

# MAINE STATE LEGISLATURE

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# 122nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2005

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Legislative Document

No. 240

H.P. 179

House of Representatives, January 18, 2005

### An Act To Update Certain Provisions Pertaining to County Government

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

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative PLUMMER of Windham.  
Cosponsored by Senator SCHNEIDER of Penobscot and  
Representatives: BARSTOW of Gorham, CROSBY of Topsham, CURLEY of Scarborough,  
McKANE of Newcastle, MILLETT of Waterford, TRAHAN of Waldoboro, Senators:  
DAMON of Hancock, SNOWE-MELLO of Androscoggin.

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

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

6 **4. County official.** "County official" means an elected or appointed member of a county government.

8 **Sec. 2. 30-A MRSA §201,** as amended by PL 1989, c. 104, Pt. A, §5; and Pt. C, §§8 and 10, is further amended to read:

10 **§201. Clerical help**

12  
14 In all county offices, there ~~shall-be~~ is allowed for clerk hire the amount authorized by the county commissioners. The county commissioners shall determine the salary of all clerks after receiving a recommendation from the county official under whom the clerk is employed. The county treasurer ~~shall may~~ pay weekly or biweekly, at the discretion of the commissioners, to the clerks employed by the county the wages to which they are entitled. The county commissioners shall certify the names of the clerks to the county treasurer. The county commissioners may provide for a county pay scale, vacations and sick leave for clerical help.

24 **Sec. 3. 30-A MRSA §704, sub-§2,** as enacted by PL 1987, c. 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:

28  
30 **2. Procedure if federal funds could not be anticipated.** If federal funds become available to the county for expenditure by the county ~~while-the-Legislature-is-not-in-session,~~ and if the availability of those funds could not reasonably have been anticipated and included in the estimate adopted by ~~--the~~ Legislature for the fiscal year in question, the county may accept and spend these funds in compliance with federal and state law. Upon application for those funds and upon receipt of those funds, the ~~chairman~~ chair of the county commissioners shall submit to the clerk of each municipality in the county ~~and-to each-member-of-the-county-legislative-delegation~~ a statement:

40  
42 A. Describing the proposed federal expenditure in the same manner as it would be described in the estimate; and

44 B. Containing a statement as to why the availability of these federal funds and the necessity of their expenditure could not have been anticipated in time for that expenditure to be adopted as part of the estimates for that particular fiscal year.

2           **Sec. 4. 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. 9,  
4           §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

6           **1. Taxes.** The county commissioners of all counties may  
borrow in anticipation of taxes. If the county budget has not  
8           yet been approved ~~by the Legislature~~, the county commissioners of  
each county may borrow an amount not exceeding 80% of the  
10           previous year's budget, except as otherwise provided.

12  
**SUMMARY**

**14**  
16           This bill defines the term "county official" in order to  
make the distinction between this category of county personnel,  
which includes both appointed and elected county offices, and the  
18           narrower category of "county officer," which refers only to  
elected offices. These definitions make the same distinction as  
20           those in municipal laws.

22           The bill allows a county treasurer to pay clerical help  
either weekly or biweekly, at the discretion of the  
24           commissioners, consistent with recent changes to Maine's hour and  
wage laws.

26  
28           The bill also removes references to the Legislature in  
provisions governing adoption of a county budget because those  
provisions have been obsolete in all counties for a number of  
30           years.