

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 389

6
7 H.P. 300

House of Representatives, January 31, 1985

8 Referred to the Committee on Local and County Government and
9 ordered printed. Sent up for concurrence.

10 EDWIN H. PERT, Clerk

Presented by Representative Davis of Monmouth.

Cosponsored by Representative Daggett of Manchester.

11
12 STATE OF MAINE
13

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

17 AN ACT to Establish a Kennebec County Budget
18 Committee.
19

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

22 30 MRSA c. 10 is enacted to read:

23 CHAPTER 10

24 KENNEBEC COUNTY BUDGET COMMITTEE

25 §1401. Definitions

26 As used in this chapter, unless the context oth-
27 erwise indicates, the following terms have the fol-
28 lowing meanings.

29 1. County commissioners. "County commissioners"
30 means the elected county commissioners of Kennebec
31 County.

1 2. Municipal officers. "Municipal officers"
2 means the mayor, aldermen or councilors of a city,
3 the selectmen or councilors of a town and the asses-
4 sors of a plantation located in Kennebec County.

5 §1402. Kennebec County Budget Committee

6 In Kennebec County, there is established the Ken-
7 nebec County Budget Committee to carry out the pur-
8 poses of this chapter.

9 1. Membership. The budget committee shall con-
10 sist of 9 members, 3 members from each commissioner
11 district, selected as provided in this section, and 3
12 county commissioners who shall serve on the committee
13 in an advisory capacity only and shall not vote on
14 any committee matters.

15 In 1985 and thereafter, at least 90 days prior to the
16 end of every other fiscal year, the 9 members shall
17 be elected by the following procedure.

18 A. The county commissioners shall notify all mu-
19 nicipal officers in the county to caucus by coun-
20 ty commissioner districts at a specified date,
21 time and place for the purpose of nominating at
22 least 3 municipal officers as candidates for the
23 county budget committee. The county commis-
24 sioners shall serve as nonvoting moderators for their
25 district caucuses. Nominations shall be received
26 from the floor and require a majority vote of
27 those present to be approved. The names of those
28 duly nominated shall be recorded and forwarded to
29 the county commissioners to be placed on a writ-
30 ten ballot.

31 B. The county commissioners shall have written
32 ballots printed with the names of those candi-
33 dates selected in their districts in accordance
34 with paragraph A. The county commissioners shall
35 distribute these ballots to each municipality.
36 Each commissioner district shall require a sepa-
37 rate ballot and each ballot shall specify each
38 candidate's full name and municipality. The mu-
39 nicipal officers shall vote as a board for 3 bud-
40 get committee members from the candidates on the
41 ballot and return the ballot to the county com-

1 missioners by a certain date. The ballots shall
2 be counted at a regular meeting of the county
3 commissioners. Each vote shall be weighed ac-
4 ording to that municipality's population as a
5 proportion of the district's total population.
6 The county commissioners shall notify each munic-
7 ipality, in writing, of the results of the elec-
8 tion and shall certify the results to the Secre-
9 tary of State.

10 C. Prior to the convening of district caucuses
11 under paragraph A, county commissioners shall no-
12 tify the legal voters of an unorganized territory
13 to caucus by county commissioner district at a
14 specified date, time and place for the purpose of
15 electing 3 unorganized territory officers. The
16 county commissioner from each district which in-
17 cludes the unorganized territory shall serve as a
18 nonvoting moderator at this caucus. Nominations
19 shall be received from the floor. Each voter
20 present may vote for 3 candidates. The 3 candi-
21 dates receiving the most votes shall be elected.
22 The unorganized territory officers elected shall
23 participate in the caucus described in paragraph
24 A as if they were municipal officers. For the
25 purposes of paragraph B, the unorganized territo-
26 ry officers shall receive a ballot for their dis-
27 trict and shall cast their vote and return the
28 ballot under that paragraph as if they were mu-
29 nicipal officers of one municipality. Each vote
30 shall be weighed, when the county commissioners
31 count the ballots under paragraph B, according to
32 the population of the unorganized territory in
33 the unorganized territory officers' district as a
34 proportion of the district's total population.
35 The county commissioners shall notify the unorga-
36 nized territory officers, in writing, of the re-
37 sults of the election.

38 2. Responsibilities. It is the responsibility
39 of the county budget committee to review the budget
40 estimates prepared by the county commissioners and to
41 approve a final county budget.

42 3. Term of office. The term of office shall be
43 2 years, provided that a budget committee member re-
44 remains a municipal officer in his municipality or a

1 legal voter of the unorganized territory in his com-
2 missioner district, as applicable.

