

# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

## SECOND REGULAR SESSION - 1990

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Legislative Document

No. 2215

H.P. 1603

House of Representatives, January 22, 1990

Reported by Representative JOSEPH from the Joint Standing Committee on State and Local Government.

Reference to the Joint Standing Committee on State and Local Government suggested and printing ordered under Joint Rule 19.

*Ed Pert*

EDWIN H. PERT, Clerk

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STATE OF MAINE

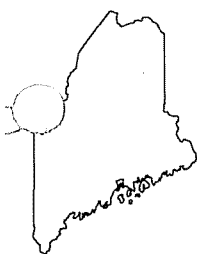
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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY

---

An Act to Reform County Government.

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

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PART A

Sec. A-1. 4 MRSA §1057, sub-§1, as enacted by PL 1987, c. 339, §3, is amended to read:

1. **Fund established.** There is hereby established a fund to be known as the Jail Operations Surcharge Fund. This fund shall be is maintained by the Treasurer of State for the sole purpose of reimbursing counties for costs associated with operations of the jail system, with the remainder of the money accruing to the General Fund.

Sec. A-2. 30-A MRSA §1, sub-§1, 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 C, §§8 and 10, is repealed.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. A-3. 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 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. A-4. 30-A MRSA §1, sub-§3, 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 C, §§8 and 10, is repealed.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. A-5. 30-A MRSA §2, sub-§1, as amended by PL 1989, c. 6; c. 9, §2; as repealed and replaced by PL 1989, c. 104, Pt.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; 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 C, §§8 and 10; as repealed and replaced by PL 1989, c. 476; and as amended by PL 1989, c. 517, §1, is further amended to read:

1. **County officers' salaries.** Notwithstanding other sections of this chapter, counties that are not required to obtain legislative approval of their budgets under section 702, are not required to obtain legislative approval of the salaries of county officers under this section. ~~The county commissioners, treasurers, sheriffs, judges of probate, and registers of probate and registers--of--deeds~~ in those counties whose budgets require legislative approval under section 702, shall are entitled to receive annual salaries from the county treasury in weekly, biweekly or monthly payments, as follows:

- A. Androscoggin County: 1989
  - (1)--Commissioners
  - (a)--Chair \$6,043

2		(b)--Members			5,173
4		(2)--Treasurer			19,426
6		(3) (1) Sheriff			25,848
8					<u>\$25,848</u>
10		(4) (2) Judge of Probate			11,732
12		(5) (3) Register of Probate			13,067
14		(6)--Register-of-Deeds			22,649
16	B. Aroostook County:		1989	1990	1991
18		(1)--Commissioners			
20		(a)--Chair	\$2,000	\$2,000	\$2,160
22		(b)--Members	2,000	2,000	2,160
24		(2)--Treasurer	8,000	8,000	8,640
26		(3) (1) Sheriff	20,800	20,800	22,465
28			<u>\$20,800</u>	<u>\$20,800</u>	<u>\$22,465</u>
30		(4) (2) Judge of Probate	10,210	10,210	11,550
32		(5) (3) Register of Probate	16,560	16,560	17,885
34		(6)--Register-of-Deeds			
36		(a)--Northern District	16,280	16,280	17,585
38		(b)--Southern District	16,280	16,280	17,585
42	C. Franklin County:				1989
44		(1)--Commissioners			
46		(a)--Chair			\$4,899
48		(b)--Members			4,646
50		(2)--Treasurer			5,200

2	{3} (1) Sheriff	26,000
		<u>\$26,000</u>
4	{4} (2) Judge of Probate	11,687
6	{5} (3) Register of Probate	16,695
8	{6}--Register-of-Deeds	17,808
10	D. Hancock County:	1989
12	{1}--Commissioners	
14	{a}--Chair	\$-7,214
16	{b}--Members	6,732
18	{2}--Treasurer	16,277
20	{3} (1) Sheriff	29,500
22		<u>\$29,500</u>
24	{4} (2) Judge of Probate	14,633
26	{5} (3) Register of Probate	15,167
28	{6}--Register-of-Deeds	16,277
30	E. Kennebec County:	1989
32	{1}--Commissioners	
34	{a}--Chair	\$6,652
36	{b}--Members	6,244
38	{2}--Treasurer	8,824
40	{3} (1) Sheriff	27,560
42		<u>\$27,560</u>
44	{4} (2) Judge of Probate	15,201
46	{5} (3) Register of Probate	19,491
48	{6}--Register-of-Deeds	19,491
50		

