget and subsequent amendments, on forms approved by the
Department of Audit, with the State Auditor, who shall retain
26 them for 3 years.

28 **Sec. 22. 30-A MRSA §705,** 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;
30 and c. 104, Pt. C, §§8 and 10, is further amended by adding at
the end a new paragraph to read:

32 Any agency outside the regular county departments that
34 receives a grant from a county to fund its activities shall file
with the county treasurer an audited annual financial report for
36 the year in which grant funds are received. The commissioners
shall withhold further funds from any agency that is not in
38 compliance with this paragraph.

40 **Sec. 23. 30-A MRSA c. 3, sub-c. I, art. 1-A** is enacted to read:

42 **Article 1-A**

44 **COUNTY BUDGETS, GENERALLY**

46 **§711. Purpose**

48 This article replaces the previous statutory method of
approving county budgets by transferring authority from the
50 legislative delegation and the Legislature to a committee
composed of county citizens and municipal officials. Except for

2 counties that have adopted an alternative method of appropriating
3 money for county expenditures as part of a county charter under
4 section 1353-A, this article applies to all counties, including
5 those that have previously adopted a budget committee in any form.

6 **§712. Definitions**

8 As used in this article, unless the context otherwise
9 indicates, the following terms have the following meanings.

10 1. County commissioners. "County commissioners" means the
11 county commissioners of the county in question.

12 2. Municipal officers. "Municipal officers" means the
13 mayor, councilors or selectmen of a municipality in the county in
14 question.

15 **§713. County budget committee**

16 In each county there is established a county budget
17 committee to carry out the purposes of this article.

18 1. Membership. The budget committee consists of 9
19 members: 2 elected members and one appointed member from each
20 county commissioner district selected as provided for in this
21 section. The county commissioners shall serve on the committee
22 in an advisory capacity only and may not vote on any committee
23 matters.

24 Starting in 1991, at least 90 days before the end of every fiscal
25 year, the municipal officers from each county commissioner
26 district shall choose the elected members as provided in
27 paragraphs A and B.

28 A. The county commissioners shall notify all municipal
29 officers in the county to caucus by county commissioner
30 districts at a specified date, time and place for the
31 purpose of nominating at least one municipal officer from
32 each district as a candidate for the county budget
33 committee, except that in 1991 at least 2 municipal officers
34 must be nominated from each district. The county
35 commissioner shall serve as nonvoting moderator for that
36 district caucus. Nominations must be received from the
37 floor. A municipal officer may vote for more than one
38 nominee to be placed on the written ballot for that
39 district. The nominee receiving the most votes is approved
40 for placement on the ballot. Any other nominee who receives
41 a majority vote of those present is also approved for
42 placement on the ballot. The names of those duly approved
43 must be recorded and forwarded to the county commissioners
44 to be placed on a written ballot.

51

2 B. The county commissioners shall have written ballots
4 printed with the names of those candidates selected in their
6 districts under paragraph A. Each commissioner district
8 requires a separate ballot and each ballot must specify each
10 candidate's full name and municipality. The county
12 commissioners shall distribute the appropriate ballots to
14 each municipality within a commissioner district. The
16 municipal officers shall vote as a board for one budget
18 committee member from the candidates on the ballot and
 return the ballot to the county commissioners by a certain
 date, except that in 1991, the municipal officers shall vote
 as a board for 2 budget committee members. The ballots must
 be counted at a regular meeting of the county
 commissioners. Each vote must be weighted according to that
 municipality's population as a proportion of the district's
 total population. The county commissioners shall notify
 each municipality, in writing, of the results of the
 election and certify the results to the Secretary of State.

20 Each county commissioner shall appoint one member of the general
22 public to serve on the budget committee from that commissioner's
 district.

24 2. Duties. The county budget committee shall review the
26 budget estimates prepared by the county commissioners and approve
 a final county budget.

