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F. BRUCE SLEEPER

May 3, 1982

Cumberland County Commissioners
Cumberland County Courthouse
142 Federal Street
Portland, Maine 04112

Re: Final Text - Proposed Cumberland County Charter

Gentlemen:

Pursuant to Title 30, Maine Revised Statutes Annotated, §552(5), enclosed herewith please find our final report which includes the full text of the proposed new Cumberland County Charter. Due to the publicity on the major changes in the charter, no separate explanation or comments have been prepared. However, I would point out that the Greater Portland Council of Governments is preparing an explanation for dissemination to the various municipalities and voters. In essence, as I am sure you know, this new charter enlarges the Board of Commissioners from three to seven and reduces their salaries to \$1,000.00 per year; proposes the appointment of a County Manager; makes the office of Register of Deeds and County Treasurer appointive after November of 1986; and provides for a fourteen member finance committee with two members to be appointed from each of the seven commissioner districts to replace the legislative delegation as the final arbiter of the county budget.

The commission has held public hearings in Brunswick, Bridgton and Westbrook within the month of April, as well as numerous other hearings during the drafting process. Our recommendation on this charter is unanimous and no minority report will be filed. We further enclose herewith the written opinion of an attorney admitted to the Bar of this state that the proposed charter is not in conflict with the Constitution or general laws of this state.

Based on the above, we would point out that Subsection 6 of Title 30 M.R.S.A. §552 requires that on the filing of the final report, the county officers shall order the proposed new

JENSEN BAIRD GARDNER & HENRY

County Commissioners

May 3, 1982

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charter to be submitted to the voters of the county at the next regular or special state wide election held at least thirty days after the filing of the report. I have been in contact with the Secretary of State's office since it is their duty to carry out this election and the ballots have been prepared for the June 8, 1982, primary.

The commission wishes to thank the commissioners and especially Elvira Ridlon, the County Clerk, for their aid and cooperation in preparing the proposed charter. //

Very truly yours,



KENNETH M. COLE, III, Chairman
Cumberland County Charter Commission

KMC/ald

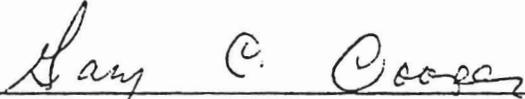
CC James Henderson, Asst. Sec. of State

ORDER

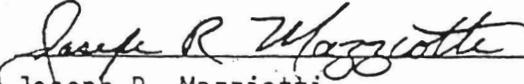
1. On May 3, 1982, at a regular meeting of the Cumberland County Board of Commissioners upon motion duly made and seconded, it was VOTED pursuant to Subsection 6 of Title 30 MRSA § 552 that at the next regular state wide election that:
2. Be it ORDERED that the question "Shall the county approve the new Charter recommended by the Charter Commission" be submitted to the voters of Cumberland County.
3. I, Elvira S. Ridlon, do hereby certify the following oath that I am the duly appointed and presently acting Clerk of Cumberland County, Maine. In that capacity I am the custodian of the official records of the minutes of the meetings of the Board of County Commissioners for Cumberland County, and attest to the accuracy of the foregoing.



Samuel A. Hinds, Chairman



Gary C. Cooper



Joseph R. Mazziotti



CUMBERLAND COUNTY CLERK



STATE OF MAINE
CUMBERLAND ss:

Subscribed and sworn to at Portland, Maine, this third day of May, 1982.

Before me,



Notary Public
My commission expires October 16, 1982

BERNSTEIN, SHUR, SAWYER AND NELSON

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PORTLAND, MAINE
04101

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AUGUSTA OFFICE
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AUGUSTA, MAINE 04330
TEL. 207-623-1596

April 27, 1982

Kenneth M. Cole, III, Esq.
Chairman
Cumberland County Charter Commission
Jensen, Baird, Gardner & Henry
477 Congress Street
Portland, Maine 04101

Re: Cumberland County Charter Commission - Proposed New Charter

Dear Mr. Cole:

Attached to this letter you will find a copy of the final draft of the proposed new charter for Cumberland County for inclusion in connection with the final report of the Cumberland County Charter Commission pursuant to the provisions of 30 M.R.S.A. §1552.

At the request of the Cumberland County Charter Commission, we have reviewed the final draft of the proposed Charter and, based upon our review and research, we are of the opinion that the final draft, as presented herewith, is not in conflict with the Constitution of Maine or the general laws of the State of Maine.