	F. Knox County:	1989	1990	1991
2				
	(1)--Commissioners			
4				
	(a)--District-1	\$4,000	\$4,000	\$4,000
6				
	(b)--District-2	4,000	4,000	4,000
8				
	(c)--District-3	4,000	4,000	4,000
10				
	(d)--Chair differential	300	300	300
12				
14	(2)--Treasurer	18,954		
16	(3) (1) Sheriff	29,250		
18		<u>\$29,250</u>		
20	(4) (2) Judge of Probate	12,000	12,000	12,000
22			<u>\$12,000</u>	<u>\$12,000</u>
24	(5) (3) Register of Probate	16,965		
26	(6)--Register-of-Deeds	18,954		
28	G. Lincoln County:			1989
30	(1)--Commissioners			
32				
	(a)--Chair			\$5,819
34				
	(b)--Members			5,003
36	(2)--Treasurer			5,444
38	(3) (1) Sheriff			27,500
40				<u>\$27,500</u>
42	(4) (2) Judge of Probate			12,503
44	(5) (3) Register of Probate			15,750
46	(6)--Register-of-Deeds			19,128
48	H. Oxford County:			1989
50	(1)--Commissioners			
52				
	(a)--Chair			\$5,572

2	(b)--Members	5,077
4	(2)--Treasurer	6,711
6	(3) (1) Sheriff	28,000
8		<u>\$28,000</u>
10	(4) (2) Judge of Probate	13,988
12	(5) (3) Register of Probate	16,089
14	(6)--Register-of-Deeds	
16	(a)--Eastern-District	16,521
18	(b)--Western-District	13,179
20	I. Penobscot County:	1989
22	(1)--Commissioners	
24	(a)--Chair	\$8,008
26	(b)--Members	7,644
28	(2)--Treasurer	3,172
30	(3) (1) Sheriff	31,512
32		<u>\$31,512</u>
34	(4) (2) Judge of Probate	20,800
36	(5) (3) Register of Probate	21,320
38	(6)--Register-of-Deeds	19,500
40	J. Piscataquis County:	1989
42	(1)--Commissioners	
44	(a)--Chair	\$5,800
46	(b)--Members	5,000
48	(2)--Treasurer	5,850
50	(3) (1) Sheriff	21,600
52		<u>\$21,600</u>

2	(4) (2) Judge of Probate	12,568
4	(5) (3) Register of Probate	14,788
6	(6)--Register-of-Deeds	15,256
8	K. Sagadahoc County:	1989
10	(1)--Commissioners	
12	(a)--Chair	\$4,478
14	(b)--Members	3,918
16	(2)--Treasurer	7,627
18	(3) (1) Sheriff	28,000
20		<u>\$28,000</u>
22	(4) (2) Judge of Probate	14,052
24	(5) (3) Register of Probate	15,352
26	(6)--Register-of-Deeds	16,382
28	L. Somerset County:	1989
30	(1)--Commissioners	
32	(a)--Chair	\$4,737
34	(b)--Members	4,058
36	(2)--Treasurer	9,758
38	(3) (1) Sheriff	28,004
40		<u>\$28,004</u>
42	(4) (2) Judge of Probate	15,773
44	(5) (3) Register of Probate	16,635
46	(6)--Register-of-Deeds	17,089
48	M. Washington County:	1989
50	(1)--Commissioners	
52	(a)--Chairman	\$4,872



2	(b)--Members	4,061
4	(2)--Treasurer	9,000
6	(3)--Deputy-Treasurer	6,000
8	(4) (1) Sheriff	27,000
10		<u>\$27,000</u>
12	(5) (2) Judge of Probate	14,526
14	(6) (3) Register of Probate	16,000
16	(7)--Register-of-Deeds	16,000
18	N. York County:	1989
20	(1)--Commissioners	
22	(a)--Chair	\$4,500
24	(b)--Members	4,500
26	(2)--Treasurer	5,200
28	(3) (1) Sheriff	28,000
30		<u>\$28,000</u>
32	(4) (2) Judge of Probate	12,500
34	(5) (3) Register of Probate	20,000
36	(6)--Register-of-Deeds	20,000

38       **Sec. A-6. 30-A MRSA §51, sub-§§1 and 2**, as enacted by PL 1987,  
40       c. 737, Pt. A, §2 and Pt. C, §106 and as amended by PL 1989, c.  
42       6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, are repealed and the  
following enacted in their place:

44       1. Compensation. Each county commissioner is entitled to  
46       receive \$75 for each meeting attended, and reimbursement for  
travel at the same rate established for state employees.