28 3. Term of office. The term of office for the elected
30 members is 2 years beginning on October 1st, provided that a
32 budget committee member remains a municipal officer in that
34 officer's municipality, except that of those elected in 1991, one
36 from each district must be elected for a term of one year and one
38 from each district must be elected for a term of 2 years. The
 term of office for the appointed members is 2 years beginning on
 October 1st in even-numbered years, provided that a budget
 committee member remains a resident of the county commissioner
 district. Those appointed in 1991 must be appointed for a term
 of one year.

40 4. Vacancies. The budget committee shall fill a vacancy
42 occurring in an elected position on the committee for the balance
44 of the unexpired term. The person selected to fill the vacant
46 office must be a municipal officer from the same municipality as
 the person vacating the office. A vacancy in an appointed
 position must be filled by appointment by the commissioner for
 that district for the balance of the unexpired term.

48 5. Expenses. Members shall serve without compensation, but
50 are entitled to reimbursement from the county treasury for
 expenses incurred in performing their duties.

52 §714. Budget committee organization

2 The budget committee shall conduct its meetings in public at
4 the county courthouse or other convenient public building. The
6 county commissioners shall call an organizational meeting of the
8 budget committee no later than 60 days before the end of the
10 county's fiscal year. The county commissioners shall provide the
 committee with necessary clerical assistance, office expenses and
 suitable meeting space, as well as access to county files and
 information. The budget committee shall adopt its own rules,
 procedures and bylaws.

12 **§715. Budget procedures**

14 1. Proposed budget. The county commissioners shall submit
16 an itemized budget estimate, as described in section 701, to the
18 budget committee in a timely fashion, no later than 60 days
 before the end of the county's fiscal year.

20 2. Budget review process. The budget committee shall
22 review the proposed itemized budget prepared by the county
24 commissioners, together with any supplementary material prepared
26 by the head of each county department or provided by any
 independent board or institution or another governmental agency.
 The budget committee may increase, decrease, alter or revise the
 proposed budget, provided that:

28 A. The budget committee must enter into its minutes an
30 explanation for any change in the estimated expenditures and
 revenues as initially presented by the county commissioners;
 and

32 B. The total estimated revenues, together with the amount
34 of county tax to be levied, must equal the total estimated
 expenditures.

36 3. Public hearing. The budget committee shall hold a
38 public hearing in the county on the proposed budget before the
40 end of the county's fiscal year and before the final adoption of
42 the budget. At least 10 days before the hearing, the budget
44 committee shall publish a notice in a newspaper of general
46 circulation within the county. Written notice and a copy of the
 proposed budget must be sent by registered or certified mail with
 return receipt requested, or delivered in person with proof
 received of the delivery, to the clerk of each municipality in
 the county. The municipal clerk shall notify the municipal
 officers of the proposed budget.

48 4. Adoption of budget. After the public hearing is
50 completed, the budget committee may further increase, decrease,
52 alter and revise the proposed itemized budget, subject to the
 conditions and restrictions imposed in subsection 2. The budget
 committee shall adopt a final itemized budget by a majority vote

and immediately deliver that budget to the county commissioners. The county commissioners may not further revise the budget as adopted by the budget committee except by unanimous vote of the county commissioners within 10 days after receiving the adopted budget. If the adopted budget is changed by the county commissioners, the commissioners shall immediately deliver the revised budget to the budget committee. The budget committee may reject any change by a vote of at least 7 of its members within 10 days after receiving the revised budget from the county commissioners. Those actions are final and not subject to further action by the county commissioners or the budget committee. The approved budget is the final authorization for the assessment of county taxes. The final budget must be sent to the county commissioners and the county tax authorized must be apportioned and collected in accordance with section 706.

5. Interim budget. If the budget is not approved before the start of a fiscal year, until a budget is finally adopted the county shall operate on an interim budget that may not exceed 90% of the previous year's budget.

