

# MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION  
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE  
4

5 Legislative Document

No. 1347

6  
7 S.P. 435

In Senate, March 25, 1983

8 Referred to the Committee on Local and County Government, sent down  
9 for concurrence and ordered printed.

10 JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Twitchell of Oxford.

Cosponsors: Representative Daggett of Manchester, Representative Bost  
11 of Orono and Representative Roberts of Buxton.

12 STATE OF MAINE  
13

14 IN THE YEAR OF OUR LORD  
15 NINETEEN HUNDRED AND EIGHTY-THREE  
16

17 AN ACT to Establish County Budget Committees.  
18

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

21 Sec. 1. 30 MRSA §202, as enacted by PL 1975, c.  
22 736, §3, is amended to read:

23 §202. County administrator

24 The county commissioners of all counties are  
25 authorized and empowered to may appropriate funds for  
26 the hiring of a county administrator. The county  
27 administrator shall be chosen by the board of county  
28 commissioners solely on the basis of his executive  
29 and administrative qualifications with special refer-  
30 ence to his actual experience in, or his knowledge  
31 of, the duties of office as set forth in the policies  
32 established by the board of county commissioners and  
33 by law. At the time of his appointment, he need not  
34 be a resident of the county, but during his tenure of

1 office he may reside outside the county only with the  
2 approval of the board of county commissioners. A  
3 county administrator may not hold any other elective  
4 or appointed county office, except as provided in  
5 this section.

6 The county administrator shall hold office for an  
7 indefinite term unless otherwise specified by con-  
8 tract. The county ~~commissioners~~ budget committee  
9 shall determine the compensation of the county admin-  
10 istrator. The county administrator may be removed or  
11 suspended for cause by the county commissioners in  
12 accordance with the procedure for removing or sus-  
13 pending a town manager under section 2313. In the ab-  
14 sence or during the disability of the county adminis-  
15 trator, the county commissioners may appoint an offi-  
16 cial of the county to perform the duties of the  
17 administrator.

18 The county administrator shall be the chief  
19 administrative official of the county and shall be  
20 responsible for the administration of all departments  
21 and offices over which the county commissioners have  
22 control. He shall act as the clerk of the county. He  
23 shall act as purchasing agent for all departments and  
24 offices of the county, provided that the county com-  
25 missioners may require that all purchases greater  
26 than a designated amount shall be submitted to sealed  
27 bid. He shall attend all meetings of the county com-  
28 missioners, except when his removal or suspension is  
29 being considered. He shall keep the county commis-  
30 sioners and the legislative delegation of the county  
31 informed as to financial condition of the county and  
32 shall collect all data necessary for the preparation  
33 of the budget.

34 If the county commissioners hire a full-time  
35 county administrator, they shall not appoint another  
36 person as clerk of the county.

37 ~~Notwithstanding section 2 and any other provision~~  
38 ~~of law, if the county commissioners hire a full-time~~  
39 ~~county administrator, they shall forego the annual~~  
40 ~~salary otherwise due them and shall only receive \$25~~  
41 ~~each for each meeting attended and reimbursement for~~  
42 ~~travel at the same rate established for state employ-~~  
43 ~~ees.~~

1           Sec. 2. 30 MRSA §252, as amended by PL 1981, c.  
2           406, §1, is further amended to read:

3           §252. Annual estimates for county taxes; penalty

4           In order to assess a county tax, county commis-  
5           sioners, prior to November 7th in each year, shall  
6           prepare estimates of the sums necessary to defray the  
7           expenses which have accrued or may probably accrue  
8           for the coming year, including the building and  
9           repairing of jails, courthouses and appurtenances,  
10          with the debts owed by their counties.

11          Such estimates shall be drawn so as to authorize  
12          the appropriations to be made to each department or  
13          agency of the county government for the year. Such  
14          estimates shall provide specific amounts for personal  
15          services, contractual services, commodities, debt  
16          service and capital expenditures. Said These esti-  
17          mates shall be made on such forms and in such manner  
18          as shall be approved by the State Department of  
19          Audit.

20          Copies of such forms shall be transmitted to the  
21          county commissioners of each county by the office of  
22          the Secretary of State no later than September 19th  
23          of each year.

