

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 1328

S.P. 430

In Senate, March 11, 2003

An Act To Amend the Laws Regarding 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 DAMON of Hancock.

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

Sec. 1. 30-A MRSA §1, sub-§4 is enacted to read:

4. County official. "County official" means any elected or appointed member of a county government.

Sec. 2. 30-A MRSA §2, sub-§1-B, as amended by PL 2001, c. 161, §1 and affected by §2, is further amended to read:

~~1-B. 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, registers of probate and registers of deeds in those counties whose budgets require legislative approval under former section 702 are entitled to receive in weekly, biweekly or monthly payments annual salaries from the county treasury as follows:

1998

A. Androscoggin County:

(1) Commissioners

(a) Chair \$6,536

(b) Members 5,595

(2) Treasurer 21,007

(3) Sheriff 33,455

(4) Judge of Probate 12,689

(5) Register of Probate 10,712

(6) Register of Deeds 27,495

2001

B. Kennebec County:

(1) Commissioners

(a) Chair \$8,531

2		(b) Members	7,967
4		(2) Treasurer	10,221
6		(3) Sheriff	44,753
8		(4) Judge of Probate	22,856
10		(5) Register of Probate	28,442
12		(6) Register of Deeds	30,222

14 **Sec. 3. 30-A MRSA §7**, as enacted by PL 1987, c. 737, Pt. A,
 16 §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c.
 18 104, Pt. C, §§8 and 10, is further amended to read:

18 **§7. Violation and penalty**

20 Any agent or officer who willfully violates section 701,
 22 921, 922, 923, 924 or 951 is guilty of a Class E crime.

24 **Sec. 4. 30-A MRSA §701**, as amended by PL 1989, c. 23 and c.
 26 104, Pt. C, §§8 and 10, is repealed.

28 **Sec. 5. 30-A MRSA §§702 and 704**, as enacted by PL 1987, c.
 30 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c.
 32 9, §2; and c. 104, Pt. C, §§8 and 10, are repealed.

34 **Sec. 6. 30-A MRSA §721**, as amended by PL 1999, c. 253, §1, is
 36 further amended to read:

38 **§721. Purpose**

40 The purpose of this article is to establish in Androscoggin
 42 County a method of appropriating money for county expenditures,
 44 including the salaries for county officers, according to a budget
 46 that must first be adopted by a budget committee and must then be
 48 submitted to the county commissioners. This article amends the
 statutory method in ~~sections section 2, -701 and -702~~ by creating a
 committee elected by Androscoggin County municipal officers with
 authority to adopt or amend the budget subject to review and
 revision by the county commissioners and, if revised, subject to
 subsequent acceptance or rejection by the budget committee as
 provided in this article. This article applies only to
 Androscoggin County.

48 **Sec. 7. 30-A MRSA §725, sub-§1**, as amended by PL 1993, c. 573,
 §1, is further amended to read:

2 **1. Proposed budget.** The county commissioners shall submit
itemized budget estimates, ~~as described in sections 701 and 702,~~
4 and a capital improvement program to the budget committee in a
timely fashion at least 60 days before the end of the county's
6 fiscal year.

8 **Sec. 8. 30-A MRSA §739-B, sub-§1,** as enacted by PL 1989, c.
475, §§1 and 2, is amended to read:

10 **1. Proposed budget.** The county commissioners shall submit
itemized finance estimates, as described in ~~sections 701, 702 and~~
12 section 7503, in the form of a budget, to the finance committee
in a timely fashion, no later than 60 days before the end of the
14 county's fiscal year.

16 **Sec. 9. 30-A MRSA §741-A, first ¶,** as enacted by PL 1995, c.
380, §4 and affected by §10, is amended to read:

18 ~~Notwithstanding sections 701 and 702, the~~ The county
20 commissioners working in conjunction with the Cumberland County
Budget Advisory Committee, established in this section, and the
22 county manager, established in section 82, subsection 5, are
responsible for establishing the county budget as provided in
24 this article. The county commissioners shall appropriate money
for county expenditures according to the budget established in
26 accordance with this article.

