

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

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Legislative Document

No. 129

H.P. 121

House of Representatives, January 9, 2007

An Act To Provide for the Nonpartisan Election of County Commissioners

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative HOTHAM of Dixfield.
Cosponsored by Senator COURTNEY of York and
Representatives: HAYES of Buckfield, SAVIELLO of Wilton, TARDY of Newport, Senator:
HASTINGS of Oxford.

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

2 **Sec. 1. 21-A MRSA §331, sub-§2, ¶B**, as enacted by PL 1985, c. 161, §6, is
3 amended to read:

4 B. Nominations to fill vacancies under subchapter ~~H~~ 3; and

5 **Sec. 2. 21-A MRSA §331, sub-§2, ¶C**, as enacted by PL 1985, c. 161, §6, is
6 amended to read:

7 C. Nominations by petition under subchapter ~~H~~ 2; and

8 **Sec. 3. 21-A MRSA §331, sub-§2, ¶D** is enacted to read:

9 D. Nominations for county commissioners.

10 **Sec. 4. 21-A MRSA §335, sub-§1, ¶A**, as enacted by PL 1985, c. 161, §6, is
11 amended to read:

12 A. When 2 United States Senators ~~or 2 county commissioners~~ are to be nominated,
13 the primary petition must contain the term of office sought by the candidate.

14 **Sec. 5. 21-A MRSA §335, sub-§5, ¶E**, as amended by PL 1991, c. 362, §1, is
15 repealed.

16 **Sec. 6. 21-A MRSA §351, sub-§2**, as enacted by PL 1985, c. 161, §6, is amended
17 to read:

18 **2. Limited to one method.** A person may file as a candidate for any federal, state or
19 county office either by primary election or nomination petition, except as provided in
20 ~~subsection~~ subsections 3 and 4, but not by both methods.

21 **Sec. 7. 21-A MRSA §351, sub-§4** is enacted to read:

22 **4. County commissioners.** A candidate for the office of county commissioner must
23 file as a candidate by petition and may not file as a candidate by primary election.
24 Candidates for county commissioner may not file with a party affiliation.

25 **Sec. 8. 30-A MRSA §63, 2nd ¶**, as amended by PL 1995, c. 245, §3, is repealed.

26 **Sec. 9. 30-A MRSA §64**, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106
27 and as amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further
28 amended to read:

29 **§64. Military or naval service; substitutes**

30 Whenever a county commissioner during the commissioner's term of office in time of
31 war, contemplated war or emergency, enlists, enrolls, is called or ordered or drafted into
32 the military or naval service of the United States, that commissioner is not deemed to
33 have thereby resigned from or abandoned the office, nor is the commissioner removable
34 from that office during the period of military or naval service, except that the term of

1 office is not lengthened because of this section. From the time of induction into service,
2 the commissioner is regarded as on leave of absence without pay from the office, and the
3 Governor shall appoint a competent citizen, a resident of the same county, to fill the
4 office while the county commissioner is in the federal service, but not for a longer period
5 than the remaining portion of that commissioner's term. ~~In the case of a vacancy in the~~
6 ~~term of a commissioner who was nominated by primary election before the general~~
7 ~~election, the commissioner appointed by the Governor must be enrolled in the same~~
8 ~~political party as the commissioner whose term was vacant.~~ During the period of military
9 or naval service, the county shall pay to the substitute county commissioner a salary at the
10 same rate as the rate of pay of the county commissioner, and amounts so paid ~~shall~~ must
11 be deducted from the salary of the county commissioner. The citizen appointed to fill the
12 temporary vacancy has the title of "substitute county commissioner" and possesses all the
13 rights and powers and is subject to all the duties and obligations of the county
14 commissioner.

15

SUMMARY

16 This bill allows for county commissioners to be elected on a nonpartisan basis. A
17 candidate for county commissioner may not file as a candidate during the primaries.