

MAINE STATE LEGISLATURE

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(New Draft of S.P. 435, L.D. 1347)

FIRST REGULAR SESSION

ONE HUNDRED AND ELEVENTH LEGISLATURE

Legislative Document

No. 1710

S.P. 592

In Senate, May 26, 1983

Reported by Senator Twitchell of Oxford from the Committee on Local and County Government and printed under Joint Rule 2.

Original bill presented by Senator Twitchell of Oxford. Cosponsored by Representative Daggett of Manchester, Representative Bost of Orono and Representative Roberts of Buxton.

JOY O'BRIEN, Secretary of the Senate

STATE OF MAINE

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

AN ACT to Establish County Budget
Committees.

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

Sec. 1. 30 MRSA §2, sub-§1, as amended by PL 1981, c. 654, §§1 to 17, is repealed and the following enacted in its place:

1. County officers' salaries. The county commissioners, treasurers, sheriffs, judges of probate, registers of probate and registers of deeds in the several counties shall receive annual salaries from the county treasury, in weekly, biweekly or monthly payments.

Annual salaries for county officers shall be established and appropriated as part of the annual county budget process described in sections 252 and 1406.

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 at least
6 60 days prior to the end of the county's fiscal year,
7 shall prepare estimates of the sums necessary to
8 defray the expenses which have accrued or may probab-
9 ly accrue for the coming year, including salaries
10 of the county officers and employees, the building
11 and repairing of jails, courthouses and appurte-
12 nances, with the debts owed by their counties.

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

22 Copies of such forms shall be transmitted to the
23 county commissioners of each county by the office of
24 the Secretary of State no later than September 19th
25 of each year 4 months prior to the end of a county's
26 fiscal year.

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

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

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

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

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

40 Sec. 3. 30 MRSA §253, as amended by PL 1981, c.
41 279, §12, is further amended to read:

1 §253. Estimates recorded and sent to county budget
2 committee

3 These estimates shall be recorded by their clerk
4 in a book. A copy thereof shall be signed by the
5 chairman of the county commissioners and attested by
6 their clerk, who shall transmit it to the office of
7 the Secretary of State on or before the first day of
8 each January budget committee no later than 60 days
9 prior to the end of the county's fiscal year,
10 together with the county reports for the 2 preceding
11 years, to be by him laid before the Legislature.

12 Any county which is the recipient of federal
13 funds shall provide for the expenditure of those
14 funds in accordance with the laws and procedures
15 applicable to the expenditure of its own revenue and
16 shall record estimates of the expenditure as provided
17 in this section.

18 A copy of these estimates, with any amendments
19 attached thereto adopted by the Legislature, includ-
20 ing any changes in specific line categories, for the
21 assessment of the county taxes, shall be filed by the
22 Legislature with the State Auditor who shall retain
23 them for a period of 3 years. These records shall be
24 a public record at the office of the county commis-
25 sioners in the county which transmitted them.

26 Sec. 4. 30 MRSA §253-B, as amended by PL 1979,
27 c. 40, is further amended to read:

28 §253-B. Certain grants to be paid on a quarterly
29 basis

30 Any grants placed in the county budget by the
31 Legislature budget committee to any agency outside of
32 the regular county departments must be paid to such
33 agencies on a quarterly basis. The commissioners may
34 withhold funds from an agency if there is evidence
35 that funds have been misappropriated or misapplied by
36 the agency.

37 Sec. 5. 30 MRSA §253-C, as enacted by PL 1979,
38 c. 351, §2, is amended to read:

39 §253-C. Action on federal funds after the budget is
40 approved

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 §254, as amended by PL 1981, c.
26 403, §3, is further amended to read:

27 §254. Apportionment of county tax; warrants

28 When a county tax is authorized by the budget
29 committee, the county commissioners shall, in March
30 in the year for which that tax is granted within 30
31 days of the date the tax is authorized, apportion it
32 upon the towns and other places according to the last
33 state valuation and fix the time for the payment of
34 the same, which shall not be earlier than the first
35 day of the following September. They may add that
36 sum above the sum so authorized, not exceeding 2% of
37 that sum, as a fractional division necessitates and
38 demonstrate that necessity in the record of that
39 apportionment, and issue their warrant to the asses-
40 sors requiring them forthwith to assess the sum
41 apportioned to their town or place, and to commit
42 their assessment to the constable or collector for

1 collection. The county treasurer shall immediately
2 certify the millage rate to the State Tax Assessor.
3 This millage rate shall be separately assessed by the
4 State Tax Assessor upon the real and personal prop-
5 erty in the unorganized territory within the appro-
6 priate county.