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

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

4           Sec. A-8. 30-A MRSA §81, 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;  
6 and c. 104, Pt. C, §§8 and 10, is repealed.

8           Sec. A-9. 30-A MRSA §82, 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;  
10 and c. 104, Pt. C, §§8 and 10, is repealed and the following  
enacted in its place:

12           §82. County administrator

14           The county commissioners of each county shall appropriate  
16 funds for the hiring of a county administrator.

18           1. Appointment; qualifications. The county commissioners  
20 shall choose the county administrator solely on the basis of  
22 executive and administrative qualifications with special  
24 reference to actual experience in, or knowledge of, the duties of  
the office as set forth in the policies established by the board  
of county commissioners and by law.

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

30           B. A county administrator may not hold any other elective  
32 or appointed county office, except as provided in this  
section.

34           2. Compensation; tenure of office; removal; suspension.  
36 The county commissioners shall determine the compensation of the  
38 county administrator. The county administrator shall hold office  
40 for an indefinite term unless otherwise specified by contract.  
In the absence or during the disability of the county  
administrator, the county commissioners may appoint an official  
of the county to perform the duties of the administrator.

42           The commissioners may remove or suspend the county administrator  
44 for cause in accordance with the following procedures.

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

50           B. The commissioners shall file the preliminary resolution  
52 in writing with the acting administrator stating the

2 specific reasons for the proposed removal. A copy of that  
3 resolution must be delivered to the administrator within 10  
4 days of filing.

5 C. Within 20 days of receiving the resolution, the  
6 administrator may reply in writing and request a public  
7 hearing.

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

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

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

16 3. Duties. The county administrator is the chief  
17 administrative official of the county and is responsible for the  
18 administration of all departments and offices controlled by the  
19 county commissioners. The county administrator acts as the clerk  
20 of the county. The county administrator acts as purchasing agent  
21 for all departments and offices of the county, although the  
22 county commissioners may require that all purchases greater than  
23 a designated amount be submitted to sealed bid. The county  
24 administrator must attend all meetings of the county  
25 commissioners, except when the removal or suspension of the  
26 county administrator is being considered. The county  
27 administrator shall keep the county commissioners and the county  
28 legislative delegation informed as to the financial condition of  
29 the county and shall collect all data necessary to prepare the  
30 budget.

31 4. Duties as clerk. When acting as clerk of the county,  
32 the county administrator shall record the actions of the county  
33 commissioners. The commissioners shall examine these records  
34 and, when correct, certify them. The administrator shall enter  
35 them into the permanent records of the county commissioners.  
36 When absent, the administrator may appoint a temporary clerk to  
37 the commissioners, but the administrator is responsible for the  
38 actions of that clerk.

39 5. Duties as treasurer. Unless the county commissioners  
40 appoint a treasurer under section 156, the county administrator  
41 shall serve as treasurer.

2           **Sec. A-10. 30-A MRSA §101, sub-§6-A**, as enacted by PL 1989, c.  
561, §18, is amended to read:

4           **6-A. Adopt ethics policy.** In Adopt, at their discretion,  
6           ~~the county commissioners may adopt~~ an ethics policy governing the  
conduct of elected and appointed county officials.;

8           **Sec. A-11. 30-A MRSA §101, sub-§6-B** is enacted to read:

10           ~~**6-B. Employ counsel.** Employ counsel as necessary to~~  
12           ~~represent the county; and~~

14           **Sec. A-12. 30-A MRSA §121, sub-§5** is enacted to read:

16           **5. Courtrooms.** The Judicial Department shall reimburse  
18           each county quarterly for the cost of providing courthouses as  
19           described in subsection 1, paragraph A, and for the cost of  
20           providing space and equipment for the office of the clerk of the  
21           courts as required by subsection 1, paragraph B, subparagraph (4).

22           **Sec. A-13. 30-A MRSA §151**, as enacted by PL 1987, c. 737,  
23           Pt. A, §2 and Pt. C, §106 and as amended by PL 1989, c. 6; c. 9,  
24           §2; and c. 104, Pt. C, §§8 and 10, is repealed.

26           **Sec. A-14. 30-A MRSA §151-A** is enacted to read:

28           **§151-A. County administrator as treasurer**

30           Except as provided in section 156-A, the county  
31           administrator shall serve as county treasurer and shall have the  
32           responsibility and authority of the office of treasurer under  
33           this Part.