6. Transfer of funds. The county commissioners may transfer funds as provided in section 922.

§716. Budget amendments

The approved budget governs the expenditures of the county during the fiscal year. Expenses may not be incurred in excess of those shown in the approved budget, but the budget may be revised from time to time by the preparation and submission of a proposed amended budget by the county commissioners to the budget committee. The proposed budget amendment is not effective until it is approved by the budget committee. Except in emergencies, the budget committee shall render a decision on any revised budget not less than 15 calendar days nor more than 30 days after it is submitted to the committee. An approved revised budget must be transmitted to the State Auditor within 15 days of the budget committee's action.

Sec. 24. 30-A MRSA c. 3, sub-c. I, art. 2, 3-A, 4, 6, 7 and 8, as amended are repealed.

Sec. 25. 30-A MRSA §1353, 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 repealed.

Sec. 26. 30-A MRSA §1353-A is enacted to read:

§1353-A. County budget

A county adopting a charter under this chapter may provide for a method of appropriating money for county expenditures other

2 than the method in chapter 3, subchapter I, article 1-A. If the
3 budget is not approved before the start of a fiscal year, the
4 county shall, until a budget is finally adopted, operate on an
5 interim budget that may not exceed the previous year's budget.
6 Any county adopting an alternative method of appropriating money
7 for county expenditures under this section shall require in the
8 charter that one or more public hearings be held in the county on
9 the budget estimates before the budget is adopted. A copy of the
10 final budget estimates must be filed with the State Auditor as
11 provided in section 702-A.

12 Sec. 27.. 33 MRSA §601, as amended by PL 1989, c. 502, Pt. B,
13 §40, is repealed and the following enacted in its place:

14 §601. Appointment of register

15 1. Appointment; duties. The county commissioners of each
16 county shall appoint a register of deeds to hold office for an
17 indefinite term unless otherwise specified by contract.

18 2. Removal; suspension. The commissioners may remove or
19 suspend the register of deeds only for cause as provided in this
20 subsection.

21 A. The commissioners shall adopt a preliminary resolution
22 of removal or suspension, temporarily suspend the register
23 of deeds from duty and appoint an acting register of deeds
24 to serve pending final disposition of the resolution.

25 B. The commissioners shall file the preliminary resolution
26 in writing with the county administrator stating the
27 specific reasons for the proposed removal. A copy of that
28 resolution must be delivered to the register of deeds within
29 10 days of filing.

30 C. Within 20 days of receiving the resolution, the register
31 of deeds may reply in writing and request a public hearing.

32 D. Upon request, the commissioners shall hold a public
33 hearing at least 10 days but not more than 30 days after the
34 request is filed.

35 E. After the public hearing or, if no request has been
36 made, at the expiration of the time permitted the
37 commissioners may adopt or reject the resolution of removal.

38 F. The salary of the register of deeds may not be affected
39 until a final resolution of removal has been adopted.

40 Sec. 28. 33 MRSA §602, as amended by PL 1985, c. 614, §28, is
41 repealed.

2 Sec. 29. 33 MRSA §604, as amended by PL 1987, c. 737, Pt. C,
§§74 and 106 and PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8
4 and 10, is repealed and the following enacted in its place:

6 **§604. Salaries**

8 The register of deeds of a county is entitled to receive an
annual salary as determined by the county commissioners.

10 Sec. 30. 34-A MRSA §1210, sub-§5, as amended by PL 1989, c.
127, §2, is further amended by adding at the end a new blocked
12 paragraph to read:

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

18 Sec. 31. 34-A MRSA §1210, sub-§6, as enacted by PL 1985, c.
821, §18, is amended to read:

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

32 Sec. 32. PL 1989, c. 220, §3 is repealed.

34 Sec. 33. PL 1989, c. 220, §4, is amended to read:

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

40 Sec. 34. **Retroactivity.** Section 4 of this Act applies
42 retroactively to September 30, 1989.

44 Sec. 35. **Transition; Aroostook County budget process.** Aroostook
County is deemed to have adopted, in compliance with the Maine
46 Revised Statutes, Title 30-A, section 1353-A, the provisions of
the Maine Revised Statutes, Title 30-A, chapter 3, subchapter I,
48 article 3-A, and those provisions are incorporated into the
charter of Aroostook County.