7 The county may collect delinquent county taxes
8 and charge interest on delinquent county taxes as
9 provided under Title 36, sections 891, 892 and 892-A.

10 Sec. 7. 30 MRSA c. 10 is enacted to read:

11 CHAPTER 10

12 COUNTY BUDGET COMMITTEE

13 §1401. Purpose

14 The purpose of this chapter is to establish in
15 each county a method of appropriating money for
16 county expenditures, according to a budget, which
17 shall first receive approval of a budget committee.
18 This chapter amends the present statutory method in
19 sections 252 and 253 by transferring the authority to
20 the county legislative delegation and the Legislature
21 to approve county budgets to a committee comprised of
22 county and municipal officers.

23 §1402. Definitions

24 As used in this chapter, unless the context
25 otherwise indicates, "municipal officers" means the
26 mayor or alderman or councilors of a city, the
27 selectmen or councilors of a town and the assessors
28 of a plantation.

29 §1403. County budget committee

30 In every county there shall be an established
31 budget committee to carry out the purposes of this
32 chapter.

33 1. Membership. The budget committee shall con-
34 sist of 9 members, 3 members from each commissioner
35 district selected as provided for in this section and
36 3 county commissioners who shall serve on the commit-

1 tee in an advisory capacity only and shall not vote
2 on any committee matters.

3 In 1983, and thereafter, at least 90 days prior to
4 the end of every other fiscal year, the 9 members
5 shall be elected by the following procedure.

6 A. The county commissioners shall notify all
7 municipal officers in their county to caucus by
8 county commissioner district at a specified date,
9 time and place for the purpose of nominating at
10 least 3 municipal officers as candidates for the
11 county budget committee. The county commission-
12 ers shall serve as nonvoting moderators for their
13 district caucuses. Nominations shall be received
14 from the floor and require a majority vote of
15 those present to be approved. The names of those
16 duly nominated shall be recorded and forwarded to
17 the county commissioners to be placed on a writ-
18 ten ballot.

19 B. The county commissioners shall have written
20 ballots printed with the names of those candi-
21 dates selected in their districts in accordance
22 with paragraph A. The county commissioners shall
23 distribute these ballots to each municipality.
24 Each commissioner district shall require a sep-
25 arate ballot and each ballot shall specify each
26 candidate's full name and municipality. The
27 municipal officers shall vote as a board, for 3
28 budget committee members from the candidates on
29 the ballot and return the ballot to the county
30 commissioners by a certain date. The ballots
31 shall be counted at a regular meeting of the
32 county commissioners. Each vote shall be weighed
33 according to that municipality's population as a
34 proportion of the district's total population.
35 The county commissioners shall notify each munic-
36 ipality, in writing, of the results of the elec-
37 tion and shall certify the results to the Secre-
38 tary of State.

39 As long as Washington County remains
40 undistricted, it shall, for purposes of electing
41 a budget committee, follow the county commis-
42 sioner districts defined in section 105-H.

