

MAINE STATE LEGISLATURE

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MINORITY
STATE AND LOCAL GOVERNMENT

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
117TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 975, L.D. 1384, Bill, "An Act to Increase the Efficiency of Cumberland County Government Operations"

Amend the bill by inserting after the title and before the enacting clause the following:

'Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.'

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

'Sec. 1. 30-A MRSA §61-B is enacted to read:

§61-B. Cumberland County

Notwithstanding section 61, the Board of Commissioners for Cumberland County consists of a chair and 4 other citizens. All other provisions of section 61 apply to Cumberland County.

Sec. 2. 30-A MRSA §66, sub-§3, as amended by PL 1993, c. 554, §1, is repealed and the following enacted in its place:

3. Creation of Cumberland County Commissioner Districts.
Cumberland County is divided into the following 5 districts.

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2 A. Commissioner District Number 1 consists of the
4 municipalities of Brunswick, Cumberland, Freeport,
Harpwell, North Yarmouth and Yarmouth. The term of office
of the commissioner from this district expires in 1998 and
every 4 years thereafter.

6
8 B. Commissioner District Number 2 consists of the
10 municipalities of Falmouth, Gray, New Gloucester, Pownal,
Windham and the following House Districts as described in
12 Title 21-A, section 1204: House District 34 and House
District 35. The term of office of the commissioner from
this district expires in 1998 and every 4 years thereafter.

14 C. Commissioner District Number 3 consists of the following
16 House Districts as described in Title 21-A, section 1204:
House District 30, House District 31, House District 32,
18 House District 33, House District 36 and House District 37.
The term of office of the commissioner from this district
expires in 2000 and ever 4 years thereafter.

20
22 D. Commissioner District Number 4 consists of the
municipalities of Cape Elizabeth, South Portland and
24 Westbrook. The term of office of the commissioner from this
district expires in 2000 and every 4 years thereafter.

26 E. Commissioner District Number 5 consists of the
28 municipalities of Baldwin, Bridgton, Casco, Gorham,
Harrison, Naples, Raymond, Sebago, Scarborough and
30 Standish. The term of office of the commissioner from this
district expires in 1998 and every 4 years thereafter.

32 **Sec. 3. 30-A MRSA §82, sub-§4, ¶C is enacted to read:**

34 C. The county commissioners of Cumberland County are
36 entitled to receive the salary specified in the county
budget, regardless of whether that county has a full-time
38 county manager.

40 **Sec. 5. 30-A MRSA §151, first ¶, as amended by PL 1989, c. 104,**
Pt. C, §§8 and 10, is further amended to read:

42 Except as provided in section sections 156 and 157, the
44 voters of each county shall elect a county treasurer.

46 **Sec. 6. 30-A MRSA §156, sub-§1, as amended by PL 1989, c. 104,**
Pt. C, §§8 and 10, is further amended to read:

48 **1. County commissioners' decision.** Notwithstanding sections
50 151 and 152, the county commissioners may decide to abolish the
position of elected county treasurer and replace it with an

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appointed county treasurer. This Except as provided in section 157, this decision is not effective until approved by the voters of the county under subsection 3.

Sec. 7. 30-A MRSA §157 is enacted to read:

§157. Appointed treasurer for Cumberland County

In Cumberland County, the county commissioners shall appoint a treasurer to serve at their will and at the level of the compensation they set. The treasurer must be qualified in matters of business administration and finance. The appointed treasurer has all authority granted to treasurers under this subchapter and is subject to all the requirements of this subchapter. Notwithstanding section 156, approval of the voters is not required for the establishment of the position of the appointed treasurer.

Sec. 8. 33 MRSA §601, as amended by PL 1989, c. 502, Pt. B, §40, is further amended to read:

§601. Election of register; vacancies

-A- Except in Cumberland County, a register of deeds shall must be elected for each county and in each registry district by the legally qualified voters thereof, who shall serve for a term of 4 years.

Vacancies shall must be filled for the unexpired term by election as provided for in section 602 at the next general election, as defined in Title 21-A, section 1, subsection 19, after their occurrence. In the meantime, the Governor may fill vacancies by appointment, and the person so appointed shall hold office until the first day of January next after the election. Until a vacancy is filled by appointment by the Governor, the deputy register shall serve as acting register as provided in section 605.

The provisions of this section do not apply to Cumberland County. In that county, the county commissioners shall appoint a register of deeds who has the authority granted to registers of deeds under this chapter and is subject to the requirements of this chapter. The appointed register of deeds in Cumberland County serves at the will of the county commissioners and at a level of compensation set by them.

Sec. 9. Transition. The county treasurer and register of deeds of Cumberland County on the effective date of this Act shall serve out the remainder of the term of office to which they were elected.

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2 The 2 Cumberland County commissioners on the effective date
of this Act whose terms expire in 1996 may continue to hold
4 office through December 31, 1996. In 1996 county commissioners
must be elected as provided in the Maine Revised Statutes, Title
6 30-A, section 61 for Commissioner Districts 1, 2, 3 and 5 as
established in this Act. The county commissioner on the
8 effective date of this Act whose term expires in 1998 may
continue to hold office through December 31, 1998, representing
10 the Commissioner District 4 as established in this Act. The
terms of commissioners elected under this section are as provided
12 in Title 30-A, section 66, subsection 3.

14 **Sec. 10. Implementation.** The provisions of this Act
eliminating the elected positions of county treasurer and
16 register of deeds for Cumberland County may be implemented only
if a county manager form of government is established in
18 Cumberland County and a county manager is hired by January 1,
1997.'

20 Further amend the bill by inserting at the end before the
22 statement of fact the following:

24 **FISCAL NOTE**

26 This bill requires the creation of 2 additional county
28 commissioner districts as a result of the establishment of a
county manager form of government in Cumberland County. The
30 additional local costs of this state mandate are not expected to
be significant. Pursuant to the mandate preamble, the 2/3 vote
32 of all members elected to each House exempts the State from the
constitutional requirement to fund 90% of the additional local
34 costs.'

36 **STATEMENT OF FACT**

38 This amendment replaces the bill. It establishes 5 county
40 commissioner districts for Cumberland County effective in 1997.
The amendment also eliminates the elected positions of Cumberland
42 County Treasurer and Cumberland County Register of Deeds
following expiration of the terms of the current office holders
44 in 1998. After that date, the treasurer and register of deeds
are appointed by the commissioners and serve at the pleasure of
46 the commissioners and at a salary set by them. The elimination

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2 of the elected positions of treasurer and register of deeds
provided in this amendment is dependent on establishment of a
4 county manager form of government in Cumberland County. The
amendment also adds a mandate preamble and a fiscal note to the
bill.