Very truly yours,


F. Paul Frinsko

FPF:lh
Enclosure

cc: Elvira S. Ridlon, County Clerk

PREAMBLE

We, the people of Cumberland County, Maine, in recognition of the dual role of the County as an agency of the State and as a unit of local government, and in order to avail ourselves of self determination in county affairs to the full extent permissible under the Constitution and laws of the State, by this Charter confer upon the County the following powers, subject it to the following restrictions, and prescribe for it the following procedures and governmental structures:

ARTICLE I

AUTHORITY

Section 1. NAME. The name of the county as it operates under this Charter shall continue to be Cumberland County, Maine.

*How long
after approval*

Section 2. NATURE AND LEGAL CAPACITY. From the time this Charter takes effect the County shall continue to be an agency of the State and a body politic and corporate and shall be vested with all rights and powers of local self-government which are now, or hereafter may be, provided by the Constitution and laws of Maine and this Charter.

Section 3. BOUNDARIES. The boundaries of the County as it operates under this Charter shall be the boundaries now or hereafter prescribed for the County by the laws of the State.

Section 4. COUNTY SEAT. The seat of government of the County as it operates under this Charter shall continue to be in the City of Portland.

ARTICLE II

POWERS AND DUTIES

Section 1. GENERAL GRANT OF POWERS. The County shall have those powers granted or allowed by the Constitution and laws of the United States of America or State of Maine as fully as if each power comprised in that general authority were specifically granted by this Charter.

Section 2. TRANSFER OF POWERS. Whenever a municipality, special district or agency shall request the performance or transfer of any power, privilege, authority or functions to the County, the Board of County Commissioners have the authority at its discretion to exercise said power, privilege, authority or function, except that nothing herein shall be construed to allow said County to levy taxes other than as allowed by law.

Section 3. INTERGOVERNMENTAL COOPERATION. The Board of County Commissioners may, on such terms as it deems to be in the best interests of the County, arrange by contract for one or more functions of the County to be performed in cooperation with one or more municipalities, special districts or agencies in the County or one or more other counties or both; or for one or more functions of the County to be transferred to and performed by one or more municipalities, special districts or agencies in the County.

Section 4. DIVISION OF POWERS. This Charter establishes the separation between legislative and administrative functions of county government. The establishment and adoption of policy shall be the responsibility of the Board of Commissioners and the execution of that policy shall be the responsibility of the county manager.

Section 5. CONSTRUCTION OF POWERS. The powers granted by this charter shall be construed broadly in favor of the charter form of government and toward the end of enabling the county to implement municipal programs and services on behalf of its municipalities, while avoiding the creation of special districts or other legal or administrative entities to accomplish these purposes.

ARTICLE III

BOARD OF COUNTY COMMISSIONERS

Section 1. COMPOSITION. There shall be a seven (7) member Board of County Commissioners who shall be elected from seven (7) districts.

Section 2. TERMS. Each County Commissioner elected shall serve four (4) years, beginning on the First day of January after his election, and continuing after such term until his successor is elected and qualified.

Section 3. DISTRICTS. The initial districts shall be designated and described as follows:

DISTRICT 1. District 1 shall consist of that part of the City of Portland included in District Number Twenty-One (One), District Number Twenty-One (Two), District Number Twenty-One (Three), District Number Twenty-One (Four) and District Number Twenty-One (Five) established for the choice of representatives to the House of Representatives.

DISTRICT 2. District 2 shall consist of that part of the City of Portland included in District Number Twenty-One (Six), District Number Twenty-One (Seven), District Number Twenty-One (Eight), District Number Twenty-One (Nine) and District Number Twenty-One

(Ten) established for the choice of representatives to the House of Representatives.

DISTRICT 3. District 3 shall consist of the municipalities of South Portland and Cape Elizabeth.

DISTRICT 4. District 4 shall consist of the municipalities of Scarborough, Westbrook and Falmouth.

DISTRICT 5. District 5 shall consist of the municipalities of Windham, Cumberland, Yarmouth, Gray and New Gloucester.

DISTRICT 6. District 6 shall consist of the municipalities of Brunswick, Freeport, Harpswell, Pownal, and North Yarmouth.

DISTRICT 7. District 7 shall consist of the municipalities of Raymond, Casco, Naples, Harrison, Bridgton, Standish, Baldwin, Sebago, and Gorham.

