

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)



120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 1287

S.P. 391

In Senate, February 28, 2001

An Act Concerning the Administration of County Government.

Reference to the Committee on State and Local Government suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator DAVIS of Piscataquis.
Cosponsored by Representative SHERMAN of Hodgdon and
Senator FERGUSON of Oxford, Representative: WHEELER of Bridgewater.

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

2
3 **Sec. 1. 30-A MRSA §51, sub-§2**, amended by PL 1989, c. 104, Pt.
4 C, §§8 and 10, is further amended to read:

6 **2. Salaries; full compensation.** These salaries are in full
7 compensation for all services of the commissioners, including the
8 management of the jails and for any expenses or travel to and
9 from the county seat for any commissioner, except as provided in
10 subsection 3, ~~section 82, subsection 4~~ and section 105.

12 **Sec. 2. 30-A MRSA §82, sub-§4**, as amended by PL 1995, c. 380,
13 §1, is repealed.

14 **Sec. 3. 30-A MRSA §381, sub-§3**, as amended by PL 1989, c. 104,
15 Pt. C, §§8 and 10, is further amended to read:

18 **3. Tenure of office.** Deputies shall must be originally
19 appointed for a probationary period ~~of not more than 6 months~~
20 consistent with the provisions of section 2701 governing
21 municipal employment and thereafter may be appointed or
22 reappointed for a term of 3 years.

24 A. The failure of a sheriff to reappoint a deputy, except
25 for appointment at the end of the probationary period, is
26 subject to the procedures and standards for dismissal of an
27 applicable collective bargaining agreement.

28 **Sec. 4. 30-A MRSA §501, sub-§3**, as amended by PL 1989, c. 104,
29 Pt. C, §§8 and 10, is further amended to read:

32 **3. Dismissal, suspension, discipline.** --A- Following a
33 reasonable probationary period consistent with the provisions of
34 section 2701, a county officer or department head may dismiss,
35 suspend or otherwise discipline a department employee only for
36 cause, except as provided in paragraph A. Cause for dismissal,
37 suspension or disciplinary action must be a just, reasonable,
38 appropriate and substantial reason for the action taken that
39 relates to or affects the ability, performance of duties,
40 authority or actions of the employee or the public's rights or
41 interests.

42 A. An employee may be dismissed by a county officer or
43 department head only for cause and only with the prior
44 approval of the county commissioners or personnel board,
45 except that county employees may be laid off or dismissed,
46 with the approval of the county commissioners or personnel
47 board, to meet the requirements of budget reductions or
48 governmental reorganization.

50

2 B. In every case of suspension or disciplinary action other
3 than dismissal, at the employee's request, the county
4 commissioners or personnel board shall investigate the
5 circumstances and fairness of the action and, if they find
6 the charges unwarranted, shall order the employee's
7 reinstatement to the employee's former position with no loss
8 of pay, rights or benefits resulting from the suspension or
disciplinary action.

10 **Sec. 5. 30-A MRSA §924, sub-§2**, as enacted by PL 1987, c. 737,
11 Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6, c. 9, §2
12 and c. 104, Pt. C, §§8 and 10, is further amended to read:

14 **2. Reduce tax levy.** After restoring the contingent account
15 under subsection 1, the county commissioners shall use any
16 unencumbered surplus funds to reduce the tax levy in the ensuing
17 year as provided in this subsection. On the first day of each
18 fiscal year, the county commissioners shall use determine what
19 portion of any remaining unencumbered surplus funds in excess of
20 10% of the amount to be raised by taxation in that year must be
21 used to reduce the tax levy.

22 **Sec. 6. 30-A MRSA §7502, sub-§2**, as enacted by PL 1987, c.
23 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6, c.
24 9, §2 and c. 104, Pt. C, §§8 and 10, is further amended to read:

26 **2. Prior receipts and surpluses.** All money received by the
27 county for municipal services for the unorganized territory
28 before September 23, 1983, and remaining unspent shall must be
29 deposited into the fund. Any surplus in revenue remaining in the
30 fund at the end of the year, not including amounts allocated to
31 the contingent account or set aside in capital reserve accounts
32 established after November 1, 1983, which that is in excess of
33 10% of the amount of expenditures for that year as determined by
34 the county commissioners, shall must be used to reduce the amount
35 to be collected in taxes during the next year.

38 SUMMARY

40 This bill makes 2 changes in the administration of county
41 government. First, it repeals a provision of law that requires a
42 substantial reduction in the pay of county commissioners in
43 counties that hire a county administrator. Second, it
44 establishes the same probationary periods for county employees as
45 those for municipal employees. Third, it gives county
46 commissioners discretion at the beginning of the fiscal year in
47 determining what portion of surplus funds may be used to reduce
48 the tax levy.