24          The county commissioners shall hold a public  
25          hearing in the county on these estimates prior to  
26          December 1st. Written notice and a summary of the  
27          county estimates shall be sent to the municipal offi-  
28          cers. Notice of the hearing shall be given at least  
29          10 days prior to the hearing in a newspaper of gen-  
30          eral circulation within the county. Written notice  
31          and a copy of the estimates shall be sent by regis-  
32          tered or certified mail with return receipt  
33          requested, or delivered by hand in person, with proof  
34          received of the delivery, to the clerk of each munici-  
35          pality in the county and to each member of the  
36          Legislature from the county at least 10 days prior to  
37          the hearing. The municipal clerk shall notify the  
38          municipal officers of the receipt of the estimates.

39          Prior to the convening of the Legislature budget  
40          committee, the county commissioners of each county  
41          shall meet with the respective county legislative

1 ~~delegation~~ to finalize estimates for the year. The  
2 county commissioners shall also show the ~~county~~  
3 ~~legislative delegation budget committee~~ any assess-  
4 ment for services to be provided to unorganized ter-  
5 ritories under Title 36, section 1603, subsection 1,  
6 paragraph C. These assessments shall be provided to  
7 the ~~delegation budget committee~~, prior to being sub-  
8 mitted to the State Tax Assessor, in a form that  
9 shows how the funds are to be spent on the unorgan-  
10 ized territories and any current balance of unorgan-  
11 ized territory funds held by the county.

12 Whenever any specific appropriation of a depart-  
13 ment or agency of county government shall prove  
14 insufficient to pay the required expenditures ~~for the~~  
15 ~~statutory purposes~~ for which such appropriation was  
16 made, the county commissioners may, upon written  
17 request of such department or agency, transfer from  
18 any other specific line appropriation of the same  
19 department or agency an amount as required to meet  
20 such expenditure, provided that such request shall  
21 bear the written approval of the majority of the  
22 county commissioners.

23 There is established a contingent account in each  
24 county in an amount not to exceed \$50,000. Such funds  
25 as are available to each county may be used for this  
26 purpose. This fund shall be used for emergency pur-  
27 poses only at the discretion of the county commis-  
28 sioners. At the end of each fiscal year there shall  
29 be transferred from unencumbered county funds an  
30 amount sufficient to restore the established county  
31 contingent account.

32 The county treasurer shall keep a record of any  
33 transfers between specific line categories or from  
34 the contingent account. This record shall be certi-  
35 fied by the county commissioners within 30 days of  
36 each transfer.

37 **Sec. 3. 30 MRSA §253**, as amended by PL 1981, c.  
38 279, §12, is further amended to read:

39 §253. Estimates recorded and sent to county budget  
40 committee



1 If federal funds become available to the county  
2 for expenditure by the county while the Legislature  
3 is not in session after the budget is approved, and  
4 if availability of those funds could not reasonably  
5 have been anticipated and included in the estimate  
6 adopted by the Legislature budget committee for the  
7 fiscal year in question, the county may accept these  
8 funds on its behalf and may make expenditures of such  
9 funds as are authorized by federal and state law.  
10 Upon application for those funds and upon receipt of  
11 those funds, the chairman of the county commissioners  
12 shall submit to the clerk of each municipality in the  
13 county and to each member of the Legislature from the  
14 county budget committee a statement:

15 1. Describing the federal expenditure. Describ-  
16 ing the proposed federal expenditure in the same man-  
17 ner as it would be described in the estimate; and

18 2. Statement as to why availability of federal  
19 funds could not have been anticipated. Containing a  
20 statement as to why the availability of these federal  
21 funds and the necessity of their expenditure could  
22 not have been anticipated in time for that expendi-  
23 ture to be adopted as part of the estimates for that  
24 particular fiscal year.

25 Sec. 6. 30 MRSA c. 10 is enacted to read:

26 CHAPTER 10

27 COUNTY BUDGET COMMITTEE

28 §1401. Purpose

29 The purpose of this chapter is to establish in  
30 each county a method of appropriating money for  
31 county expenditures, according to a budget, which  
32 shall first receive approval of a budget committee.  
33 This chapter amends the present statutory method in  
34 sections 202, 252 and 253 by transferring the author-  
35 ity of the county legislative delegation and the  
36 Legislature to approve county budgets to a committee  
37 comprised of county and municipal officers.

38 §1402. Definitions

1        As used in this chapter, unless the context indi-  
2 cates otherwise, the following terms have the follow-  
3 ing meanings.

4        1. County officers. "County officers" means the  
5 county commissioners or the officers, under a charter  
6 who exercise legislative powers within the county.

