

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 1384

H.P. 975

House of Representatives, April 19, 1995

An Act to Increase the Efficiency of Cumberland County Government Operations.

Received by the Clerk of the House on April 14, 1995. Referred to the Committee on State and Local Government and ordered printed pursuant to Joint Rule 14.

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative BRENNAN of Portland.

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

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

6 **§61-B. Cumberland County**

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

14 **Sec. 2. 30-A MRSA §66, sub-§3**, as amended by PL 1993, c. 554,
16 §1, is repealed and the following enacted in its place:

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

22 A. Commissioner District Number 1 consists of the
24 municipalities of Brunswick, Cumberland, Freeport,
26 Harpswell, North Yarmouth and Yarmouth. The term of office
28 of the commissioner from this district expires in 1998 and
30 every 4 years thereafter.

32 B. Commissioner District Number 2 consists of the
34 municipalities of Falmouth, Gray, New Gloucester, Pownal,
36 Windham and the following House Districts as described in
38 Title 21-A, section 1204: House District 34 and House
40 District 35. The term of office of the commissioner from
42 this district expires in 1996 and every 4 years thereafter.

44 C. Commissioner District Number 3 consists of the following
46 House Districts as described in Title 21-A, section 1204:
48 House District 30, House District 31, House District 32,
House District 33, House District 36 and House District 37.
The term of office of the commissioner from this district
expires in 1998 and ever 4 years thereafter.

D. Commissioner District Number 4 consists of the
municipalities of Cape Elizabeth, South Portland and
Westbrook. The term of office of the commissioner from this
district expires in 1996 and every 4 years thereafter.

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

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

2 C. The county commissioners of Cumberland County are
3 entitled to receive the salary specified in section 2,
4 regardless of whether that county has a full-time county
5 manager.

6 **Sec. 4. 30-A MRSA §82, sub-§5** is enacted to read:

7 **5. Cumberland County Manager required.** Notwithstanding the
8 other provisions of this section, no later than January 1, 1996,
9 the county commissioners of Cumberland County shall hire a
10 full-time county manager to oversee the implementation of county
11 policy and the day-to-day administration of county operations.
12 The appointment, compensation and tenure of the manager are as
13 provided in subsections 1 and 2. In addition to the duties
14 described in subsection 3, the manager shall:

15 A. In conjunction with the commissioners, develop a
16 proposed county budget for the coming year that must be
17 presented to the commissioners no later than October 1st;

18 B. Personally or through a designated employee, perform the
19 duties typically performed by a county treasurer;

20 C. Personally or through a designated employee, perform the
21 duties typically performed by a register of deeds; and

22 D. Carry out other administrative duties assigned by the
23 commissioners.

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

26 Except as provided in this section and in section 156, the
27 voters of each county shall elect a county treasurer.

28 **Sec. 6. 30-A MRSA §151, sub-§4** is enacted to read:

29 **4. Cumberland County; exception.** This subchapter does not
30 apply to Cumberland County. In that county, the duties of the
31 county treasurer must be performed by the county manager or the
32 manager's designee as provided in section 82, subsection 5,
33 paragraph B. The Cumberland County Manager has the authority
34 granted to the county treasurer under this subchapter and is
35 subject to the requirements of this subchapter.

36 **Sec. 7. 33 MRSA §601**, as amended by PL 1989, c. 502, Pt. B,
37 §40, is further amended to read:

38 **§601. Election of register; vacancies**

39

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

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

15 The provisions of this chapter do not apply to Cumberland
16 County. In that county, the county manager or the manager's
17 designee shall perform the functions of the register of deeds as
18 provided in Title 30-A, section 82, subsection 5, paragraph C.
19 The Cumberland County Manager has the authority granted to
20 registers of deeds under this chapter and is subject to the
21 requirements of this chapter.

22 **Sec. 8. Transition.** The county treasurer and register of deeds
23 on the effective date of this Act shall serve out the remainder
24 of the term of office to which they were elected. The county
25 commissioners, by resolve, may provide for the orderly transition
26 to the county manager form of government. A resolve may not
27 infringe upon the rights of any official or employee and must be
28 consistent with this Act.
29

30 Cumberland County Commissioners on the effective date of
31 this Act may continue to hold office through December 31, 1995.
32 Notwithstanding Title 30-A, section 61, subsection 2, the initial
33 selection of the 5 Cumberland County Commissioners established in
34 this Act must take place at a special election in November 1995.
35 Terms of the 5 new commissioners begin January 1, 1996. Three of
36 the initial members must be elected for 3-year terms and 2 for
37 1-year terms; subsequent members serve 4-year terms.
38

39 The members of the Cumberland County Budget Advisory
40 Committee on the effective date of this Act may continue to hold
41 that office through September 31, 1995. At that time, the terms
42 of members of the budget advisory committee terminate. Before
43 October 1, 1995, municipal officers in each of the 5 county
44 commissioner districts shall caucus and shall elect municipal
45 officers from each district as county commissioners as provided
46 in Title 30-A, section 743, subsection 1, paragraph A. Terms of
47 the newly elected county commissioners begin on October 1, 1995.
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STATEMENT OF FACT

This bill restructures Cumberland County government, establishing in place of the current structure a county manager form of government and a 5-member board of county commissioners. The county is reapportioned into 5 county commissioner districts. New commissioners to be chosen at a special election in November 1995 take office January 1, 1996. The bill establishes the position of Cumberland County Manager. The county manager is hired by the county commissioners and works under the direction of the county commissioners in executing the policy directives of the commissioners and managing the day-to-day operations of county government. The county manager is responsible for the tasks commonly performed by the county clerk, county treasurer and register of deeds. With input from the commissioners, the manager annually prepares the proposed county budget for approval of the commissioners. The positions of Cumberland County Treasurer and Cumberland County Register of Deeds are eliminated following expiration of their current terms of office. The Cumberland County Budget Advisory Committee continues in existence with expanded membership to reflect the increase in the number of county commissioner districts.