

MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 2414

6
7 H.P. 1726

House of Representatives, May 27, 1986

8 Approved for introduction by a majority of the Legislative Council
9 pursuant to Joint Rule 26.

10 Reference to the Committee on Local and County Government suggested
and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative Nadeau of Saco.

11
12 STATE OF MAINE
13

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

17 AN ACT to Establish an Androscoggin County
18 Budget.
19

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

22 30 MRSA c. 10-C is enacted to read:

23 CHAPTER 10-C

24 ANDROSCOGGIN COUNTY BUDGET COMMITTEE

25 §1451. Purpose

26 The purpose of this chapter is to establish in
27 Androscoggin County a method of appropriating money
28 for county expenditures, including the salaries for
29 county officers, according to a budget which must
30 first be adopted by a budget committee and then be
31 approved by the Legislature. This chapter amends the
32 present statutory method in sections 2, 252 and 253
33 by creating a committee elected by Androscoggin Coun-

1 ty municipal officers with authority to adopt or
2 amend the budget. The Legislature continues to have
3 authority to approve but not to amend the budget.
4 This chapter applies only to Androscoggin County.

5 §1452. Definitions

6 As used in this chapter, unless the context oth-
7 erwise indicates, the following terms have the fol-
8 lowing meanings.

9 1. County commissioners. "County commissioners"
10 means the county commissioners of Androscoggin Coun-
11 ty.

12 2. Municipal officials. "Municipal officials"
13 means the mayor, aldermen, councillors or manager of
14 a city and the selectmen, councillors or manager of a
15 town located in Androscoggin County.

16 §1453. Androscoggin County budget committee

17 In Androscoggin County there is established a
18 budget committee to carry out the purposes of this
19 chapter.

20 1. Membership. The budget committee shall con-
21 sist of 9 members, 3 members from each commissioner
22 district selected as provided for in this section.
23 The county commissioners shall serve on the committee
24 in an advisory capacity only and may not vote on any
25 committee matters.

26 In 1986, and every 3rd year thereafter, at least 90
27 days before the end of the fiscal year, the 9 members
28 shall be elected by the following procedure.

29 A. The county commissioners shall notify all mu-
30 nicipal officers in the county to caucus by coun-
31 ty commissioner districts at a specified date,
32 time and place for the purpose of nominating at
33 least 3 residents of the district of voting age
34 as candidates for the county budget committee.
35 At least 2 of the persons nominated must not be
36 municipal officials. A county commissioner shall
37 serve as nonvoting moderator for his district
38 caucus. Nominations shall be received from the

1 floor and require a majority vote of those
2 present to be approved. The names of those duly
3 nominated shall be recorded and forwarded to the
4 county commissioners to be placed on a written
5 ballot.

6 B. The county commissioners shall have written
7 ballots printed with the names of those candi-
8 dates selected in each county commissioner dis-
9 trict under paragraph A. Each commissioner dis-
10 trict shall require a separate ballot and each
11 ballot shall specify each candidate's full name
12 and municipality. The county commissioners shall
13 distribute the appropriate ballots to each munic-
14 ipality within a commissioner district. The mu-
15 nicipal officers shall vote, as a board, for 3
16 budget committee members from the candidates on
17 the ballot. The municipal officers must vote for
18 at least 2 candidates who are not municipal offi-
19 cial. After voting, the municipal officers
20 shall return the ballot to the county commission-
21 ers by a certain date.

22 C. The ballots shall be counted at a regular
23 meeting of the county commissioners. Each
24 municipality's vote shall be weighted according
25 to the formula set out in paragraph D to ensure
26 that each municipality's vote reflects its pro-
27 portion of the commissioner district's total pop-
28 ulation. The 2 candidates with the highest vote
29 totals and who are not municipal officials, and
30 the candidate with the otherwise highest vote to-
31 tal are elected to membership on the county bud-
32 get committee for each district. The county com-
33 missioners shall notify each municipality, in
34 writing, of the results of the election and shall
35 certify to the Secretary of State the results of
36 the election.

37 D. The votes of each municipality shall be mul-
38 tiplied by the figure opposite the municipality's
39 name as follows:

40 (1) For Commissioner District Number One:

41 (a) Greene 902

1	(b) Leeds	435
2	(c) Lewiston	2231
3	(d) Lisbon	2605
4	(e) Livermore	542
5	(f) Livermore Falls	1061
6	(g) Sabattus	915
7	(h) Turner	1051
8	(i) Wales	256
9	<u>(2) For Commissioner District Number 2:</u>	
10	(a) Auburn	7034
11	(b) Durham	631
12	(c) Mechanic Falls	800
13	(d) Minot	398
14	(e) Poland	1141
15	<u>(3) For Commissioner District Number 3:</u>	
16	(a) Lewiston	1

17 These population figures will be revised after
18 each decennial census.

19 2. Duties. The county budget committee shall
20 review the budget and estimates, including the sala-
21 ries for county officers, prepared by the county com-
22 missioners, and shall approve a final county budget.

