

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)

2
4
6
8
10
12
14
16
18
20
22
24
26
28
30
32
34
36
38
40
42
44
46
48

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

COMMITTEE AMENDMENT "C" 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Sec. 2. 30-A MRSA §2, sub-§1, as amended by PL 1989, c. 6; c. 9, §2; as repealed and replaced by PL 1989, c. 104, Pt.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 C, §§8 and 10; as repealed and replaced by PL 1989, c. 476; and as amended by PL 1989, c. 517, §1, is repealed and the following enacted in its place: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, treasurers, sheriffs, judges of probate, registers of probate and registers of deeds 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 C, §§8 and 10, are repealed and the following enacted in their place: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 or 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7 and 4, is repealed.

8 **Sec. 5. 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
10 further amended to read:

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

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

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

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

29 **Sec. 6. 30-A MRSA §81, sub-§1**, as enacted by PL 1987, c. 737,
30 Pt. A, §2 and Pt. C, §106 and as amended by PL 1989, c. 6; c. 9,
31 §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

32 **1. Appointment of clerk; term; clerk pro tempore.** The
33 Except when a county has a county administrator, the county
34 commissioners in each county may shall appoint a suitable person
35 to serve as clerk to the county commissioners. If the county has
36 a county administrator, the commissioners may not appoint a
37 clerk. The clerk of the county commissioners shall is to be
38 known as the county clerk.

39 A. The county clerk serves at the will of the county
40 commissioners.

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

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

4
6 **Sec. 7. 30-A MRSA §101, sub-§6-A**, as enacted by PL 1989, c.
561, §18, is amended to read:

8 **6-A. Adopt ethics policy.** In Adopt, at their discretion,
10 ~~the--county--commissioners--may--adept~~ an ethics policy governing
the conduct of elected and appointed county officials;

12 **Sec. 8. 30-A MRSA §101, sub-§6-B** is enacted to read:

14 **6-B. Employ counsel.** Employ counsel as necessary to
16 represent the county; and

18 **Sec. 9. 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.
20 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, are repealed.

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

26 **2. Preparation of estimates.** In order to assess a county
28 tax, the county commissioners, prior to November 7th 1st in each
year, shall prepare estimates of the sums necessary to pay the
30 expenses which that have accrued or may ~~prebably~~ accrue for the
coming year, including the building and repairing of jails,
32 courthouses and appurtenances, with the debts owed by their
counties.

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

40 **Sec. 11. 30-A MRSA §701, sub-§§3 and 4**, as amended by PL 1989,
42 c. 6; c. 9, §2; c. 23; and c. 104, Pt. C, §§8 and 10, are
repealed.

44 **Sec. 12. 30-A MRSA §702**, as enacted by PL 1987, c. 737, Pt.
46 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.

48 **Sec. 13. 30-A MRSA §702-A** is enacted to read:

50 **§702-A. Final budget; filing**

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

6 **Sec. 14. 30-A MRSA §705**, as enacted by PL 1987, c. 737, Pt.
7 A, §2 and Pt. C, §106 and as amended by PL 1989, c. 6; c. 9, §2;
8 and c. 104, Pt. C, §§8 and 10, is further amended by adding at
9 the end a new paragraph to read:

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

16
17 **Sec. 15. 30-A MRSA c. 3, sub-c. I, art. 1-A** is enacted to read:

18
19 **Article 1-A**

20
21 **COUNTY BUDGETS, GENERALLY**

22
23 **§711. Purpose**

24
25 This article replaces the previous statutory method of
26 approving county budgets by transferring authority from the
27 legislative delegation and the Legislature to a committee
28 composed of county citizens and municipal officials. Except for
29 counties that have adopted an alternative method of appropriating
30 money for county expenditures as part of a county charter under
31 section 1353-A, this article applies to all counties, including
32 those that have previously adopted a budget committee in any form.

33
34 **§712. Definitions**

35
36 As used in this article, unless the context otherwise
37 indicates, the following terms have the following meanings.

38
39 **1. County commissioners.** "County commissioners" means the
40 county commissioners of the county in question.

41
42 **2. Municipal officers.** "Municipal officers" means the
43 mayor, councilors or selectmen of a municipality in the county in
44 question.