1 C. Prior to the convening of district caucuses
2 under paragraph A, county commissioners of a
3 county having a district or districts which
4 include unorganized territory shall notify the
5 legal voters of that unorganized territory to
6 caucus by county commissioner district at a
7 specified date, time and place for the purpose of
8 electing 3 unorganized territory officers. The
9 county commissioner from each district which
10 includes unorganized territory shall serve as a
11 nonvoting moderator at this caucus. Nominations
12 shall be received from the floor. Each voter
13 present may vote for 3 candidates. The 3 candi-
14 dates receiving the most votes shall be elected.
15 The unorganized territory officers elected shall
16 participate in the caucus described in paragraph
17 A as if they were municipal officers. For the
18 purposes of paragraph B, the unorganized ter-
19 ritory officers shall receive a ballot for their
20 district and shall cast their vote and return the
21 ballot under that paragraph as if they were
22 municipal officers of one municipality. Each
23 vote shall be weighed when the county commis-
24 sioners count the ballots under paragraph B according
25 to the population of the unorganized territory in
26 the unorganized territory officers' district as a
27 proportion of the district's total population.
28 The county commissioners shall notify the
29 unorganized territory officers, in writing, of
30 the results of the election.

31 2. Term of office. The term of office shall be
32 2 years, provided that a budget committee member
33 remains a municipal officer in his municipality or a
34 legal voter of the unorganized territory in his com-
35 missioner district, as applicable.

36 3. Vacancies. A vacancy occurring on the budget
37 committee shall be filled by the committee for the
38 balance of the unexpired term. The person appointed
39 to fill the vacant office shall be a municipal offi-
40 cer from the same municipality as the person vacating
41 the office or a legal voter of the unorganized ter-
42 ritory from the same commissioner district as the
43 person vacating the office, as applicable.

1 4. Expenses. Members shall serve without com-
2 pen- sation, but shall be reimbursed from the county
3 treasury for expenses lawfully incurred by them in
4 the performance of their duties.

5 §1404. Budget committee organization

6 The budget committee shall conduct its meetings
7 in public at the county courthouse. The county com-
8 missioners shall direct the county clerk to call an
9 organizational meeting of the budget committee no
10 later than 60 days prior to the end of the county's
11 fiscal year. The county commissioners shall provide
12 the committee with necessary clerical assistance,
13 office expenses and suitable meeting space, as well
14 as access to county files and information. The bud-
15 get committee shall select its own chairman, vice-
16 chairman and secretary. The budget committee shall
17 adopt its own rules or procedures and bylaws.

18 §1405. Budget procedures

19 1. Proposed budget. The county commissioners
20 shall submit an itemized budget estimate, as de-
21 scribed in sections 252 and 253, to the budget com-
22 mittee in a timely fashion, no later than 60 days
23 prior to the end of the county's fiscal year.

24 2. Budget review process. The budget committee
25 shall review the proposed itemized budget prepared by
26 the county commissioners, together with any supple-
27 mentary material prepared by the head of each county
28 department or provided by any independent board or
29 institution or another governmental agency. The bud-
30 get committee may increase, decrease, alter or revise
31 the proposed budget, provided that:

32 A. The budget committee shall enter into its
33 minutes a statement of the basis for any change
34 in the estimated expenditures and revenues as
35 initially presented by the county commissioners;
36 and

37 B. The total estimated revenues, together with
38 the amount of county tax to be levied, shall
39 equal the total estimated expenditures.

1 3. Public hearing. The budget committee shall
2 hold a public hearing in the county on the proposed
3 budget prior to the end of the county's fiscal year
4 and before the final adoption of the budget. Notice
5 of the hearing shall be given at least 10 days prior
6 to the hearing in a newspaper of general circulation
7 within the county. Written notice and a copy of the
8 proposed budget shall be sent by registered or certi-
9 fied mail with return receipt requested, or delivered
10 by hand in person, with proof received of the deliv-
11 ery, to the clerk of each municipality in the county.
12 The municipal clerk shall notify the municipal offi-
13 cers of the proposed budget

14 4. Adoption of budget. After completion of the
15 public hearing, the budget committee may further
16 increase, decrease, alter and revise the proposed
17 itemized budget, subject to the conditions and re-
18 strictions imposed in subsection 2. The proposed
19 itemized budget shall be finally adopted by a major-
20 ity vote of the budget committee at a duly called
21 meeting not later than the end of the county's fiscal
22 year. The approved budget shall be the final author-
23 ization for the assessment of county taxes. The bud-
24 get shall be transmitted to the county commissioners
25 and the county tax authorized shall be apportioned
26 and collected in accordance with section 254.