Following each decennial census and prior to the next ensuing general election, the Board of County Commissioners shall, following a public hearing, prepare proposed descriptions of said districts to insure division of the county into contiguous areas as nearly equal in population as possible. In this regard, the said Board shall attempt to follow municipal boundaries insofar as possible. The proposed districts shall be submitted to the voters of the County as a proposed charter amendment. No such reapportionment shall disqualify a commissioner from completing the term of office to which that commissioner was elected. The Board of County Commissioners may of their own initiative, adopt any alternate method of preparing descriptions of districts which is allowed by the Legislature subsequent to the adoption of this charter.

Section 4. QUALIFICATIONS. No person shall be eligible to be nominated and elected to the office of county commissioner unless he shall

be a resident of the district from which nominated and elected and a registered voter of the county. The office of any member of the Board of County Commissioners shall become vacant when he ceases to be a resident of the district from which elected, or when he ceases to be a registered voter of the county, or for any other cause as provided by this charter or by the Constitution and laws of the State.

Section 5. VACANCIES.

- (a) Holding Other Office: Except where clearly authorized by law, or pursuant to an agreement under the Interlocal Cooperation Act in the County, no commissioner shall hold other elected municipal or county office or full-time municipal or county employment in this county during the term for which he was elected to the Board of Commissioners, and no former commissioner shall hold any compensated appointive county office or employment until one year after the expiration of the term for which he was elected.
- (b) Filling of Vacancies: If a seat on the Board of Commissioners becomes vacant more than 6 months prior to the next regular election, the Board of Commissioners shall call a special election to fill the unexpired term within 60 days from the date that the vacancy occurred. If a seat on the Board of Commissioners becomes vacant less than 6 months prior to the next regular election, the Board of Commissioners shall appoint a qualified person to fill the vacancy until the next general election for the remainder

of the term. The person appointed to fill the vacancy shall be a resident of the same district as was his predecessor at the time of his election.

Section 6. COMPENSATION. Salaries of all commissioners shall be one thousand dollars (\$1,000) per year, and said salary shall constitute full compensation for all services. Reimbursement for reasonable expenses incurred in performance of their duties may be allowed upon approval by the Board of Commissioners. The Board of Commissioners shall have the power to change the level of compensation provided such change shall not become effective until approved by a two-thirds vote of the Finance Committee.

Section 7. POWERS OF COMMISSION. The board of County Commissioners shall be the policy determining body of the county. Except as otherwise provided by the Constitution of the State of Maine or by this charter, the Board of County Commissioners may exercise all the powers granted to the county by this charter and by the Constitution and laws of the state. The Board, in addition to the powers and duties provided in this charter, and by law, shall have the specific powers and duties to:

- (a) Appoint and remove for cause by majority vote of the full Board, the county manager and fix his compensation, term and other conditions of employment. He shall be appointed solely on the basis of his executive and administrative qualifications and need not be a resident of the county or the state prior to his appointment. However, after the time of his appointment he may reside outside the county only by express permission of the Board.

- (b) Appoint and remove an independent auditor, County Engineer and/or surveyor and legal counsel who shall serve at the pleasure of the Board.
- (c) Confirm, by a majority vote, the appointment and removal of all department heads. However, neither the Board nor any member shall direct the appointment or removal of any person by the manager. The Board shall deal with administrative services solely through the manager.
- (d) Create and abolish such independent advisory boards as it may deem necessary to assist it in the performance of its duties and appoint the membership thereof.
- (e) Review the budgetary requests including salaries and make the final budgetary determinations and appropriations for all county governmental operations subject to the approval of the gross budget by the finance committee.
- (f) Apply for such private or public grants to fund the construction, creation or continuance of such existing or new county structures, functions or services as said Commissioners shall decide.
- (g) Adopt, amend and repeal an administrative code by a two-thirds (2/3) vote of the full Board.
- (h) Cause an annual independent post-audit by a certified public accountant of any and all government operations of the county government.
- (i) Adopt by a majority vote of the full Board such rules of parliamentary procedure and create such sub-committees as shall be necessary for the orderly transaction of the business of the Board.

- (j) Designate which officers and employees shall be bonded and fix the amount and approve the form to the bond.
- (k) Make investigations into the affairs of County Government, and be the judge of the election and qualifications of its member.