45
46 **§713. County budget committee**

47
48 In each county there is established a county budget
49 committee to carry out the purposes of this article.
50

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

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

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

11 A. The county commissioners shall notify all municipal
12 officers in the county to caucus by county commissioner
13 districts at a specified date, time and place for the
14 purpose of nominating at least one municipal officer from
15 each district as a candidate for the county budget
16 committee, except that in 1991 at least 2 municipal officers
17 must be nominated from each district. The county
18 commissioner shall serve as nonvoting moderator for that
19 district caucus. Nominations must be received from the
20 floor. A municipal officer may vote for more than one
21 nominee to be placed on the written ballot for that
22 district. The nominee receiving the most votes is approved
23 for placement on the ballot. Any other nominee who receives
24 a majority vote of those present is also approved for
25 placement on the ballot. The names of those duly approved
26 must be recorded and forwarded to the county commissioners
27 to be placed on a written ballot.

28 B. The county commissioners shall have written ballots
29 printed with the names of those candidates selected in their
30 districts under paragraph A. Each commissioner district
31 requires a separate ballot and each ballot must specify each
32 candidate's full name and municipality. The county
33 commissioners shall distribute the appropriate ballots to
34 each municipality within a commissioner district. The
35 municipal officers shall vote as a board for one budget
36 committee member from the candidates on the ballot and
37 return the ballot to the county commissioners by a certain
38 date, except that in 1991, the municipal officers shall vote
39 as a board for 2 budget committee members. The ballots must
40 be counted at a regular meeting of the county
41 commissioners. Each vote must be weighted according to that
42 municipality's population as a proportion of the district's
43 total population. The county commissioners shall notify
44 each municipality, in writing, of the results of the
45 election and certify the results to the Secretary of State.

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

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

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

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

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

30 **§714. Budget committee organization**

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

42 **§715. Budget procedures**

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

48 2. Budget review process. The budget committee shall
50 review the proposed itemized budget prepared by the county
commissioners, together with any supplementary material prepared
52 by the head of each county department or provided by any
independent board or institution or another governmental agency.

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

2 The budget committee may increase, decrease, alter or revise the
proposed budget, provided that:

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

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

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

26 4. Adoption of budget. After the public hearing is
completed, the budget committee may further increase, decrease,
28 alter and revise the proposed itemized budget, subject to the
conditions and restrictions imposed in subsection 2. The budget
30 committee shall adopt a final itemized budget by a majority vote
and immediately deliver that budget to the county commissioners.
32 The county commissioners may not further revise the budget as
adopted by the budget committee except by unanimous vote of the
34 county commissioners within 10 days after receiving the adopted
budget. If the adopted budget is changed by the county
36 commissioners, the commissioners shall immediately deliver the
revised budget to the budget committee. The budget committee may
38 reject any change by a 2/3 vote of its members within 10 days
after receiving the revised budget from the county
40 commissioners. Those actions are final and not subject to
further action by the county commissioners or the budget
42 committee. The approved budget is the final authorization for
the assessment of county taxes. The final budget must be sent to
44 the county commissioners and the county tax authorized must be
apportioned and collected in accordance with section 706.

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

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

2 **§716. Budget amendments**

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

28 Sec. 16. 30-A MRSA c. 3, sub-c. I, art. 2, 3-A, 4, 6, 7 and 8, as
30 amended, are repealed.

32 Sec. 17. 30-A MRSA §1353, as enacted by PL 1987, c. 737, Pt.
34 A, §2, and Pt. C, §106 and as amended by PL 1989, c. 6; c. 9, §2;
36 and c. 104, Pt. C, §§8 and 10, is repealed.

38 Sec. 18. 30-A MRSA §1353-A is enacted to read:

40 **§1353-A. County budget**

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

 Sec. 19. 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
 paragraph to read:

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

 Sec. 20. 34-A MRSA §1210, sub-§6, as enacted by PL 1985, c.
 821, §18, is amended to read:

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

Sec. 21. PL 1989, c. 220, §3 is repealed.

Sec. 22. PL 1989, c. 220, §4, is amended to read:

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

Sec. 23. **Retroactivity.** Section 4 of this Act applies retroactively to September 30, 1989.

Sec. 24. **Transition; Aroostook County.** Aroostook County is deemed to have adopted, in compliance with the Maine Revised Statutes, Title 30-A, section 1353-A, the provisions of the repealed Maine Revised Statutes, Title 30-A, chapter 3, subchapter I, article 3-A, and those provisions are incorporated into the charter of Aroostook County.

Sec. 25. **Transition; 1991 county budgets.** Notwithstanding the provisions of this Act, the county budgets for 1991 are to be established in accordance with the Maine Revised Statutes, Title 30-A, chapter 3, subchapter I, as effective on December 31, 1990.

Sec. 26. **Effective date.** This Act takes effect January 1, 1991.

STATEMENT OF FACT

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

1. It makes a technical change to clarify the status of judges of probate as county officers.
2. It repeals the authorization for York County to have 5 county commissioners instead of 3.

