



Maine Municipal
Association

60 COMMUNITY DRIVE
AUGUSTA, MAINE 04330-9486
(207) 623-8428
www.memun.org

Testimony of the Maine Municipal Association

In Opposition Of

LD 462- An Act To Reexamine the Relationship among County, Municipal and State Governments

March 08, 2021

Senator Baldacci, Representative Matlack and members of the Joint Standing on State and Local Government, my name is Rebecca Graham and I am presenting testimony in opposition of LD 462 at the direction of MMA's 70-member Legislative Policy Committee.

Municipal officials are strongly opposed to several the sentiments expressed in this bill's statement of intent, and because this was submitted as a concept draft, this was the only language on which they base their position. Given the gravity of the intended legislation, the lack of language is problematic, and the committee should consider a second public hearing following the drafting of the resulting legislative language.

It is important for municipal officials that this committee understand the context in which our systems of government have been established historically. Additionally, why the Maine context is very different from our New England neighbors many of whom have abolished county government entirely or limited their duties. Additionally, a comparison against southern and western states is also not an appropriate comparison as you weigh the merits of this proposed concept draft.

County government was created specifically to enforce and protect British crown, colonial and later land proprietor, interests as a function of the English land settlement policy across the Northeast. Municipal government was established specifically to create community and the conditions necessary to promote the growth and wellbeing of their residents. Municipal government became the form of government closest to the individuals who were best positioned to evaluate community needs. In fact, it is in living this reality that Maine chose to enshrine a the sentiment that government closest to the people is best at making decisions reflecting their interest, in our pursuit of Statehood.

Frequently the policies established by the Massachusetts government did not fit the reality of life in Maine and on repeated occasions produced avoidable conflict. Distant government detached from the input and in service of the people it should serve led Maine to pursue the Jeffersonian path to statehood in opposition to the Federalist construction of Massachusetts at the time. The Jeffersonian caucus vowed to end the close relationship between legislators and land proprietors who were displacing families from lands they had settled a generation before.

The original draft of the Betterment Act of 1808 proposed by William King to the Massachusetts General Assembly emphasized the view and the need to create local juries to settle land claim cases while land agents on behalf of proprietors were often Sheriffs. Lincoln County Jail was established in 1811 specifically to house residents who rebelled against the authority of land proprietors and acting against their deputized agents.

Both forms of government continue in these same flavors today, with municipal government carrying out important state obligations, and locally desired programs, directly accountable to the people paying for these obligations through property tax. County governments continue to act as agents of the state, paid for by local property tax with no local veto over their budgets or priorities, and are only removable from their positions by the office of the Governor or every four years if opposed during an election cycle.

Not all counties are created equal, even within the 16 Maine counties. County government already has the ability to take on more responsibility by building relationships with their paying communities. However, it requires establishing relationships amongst the member communities which each county serves. Where this has been led well, counties assume extra duties such as providing animal control services, or harbormaster services for their members county-wide and act as regional leaders. Where the relationship doesn't work, expansion of duties is limited, and communities rely heavily on their own regional organizations such as regional economic development councils and planning services or expanding their regional services through councils of government.

Regional organizations that do not serve the interest of their members do not survive. Municipal leadership who do not serve the interest of the community or behave with impunity are removed from their positions immediately. Counties persist.

It is for these reasons that municipal officials feel this legislation is framed in an unpalatable way and ask you to oppose LD 462. Without improving the checks and balances and agency for those paying for bulk of County government, expansion of their duties is unacceptable unless those duties are fully and entirely funded, as well as controlled, by the State. Legislation framed in a way that is not agnostic in its assessment of those levels of government by its construction should be voted ought not to pass by this committee.