Section 8. ORGANIZATION. At the annual organizational meeting of the Board of County Commissioners which shall be held on the first Tuesday after the first Monday in January of each year, the Board shall elect from among its members a chairman and a vice-chairman to serve as such at its pleasure. The chairman shall preside over the meetings of the Board, have a vote on all questions before it, and have authority to preserve order at board meetings, enforce the rules of the board, and determine the order of business under the rules of the Board.

Section 9. MEETINGS.

- (a) Regular Meetings. The Board shall meet regularly and publicly in the county at least once each month. The Board shall provide for the manner, time and place for holding all regular Board meetings, except a regular meeting shall be scheduled and held in each commissioners district at least once a year.
- (b) Quorum. Four Commissioners of the Board of County Commissioners shall constitute a quorum for the Board's business. A lesser number may adjourn the meeting to another time. No action of the Board shall be effective unless approved by at least four Commissioners in attendance.

(c) Special Meetings. Special meetings may be held on call of the chairman or three (3) or more members of the Board. Upon call for a special meeting, adequate public notice shall be given of the time, place and purpose of the meeting in accordance with the procedures established by the Board in its rules.

Actions of the Board at special meetings on matters not included in the notice of the meetings shall not be effective until approved at a regular meeting or at a special meeting for which the action was included in the notice. At regular meetings, actions need not be limited to the posted agenda.

Section 10. RECORDS. The Board of County Commissioners shall cause a public record of its proceedings to be kept; which such records shall be transcribed and maintained by the County Clerk. Upon the request of a member of the Board, the individual votes on a question before the Board shall be recorded.

ARTICLE IV

ADMINISTRATION

Section 1. GENERAL PROVISIONS. All functions and duties required of the county or county officials by Constitution and laws and permitted by this charter shall be the responsibility of the Board of County Commissioners. Duties and functions shall be distributed among such departments, offices and agencies as the law, the Board or this charter may establish. The departments, offices and agencies shall exercise their functions under the direction and the supervision of the county manager, subject to the approval and control of the Board of County Commissioners.

Section 2. COUNTY MANAGER:

- (a) Administration. The County Manager shall be responsible for all services and functions relating to budgetary planning, preparation and control; the planning, evaluation and supervision of internal management, organization and work methods, including preparation of and enforcement of personnel policies and an administrative code; purchasing; the provision of central services, maintenance of all county buildings and grounds, Civil Emergency Preparedness, and shall perform such other functions as the Board may prescribe.
- (b) County Treasurer. The County Manager shall also act as County Treasurer and shall be responsible for the management of all County finances and the administration of all financial affairs of the County as assigned presently or hereafter by the laws of the State to it or to the County Treasurer, whose office is hereby abolished.
- (c) Register of Deeds and Probate. The County Manager shall be responsible for and supervise the functions required of the Register of Deeds and Register of Probate subject to the Constitution and laws of the State. The Office of Register of Deeds is hereby abolished and, should the office of Register of Probate be subject to abolition by the Board of County Commissioners or any other means, the powers of that office may be delegated by the Board to the County Manager as aforesaid.

(d) Other Authority.

- 1) Each administrative department of the County shall be subject to the overall supervision of the County Manager and shall include whatever offices and positions the Board of County Commissioners deems necessary in that department.
- 2) All administrative officers and employees of the County other than elective administrative officers shall be appointed by the County Manager.
- 3) The functions of each administrative officer and employee of the County shall be whatever functions the Manager, in conjunction with the Board of County Commissioners, prescribes.
- 4) The qualifications for an appointed office or position of the County shall be as prescribed by the County Commissioners.

(e) Administrative Code. The County Manager shall prepare the initial administrative code which shall set forth the departmental organization of the government and the nature and scope of each department together with all required rules and procedures for the operation of said departments. The administrative code shall then be submitted to the Board for review, amendment and adoption. After adoption, the code shall remain in force until such time as it may be formally amended or repealed by said Board.

Section 3. ELECTED OFFICIALS. The Sheriff, District Attorney and Judge of Probate and the Register of Probate, until such time as said offices are no longer elective, shall continue to be elective pursuant to the Constitution and laws of the State of Maine. Their respective offices shall be under their supervision and control as provided by the law except that all actions relating to personnel, fiscal matters and general administration of the county shall be accomplished in cooperation with the County Manager.