7        2. Municipal officers. "Municipal officers"  
8 means the mayor and aldermen or councillors of a  
9 city, the selectmen or councillors of a town and the  
10 assessors of a plantation.

11        §1403. County budget committee

12        In every county there shall be an established  
13 budget committee to carry out the purposes of this  
14 chapter.

15        1. Membership. The budget committee shall con-  
16 sist of 15 members, 9 of whom shall be municipal  
17 officers, selected as provided in this section, 3 of  
18 whom shall be the county officers, one shall be a  
19 Senator, one shall be a Representative and one shall  
20 be an at-large public member.

21        A. The municipal officers within each commis-  
22 sioner district shall caucus and select the 3  
23 budget committee members from that district. No  
24 2 municipal budget committee members may be from  
25 the same municipality unless the municipality  
26 constitutes more than 25% of the population of  
27 the county commissioner district. In no event  
28 may more than 2 members be residents of the same  
29 municipality.

30        B. The Senator and Representative shall be se-  
31 lected by a caucus of the county legislative del-  
32 egation.

33        C. The at-large public member shall be selected  
34 by the county officers. In those counties con-  
35 taining unorganized townships, a reasonable  
36 effort shall be made to select an at-large public  
37 member who resides in an unorganized township.



1           2. Responsibilities. It is the responsibility  
2 of the county budget committee to review the budget  
3 estimates prepared by the county officers and to  
4 approve a final county budget.

5           3. Term of office. The term of office shall be  
6 2 years.

7           4. Vacancies. A vacancy occurring on the budget  
8 committee shall be filled by the committee for the  
9 balance of the unexpired term. The person appointed  
10 to fill the vacant office shall qualify in the same  
11 manner as the incumbent and shall be from the same  
12 county commissioner district.

13           5. Expenses. Members shall serve without com-  
14 penetration, but shall be reimbursed from the county  
15 treasury for expenses lawfully incurred by them in  
16 the performance of their duties.

17   §1404. Budget committee selection

18           The county officers shall call a caucus for the  
19 selection of budget committee members no later than  
20 September 15, 1983, and every 2 years thereafter.  
21 The county officers shall direct the county clerk to  
22 notify municipal officials and the legislative dele-  
23 gation of the date. The names of those selected at  
24 the caucus shall be reported to the county clerk.

25   §1405. Budget committee organization

26           The county officers shall direct the county clerk  
27 to call an organizational meeting of the budget com-  
28 mittee no later than November 7th for the coming  
29 year. The county officers shall provide the commit-  
30 tee with necessary clerical assistance, office  
31 expenses, suitable meeting space and access to county  
32 files and information. The budget committee shall  
33 select its own chairman, vice-chairman and secretary.  
34 The budget committee shall adopt its own rules or  
35 procedures and bylaws.

36   §1406. Budget procedures

37           1. Proposed budget. The county officers shall  
38 submit an itemized budget estimate, as described in

1 sections 252 and 253, to the budget committee in a  
2 timely fashion, no later than November 7th, for the  
3 coming year.

4 2. Budget review process. The budget committee  
5 shall review the proposed itemized budget prepared by  
6 the county officers, together with any supplementary  
7 material prepared by the head of each county depart-  
8 ment or provided by an independent board or institu-  
9 tion or another governmental agency. The budget com-  
10 mittee may increase, decrease, alter and revise the  
11 proposed budget, provided that:

12 A. The budget committee shall enter into its  
13 minutes a statement of the basis for any change  
14 in the estimated expenditures and revenues as  
15 initially presented by the county officers; and

16 B. The total estimated revenues, together with  
17 the amount of county tax to be levied shall equal  
18 the total estimated expenditures.

19 3. Public hearing. The budget committee shall  
20 hold a public hearing in the county on the proposed  
21 budget prior to December 1st and before the final  
22 adoption of the budget. Notice of the hearing shall  
23 be given at least 10 days prior to the hearing in a  
24 newspaper of general circulation within the county.  
25 Written notice and a copy of the proposed budget  
26 shall be sent by registered or certified mail with  
27 return receipt requested, or delivered by hand in  
28 person, with proof received of the delivery, to the  
29 clerk of each municipality in the county. The munic-  
30 ipal clerk shall notify the municipal officers of the  
31 receipt of the proposed budget.