34           **Sec. A-15. 30-A MRSA §152**, as enacted by PL 1987, c. 737,  
35           Pt. A, §2 and Pt. C, §106 and as amended by PL 1989, c. 6; c. 9,  
36           §2; and c. 104, Pt. C, §§8 and 10, is repealed.

38           **Sec. A-16. 30-A MRSA §153**, as enacted by PL 1987, c. 737,  
39           Pt. A, §2 and Pt. C, §106 and as amended by PL 1989, c. 6; c. 9,  
40           §2; c. 104, Pt. C, §§8 and 10, is further amended to read:

42           **§153. Bond required**

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

2           **Sec. A-17. 30-A MRSA §154**, as enacted by PL 1987, c. 737,  
Pt. A, §2 and Pt. C, §106 and as amended by PL 1989, c. 6; c. 9,  
4           §2; and c. 104, Pt. C, §§8 and 10, is repealed and the following  
enacted in its place:

6           **§154. Salaries**

8           The county treasurer, if any, and the deputy treasurer are  
entitled to receive salaries as approved by the county  
10           commissioners.

12           **Sec. A-18. 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;  
14           c. 9, §2; and c. 104, Pt. C, §§8 and 10, are repealed.

16           **Sec. A-19. 30-A MRSA §156-A** is enacted to read:

18           **§156-A. Appointed county treasurer**

20           **1. County commissioners' decision.** The county commissioners  
through the budget process may decide to authorize the position  
22           of county treasurer in lieu of the county administrator serving  
as the county treasurer.

24           **2. Term; compensation; qualifications.** The county  
commissioners may appoint a treasurer to serve at their will and  
26           set the compensation for that office. The treasurer must be  
qualified in matters of business administration and finance. The  
28           appointed treasurer has all authority granted to treasurers under  
this subchapter and is subject to all the requirements of this  
30           subchapter.

32           **Sec. A-20. 30-A MRSA §281, sub-§3** is enacted to read:

34           **3. Reimbursement by the State.** The Attorney General shall  
reimburse the counties quarterly for the actual cost of operating  
36           the offices of the district attorneys authorized in this section  
and in section 282, subsection 4. This reimbursement must not  
38           exceed the amount approved in each county budget for district  
attorney expenses.  
40

42           **Sec. A-21. 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  
44           1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, are repealed.

46           **Sec. A-22. 30-A MRSA §375** is enacted to read:

48           **§375. Qualifications for election or appointment**

50           **1. Qualifications required.** A sheriff must, before taking  
office, meet the qualifications required of deputy sheriffs by  
52           section 381, subsections 1 and 2.

2           2. Period of abeyance for newly elected or appointed  
4           sheriff. Any person elected or appointed to the office of  
6           sheriff who does not meet the requirements of subsection 1 is  
            entitled to a period of 6 months after the election or  
            appointment to meet those requirements.

8           3. Notice to Attorney General. The county commissioners of  
10           each county, within 2 weeks after the election or appointment of  
12           a sheriff, shall examine the qualifications of the sheriff to  
14           determine if the requirements of subsection 1 have been met and  
            report those findings to the Attorney General. The county  
            commissioners shall reexamine the qualifications of the sheriff  
            and submit additional reports to the Attorney General:

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

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

24           4. Notification of Governor. The Attorney General shall  
26           review each report received from the county commissioners under  
28           subsection 3 and determine whether or not the sheriff is  
30           faithfully performing the duty imposed by subsection 1. In  
32           making this determination, the Attorney General may also review  
34           other relevant information. The Attorney General may initiate an  
36           investigation, upon suitable cause, to determine whether or not a  
            sheriff is faithfully performing the duty imposed by subsection  
            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 if the sheriff should be removed from office.

38           5. Transitional provision. Any person holding the office  
40           of sheriff on the effective date of this Act is considered  
42           elected on that date for purposes of this section. Any duties  
44           and requirements imposed by this section apply as if that person  
            had been elected on that date. This subsection is repealed on  
            June 1, 1992.

46           Sec. A-23. 30-A MRSA §705, as enacted by PL 1987, c. 737,  
48           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 by adding  
            at the end a new paragraph to read:

50           Any agency outside the regular county departments that  
52           receives a grant from a county to fund its activities shall file  
            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.

6 Sec. A-24. 33 MRSA §601, as amended by PL 1989, c. 502, Pt.  
B, §40, is repealed and the following enacted in its place:

8 **§601. Appointment of register**

10 The county commissioners of each county shall appoint a  
11 register of deeds who shall hold office for an indefinite term  
12 unless otherwise specified by contract.