50 Sec. 36. **Transition; 1991 county budgets.** Notwithstanding the
52 provisions of this Act, the county budgets for 1991 are to be

2 established in accordance with the Maine Revised Statutes, Title
30-A, chapter 3, subchapter I, as effective on December 31, 1990.

4 **Sec. 37. Transition; county treasurers; registers of deeds; county**
5 **administrators.** The county treasurers and registers of deeds
6 holding office on the effective date of this Act are deemed to
7 have been appointed to their respective positions under this Act
8 by the respective county commissioners and may only be removed
9 for cause as provided in the Maine Revised Statutes, Title 30-A,
10 section 156-A, and Title 33, section 601.

12 Any county administrator who was appointed under the
13 repealed Maine Revised Statutes, Title 30-A, section 82, and who
14 is in office on the effective date of this Act continues in the
15 same capacity but is deemed to be a county clerk under the Maine
16 Revised Statutes, Title 30-A, section 81-A.

18 **Sec. 38. Effective date.** This Act takes effect January 1, 1991.'

20 **STATEMENT OF FACT**

22 This amendment completely replaces the original bill. The
23 amendment makes the following reforms to the laws governing
24 county government.

- 26 1. It makes a technical change to clarify the status of
27 judges of probate as county officers.
- 29 2. It repeals the authorization for York County to have 5
30 county commissioners instead of 3.
- 32 3. It requires all counties to have a county clerk, except
33 when a county has a county administrator.
- 35 4. It makes a technical correction in the language
36 concerning the county commissioners' authority to adopt an
37 ethics policy for county officials.
- 39 5. It repeals the district attorneys' duty to represent
40 counties in civil matters.
- 42 6. It requires counties to receive financial reports from
43 recipients of county grants.
- 45 7. It allows state reimbursement to county jails to be used
46 for the general support of prisoners.
- 48 8. It provides for a uniform county budget process without
49 legislative review. Each county sets its own budget through
50 a budget committee composed of municipal officers and

COMMITTEE AMENDMENT "B" to H.P. 1603, L.D. 2215

2 members of the general public. The county commissioners may
3 veto this budget and insert their own figures but the budget
4 committee may override that action by a greater than 2/3
5 vote. The amendment also permits a county to modify the
6 statutory budget process or adopt an entirely different
7 budget process under a county charter approved by a
8 referendum vote. Since Aroostook County has already done
9 this, the amendment provides for the continued use of the
10 special Aroostook County budget provisions by incorporating
11 the present statutory provisions into the Aroostook County
12 charter.

13
14 9. It provides for the county commissioners to appoint the
15 registers of deeds and county treasurers in each county.
16 Once appointed, these officials may be removed only for
17 cause. The amendment further provides that the elected
18 registers of deeds and county treasurers who are in office
19 on the bill's effective date are deemed to have been
20 appointed to their positions by the county commissioners and
21 may be removed only for cause.

22 10. It requires county sheriffs to meet the same
23 educational and training requirements that deputy sheriffs
24 must meet.

25 11. Finally, the amendment expands the duties of county
26 clerks by making the county clerk the day-to-day business
27 manager of the county in charge of all departments under the
28 authority of the commissioners. The clerk must act at the
29 direction of the county commissioners and is further
30 authorized to perform any of the duties currently assigned
31 to the county administrator if so directed by the county
32 commissioners. Counties that currently employ a county
33 administrator may continue to employ that person in the same
34 capacity except that the person's title is changed to
35 "county clerk."
36

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