Section 4. CHANGES IN DEPARTMENTS. The Board of County Commissioners may from time to time establish additional administrative departments, combine any two or more administrative departments into a single such department, separate departments thus combined, abolish any administrative department and prescribe the duties and functions of any administrative department. A function of a county officer or agency prescribed by the laws of the State but not allocated to any county officer or agency by this Charter shall be allocated to such department of the County as the Board of County Commissioners shall determine.

ARTICLE V

FINANCE

Section 1. GENERAL PROVISION. The Board of County Commissioners is responsible for the review of the County Manager's preliminary budget and for the preparation and presentation of the proposed annual operating budget and capital program for the consideration of the county finance committee.

Section 2. FISCAL YEAR. The fiscal year of the county shall be the calendar year, initially, but the County Commissioners shall have the authority to change said year by an appropriate order following consultation with the Finance Committee.

Section 3. BUDGET AUTHORITY. The County Commissioners shall have the authority to appropriate money, according to their budget, but such budget first shall receive approval by majority vote of the Finance Committee. In the event the budget is not approved before the start of a fiscal year, the county shall, until a budget is finally adopted, operate on an interim budget which shall be no more than 80% of the previous year's budget.

Section 4. OPERATING BUDGET.

- (a) Each county department shall submit to the County Manager a detailed budget as may be required for the ensuing year's operation, plus such additional information as may be required by the County Manager.
- (b) The County Manager shall compile all budget requests, prepare a preliminary budget, including revenue estimates therein and submit the same to the Board of Commissioners for their review and approval.
- (c) Prior to the Commissioners adopting their budget, they shall hold one or more public hearings in the County on the Manager's preliminary budget.
- (d) After said hearings, the Commissioners shall review the preliminary budget as submitted by the County Manager, together with the Manager's recommendations, and shall make such additions, deletions or changes as they deem necessary to insure the proper funding of all operations of county government.

Section 5. FINANCE COMMITTEE.

- (a) General Procedures. The County Commissioners shall submit their proposed budget to the Finance Committee in a timely fashion no later than 90 days prior to the beginning of the fiscal year and shall provide the committee with necessary clerical assistance, office expenses and with meeting space, as well as access to county files and information. Requests for these items shall be channeled through the Board of Commissioners. The committee shall act on the budget in a timely fashion, in any event not later than 15 days prior to the fiscal year. A copy of the final approved budget document shall be filed with the State Auditor as provided by law.
- (b) Budget Authority. The Finance Committee shall meet publicly on one or more occasions to review said proposed budget. The committee shall have authority to reduce or approve said budget, by a majority vote of its entire membership, which authority shall be limited to a gross amount and shall relate solely to proposed appropriations to be paid by county taxes. Not later than the first day the Commissioners shall meet to review the recommendations of the Finance Committee and to adopt the budget, the gross amount of which shall not exceed that approved by the Finance Committee.
- (c) Appointment. Each County Commissioner shall appoint the Finance Committee members from that commissioner's district from among the municipal officers of that district.

The municipal officers of each district may submit nominations for appointment to the Finance Committee to the appropriate district commissioner and each district commissioner shall give due consideration to any nominations submitted and shall consult with the commissioners prior to making the appointments.

- (d) Membership. There shall be two Finance Committee members from each district, and they shall serve for a term of two (2) years. No member shall have more than three terms consecutively. No municipality shall have more than one member of said Finance Committee, unless said municipality has more than 50 per cent of said District's population. Vacancies on said committee shall be filled for the balance of the term by appointment in accordance with Section 5(c) above.
- (e) First Meeting. On the call of the County Commissioners, the Finance Committee shall meet at the County Court-house, or at such other location designated in the call, at least 90 days prior to the commencement of the fiscal year. The committee shall select a chairman from its membership. It shall also appoint such other officers as it may deem necessary and create such sub-committees as may more readily effectuate its duties. A majority of the entire membership of the Finance Committee shall constitute a quorum.

Section 6. EMERGENCY APPROPRIATIONS. Emergency appropriations shall be made by the Board of County Commissioners only after approval of said appropriation by a special meeting of the Finance Committee. The chairman of the Finance Committee shall call a special meeting within fourteen days of the action of the County Commissioners.