14 1. Removal; suspension. The commissioners may remove or  
15 suspend the register of deeds for cause in accordance with the  
16 following procedures.

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

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

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

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

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

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

37 Sec. A-25. 33 MRSA §602, as amended by PL 1985, c. 614, §28,  
38 is repealed.

39 Sec. A-26. 33 MRSA §604, as amended by PL 1987, c. 737, Pt.  
40 C, §§74 and 106 and PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C,  
41 §§8 and 10, is repealed and the following enacted in its place:

2 §604. Salaries

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

6 **Sec. A-27. 34-A MRSA §1210, sub-§6,** as enacted by PL 1985, c.  
8 821, §18, is amended to read:

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

20 **Sec. A-28. 36 MRSA §4641-B, 5th ¶,** as amended by PL 1983, c.  
22 859, Pt. M, §10, is repealed and the following enacted in its  
place:  
24

26 Each register of deeds shall, on or before the 10th day of  
each month, pay to the State Tax Assessor an amount, as  
determined by this paragraph, of the tax collected during the  
previous month. The register of deeds shall retain an amount of  
the tax collected sufficient to reimburse the county for the  
actual cost of operation of the office of the register of deeds  
during the previous month including overhead costs not to exceed  
30% of direct costs, less any income from fees. In no event may  
the register retain less than 10% of the tax collected. The  
actual cost of the register of deeds is determined by the State  
Auditor, based on projections from an audited financial statement  
from the previous year.  
36

38 **Sec. A-29. Effective date.** This Part takes effect January 1,  
1991. Section A-5 of this Part is effective until January 1,  
40 1992.

42 **PART B**

44 **Sec. B-1. 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;  
46 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,  
48 §1, is repealed and the following enacted in its place:

50 **1. County officers' salaries.** The sheriffs, judges of  
probate and registers of probate are entitled to receive annual



2 salaries from the county treasury in weekly, biweekly or monthly  
3 payments as provided in the county budget.

4 Sec. B-2. 30-A MRSA §701, sub-§2, as enacted by PL 1987, c.  
5 737, Pt. A, §2 and Pt. C, §106 and as amended by PL 1989, c. 6;  
6 c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to  
7 read:

8  
9  
10 2. **Preparation of estimates.** In order to assess a county  
11 tax, the county commissioners, prior to November 7<sup>th</sup> 1<sup>st</sup> in each  
12 year, shall prepare estimates of the sums necessary to pay the  
13 expenses which that have accrued or may probably accrue for the  
14 coming year, including the building and repairing of jails,  
15 courthouses and appurtenances, with the debts owed by their  
16 counties.

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

22  
23 Sec. B-3. 30-A MRSA §701, sub-§§3 and 4, as amended by PL 1989,  
24 c. 6; c. 9, §2; c. 23; and c. 104, Pt. C, §§8 and 10, are  
25 repealed.

26  
27 Sec. B-4. 30-A MRSA §702, as enacted by PL 1987, c. 737, Pt.  
28 A, §2 and Pt. C, §106 and as amended by PL 1989, c. 6; c. 9, §2;  
29 and c. 104, Pt. C, §§8 and 10, is repealed.

30 Sec. B-5. 30-A MRSA §702-A is enacted to read:

31  
32 **§702-A. Final budget; filing**

33  
34 The county commissioners shall file a copy of the final  
35 budget and subsequent amendments, on forms approved by the  
36 Department of Audit, with the State Auditor, who shall retain  
37 them for 3 years.

38  
39 Sec. B-6. 30-A MRSA c. 3, sub-c. I, art. 1-A is enacted to read:

40  
41  
42 **Article 1-A**  
43 **COUNTY BUDGETS, GENERALLY**

44  
45 **§711. Purpose**

46  
47 This article replaces the previous statutory method of  
48 approving county budgets by transferring authority from the  
49 Legislative delegation and the Legislature to a committee  
50 comprised of county citizens and municipal officials. This

2 article applies to all counties, including those that have  
3 previously adopted a budget committee in some form.

4 **§712. Definitions**

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

8  
9 **1. County commissioners.** "County commissioners" means the  
10 county commissioners of the county in question.

12 **2. Municipal officers.** "Municipal officers" means the  
13 mayor, councilors or selectmen.

14 **§713. County budget committee**

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

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

26 Starting in 1992, at least 90 days before the end of every fiscal  
27 year, the municipal officers from each county commissioner  
28 district shall choose the elected members by the following  
29 procedure.