3 4. Vacancies. A vacancy occurring on the budget
4 committee shall be filled by the committee for the
5 balance of the unexpired term. The person appointed
6 to fill the vacant office shall be a municipal offi-
7 cer from the same municipality as the person vacating
8 the office.

9 5. Expenses. Members shall serve without com-
10 penensation, but shall be reimbursed from the county
11 treasury for expenses lawfully incurred by them in
12 the performance of their duties.

13 §1403. Budget committee organization

14 The budget committee shall conduct its meetings
15 in public at the county courthouse. The county com-
16 missioners shall direct the county clerk to call an
17 organizational meeting of the budget committee no la-
18 ter than 60 days prior to the end of the county's
19 fiscal year. The county commissioners shall provide
20 the committee with necessary clerical assistance, of-
21 fice expenses and suitable meeting space, as well as
22 access to county files and information. The budget
23 committee shall select its own chairman, vice-
24 chairman and secretary. The budget committee shall
25 adopt its own rules or procedures and bylaws.

26 §1404. Budget procedures

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

32 2. Budget review process. The budget committee
33 shall review the proposed itemized budget prepared by
34 the county commissioners, together with any supple-
35 mentary material prepared by the head of each county
36 department or provided by any independent board, in-
37 stitution or other governmental agency. The budget
38 committee may increase, decrease, alter or revise the
39 proposed budget, provided that:

1 A. The budget committee shall enter into its
2 minutes a statement of the basis for any change
3 in the estimated expenditures and revenues as
4 initially presented by the county commissioners;
5 and

6 B. The total estimated revenues, together with
7 the amount of county tax to be levied, shall
8 equal the total estimated expenditures.

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

22 4. Adoption of budget. After completion of the
23 public hearing, the budget committee may further in-
24 crease, decrease, alter and revise the proposed item-
25 ized budget, subject to the conditions and restric-
26 tions imposed in subsection 2. The proposed itemized
27 budget shall be finally adopted by a majority vote of
28 the budget committee at a duly called meeting not la-
29 ter than the end of the county's fiscal year. The
30 approved budget shall be the final authorization for
31 the assessment of county taxes. The budget shall be
32 transmitted to the county commissioners and the coun-
33 ty tax authorized shall be apportioned and collected
34 in accordance with section 254.

35 In the event the budget is not approved before the
36 start of a fiscal year, the county shall, until a
37 budget is finally adopted, operate on an interim bud-
38 get which shall not exceed the previous year's bud-
39 get.

40 The county commissioners may transfer funds as pro-
41 vided in section 252.

1 §1405. Budget amendments

2 The approved budget shall govern the expenditures
3 of the county during the fiscal year. No expenses
4 may be incurred in excess of those shown in the ap-
5 proved budget, but the budget may be from time to
6 time revised by the preparation and submission of a
7 proposed amended budget by the county commissioners
8 to the budget committee. The budget committee shall,
9 not less than 15 calendar days, except in emergen-
10 cies, nor more than 30 days after the submission to
11 it, approve or amend any such revised budget. A re-
12 port of approval of a revised budget shall be trans-
13 mitted to the State Auditor within 15 days of the
14 budget committee's action thereon.

15 §1406. Filing of county budget

16 A copy of the final budget and subsequent amend-
17 ments shall be filed, on forms approved by the De-
18 partment of Audit, with the State Auditor, who shall
19 retain them for a period of 3 years.

20 STATEMENT OF FACT

21 The purpose of this bill is to establish the Ken-
22 nebec County Budget Committee in Kennebec County
23 which is responsible for approving the county budget.
24 The present authority of the Kennebec County legisla-
25 tive delegation and the full Legislature to approve
26 the county budget is transferred to a committee com-
27 prised of elected Kennebec County municipal selectmen
28 and councilors.

29 The Kennebec County Budget Committee will be com-
30 prised of 9 elected municipal officers, 3 from each
31 commissioner district, and the county commissioners
32 who will serve on the committee in a nonvoting, ad-
33 visory capacity.

34 All the municipal officers in Kennebec County
35 will caucus by commissioner districts and nominate at
36 least 3 municipal officers as candidates to the bud-
37 get committee. Each municipality will vote by com-
38 missioner district for 3 budget committee members
39 from the list of candidates to represent that commis-

1 sioner district on the full budget committee. Votes
2 will be weighed according to each municipality's popu-
3 lation as a proportion of the district's total popu-
4 lation. The bill makes provisions for the citizens
5 of the unorganized area of Kennebec County, Unity
6 Township, to also be represented on the county budget
7 committee.

8 It will be the responsibility of the Kennebec
9 County Budget Committee to review the annual budget
10 estimates prepared by the county commissioners and to
11 approve a final county budget.

12 This bill applies to Kennebec County only.

13

0698010285