

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
FIRST REGULAR SESSION

December 7, 1988 to July 1, 1989

Chapters 1 - 502

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
SEPTEMBER 30, 1989

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1989

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

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ONE HUNDRED AND FOURTEENTH LEGISLATURE

1989

3. Public hearing. The budget committee shall hold a public hearing in the county on the proposed budget before the end of the county's fiscal year and before the final adoption of the budget. Notice of the hearing shall be given at least 10 days before the hearing in a newspaper of general circulation within the county. Written notice and a copy of the proposed budget shall be sent by registered or certified mail with return receipt requested, or delivered in person, with proof received of the delivery, to the clerk of each municipality in the county. The municipal clerk shall notify the municipal officers of the proposed budget.

4. Adoption of budget. After the public hearing is completed, the budget committee may further increase, decrease, alter and revise the proposed itemized budget, subject to the conditions and restrictions imposed in subsection 2. The proposed itemized budget must be finally adopted by a majority vote of the budget committee at a duly called meeting not later than the end of the county's fiscal year. The approved budget is the final authorization for the assessment of county taxes. The budget shall be sent to the county commissioners and the county tax authorized shall be apportioned and collected in accordance with section 706.

5. Interim budget. If the budget is not approved before the start of a fiscal year, until a budget is finally adopted, the county shall operate on an interim budget which may not exceed the previous year's budget.

6. Transfer of funds. The county commissioners may transfer funds as provided in section 922.

§865. Budget amendments

The approved budget shall govern the expenditures of the county during the fiscal year. No expenses may be incurred in excess of those shown in the approved budget, but the budget may be revised from time to time by the preparation and submission of a proposed amended budget by the county commissioners to the budget committee. The budget committee shall render, not less than 15 calendar days, except in emergencies, nor more than 30 days after the submission to it, a decision on any such revised budget. An approved revised budget shall be transmitted to the State Auditor within 15 days of the budget committee's action.

§866. Filing of county budget

A copy of the final budget and subsequent amendments shall be filed, on forms approved by the Department of Audit, with the State Auditor, who shall retain them for 3 years.

§867. Repeal

This article is repealed on March 1, 1991.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective June 26, 1989.

CHAPTER 474

S.P. 591 - L.D. 1668

An Act to Authorize the Blue Hill School Committee to Enter into Long-term Leases of Land and Buildings for School Purposes

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

20-A MRSA §4001, sub-§3-A is enacted to read:

3-A. Long-term leases authorized. Notwithstanding the provisions of subsection 3, paragraph A, the school committee of the Town of Blue Hill is authorized to lease for school purposes, for one or more terms of up to 99 years each, the existing site of the Blue Hill Consolidated School and up to 20 acres of adjacent land and any buildings located thereon, on terms and conditions as may be approved by the Blue Hill School Committee, and during the term or terms of any leases which may be entered into by the Blue Hill School Committee, the leased premises shall constitute school property for all purposes including, without limitation, school construction projects, provided that any school construction projects on the leased premises shall be subject to the requirements of chapter 609 and its successor provisions.

See title page for effective date.

CHAPTER 475

H.P. 1251 - L.D. 1750

An Act to Establish Finance Committee Districts and Procedures for Aroostook County

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

Sec. 1. 30-A MRSA art. 3-A is enacted to read:

ARTICLE 3-A. AROOSTOOK COUNTY FINANCE COMMITTEE

§739. Aroostook County finance committee

In Aroostook County, there is established a finance committee to carry out the purposes of this article. As used in this article, "county commissioners" means the county commissioners of Aroostook County.

1. Membership. The finance committee shall consist of 9 members, 3 members from each commissioner district elected as provided in this subsection. The county commissioners shall designate 3 district subdivisions within each district from each of which one member of the finance committee shall be elected.

A. Finance committee members shall be elected on the Tuesday following the first Monday of November in each even-numbered year. The election shall be conducted and the results determined as provided for the election of county commissioners in section 61.

B. Before the first election of finance committee members, the county commissioners shall designate 5 district subdivisions for which members of the finance committee shall serve initial terms of 4 years, and 4 district subdivisions for which members of the finance committee shall serve initial terms of 2 years. All subsequent terms are for 4 years. The county commissioners shall reapportion these subdivisions after each Federal Decennial Census.

C. The finance committee shall annually elect a chair from among its members.

D. A vacancy occurring on the finance committee shall be filled by the committee, subject to confirmation by a majority of the county commissioners, for the balance of the unexpired term. The person appointed to fill the vacant office must be from the same municipality or unorganized territory as the person vacating the office.

E. Members shall serve without compensation.

F. The county finance committee shall review and approve the budget and estimates, including the budget for municipal services in the unorganized territory prepared by the county commissioners.

§739-A. Finance committee organization

The finance committee shall conduct its meetings in public at county buildings. The county commissioners shall direct the county clerk to call an organizational meeting of the finance committee no later than 60 days before the end of the county's fiscal year. The county commissioners shall provide the committee with necessary clerical assistance, office expenses and suitable meeting space, as well as access to county files and information. The finance committee shall select its own chair, vice-chair and secretary. The finance committee shall adopt its own rules or procedures and by-laws.

§739-B. Budget procedures

1. Proposed budget. The county commissioners shall submit itemized finance estimates, as described in sections 701, 702 and 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 county's fiscal year.