32 **A.** The county commissioners shall notify all municipal  
33 officers in the county to caucus by county commissioner  
34 districts at a specified date, time and place for the  
35 purpose of nominating at least one municipal officer from  
36 each district as a candidate for the county budget  
37 committee, except that in 1992 at least 2 municipal officers  
38 shall be nominated from each district. The county  
39 commissioner shall serve as nonvoting moderator for that  
40 district caucus. Nominations must be received from the  
41 floor. A municipal officer from a given district may vote  
42 for more than one nominee to be placed on the written ballot  
43 for that district. The nominee receiving the most votes  
44 must be approved for placement on the ballot. Any other  
45 nominee who receives a majority vote of those present must  
46 also be approved for placement on the ballot. The names of  
47 those duly approved must be recorded and forwarded to the  
48 county commissioners to be placed on a written ballot.

50 **B.** The county commissioners shall have written ballots  
51 printed with the names of those candidates selected in their  
52 districts under paragraph A. Each commissioner district

2 requires a separate ballot and each ballot must specify each  
4 candidate's full name and municipality. The county  
6 commissioners shall distribute the appropriate ballots to  
8 each municipality within a commissioner district. The  
10 municipal officers shall vote as a board for one budget  
12 committee member from the candidates on the ballot and  
14 return the ballot to the county commissioners by a certain  
16 date, except that in 1992, the municipal officers shall vote  
18 as a board for 2 budget committee members. The ballots must  
20 be counted at a regular meeting of the county  
22 commissioners. Each vote must be weighted according to that  
24 municipality's population as a proportion of the district's  
26 total population, except that a municipality may not have  
28 more than one budget committee member. The county  
30 commissioners shall notify each municipality, in writing, of  
32 the results of the election and certify the results to the  
34 Secretary of State.

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

42 **2. Duties.** The county budget committee shall review the  
44 budget estimates prepared by the county commissioners and approve  
46 a final county budget.

48 **3. Term of office.** The term of office for the elected  
50 members shall be 2 years beginning on October 1st, provided that  
2 a budget committee member remains a municipal officer in that  
4 officer's municipality, except that of those elected in 1992, one  
6 from each district must be elected for a term of one year and one  
8 from each district must be elected for a term of 2 years. The  
10 term of office for the appointed members shall be 2 years  
12 beginning on October 1st in odd-numbered years, provided that a  
14 budget committee member remains a resident of the county. Those  
16 appointed in 1992 must be appointed for a term of one year.

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

34 **5. Expenses.** Members shall serve without compensation, but  
36 are entitled to reimbursement from the county treasury for  
38 expenses lawfully incurred in the performance of their duties.

2  
3 **§714. Budget committee organization**

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

13 **§715. Budget procedures**

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

19  
20 **2. Budget review process.** The budget committee shall  
21 review the proposed itemized budget prepared by the county  
22 commissioners, together with any supplementary material prepared  
23 by the head of each county department or provided by any  
24 independent board or institution or another governmental agency.  
25 The budget committee may increase, decrease, alter or revise the  
26 proposed budget, provided that:

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

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

34  
35 **3. Public hearing.** The budget committee shall hold a  
36 public hearing in the county on the proposed budget before the  
37 end of the county's fiscal year and before the final adoption of  
38 the budget. At least 10 days before the hearing, notice must be  
39 given in a newspaper of general circulation within the county.  
40 Written notice and a copy of the proposed budget must be sent by  
41 registered or certified mail with return receipt requested, or  
42 delivered in person with proof received of the delivery, to the  
43 clerk of each municipality in the county. The municipal clerk  
44 shall notify the municipal officers of the proposed budget.

45  
46 **4. Adoption of budget.** After the public hearing is  
47 completed, the budget committee may further increase, decrease,  
48 alter and revise the proposed itemized budget, subject to the  
49 conditions and restrictions imposed in subsection 2. The proposed  
50 itemized budget must be finally adopted by a majority vote of the  
51 county commissioners.

2 budget committee at a duly called meeting not later than the end  
3 of the county's fiscal year. The approved budget is the final  
4 authorization for the assessment of county taxes. The budget  
5 must be sent to the county commissioners and the county tax  
6 authorized must be apportioned and collected in accordance with  
7 section 706.

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

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

14 §716. Budget amendments

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

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

27 Sec. B-8. 30-A MRSA §1353, as enacted by PL 1987, c. 737, Pt.  
28 A, §2 and Pt. C, §106 and as amended by PL 1989, c. 6; c. 9, §2;  
29 and c. 104, Pt. C, §§8 and 10, is repealed.