28 **Sec. 10. 30-A MRSA §753, sub-§1,** as amended by PL 1993, c.
345, §2, is further amended to read:

30 **1. Proposed budget.** The county commissioners shall submit
32 an itemized estimated budget, as described in ~~sections 701, 702~~
and section 7503, in the form of a budget, to the budget
34 committee in a timely fashion no later than 60 days before the
end of the county's fiscal year. The county commissioners must
36 identify in the itemized estimated budget all revenue sources,
including balances in reserve accounts and other such funds, used
38 in arriving at their budget estimates.

40 **Sec. 11. 30-A MRSA §761,** as enacted by PL 1991, c. 749, §1,
is amended to read:

42 **§761. Budget; appropriations; approval**

44 Notwithstanding ~~sections~~ section 2, ~~701 and 702,~~ in Hancock
46 County the county commissioners may appropriate money, according
to a budget, which must be approved by a majority of the county
48 commissioners.

50 **Sec. 12. 30-A MRSA §764,** as amended by PL 1999, c. 83, §1, is
further amended to read:

2 **§764. Public hearing**

4 The Hancock County commissioners shall hold a public hearing
6 on the budget estimate before October 1st and an informational
8 meeting on the advisory committee's budget estimates before
10 December 1st. ~~Pursuant to the requirements of section 701,~~
12 ~~subsection 3, written notice and a copy of the estimates must be~~
14 ~~sent by mail or delivered in person to each member of the county~~
16 ~~legislative delegation at least 10 days before the informational~~
18 ~~meeting on the annual budget.~~

20 **Sec. 13. 30-A MRSA §791**, as enacted by PL 1989, c. 718, is
22 amended to read:

24 **§791. Budget; appropriations; approval**

26 Notwithstanding ~~sections~~ section 2, ~~701 and 702~~, in Lincoln
28 County the county commissioners may appropriate money, according
30 to a budget, which must be approved by a majority of the county
32 commissioners.

34 **Sec. 14. 30-A MRSA §821**, as amended by PL 1995, c. 520, §1,
36 is further amended to read:

38 **§821. Purpose**

40 The purpose of this article is to establish in Piscataquis
42 County a method of appropriating money for county expenditures,
44 including expenditures for municipal services in the unorganized
46 territory, according to a budget, which must be reviewed by a
48 budget committee. This article ~~amends the statutory method in~~
50 ~~sections 701 and 702 by creating~~ creates a committee with
52 authority to review the budget and make recommendations to the
54 county commissioners. The county commissioners have the
56 authority to approve the budget. This article applies only to
58 Piscataquis County.

60 **Sec. 15. 30-A MRSA §825, sub-§1**, as enacted by PL 1987, c.
62 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c.
64 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

66 **I. Proposed budget.** The county commissioners shall submit
68 itemized budget estimates, as described in ~~sections 701, 702 and~~
70 section 7503, to the budget committee in a timely fashion, no
72 later than 90 days before the end of the county's fiscal year.

74 **Sec. 16. 30-A MRSA §851**, as enacted by PL 1987, c. 737, Pt.
76 A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and
78 c. 104, Pt. C, §§8 and 10, is further amended to read:

2 **§851. Purpose**

4 The purpose of this article is to establish in Waldo County
6 a method of appropriating money for county expenditures,
8 according to a budget, which must first receive approval of a
10 budget committee. This article amends the statutory method in
12 ~~sections section 2, 701 and 702~~ by transferring the authority of
 the Waldo County legislative delegation and the Legislature to
 approve the Waldo County budget to a committee comprised of Waldo
 County and municipal officials. This article applies only to
 Waldo County.

14 **Sec. 17. 30-A MRSA §855, sub-§1**, as enacted by PL 1987, c.
16 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c.
 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

18 **1. Proposed budget.** The county commissioners shall submit
20 an itemized budget estimate, ~~as described in sections 701 and~~
 702, to the budget committee in a timely fashion, no later than
 60 days before the end of the county's fiscal year.

22 **Sec. 18. 30-A MRSA §864, sub-§1**, as amended by PL 2001, c.
24 170, §4, is further amended to read:

26 **1. Commissioners' budget.** The county commissioners shall
28 submit an itemized budget estimate, as described in ~~sections 701,~~
 702 ~~and section~~ 7503, to the budget committee in a timely
30 fashion, no later than 60 days before the end of the county's
 fiscal year.

