

# MAINE

## COUNTY GOVERNMENT OVERVIEW

### Counties

16

### Government Form

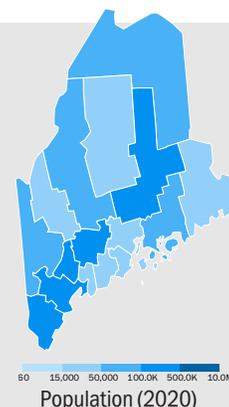
Traditional<sup>1</sup>

### Governing Body Size

3-7

### Population (2020)

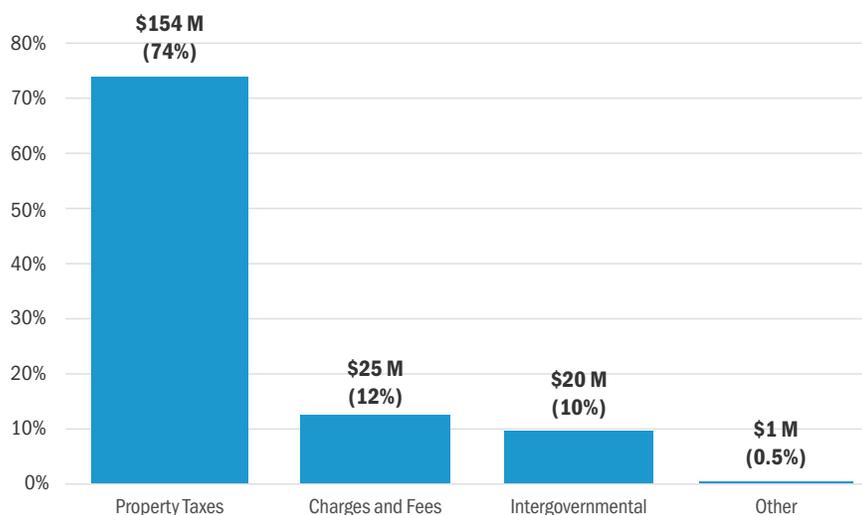
1.4 million<sup>2</sup>



### County Authority

**Somewhat Flexible (Restrictive Home Rule):** All counties in Maine have adopted a home rule charter which empowers them to determine their structure of government, officers, departments and more. Counties have been granted this option in the state statute which explains 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: Finance, 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 MAY 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.

# 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 oversees county offices and departments, performs the duties of the clerk 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 to match community needs.

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

\* If there is a county administrator, they perform the duties of the clerk.



## 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:** There are no alternative forms of county government.



## COUNTY AUTHORITY

**Executive Power:** Each county's adopted charter may determine establishment of row officers, administrative structure and government organization. Charters may outline the powers and duties held by the board of commissioners. 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 regarding contracts and partnerships with private organizations, public organizations and other governmental entities.

**Call a State of Emergency:** Counties may establish powers and limitations regarding the ability to declare and respond to an emergency. County commissioners may provide for emergency management activities.

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

## OVERVIEW OF COUNTY SERVICES

Maine counties have limited jurisdiction over services. Counties primarily must provide 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:** Counties **may** contract with a city or town to provide public health services. Cities and towns may appoint a local health officer and a board of health.

**Hospitals:** Counties **may** contract with a city or town to establish municipal hospitals.

**Senior Care Facilities:** Counties **may** contract with a city or town to establish a building or agency to provide chronic or convalescent care.

**Mental Health Facilities:** The **state** establishes and oversees 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:** Counties **may** operate and administer a food stamp or donated food program, in conformity with federal regulations. Counties may provide a priority social services program.



### INFRASTRUCTURE

**Roads:** In unincorporated areas, counties **may** manage and maintain roads, bridges and highways. Counties may also close roads for maintenance or for the winter months.

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

**Energy Conservation:** Counties **may** contract with private entities to design, install, operate, maintain and finance energy conservation projects at county facilities.

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

# SERVICES, CONTINUED



## PUBLIC AMENITIES

**Parks and Recreation:** Counties **may** receive assistance from the state to study and plan recreation areas and programs.

**Libraries:** Counties **may** contract with a municipality to provide library services. Municipalities may appropriate funds to allow residents to use a library in an adjacent municipality.



## ZONING AND DEVELOPMENT

**Zoning Power:** If all or part of a county is located within a regional planning and development district or subdistrict, counties **may** become a member of a regional planning commission.

**Housing Authority:** Counties **may** contract with a municipality to have a housing authority. State statute establishes a housing authority in each municipality. The legislative body must first declare a need for an authority before it may transact business or exercise powers.

**Economic and Community Development:** Counties **may** raise, appropriate, borrow and expend money for economic and community development. This can include creating or preserving employment opportunities. Counties may develop new sites for manufacturing, commercial or other business enterprises.

# SERVICES, CONTINUED



## PUBLIC SAFETY

**Law Enforcement:** Counties **must** establish a sheriff's office to patrol county areas without other 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 **must** provide courthouses with a county law library. County governments provide much of the state's district and superior courtroom space.

