

MAINE STATE LEGISLATURE

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April 8, 1986

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(New Draft of S.P. 805, L.D. 2031)
SECOND REGULAR SESSION

ONE HUNDRED AND TWELFTH LEGISLATURE

Legislative Document

No. 2345

S.P. 936

In Senate, April 7, 1986

Reported by Senator Stover of Sagadahoc from the Committee on Local and County Government and printed under Joint Rule 2. Original bill sponsored by President Pray of Penobscot. Cosponsored by Representative Law of Dover-Foxcroft, Representative Lander of Greenville and Representative Masterman of Milo.

JOY J. O'BRIEN, Secretary of the Senate

STATE OF MAINE

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

AN ACT to Establish a Piscataquis County
Budget Committee.

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

30 MRSA c. 10-A is enacted to read:

CHAPTER 10-A

PISCATAQUIS COUNTY BUDGET COMMITTEE

§1421. Purpose

The purpose of this chapter is to establish in Piscataquis County a method of appropriating money for county expenditures, including expenditures for municipal services in the unorganized territory, according to a budget, which shall first be reviewed by a budget committee and shall then be approved by the Legislature. This chapter amends the present statuto-

ry method in sections 252 and 253 by creating a committee with authority to review the budget and make recommendations to the county commissioners. The Legislature shall continue to have authority to approve and amend the budget. This chapter applies only to Piscataquis County.

§1422. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. County commissioners. "County commissioners" means the elected county commissioners of Piscataquis County.

2. Municipal officials. "Municipal officials" may include the mayor, aldermen, councillors or manager of a city, the selectmen, councillors or manager of a town and the assessors of a plantation located in Piscataquis County. The municipal officer means elected mayor, aldermen or councillors of a city, the selectmen or councillors of a town and the assessors of a plantation located in Piscataquis County.

§1423. Piscataquis County Budget Committee

In Piscataquis County there is established the Piscataquis County Budget Committee to carry out the purposes of this chapter.

1. Membership. The budget committee shall consist of 9 members, 3 members from each commissioner district selected at least 90 days prior to the end of the fiscal year as provided for in this section.

A. Of the 3 members from each commissioner district, one must be a municipal official, appointed by the county commissioners; one must be a representative of the general public, appointed by the county commissioners; and one must be appointed by the Piscataquis County legislative delegation. Only one of the representatives of the general public shall be a resident of the unorganized territories.

1 Of the 3 members of the general public on the
2 committee, only one shall be a resident of the
3 unorganized territories.

4 B. It is the responsibility of the county budget
5 committee to review the budget and estimates, in-
6 cluding the budget for municipal services in the
7 unorganized territory prepared by the county com-
8 missioners, and to make recommendations concern-
9 ing the budget and estimates.

10 C. The term of office shall be as follows:

11 (1) The member who is a municipal officer,
12 appointed by the county commissioners, shall
13 have an initial term of one year;

14 (2) The member who is a representative of
15 the general public, appointed by the county
16 commissioners, shall have an initial term of
17 2 years; and

18 (3) The member appointed by the Piscataquis
19 County legislative delegation shall have an
20 initial term of 3 years.

21 The terms of the respective members shall in-
22 crease by one year at the time of reappointment,
23 except the 3-year term, which shall become a one-
24 year term.

25 D. A vacancy occurring on the budget committee
26 shall be filled in the same manner as the origi-
27 nal appointment for the balance of the unexpired
28 term. The person appointed to fill the vacant
29 office must have the same qualifications as the
30 person vacating the office.

31 E. Members shall serve without compensation.

32 §1424. Budget committee organization

33 The budget committee shall conduct its meetings
34 in public at the county courthouse. The county com-
35 missioners shall direct the county clerk to call an
36 organizational meeting of the budget committee no la-
37 ter than 15 days after the county budget has been

1 prepared by the county commissioners. The county
2 commissioners shall provide the committee with neces-
3 sary clerical assistance, office expenses and suit-
4 able meeting space, as well as access to county files
5 and information. The budget committee shall select
6 its own chairman, vice-chairman and secretary. The
7 budget committee shall adopt its own rules or proce-
8 dures and bylaws.

9 §1425. Budget procedures

10 1. Proposed budget. The county commissioners
11 shall submit itemized budget estimates, as described
12 in sections 252, 253 and 5903, to the budget commit-
13 tee in a timely fashion, no later than 90 days prior
14 to the end of the county's fiscal year.

15 2. Budget review process. The budget committee
16 shall review the proposed itemized budgets prepared
17 by the county commissioners, together with any sup-
18plementary material prepared by the head of each
19 county department or provided by any independent
20 board, institution or another governmental agency.
21 The budget committee may make recommendations con-
22 cerning increase, decrease, alteration or revision to
23 the proposed budget. This shall be done prior to No-
24 vember 1st.

25 3. Meeting with legislative delegation. Prior
26 to November 15th, the county commissioners shall meet
27 with the county legislative delegation to review and
28 finalize estimates for the year.