Section 7. CAPITAL PROGRAM. The County Manager shall be responsible for the preparation and presentation of a five year projection of the capital program to accompany the proposed annual budget in its presentation to the County Commissioners and to the County Finance Committee. The projections shall be considered as informational and not binding upon the future actions of the Manager or Board.

Section 8. BORROWING.

(a) The Board of County Commissioners shall have the authority to issue bonds, notes or other general obligation securities of the County upon approval of the electorate in a county-wide referendum. The Board of County Commissioners may issue any form of tax, grant or bond anticipation certificate or note as authorized by 30 M.R.S.A. §401-A, or by the Constitution or general laws of the State.

(b) The Board of County Commissioners may contract with one or more member municipalities for the receipt of funds to accomplish any of the purposes authorized by this Charter and may incur indebtedness in anticipation of the receipt of such funds by issuing negotiable notes of the County payable in not more than one year, which notes may be renewed from time to time by the issue of other notes,

provided that no notes may be issued or renewed in an amount which at the time of issuance or renewal exceeds the amount of funds remaining to be paid under contracts with one or more member municipality.

Section 9. TRANSFER OF APPROPRIATIONS. To the extent permitted by its appropriation and within the last three months of each fiscal year, on request of the manager, the Board of Commissioners may transfer any unencumbered balance of an appropriation or portion thereof to another account, department, office, or agency of the County, unless such funds were derived from income restricted to the specific purpose for which they were originally appropriated.

ARTICLE VI

ELECTIONS

Section 1. NOMINATION AND ELECTION OF COUNTY OFFICERS; VACANCIES. Except as this charter provides to the contrary, the manner of nominating and electing county officers and the filling of vacancies shall be the manner now or hereafter prescribed by the laws of the State for nominating and elective county officers in general.

Section 2. PARTISAN ELECTIONS. No provision of this charter or orders adopted under its authority shall alter the partisan nature of the nomination and election of the Judge of Probate, District Attorney, Sheriff, and Register of Probate, except as they may be amended by the laws of the State.

Section 3. NOMINATION AND ELECTION OF COUNTY COMMISSIONERS. The manner of nominating and electing candidates for County Commissioner shall be the manner now or hereafter prescribed by the laws of the State for the conduct of partisan nominations and elections.

Section 4. ELECTIONS ON COUNTY REFERENDA. Except as this charter or legislation enacted pursuant to it provides to the contrary, the manner of conducting an election on referendum questions concerning the county shall be the manner prescribed by the laws of the State for an election in the County on any proposition.

ARTICLE VII

GENERAL PROVISIONS

Section 1. EFFECTIVE DATE. This Charter will become law thirty (30) days after the Governor has proclaimed that it was approved by a majority of the legal voters in the County voting on the adoption thereof.

Section 2. AMENDMENTS. This Charter may be amended pursuant to the laws of the State of Maine.

Section 3. EXISTING LEGISLATION. All legislation affecting the County consistent with this Charter and in force when it takes effect shall continue to be effective within the County until amended or repealed.

Section 4. CONTINUATION OF OFFICE.

(a) The County Commissioners in office at the time this Charter becomes effective shall remain in office for the remainder of the terms for which they were elected as members of the seven-member board prescribed by the Charter; provided, however, that the powers, duties and compensation of said members shall be as set forth in this Charter.

(b) Other Elected County Officers. On the expiration of the terms of the County Treasurer and Register of Deeds, elected in 1982, or the vacancy of said office, those offices shall become appointed as set forth herein.

Section 5. EFFECT ON COUNTY REGULATIONS. All existing orders, regulations, rules and resolutions of the County shall remain operative except where inconsistent or in direct conflict with this Charter or repealed or amended by the Board of County Commissioners.

Section 6. EXISTING CONTRACTS AND BONDS. All rights, actions, proceedings, prosecutions and contracts of the County or any of its departments, pending or unexecuted when this Charter goes into effect and not inconsistent herewith, shall be enforced, continued or completed in all respects as though begun or executed hereunder. All outstanding bonds issued by former governments including the Board of County Commissioners of Cumberland County and all special districts or authorities abolished or altered under this Charter are obligations of the County government; however, payment of such obligations and the interest thereon shall be made solely from and charged solely against funds derived from the same sources from which such payment would have been made had this Charter not become effective.

Section 7. CONTINUANCE OF OFFICERS, EMPLOYEES.