32 4. Adoption of budget. After completion of the  
33 public hearing, the budget committee may further  
34 increase, decrease, alter and revise the proposed  
35 itemized budget, subject to the conditions and re-  
36 strictions imposed in subsection 2. The proposed  
37 itemized budget shall be finally adopted by a major-  
38 ity vote of the budget committee at a duly called  
39 meeting not later than December 30th. The approved  
40 budget shall be the final authorization for the  
41 assessment of county taxes. The budget shall be  
42 transmitted to the county officers and the county tax

1 authorized shall be apportioned and collected in ac-  
2 cordance with section 254.

3 In the event the budget is not approved before the  
4 start of a fiscal year, the county shall, until a  
5 budget is finally adopted, operate on an interim bud-  
6 get which shall not exceed the previous year's bud-  
7 get.

8 The county officers may transfer funds as provided in  
9 section 252.

10 §1407. Budget amendments

11 The approved budget shall govern the expenditures  
12 of the county during the fiscal year. No expenses  
13 may be incurred in excess of those shown in the  
14 approved budget, but the budget may be from time to  
15 time amended by the preparation and submission of a  
16 proposed amendment to the budget by the county offi-  
17 cers to the budget committee. The budget committee  
18 shall, not less than 15 calendar days, except in  
19 emergencies, nor more than 30 days after the submis-  
20 sion to it, approve or amend any such proposed budget  
21 amendment. A report of the budget amendment shall  
22 be transmitted to the State Auditor within 15 days of  
23 the budget committee's action thereon.

24 §1408. Filing of county budget

25 A copy of the final budget, and subsequent amend-  
26 ments, shall be filed of forms approved by the  
27 Department of Audit, with the State Auditor, who  
28 shall retain them for a period of 3 years.

29 STATEMENT OF FACT

30 Section 1 amends the statutes for county adminis-  
31 trators by granting the budget committee the respon-  
32 sibility for determining compensation and by repeal-  
33 ing the requirement that county commissioners shall  
34 forego their salaries if a county administrator is  
35 hired.

36 Section 2 amends the statutes for estimating  
37 county taxes by assuring consistency with the county

1 budget committee procedure and by transferring the  
2 authority of the county legislative delegation and  
3 the Legislature to the county budget committee.

4 The statutes regarding the public hearing re-  
5 quirement are repealed. Similar provisions are con-  
6 tained in the county budget committee's procedures.  
7 References to the county legislative delegation or  
8 Legislature are replaced with references to the  
9 county budget committee.

10 Sections 3 to 5 amend the statutes for recording  
11 estimates of county expenditures, the payment of cer-  
12 tain grants and action on federal funds. References  
13 to the Secretary of State and the Legislature are  
14 replaced with references to the county budget commit-  
15 tee.

16 County commissioners shall present the budget  
17 committee with recorded estimates. The county com-  
18 missioners may accept federal funds after a budget is  
19 approved, but shall notify the budget committee of  
20 its action. All grants placed in the county budget  
21 by the budget committee to any agency outside of the  
22 regular county departments shall be paid to those  
23 agencies on a quarterly basis.

24 Section 6 establishes in each county a budget  
25 committee which is responsible for approving the  
26 county budget. The present authority of the legis-  
27 lative delegation and the Legislature to approve  
28 county budgets is transferred to a committee com-  
29 prised of county and municipal officers.

30 The budget committee in each county is made up of  
31 9 municipal officers selected by a caucus of municip-  
32 al officials in each commissioner district, a Sena-  
33 tor and Representative selected by the county legis-  
34 lative delegation, an at-large public member and the  
35 county commissioners. The term of office is 2 years.

36 It is the responsibility of the budget committee  
37 to review the annual budget estimates prepared by the  
38 county commissioners and to approve a final county  
39 budget. A public hearing and notification of all  
40 municipal officers is required before a final budget  
41 is adopted. The adopted budget shall serve as the  
42 basis for the assessment of county taxes.

1           The budget can be amended upon approval of the  
2 budget committee. The final budget and subsequent  
3 amendments shall be filed with the State Auditor.

4           The Blaine House Conference on State and Local  
5 Relations held on May 10 and 11, 1982, identified  
6 county government as an area where reform is needed.  
7 This and related legislation implements the confer-  
8 ence recommendations for county reform by focusing on  
9 2 changes:

10           1. Control of the county budget should rest with  
11 local officials; and

12           2. Administrative offices at the county level  
13 that are now elected positions should become appoint-  
14 ive positions.

15

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