

# MAINE

## COUNTY GOVERNMENT OVERVIEW

### Counties

16

### Government Form

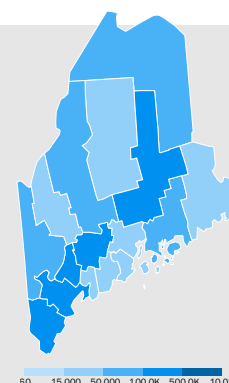
Traditional<sup>1</sup>

### Governing Body Size

3-7

### Population (2020)

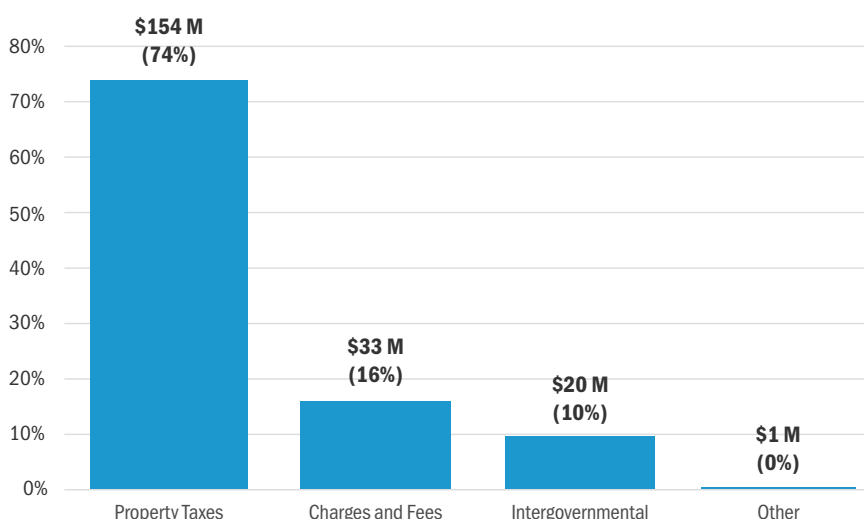
1.4 million<sup>2</sup>



### County Authority

**Home Rule:** All counties in Maine have adopted a home rule charter which empowers them with the authority to determine their structure of government, officers, departments and more. Counties have been granted this option in the Maine state statute which states that a county board of commissioners or a petition by the people can initiate a general vote to determine a county's form of government. Home rule counties must abide by their charter but are able to make revisions and amendments through proper procedure. Counties are restricted, however, to the statutory procedures for generating revenue.

## TOP REVENUE SOURCES FOR MAINE COUNTIES



Source: NACo Analysis of U.S. Census Bureau - Census of Individual Governments: Employment, 2017

<sup>1</sup>"Government Form" refers to the distribution of executive decision making authority in a county.

"Traditional" county states mandate that counties exercise executive decision making power solely through the board of elected officials (commissioners, supervisors, etc.). "Reformed" county states mandate that counties employ an elected or appointed county executive, manager or similar position to take on at least some of the county's executive decision making authority. "Mixed" county states means that some counties in that state are "traditional" and some are "reformed."

<sup>2</sup>NACo Analysis of U.S. Census Bureau - 2020 Decennial Census

### Summary of County Services

#### Services counties **MUST** provide:

- Establish an emergency management agency.

#### Services counties **CAN** provide:

- Many services may only be provided through a contract with a municipality.
- Construct and maintain roads, bridges and highways within unincorporated areas.
- Create employment opportunities and provide other forms of economic development.

#### Services counties **CANNOT** provide:

- Ambulance services as they are provided by the state.

# STRUCTURE/AUTHORITY

## SUMMARY

Each county in Maine is led by a board of 3-7 county commissioners that serve as both the legislative and executive decision-makers. There is no option for an elected chief executive position, but all counties appoint a chief administrator position. The chief administrator is responsible for the administration of offices and departments within the county government, performing the duties of the clerk of the county and acts as a purchasing agent for all departments. As counties in Maine have home rule authority, each county may individually establish the government's row officers and structure in a way that matches the needs of the county's community.