23 3. Term of office. The term of office for bud-
24 get committee members is 3 years.

25 4. Vacancies. A vacancy occurring on the budget
26 committee shall be filled by the committee for the
27 balance of the unexpired term. The person appointed
28 to fill the vacant office must be from the same mu-
29 nicipality as the person vacating the office.

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

5 §1454. 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 at
10 least 60 days before the end of the county's fiscal
11 year. The county commissioners shall provide the
12 committee with necessary clerical assistance, office
13 expenses and suitable meeting space, as well as ac-
14 cess to county files and information. The budget
15 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 §1455. Budget procedure

19 1. Proposed budget. The county commissioners
20 shall submit itemized budget estimates, as described
21 in sections 252 and 253 to the budget committee in a
22 timely fashion, at least 60 days before the end of
23 the county's fiscal year.

24 2. Public hearing on commissioners' budget. The
25 budget committee shall review the proposed itemized
26 budgets prepared by the county commissioners, togeth-
27 er with any supplementary material prepared by the
28 head of each county department or provided by any in-
29 dependent board or institution or another governmen-
30 tal agency. The budget committee shall hold a public
31 hearing, with notice as provided in subsection 4, on
32 the proposed itemized budgets prepared by the county
33 commissioners.

34 3. Budget committee process. After the public
35 hearing required under subsection 2 is completed, the
36 budget committee may increase, decrease, alter or re-
37 verse the proposed budgets provided that:

38 A. The budget committee shall enter into its
39 minutes a statement of the basis for any change
40 in the estimated expenditures and revenues as

1 initially presented by the county commissioners;
2 and

3 B. The total estimated revenues, together with
4 the amount of county tax to be levied, must equal
5 the total estimated expenditures.

6 4. Public hearing on revised budget. The budget
7 committee shall hold at least one additional public
8 hearing in the county on the proposed budget, as re-
9 vised by the budget committee, before the end of the
10 county's fiscal year and before the final adoption of
11 the budget. Notice of the hearing must be given at
12 least 10 days before the hearing in all newspapers of
13 general circulation within the county. Written no-
14 tice and a copy of the proposed budget shall be
15 mailed or delivered by hand in person to the clerk of
16 each municipality in the county. The municipal clerk
17 shall notify the municipal officials of the proposed
18 budget.

19 5. Adoption of budget. After the public hearing
20 or hearings held under subsection 4 are completed,
21 the budget committee may further increase, decrease,
22 alter and revise the proposed itemized budgets, sub-
23 ject to the conditions and restrictions imposed in
24 subsection 3. The proposed itemized budget shall be
25 finally adopted by a majority vote of the budget com-
26 mittee at a duly called meeting held before the end
27 of the county's fiscal year.

28 6. Final budget approval. Before January 15th
29 of the fiscal year for which the budget is prepared,
30 the budget committee shall submit the proposed budget
31 to the Legislature. The Legislature shall approve or
32 disapprove the budget as submitted before April 1st
33 of each year.

34 If the Legislature disapproves of the budget, the
35 budget committee shall submit, within 15 calendar
36 days, new budget proposals in accordance with subsec-
37 tion 1 and the provisions of this section shall be
38 followed until a budget is finally approved.

39 7. Assessment of taxes. The budget as approved
40 by the Legislature is the final authorization for the
41 assessment of county taxes. The budget shall be

1 transmitted to the county commissioners and the coun-
2 ty tax authorized shall be apportioned and collected
3 in accordance with section 254.

4 8. Interim budget. Until a budget is finally
5 adopted, the county shall operate on an interim bud-
6 get which may not exceed the previous year's budget.

7 §1456. Budget amendments

8 The approved budget shall govern the expenditures
9 of the county during the fiscal year. No expenses
10 may be incurred in excess of those shown in the ap-
11 proved budget, but the county commissioners may
12 transfer funds as provided in section 252, and the
13 budget may be from time to time revised by the prepa-
14 ration and submission of a proposed amended budget by
15 the county commissioners to the budget committee.
16 The budget committee shall within 15 calendar days
17 approve, disapprove or amend this revised budget. If
18 the proposed revised budget is approved or amended,
19 the budget committee within this same time period
20 shall forward the revised budget to the Legislature
21 for final approval. The Legislature has 15 calendar
22 days to approve or disapprove the revised budget. If
23 the Legislature is not in session or does not approve
24 the revised budget within this time, it is disap-
25 proved. A report of approval of a revised budget
26 shall be transmitted to the State Auditor within 15
27 days of the Legislature's approval of a revised bud-
28 get.

29 §1457. Filing of county budget

30 A copy of the final budget, and any subsequent
31 amendments, shall be filed on forms approved by the
32 Department of Audit, with the State Auditor, who
33 shall retain them for a period of 3 years.

34 STATEMENT OF FACT

35 This bill establishes a county budget committee
36 for Androscoggin County.

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