29 4. Public hearing. The county commissioners
30 shall hold a public hearing in the county on the pro-
31 posed budget prior to December 1st and before the fi-
32 nal adoption of the budget. Notice of the hearing
33 shall be given at least 10 days prior to the hearing
34 in all newspapers of general circulation within the
35 county. Written notice and a copy of the proposed
36 budget shall be sent by mail or delivered in person
37 to the clerk of each municipality in the county and
38 to the members of the budget committee. The munici-
39 pal clerk shall notify the municipal officials of the
40 proposed budget and the date of the public hearing.

1 5. Adoption of budget. After completion of the
2 public hearing, the county commissioners may further
3 increase, decrease, alter and revise the proposed
4 itemized budgets, subject to the conditions and re-
5 strictions imposed in subsection 2. The proposed
6 itemized budget shall be finally adopted by a majori-
7 ty vote of the county commissioners at a duly called
8 meeting not later than December 15th.

9 6. Interim approval by legislative delegation.
10 Prior to submission of the budget to the Legislature
11 pursuant to subsection 7, the county commissioners
12 shall submit the proposed budget to the legislative
13 delegation. The delegation shall render a decision by
14 January 1st. Failure to do so shall be considered as
15 approval of the budget as submitted. If the legisla-
16 tive delegation disapproves of the budget, the county
17 commissioners shall submit, within 15 calendar days,
18 new budget proposals in accordance with subsection 1
19 and the provisions of this section shall be followed
20 until a budget is approved by the legislative delega-
21 tion.

22 7. Final budget approval. Prior to January 15th
23 of the fiscal year for which the budget is prepared,
24 the county commissioners shall submit the proposed
25 budget to the Legislature. The Legislature shall ap-
26 prove, disapprove or amend the budget as submitted
27 prior to April 1st of each year. If the Legislature
28 does not render a decision by that date, the budget
29 shall be considered approved as submitted.

30 The budget as approved by the Legislature shall be
31 the final authorization for the assessment of county
32 taxes. The budget shall be transmitted to the county
33 commissioners and the county tax authorized shall be
34 apportioned and collected in accordance with section
35 254. The budget for the unorganized territories shall
36 be transmitted to the State as provided by section
37 5903.

38 The county shall, until a budget is finally adopted,
39 operate on an interim budget which shall not exceed
40 the previous year's budget.

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

1 §1426. 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 of a proposed
7 amended budget by the county commissioners. This
8 proposed amended budget shall be submitted to the
9 county budget committee for review. Any recommenda-
10 tions by this committee must be submitted within 10
11 calendar days. After receiving the recommendation of
12 the budget committee, the county commissioners shall
13 forward the proposed revised budget to the legisla-
14 tive delegation for approval. The delegation shall
15 have 10 calendar days to render a decision on the
16 proposed revision. If the Legislature is not in ses-
17 sion, the approval of the delegation shall be consid-
18 ered final approval. If the Legislature is in ses-
19 sion, the proposed revised budget shall be submitted
20 by the county commissioners to the Legislature for
21 approval, disapproval or amendment. The Legislature
22 shall have 15 calendar days to render a decision on
23 the proposed revision. Failure of the delegation or
24 the Legislature to render a decision within the spec-
25 ified time period shall result in the revision being
26 considered approved by that body. Disapproval of the
27 revision by the delegation shall be treated in a
28 fashion similar to that described in section 1425,
29 subsection 6. A report of approval of a revised bud-
30 get shall be transmitted to the State Auditor within
31 15 days of an approval of a revised budget by the
32 Legislature.

33 §1427. Filing of county budget

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

38 STATEMENT OF FACT

39 This new draft accomplishes the following:

- 1 1. Eliminates the emergency status of the bill;
- 2 2. Changes the functions of the commissioners
- 3 from preparing to preparing, adopting and revising;
- 4 3. Changes the functions of the budget committee
- 5 from revising and adopting to reviewing and recom-
- 6 mending;
- 7 4. Adds the function of amending to the
- 8 Legislature's responsibility of approving;
- 9 5. Makes no change in the responsibility of the
- 10 delegation which is interim approval but not revi-
- 11 sion;
- 12 6. Calls for one of the 3 budget council members
- 13 chosen from the general public to be a resident of
- 14 the unorganized territories;
- 15 7. Provides for staggered terms for committee
- 16 members;
- 17 8. Sets the following schedule of deadlines:
- 18 Preparation by county
- 19 commissioners.....90 days prior to year end
- 20 Budget committee recommendations
- 21 to commissioners.....prior to November 1st
- 22 Preliminary budget agreement
- 23 with delegation.....prior to November 15th
- 24 Public hearing.....prior to December 1st
- 25 Formal submission to
- 26 delegation.....prior to December 15th
- 27 Approval by delegation.....prior to January 1st
- 28 Submission to Legislature
- 29 (in original bill).....prior to January 15th
- 30 Legislative approval
- 31 (in original bill).....prior to April 1st;

9. Eliminates the requirement of using registered mail by the county commissioners to distribute the budget. This brings the Piscataquis procedure in line with the procedure for nonbudget committee counties, which was passed in the First Regular Session of the 112th Legislature; and

10. Requires that proposals for budget amendments during the year be submitted to the legislative delegation. If the Legislature is in session, it will continue to have final approval. If it is not in session, the delegation will have final approval.

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