Row Officers	Elected/ Appointed	Required/ Optional
Clerk *	Appointed	Optional
District Attorney	Elected	Mandatory
Register of Deeds	Elected	Mandatory
Register of Probate	Elected	Mandatory
Sheriff	Elected	Mandatory
Treasurer	Elected	Mandatory

\* In each county, the duties of the clerk are performed by the county administrator if such a position exists for that county



## COUNTY STRUCTURE

**Legislative Branch:** A board of 3-7 county commissioners acts as the sole legislative decision-making body for Maine counties.

**Executive Branch:** A board of 3-7 county commissioners acts as the sole executive decision-making body for Maine counties.

**Judicial Branch:** In Maine, counties have jurisdiction over the 16 probate courts. There is one probate court in each county, and probate judges are chosen by voters in partisan elections. Probate courts oversee cases involving wills and trusts, adoptions, name changes and the appointment of guardians. Probate courts also share jurisdiction with the Maine superior court in cases related to the administration of the estates of deceased persons, wills and trusts created by a will or other written instruments.

**Optional Forms of Government:** All counties have home rule, are governed by a board of 3-7 commissioners that performs legislative and executive duties and have an appointed administrator that oversees internal government management. There are no alternative forms of county government.



## COUNTY AUTHORITY

**Executive Power:** Each county's adopted charter may determine the establishment of row officers, the administrative structure necessary to perform county functions and the organization of county government within the boundaries set by the state legislature. Charters can also outline the powers and duties held by the board of commissioners. The only limit is that charters must be approved by the state and counties must abide by the provisions set in the charter.

**Ability to Form Partnerships:** Counties may establish powers and limitations in their charters regarding the ability to form contracts and partnerships with private and public organization as well as with other governmental entities.

**Call a State of Emergency:** Counties may establish powers and limitations in their charters regarding the ability to declare and respond to an emergency. County commissioners may provide for emergency management activities as provided by law within their respective counties.

**Special Districts:** Maine has around 230 special districts throughout the state. Among these there are approximately 20 different types of special district including cemetery districts, hospital districts, port districts and recreation center districts.

# SERVICES

## OVERVIEW OF COUNTY SERVICES

Maine counties have relatively limited jurisdiction over services. Counties are primarily responsible for providing law enforcement, road maintenance and emergency management services. Counties may develop and contract with municipalities to provide any service that a municipality may perform, such as housing authorities, health departments and fire protection services.



### HEALTH AND HUMAN SERVICES

**County Health Department:** Cities and town may appoint a local health officer and a board of health. Counties can contract with a city or town government in order to provide public health services.

**Hospitals:** Cities or towns may establish and maintain a municipal hospital. Counties are not authorized to establish municipal hospitals, unless through a contract with a city or town.

**Senior Care Facilities:** Cities or towns may establish a building or agency for the care of any aged or other persons requiring or receiving chronic or convalescent care. Counties are not authorized to provide these services, unless through a contract with a city or town.

**Mental Health Facilities:** The department of health and human services must establish and oversee community service networks that coordinate and ensure continuity of care in delivering mental health services. Community service networks operate in one or more counties.

**Welfare:** A board of county commissioners may provide for a food stamp or donated food program in conformity with regulations adopted by the U.S. Department of Agriculture and the U.S. Department of Health, Education and Welfare and may expend county funds to operate and administer the program. Counties may also provide a priority social services program.



### INFRASTRUCTURE

**Roads:** County commissioners may lay out, alter, close for maintenance or discontinue roads, bridges and highways within the unincorporated areas of their counties. They may close county roads for maintenance or for the winter months.

**Parking Areas:** A board of county commissioners may lay out parking lots and other types of parking areas on county lands near county buildings. The board may also enact ordinances for the reasonable use of those areas and enforce them by suitable penalties.

**Energy Conservation:** A board of county commissioners may enter into an agreement with a private party for the design, installation, operation, maintenance and financing of energy conservation improvements at county facilities.

**Utilities:** The state's public utilities commission controls and regulates all public utilities. Counties do not have any authority over public utilities.

- **Water:** Counties are not authorized to provide this service. Water utilities are provided by municipal or quasi-municipal entities including a consumer-owned corporation, a standard district or a water district.
- **Solid Waste:** Counties are not authorized to provide this service. Municipalities have jurisdiction over sewage systems.
- **Electric:** Counties are not authorized to provide this service. Municipalities, investor-owned companies or consumer-owned companies provide electricity to residents.
- **Gas:** Counties are not authorized to provide this service. Natural gas service is provided by local distribution companies.