**Fire:** Counties **may** contract with a municipality to provide fire protection. Municipalities may provide this service by maintaining a fire department, supporting a volunteer fire association or contracting with other governmental units.

**Ambulance:** Counties **cannot** provide ambulances. The **state** delineates regions to carry out emergency medical services such as ambulance and rescue services.

**Emergency Management:** Counties **must** establish an emergency management agency that coordinates municipal and county-wide efforts in response to disasters and public health emergencies.



## SCHOOLS

### Education, Generally:

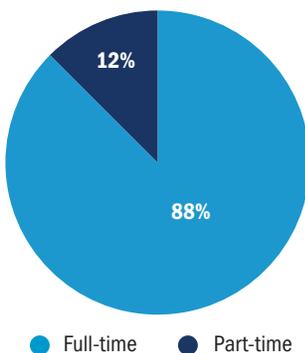
The **state** forms policy and enforces regulations for public schools. Public education is organized into school administrative districts.

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

### Community Colleges:

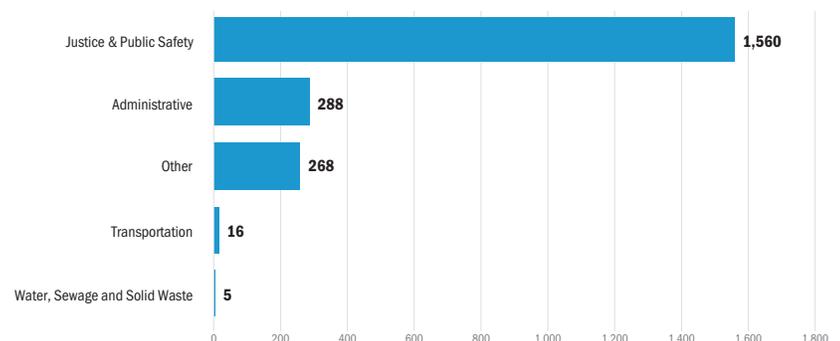
The **state** community college system and its board of trustees oversee community colleges.

## 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 primarily 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 for municipal services and school and county assessments. County commissioners must estimate and assess taxes to be approved by the state. Counties cannot levy any other taxes.



### FINANCES, TAXES AND LIMITATIONS

**Property Tax:** Municipalities levy and collect real and personal property taxes, but include the amount levied by their respective counties. Property tax revenue funds the operation of county governments. Counties cannot exceed 4 percent (or the base limit adjusted by the growth limitation factor, whichever is less) of a base assessment limit set by the state.

**Personal Property:** Personal property **may** 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.

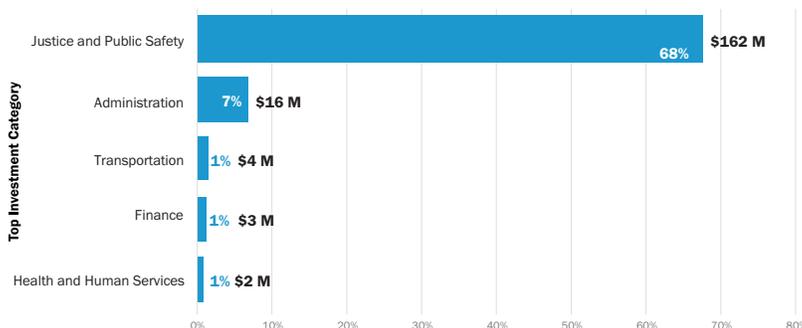
**Debt and Debt Limit:** Counties **may** take personal property and real estate to pay debt. A board of county commissioners may also borrow funds in anticipation of taxes. If the county budget has not yet been approved, the county commissioners may borrow an amount not exceeding

80 percent of the previous year's budget. Counties may also obtain loans, subject to countywide referendum. These loans must not exceed \$10,000, except in Franklin and Aroostook counties.

**Other Finance Info:**

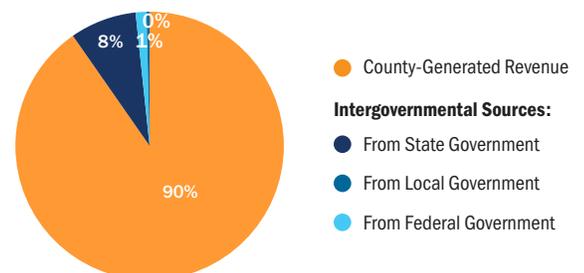
- **Grants:** Counties **may** apply for, accept and expend federal and state grants.
- **State Real Estate Transfer Tax:** The county register of deeds **must** collect the state tax on the transfer of real property within the county. The register of deeds must, on a monthly basis, pay 90 percent of the revenue collected in this way to the state tax assessor. The county retains the remaining 10 percent as reimbursement for their collecting services.

## MAINE COUNTIES INVEST \$240 MILLION ANNUALLY



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

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



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