- (a) Rights and Privileges Preserved. Nothing in this Charter except as otherwise specifically provided shall affect or impair the rights or privileges of persons who are County officers or employees at the time of its adoption.
- (b) Continuance of Office or Employment. Except as specifically provided by this Charter, if at the time this Charter takes full effect a county administrative officer or employee holds any office or position which is or can be abolished by or under this Charter, he shall continue in such office

or position until the taking effect of some specific provision under this Charter directing that he vacate the office or position.

Section 8. SEVERABILITY. If any part of this Charter is finally determined by a court of competent jurisdiction to be unconstitutional or invalid the remainder thereof shall remain in full force and effect.

ARTICLE VIII

TRANSITION PROVISIONS

Section 1. FIRST ELECTION. At the general election in November, 1982, additional commissioners from those districts created by this Charter and unrepresented by the current membership of the Board shall be elected. The nomination and election of said new commissioners shall be in accordance with the provisions of State law relating to the election of County Commissioners except that candidates shall be nominated only by petition and all those so nominated shall appear on the ballot without party designation.

Section 2. FIRST MEETING. On January , 1983, at 7:30 p.m., the Board of County Commissioners shall meet at the County Courthouse. The newly elected Commissioners from Districts (4 total) shall draw lots to determine the length of their initial terms, one of whom shall serve for only two (2) years. Thereafter the Board shall:

- 1) Elect a Chairman, and Vice-Chairman.
- 2) Appoint a Temporary County Manager pending a permanent appointment.
- 3) Adopt such orders or resolution necessary to effect the transition of Government under this Charter.

- 4) Take such other action as may be deemed necessary by the Board or required by this Charter:

Section 3. FIRST BUDGET. The budget process detailed herein shall be followed for the new fiscal year.

Section 4. VALIDITY. The foregoing sections of this Article shall be omitted in the final printed copies of this Charter after adoption, but this shall not impair the validity of acts under these sections.

WHAT WILL THE

CUMBERLAND COUNTY CHARTER

DO?

The proposed Charter author-

izes the County to conduct activities permitted by the legislature and the constitution.

The proposed Charter establishes a division of administrative and legislative functions of County Government.

The proposed Charter allows the Board of Commissioners to focus on policy development and legislative issues.

The proposed Charter makes a county manager responsible to carry out the Board's policy, and administer all other county operations.

PRESENT COUNTY POWERS:

3 Commissioners elected representing a district in a county that is made up of 25 towns with a total of 215,789 people. Average district size is 70,000. Commissioners are policy makers and administrators.

The Legislature has control over certain county offices including establishment of some salaries.

The County Budget is prepared by Commissioners and submitted to Legislature for adoption.

PROPOSED COUNTY POWERS:

7 Commissioners elected representing a district in a county that is made up of 25 towns with a total of 215,789 people. Average district size is 30,000. Commissioners are policy makers with powers to confirm, create and to appoint/remove department heads and certain officials.

A County Manager would be appointed with administrative powers. Manager's appointments would be subject to Commissioners' confirmation.

The County Budget would be prepared by Manager, submitted to Commissioners and 14 members Finance Committee for reduction or for approval. Finance Committee made up of 2 elected officials from each of 7 districts.

THE

CUMBERLAND COUNTY

CHARTER

WHAT WILL IT

MEAN TO YOU?

- ENLARGED REPRESENTATION ON BOARD OF COMMISSIONERS
- PROFESSIONAL ADMINISTRATION OF COUNTY BUSINESS
- LOCAL CONTROL OVER COUNTY FINANCES

VOTE

ON

JUNE 8!



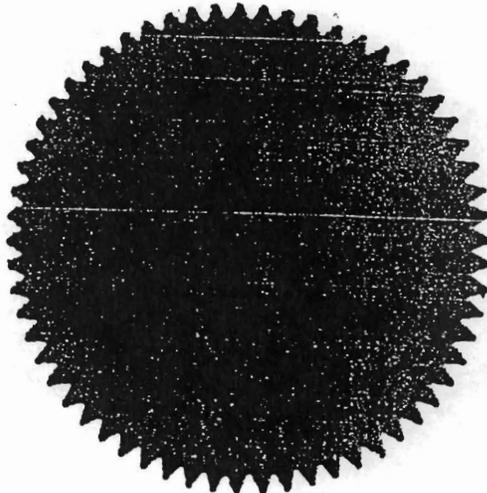
State of Maine

Department of State

I, the Secretary of State of Maine, do hereby Certify that the paper to which this is attached is a true copy from the records of this office.