# SERVICES, CONTINUED



## PUBLIC AMENITIES

**Parks and Recreation:** Counties may receive assistance from the state's bureau of parks and public lands in studying and planning for their recreation areas and programs.

**Libraries:** Towns and village corporations may establish public free libraries and levy and assess a tax for maintenance. Municipalities may raise and appropriate a sum of money for the purpose of allowing its inhabitants use of a library located in an adjoining municipality. Counties are not authorized to provide this service unless through contract with a municipality.



## ZONING AND DEVELOPMENT

**Zoning Power:** A county may become a member of a regional planning commission provided that all or part of the county is located within the regional planning and development district or subdistrict served by the commission.

**Housing Authority:** Counties are not authorized to have a housing authority but may contract with a municipality in providing this service. State statute establishes a housing authority in each municipality. The legislative body must first declare a need for an authority to function before it may transact any business or exercise its powers.

**Economic and Community Development:** A board of county commissioners may raise, appropriate, borrow and expend money for economic and community development purposes. This can include assisting the creation or preservation of employment opportunities for residents of the county or any of its municipalities. Counties may develop new sites for the location of manufacturing, commercial or other business enterprises.

# SERVICES, CONTINUED



## PUBLIC SAFETY

**Law Enforcement:** Every county has a sheriff's office responsible for patrolling those areas in the county that have no local law enforcement.

**Jails:** A board of county commissioners may provide a jail and, if they do, must keep it in proper repair. The county sheriff has the custody and charge of the county jail and of all prisoners in that jail. Maine's county jails and correctional facilities are responsible for all persons arrested by municipal, county and state law enforcement officials.

**Courthouses:** Counties are required by state statute to provide courthouses with suitable room in each for a county law library. County governments provide much of the state's district and superior courtroom space.

**Fire:** A municipality may provide fire protection by maintaining a municipal fire department, supporting a volunteer fire association or contracting with other governmental units for fire protection services. Counties are not authorized to provide fire protection on their own but may do so in contracting with a municipality.

**Ambulance:** Counties cannot provide this service. The state's emergency medical services' board delineates regions within the state to carry out emergency medical services such as ambulance and rescue services.

**Emergency Management:** Each county must establish an emergency management agency that is responsible for the coordination of municipal and county-wide efforts in response to disasters and public health emergencies.



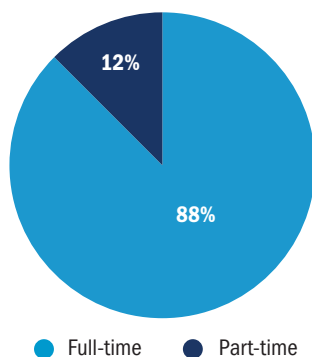
## SCHOOLS

**Education, Generally:** The state board of education is responsible for formulating policy and enforcing regulatory requirements for public schools. Public education is organized into school administrative districts.

**School Board:** Every district is governed by a locally elected school board and superintendent.

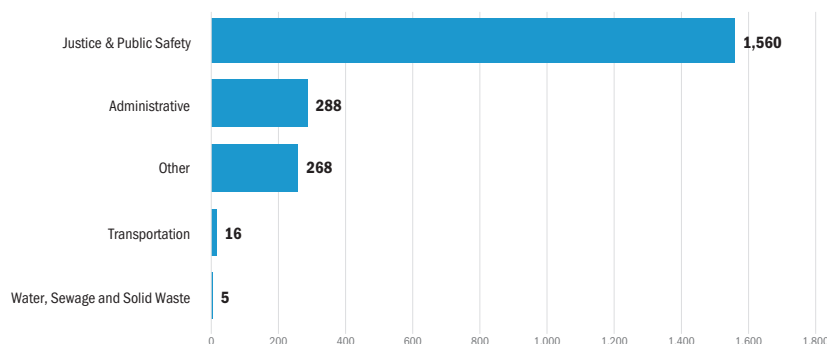
**Community Colleges:** The Maine community college system and its board of trustees oversee community colleges.