2. Budget review process. The finance committee shall review the itemized estimated budget prepared by the county commissioners, together with any supplementary material prepared by the head of each county department or provided by any independent board or institution or another governmental agency. The finance committee shall prepare

a proposed budget and may increase, decrease or alter the estimated budget provided that:

A. The finance committee enters into its minutes an explanation for any suggested change in the estimated expenditures and revenues as initially presented by the county commissioners; and

B. In the proposed budget, the total estimated revenues, together with the amount of county tax to be levied, equals the total estimated expenditures.

3. Public hearing. The finance committee shall hold a public hearing in the county on its proposed budget before the end of the county's fiscal year and before the final adoption of the budget. Notice of the hearing shall be given at least 10 days before the hearing in all newspapers of general circulation within the county. Written notice and a copy of the proposed budget shall be sent by mail, or delivered in person, to the clerk of each municipality in the county. The municipal clerk shall notify the municipal officials of the proposed budget.

4. Finality of budget. After the public hearing is completed, the finance committee shall adopt a final budget and transmit that budget to the county commissioners. The county commissioners shall not further increase, decrease, alter or revise the budget as adopted by the finance committee, except by unanimous vote of the county commissioners. If the adopted budget is changed by the county commissioners, the finance committee may reject that change by a 2/3 vote of its membership. Those actions shall be final and not subject to further action by either the county commissioners or finance committee.

5. Assessment of taxes. The budget as so adopted and changed under subsection 4 is the final authorization for the assessment of county taxes. The approved final budget shall be sent to the county commissioners and the county tax authorized shall be apportioned and collected in accordance with section 706. The approved final budget for the unorganized territories shall be sent to the State as provided by section 7503.

6. Interim budget. Until a budget is finally approved, the county shall operate on an interim budget which shall not exceed the previous year's budget.

7. Transfer of funds. The county commissioners may transfer funds as provided in section 922.

§739-C. Budget amendments

The approved final budget shall govern the expenditures of the county during the fiscal year. No expenses may be incurred in excess of those shown in the approved final budget, but the budget may be from time to time revised by the preparation and submission of a proposed amended budget by the county commissioners to the finance committee for approval. Only after the finance committee has approved an amended approved final budget, shall the amendment become effective. A report of approval of an amended budget shall be transmitted to the State Auditor

within 15 days of an approval of an amended budget by the finance committee.

§739-D. Filing of county budget

A copy of the approved final budget and subsequent amendments shall be filed, on forms approved by the Department of Audit, with the State Auditor, who shall retain them for 3 years.

Sec. 2. Effective date. This Act shall take effect for the purpose of electing finance committee members as provided in this Act upon the approval by the voters of Aroostook County of the recommendations of the Aroostook County Charter Commission. The finance committee shall perform the duties required under this Act beginning with the 1992 Aroostook County budget.

See title page for effective date, unless otherwise indicated.

CHAPTER 476

H.P. 1277 - L.D. 1771

An Act to Revise the Salaries of Certain County Officers

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, it has become necessary to revise the salaries of certain county officials; and

Whereas, it is desired to have these revisions retroactive to January 1, 1989; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

30-A MRSA §2, sub-§1, as amended by PL 1989, c. 104, Pt. A, §1 and Pt. C, §10, is repealed and the following enacted in its place:

1. 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 section 702, shall receive annual salaries from the county treasury in weekly, biweekly or monthly payments, as follows:

<u>A. Androscoggin County:</u>			<u>1989</u>
<u>(1) Commissioners</u>			
<u>(a) Chair</u>			<u>\$6,043</u>
<u>(b) Members</u>			<u>5,173</u>
<u>(2) Treasurer</u>			<u>19,426</u>
<u>(3) Sheriff</u>			<u>25,848</u>
<u>(4) Judge of Probate</u>			<u>11,732</u>
<u>(5) Register of Probate</u>			<u>13,067</u>
<u>(6) Register of Deeds</u>			<u>22,649</u>
<u>B. Aroostook County:</u>	<u>1989</u>	<u>1990</u>	<u>1991</u>
<u>(1) Commissioners</u>			
<u>(a) Chair</u>	<u>\$2,000</u>	<u>\$2,000</u>	<u>\$2,160</u>
<u>(b) Members</u>	<u>2,000</u>	<u>2,000</u>	<u>2,160</u>
<u>(2) Treasurer</u>	<u>8,000</u>	<u>8,000</u>	<u>8,640</u>
<u>(3) Sheriff</u>	<u>20,800</u>	<u>20,800</u>	<u>22,465</u>
<u>(4) Judge of Probate</u>	<u>10,210</u>	<u>10,210</u>	<u>11,550</u>
<u>(5) Register of Probate</u>	<u>16,560</u>	<u>16,560</u>	<u>17,885</u>
<u>(6) Register of Deeds</u>			
<u>(a) Northern District</u>	<u>16,280</u>	<u>16,280</u>	<u>17,585</u>
<u>(b) Southern District</u>	<u>16,280</u>	<u>16,280</u>	<u>17,585</u>
<u>C. Franklin County:</u>			<u>1989</u>
<u>(1) Commissioners</u>			
<u>(a) Chair</u>			<u>\$4,899</u>
<u>(b) Members</u>			<u>4,646</u>
<u>(2) Treasurer</u>			<u>5,200</u>
<u>(3) Sheriff</u>			<u>26,000</u>
<u>(4) Judge of Probate</u>			<u>11,687</u>
<u>(5) Register of Probate</u>			<u>16,695</u>
<u>(6) Register of Deeds</u>			<u>17,808</u>