27 In the event the budget is not approved before the
28 start of a fiscal year, the county shall, until a
29 budget is finally adopted, operate on an interim bud-
30 get which shall not exceed the previous year's bud-
31 get.

32 The county commissioners may transfer funds as pro-
33 vided in section 252.

34 §1406. Budget amendments

35 The approved budget shall govern the expenditures
36 of the county during the fiscal year. No expenses
37 may be incurred in excess of those shown in the
38 approved budget, but the budget may be from time to
39 time revised by the preparation and submission of a
40 proposed amended budget by the county commissioners
41 to the budget committee. The budget committee shall,
42 not less than 15 calendar days, except in emergen-

1 cies, nor more than 30 days after the submission to
2 it, approve or amend any such revised budget. A
3 report of approval of a revised budget shall be
4 transmitted to the State Auditor within 15 days of
5 the budget committee's action thereon.

6 §1407. Filing of county budget

7 A copy of the final budget and subsequent amend-
8 ments, shall be filed on forms approved by the
9 Department of Audit, with the State Auditor, who
10 shall retain them for a period of 3 years.

11 Sec. 8. Effective date. In section 1 of this
12 Act, Title 30, section 2, subsection 1, paragraphs A
13 to P, are repealed January 1, 1984.

14 STATEMENT OF FACT

15 Section 1 amends the statutes for county offi-
16 cers' salaries by including the establishment of sal-
17 aries in the county budget committee process.

18 Section 1 also repeals the statutes that set the
19 salaries for county officers. Under section 8, this
20 repeal shall not go into effect until other salaries
21 are provided for under the budget committee process.

22 Section 2 amends the statutes for estimating
23 county taxes by assuring consistency with the county
24 budget committee procedure and by transferring the
25 authority of the county legislative delegation and
26 the Legislature to the county budget committee. The
27 statutes regarding the public hearing requirement are
28 repealed. Similar provisions are contained in the
29 county budget committee's procedures. References to
30 the county legislative delegation or Legislature are
31 replaced with references to the county budget commit-
32 tee.

33 Sections 3 to 5 amend the statutes for recording
34 estimates of county expenditures, the payment of cer-
35 tain grants and action on federal funds. References
36 to the Secretary of State and the Legislature are
37 replaced with references to the county budget commit-
38 tee. County commissioners shall present the budget

1 committee with recorded estimates. The county com-
2 missioners may accept federal funds after a budget is
3 approved, but shall notify the budget committee of
4 its action. All grants placed in the county budget
5 by the budget committee to any agency outside of the
6 regular county departments shall be paid to those
7 agencies on a quarterly basis.

8 Section 6 amends current statute to permit county
9 commissioners to apportion county taxes within 30
10 days after the county budget committee authorizes the
11 tax.

12 Section 7 establishes in each county a budget
13 committee which is responsible for approving the
14 county budget. The present authority of the legis-
15 lative delegation and the Legislature to approve
16 county budgets is transferred to a committee com-
17 prised of county and municipal officers.

18 The budget committee in each county is made up of
19 9 members, who are either municipal officers or legal
20 voters of the unorganized territory, selected by the
21 municipal officers and the unorganized territory
22 officers. Unorganized territory officers are elected
23 solely for the purpose of participating in the choos-
24 ing, and perhaps membership, of county budget commit-
25 tees in each commissioner district. County commis-
26 sioners shall serve as nonvoting members. The term
27 of office is 2 years.

28 It is the responsibility of the budget committee
29 to review the annual budget estimates prepared by the
30 county commissioners and to approve a final county
31 budget. A public hearing and notification of all
32 municipal officers is required before a final budget
33 is adopted. The adopted budget shall serve as the
34 basis for the assessment of county taxes.

35 The budget can be amended upon approval of the
36 budget committee. The final budget and subsequent
37 amendments shall be filed with the State Auditor.

38 The Blaine House Conference on State and Local
39 Relations held on May 10 and 11, 1982, identified
40 county government as an area where reform is needed.
41 This and related legislation implements the confer-

1 ence recommendations for county reform by transfer-
2 ring control of the county budget from the Legis-
3 lature to local officials.

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