## MAINE COUNTIES EMPLOY 2,137 GOVERNMENT EMPLOYEES



Source: NACo Analysis of U.S. Census Bureau - Census of Individual Governments: Employment, 2017

## MAINE COUNTY GOVERNMENT EMPLOYEES BY TOP FUNCTIONAL CATEGORIES



Source: NACo Analysis of U.S. Census Bureau - Census of Individual Governments: Employment, 2017

# TAXATION/FINANCES

## OVERVIEW OF COUNTY FINANCE STRUCTURE

Maine counties raise revenue primary through their cities and towns' property taxes. In calculating a property tax rate, the legislative body of a municipality determines the amount of revenue needed to be raised by the property tax to fund municipal services and pay its school and county assessments. County commissioners must make county estimates and assessments of taxes for approval by the office of the state auditor. Counties are not authorized to levy any other taxes.



### FINANCES, TAXES AND LIMITATIONS

**Property Tax:** Taxes on real and personal property are levied and collected at the municipal level but will include an amount levied by the municipality's respective county. Property tax revenue funds the operation of county governments. State statute establishes a base assessment limit for each county, and the additional amount that counties collect in property taxes each year cannot exceed 4 percent of the base limit or the base limit adjusted by the growth limitation factor, whichever is less.

**Personal Property:** Personal property can be assessed for property taxes.

**Income Tax:** Counties cannot impose an income tax.

**Sales Tax:** Counties cannot impose a sales tax.

**Mineral Tax:** Counties cannot impose a mineral tax.

**Gas/Fuel Taxes:** Counties cannot impose a gas or fuel tax.

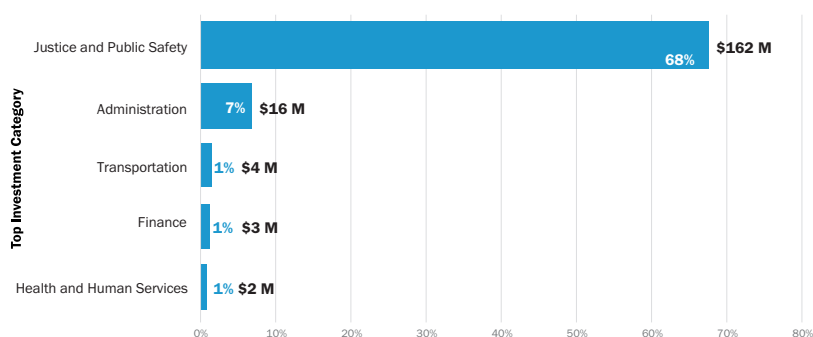
**Debt and Debt Limit:** The personal property of the residents and the real estate within the boundaries of a county may be taken to pay any debt due from the county. A board of

county commissioners may also borrow funds in anticipation of taxes. If the county budget has not yet been approved, the county commissioners of each county may borrow an amount not exceeding 80 percent of the previous year's budget. Counties may also obtain loans for the use of their county, subject to countywide referendum. These loans must not exceed \$10,000, except in Franklin and Aroostook counties.

#### Other Finance Info:

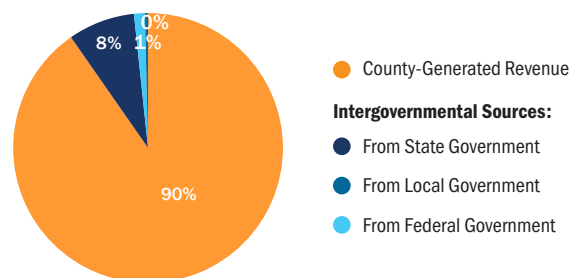
- **Grants:** Counties may apply for, accept and expend federal government grants and state grants for any purpose for which grants are available to counties.
- **State Real Estate Transfer Tax:** The county register of deeds is responsible for collecting the state tax on the transfer of real property within the county. The register of deeds must, on a monthly basis, pay 90 percent of the revenue collected in this way to the state tax assessor. The remaining 10 percent is then retained by the county as reimbursement for services rendered by the county in collecting the tax.

## MAINE COUNTIES INVEST \$240 MILLION ANNUALLY



Source: NACo Analysis of U.S. Census Bureau - 2017 Census of Individual Governments: Finance

## MAINE COUNTIES RECEIVE \$20 MILLION FROM INTERGOVERNMENTAL SOURCES



Source: NACo Analysis of U.S. Census Bureau - Census of Individual Governments: Finance, 2017