In Testimony Whereof, I have caused the Great Seal of the State to be hereunto affixed. GIVEN under my hand at Augusta, this second day of December in the year of our Lord one thousand nine hundred and eighty

Robert R. ... Secretary of State



CUMBERLAND COUNTY
COUNTY CHARTER COMMISSIONER

"Shall a charter commission be established for
the purpose of establishing a new county charter?"

ALLEN, NEAL W. III, Portland

YES NO

District No. 1 13,041 10,533 13,081

District No. 2 16,749 13,939

District No. 3 16,248 18,608

46,038 43,080 13,081

30-A § 1101

MUNICIPALITIES AND COUNTY CHARTERS

Historical and Statutory Notes

Derivation:

R.S.1954, c. 89, § 72. Former § 1251 of title 30.

CHAPTER 9

REGIONAL DEVELOPMENT

Section

1201. Membership in a regional planning commission.

§ 1201. Membership in a regional planning commission

As provided in section 2323, a county may become a member of a regional planning commission by resolution of the county commissioners, provided that all or part of the county is located within the regional planning and development district or subdistrict served by the commission.

1987, c. 737, § A, 2.

Historical and Statutory Notes

Derivation:

R.S.1954, c. 90-A, § 65; R.S.1954, c. 91, §§ 99-A to 99-F; Laws 1955, c. 42; Laws 1957, c. 405, §§ 1, 2; Laws 1973, c. 534, § 2; Laws 1987, c. 737, § A, 1; former 30 M.R.S.A. § 1301.

See WESTLAW Electronic Research Guide following the Preface.

CHAPTER 11

COUNTY CHARTERS

Subchapter

I. General Provisions	1301
II. Procedures	1321
III. Charter Powers	1351

SUBCHAPTER I

GENERAL PROVISIONS

Section

1301. Purpose.
1302. Definitions.

§ 1301. Purpose

The purpose of this chapter is to provide a method for each county, by vote of its voters, to determine the structure of county government in that county. The county charter adopted in each county may determine the officers of the county, their relationship, the administrative structure necessary to perform county functions and the organization of county government, subject to the limits of the Constitution of Maine.

1987, c. 737, § A, 2.

COUNTY CHARTERS

1977, c. 486.
1979, c. 127, § 173.

Structure of county government

Maine Constitution does not address the structure of county government, and Legislature could

§ 1302. Definitions

As used in this chapter, unless the context indicates otherwise, the following meanings:

County commissioners. "County or the officers, under a charter" 1987, c. 737, § A, 2.

Derivation: Laws 1977, c. 486. Former § 1502 of title 30.

County officers, appointment of county or, see 30-A M.R.S.A. § 156.

Section 1321. Charter adoptions, revisions, procedure.
Section 1322. Charter commission; membership.

§ 1321. Charter adoptions, revisions, procedure.

1. County commissioners. The charter of a county adopted under this chapter should be carried out by the county commissioners of a charter commission to carry out the charter.

2. Petition by voters. On the day of the number of votes cast in the election, the county commissioners shall, by order, prepare for the preparation or revision of a county charter.

3. Petition procedure. The procedure shall be as provided in subsection 2.

- A. Any 5 voters of the county shall:
 - (1) They will constitute a petition committee.
 - (2) They will circulate the petition.
 - (3) The names and addresses of the petitioners shall be included in the petition.

CUMBERLAND COUNTY CHARTER COMMISSION

Representative Nancy N. Masterton
36 Delano Park (Elected)
Cape Elizabeth, Maine 04107

Michael Brennan (Elected)
49 Wellington Road
Portland, Maine 04103

Neal W. Allen III (Elected)
114 Pine Street
Portland, Maine

Carolyn B. Murray (Elected)
34 Foreside Road
Cumberland Foreside, Maine 04110

David L. White (Appointed)
Durham Road
Brunswick, Maine 04011

Gary C. Cooper (Appointed)
4 Mill Pond Drive
South Windham, Maine 04082

Kenneth M. Cole III (Elected)
Mineral Springs
North Windham, Maine 04062

Osmond C. Bonsey (Elected)
1 Tannery Lane
Yarmouth, Maine 04096

Representative Ada K. Brown (Appointed)
697 Gray Road
South Windham, Maine 04082