30 Sec. B-9. Effective date. This Part takes effect January 1,  
31 1992.

32 **PART C**

33 Sec. C-1. Unorganized Territory; review. The Joint Standing  
34 Committee on State and Local Government shall review the  
35 governance of the unorganized territories by the counties to  
36 determine its efficiency, effectiveness and uniformity. The  
37 Office of Fiscal and Program Review shall provide staff  
38 assistance for the review. The committee shall report the  
39 findings of the review together with its recommendations,  
40 including any proposed legislation, to the Second Regular Session  
41 of the 115th Legislature by January 15, 1992.

42 Sec. C-2. Emergency planning; review. The Maine Emergency  
43 Management Agency shall review the regional structure of the

2 emergency management programs within the State including state,  
3 county and municipal programs. The review must focus  
4 particularly on the coordination among these different levels of  
5 government, and determine whether there is a continued need for  
6 involvement of multimunicipal regional units and if so, whether  
7 the counties are the best choice for that function. The agency  
8 shall report its findings and recommendations to the joint  
9 standing committee of the Legislature having jurisdiction over  
10 state and local government matters by January 1, 1991.

## 12 PART D

13 **Sec. D-1. 4 MRSA §1057, sub-§1**, as enacted by PL 1987, c. 339,  
14 §3, is amended to read:

15 **1. Fund established.** There is hereby established a fund to  
16 be known as the Jail Operations Surcharge Fund. This The  
17 Treasurer of State shall maintain this fund shall-be-maintained  
18 by-the-Treasurer-of-State for the sole purpose of reimbursing  
19 counties-for paying costs associated with operations of the jail  
20 system.

21 **Sec. D-2. 4 MRSA §1057, sub-§3-A** is enacted to read:

22 **3-A. Reimbursement to counties.** Quarterly, the Treasurer  
23 of State shall make payments from this fund to each county in  
24 direct proportion to the amount of revenue obtained from all  
25 courts within that county. These quarterly payments must be  
26 included in the total payments made pursuant to Title 30-A,  
27 chapter 3, subchapter II, article 5.

28 **Sec. D-3. 30-A MRSA c. 3, sub-c. II, art. 5** is enacted to read:

### 30 Article 5

#### 31 COUNTY CORRECTIONAL ACCOUNT

#### 32 §971. Definitions

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

35 **1. Correctional programs.** "Correctional programs" means  
36 the delivery of correctional services by or for the county,  
37 including, but not limited to, preventive or diversionary  
38 correctional programs, pretrial release or conditional release  
39 programs, alternative sentencing programs, residential treatment  
40 and halfway house programs, community correctional centers and  
41 temporary release programs from a facility for the detention or  
42 confinement of persons convicted of crime or adjudicated  
43 delinquents.

2       2. Standards compliance. "Standards compliance" means  
3 compliance with the standards, under Title 34-A, section 1208,  
4 for jail and holding facilities and short-term detention areas.

6       3. Support of prisoners. "Support of prisoners" means the  
7 following line items:

8           A. Personal services;

10          B. Contractual services:

12               (1) Professional fees and services:

14                   (a) Medical, dental and psychological;

16                   (b) In-house correctional programs and community  
17 correctional programs as defined in this section;

18                   (c) Board of prisoners; and

20                   (d) Insurance;

22               (2) Prisoner transportation:

24                   (a) Gas and oil; and

26                   (b) Auto repairs;

28               (3) Utilities:

30                   (a) Electricity;

32                   (b) Gas;

34                   (c) Sewage and water;

36                   (d) Telephone; and

38                   (e) Rubbish removal;

40               (4) Rentals;

42               (5) Repairs and maintenance;

44               (6) General operating expenses:

46                   (a) Postage; and

48                   (b) Printing; and  
50

2           (7) Other:

4                   (a) Staff training and education;

6           C. Commodities:

8                   (1) Food;

10                   (2) Fuel; and

12                   (3) Supplies:

14                           (a) Cleaning;

16                           (b) Institutional; and

18                           (c) Office;

20           D. Capital expenditures:

22                   (1) Equipment:

24                           (a) Furniture and fixtures; and

26                           (b) Vehicles; and

28                   (2) Buildings; and

30           E. Capital expenditures, replacement:

32                   (1) Equipment:

34                           (a) Furniture and fixtures; and

36                           (b) Vehicles.