32 **Sec. 19. 30-A MRSA §871**, as enacted by PL 1991, c. 495, is
 amended to read:

34 **§871. Budget; appropriations; approval**

36 Notwithstanding ~~sections section 2, 701 and 702~~, in Franklin
38 County the county commissioners may appropriate money, according
40 to a budget, which must be approved by a majority of the county
 commissioners.

42 **Sec. 20. 30-A MRSA §881**, as enacted by PL 1991, c. 513, is
 amended to read:

44 **§881. Budget; appropriations; approval**

46 Notwithstanding ~~sections section 2, 701 and 702~~, in
48 Sagadahoc County the county commissioners may appropriate money
50 according to a budget that must be approved by a majority of the
 county commissioners.

2 **Sec. 21. 30-A MRSA §891**, as renumbered by RR 1991, c. 1, §39,
is amended to read:

4 **§891. Budget; appropriations and approval**

6 Notwithstanding ~~sections~~ section 2, ~~701--and--702,~~ in Oxford
8 County the county commissioners may appropriate money, according
to a budget that must be prepared by the Oxford County Budget
10 Advisory Committee. A unanimous vote of the county commissioners
is required to change the budget as presented by the Oxford
12 County Budget Advisory Committee.

14 **Sec. 22. 30-A MRSA §900-G**, as enacted by PL 1995, c. 682,
§1, is amended to read:

16 **§900-G. Budget; appropriations and approval**

18 Notwithstanding ~~sections~~ section 2, ~~701---and---702,~~ in
20 Penobscot County the county commissioners may appropriate money,
according to a budget that must be prepared and finalized in
22 accordance with this article.

24 **Sec. 23. 30-A MRSA §932, sub-§1**, as enacted by PL 1987, c.
737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c.
26 9, §2; and c. 104, Pt. C, §§8 and 10, is repealed.

28 **Sec. 24. 30-A MRSA §1353, first ¶**, as enacted by PL 1987, c.
737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c.
30 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

32 A county adopting a charter under this chapter may provide
for a method of appropriating money for county expenditures other
34 than the method in ~~sections~~ section 2, ~~--701--and--702.~~ Any
alternative method provided must give the county legislative body
36 the authority to appropriate money, according to the budget,
which must first be approved by majority vote of the finance
38 committee. If the budget is not approved before the start of a
fiscal year, the county shall, until a budget is finally adopted,
40 operate on an interim budget, which may not exceed 80% of the
previous year's budget.

42 **Sec. 25. 38 MRSA §1318-A**, as amended by PL 1991, c. 817, §33,
44 is further amended to read:

46 **§1318-A. Recovery by the State, municipalities and counties**
48 **for expenditures for removal of discharges**

2 **1. Responsible party.** The responsible party or the person
causing the discharge is liable for all acts and omissions of its
servants and agents ~~which~~ that are committed within the course
4 and scope of their employment.

6 **2. State, municipalities and counties to recover for**
expenditures for removal. Any person who permits, causes or is
8 responsible for a prohibited discharge shall reimburse the State
~~and~~ municipalities and counties for all costs incurred,
10 including personnel costs, in removing the discharge, including
costs for ensuring public safety. Funds recovered under this
12 section must be deposited to the account from which they were
expended. Requests from the State for reimbursement, if not paid
14 within 30 days of demand, may be turned over to the Attorney
General for collection or may be submitted to a collection agency
16 or agent or an attorney retained by the department with the
approval of the Attorney General pursuant to Title 5, section
18 191, or, for municipal or county cost, to the District Attorney
for collection.

20 In any suit to enforce claims of the State ~~or~~ a
22 municipality or county under this section, it is not necessary
for the State ~~or~~ a municipality or county to plead or prove
24 negligence in any form or manner on the part of the person
causing, permitting or responsible for the discharge. The State
26 ~~or~~ municipality or county need only plead and prove the fact of
the prohibited discharge and that the discharge occurred while
28 the hazardous matter was in the custody or control of the person
causing, permitting or responsible for the discharge.

30

32

SUMMARY

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This bill defines the term "county official" for the Maine
Revised Statutes, Title 30-A, Part 1. It repeals certain
36 provisions of law relating to the county budget process and the
provision of law that gives county commissioners the power to
38 borrow in anticipation of taxes. It corrects cross-references to
these repealed provisions of law. It also permits a county to
40 recover for expenditures for the removal of certain discharges
from the person responsible for those discharges.