38           §972. County Correctional Account

40           The county commissioners of each county shall establish the  
42           County Correctional Account for funds received from the State  
44           under this section, which must be used for operating costs for  
46           the county jails, including support of prisoners; improving,  
48           maintaining and developing correctional programs; community-based  
50           correctional programs; standards compliance; and capital  
52           improvements. Funds in this account unexpended at the end of the  
          year may not lapse, but must be carried forward to subsequent  
          years.

50           §973. Reimbursement

52           The State Controller shall reimburse each county quarterly  
          for the actual cost of operating the county jails. The



2 reimbursement is not to exceed the amount approved in each county  
3 budget for that expense.

4 **Sec. D-4. 34-A MRSA §1210**, as amended by PL 1989, c. 127,  
5 §§1 and 2, is repealed.

6 **Sec. D-5. 34-A MRSA §1212** is enacted to read:

7 **§1212. Community corrections assistance**

8  
9  
10 **1. Definitions.** As used in this section, unless the  
11 context indicates otherwise, the following terms have the  
12 following meanings.

13 **A. "Commissioner"** means the Commissioner of Corrections.

14  
15 **B. "Community corrections"** means the delivery of  
16 correctional services by or for the county, including, but  
17 not limited to, preventive or diversionary correctional  
18 programs, pretrial release or conditional release programs,  
19 alternative sentencing programs, residential treatment and  
20 halfway house programs, community correctional centers and  
21 temporary release programs from a facility for the detention  
22 or confinement of persons convicted of crime or adjudicated  
23 delinquents.

24  
25 **C. "Standards compliance"** means compliance with the  
26 standards, under section 1208, for jail and holding  
27 facilities and short-term detention areas.

28  
29 **2. Technical assistance.** The commissioner shall provide  
30 technical assistance to counties and county advisory groups to  
31 aid them in the planning and development of correctional  
32 programs, including community-based correctional programs and  
33 standards compliance.

34  
35 **Sec. D-6. Effective date.** This Part takes effect July 1, 1991.

36  
37  
38  
39  
40 **STATEMENT OF FACT**

41  
42  
43 This bill is the unanimous report of the study on county  
44 government conducted by a subcommittee of the Joint Standing  
45 Committee on State and Local Government during the interim of  
46 1989, as authorized by the Legislative Council. Additional views  
47 supported by a minority of the study subcommittee are presented  
48 in separate legislation.

In Part A, this bill:

2  
4 1. Expands the permissible uses of the reimbursement the  
6 counties receive from the State for housing prisoners to include  
operating costs of the county jails;

8 2. Corrects the contradictory language in the Jail  
Surcharge Fund laws to conform to current practice;

10 3. Requires all counties to have 3 county commissioners;

12 4. Requires all counties to have a county administrator.  
14 Under existing law, the county administrator also carries out the  
statutory duties of the clerk;

16 5. Authorizes the county administrator to serve also as  
18 county treasurer; if the county desires a separate treasurer,  
that person must be appointed;

20 6. Requires appointment of register of deeds;

22 7. As a minimum measure, allows register of deeds to retain  
24 an amount of revenue generated by that office sufficient to  
support the expenditures of that office, including overhead;

26 8. Requires organizations receiving program grants from the  
28 county to submit an annual financial report to the county;

30 9. Transfers the operating costs of the district attorneys'  
offices to the State;

32 10. Requires the Judicial Department to assume the full  
34 cost of the courtrooms of the Superior Court and District Court;  
and

36 11. Requires the sheriffs to meet the same qualifications  
38 for office as deputies. There is a proposed Constitutional  
Resolution to implement this provision.

40 Part B requires all counties to establish an autonomous  
42 county budget process by January 1, 1992. That process requires  
44 submission of a county budget, prepared by the commissioners, for  
46 final approval by a majority of the county budget committee. The  
48 county budget committee will consist of 9 members, 3 from each  
commissioner district. From each district, 2 of the members will  
be municipal officers elected by the municipal officers and the  
3rd will be a member of the general public appointed by the  
commissioner from that district.

In Part C, this bill:

2

4 1. Requires a one-time review of the governance of the  
unorganized territory to determine its efficiency, effectiveness  
6 and uniformity to be conducted by the Joint Standing Committee on  
State and Local Government, with support from the Office of  
Fiscal and Program Review; and

8

10 2. Requires that the Maine Emergency Management Agency  
review the regional structure of the emergency management program  
and report by January 1, 1991.

12

14 Part D provides for state reimbursement for all county jail  
costs, keeping jail employees on the county payroll.