

MAINE STATE LEGISLATURE

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(New Draft of H.P. 85, L.D. 88)
(New Title)
FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 1721

H.P. 1261 House of Representatives, June 2, 1987
Reported by Representative CARROLL from the Committee on
State and Local Government and printed under Joint Rule 2.
EDWIN H. PERT, Clerk
Original bill sponsored by Representative McHENRY of
Madawaska. Cosponsored by Representatives SMITH of Island
Falls, INGRAHAM of Houlton and Senator COLLINS of Aroostook.

STATE OF MAINE

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

1 AN ACT to Give the Aroostook County Budget
2 Committee Final Approval Authority
3 Over the County Budget.
4

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

7 30 MRSA c. 10-B, as enacted by PL 1985, c. 737,
8 Pt. A, §85-B, is repealed and the following enacted
9 in its place:

10 CHAPTER 10-B

11 AROOSTOOK COUNTY BUDGET COMMITTEE

12 §1421. Purpose

1 The purpose of this chapter is to establish in
2 Aroostook County a method of appropriating money for
3 county expenditures, according to a budget, which
4 shall first receive approval of a budget committee.
5 This chapter amends the present statutory method in
6 sections 252 and 253 by transferring the authority of
7 the Aroostook County legislative delegation and the
8 Legislature to approve the Aroostook County budget to
9 a committee comprised of Aroostook County county and
10 municipal officials. The budget for the unorganized
11 territory shall continue to follow the procedure of
12 section 5903. This chapter applies only to Aroostook
13 County.

14 §1422. Definitions

15 As used in this chapter, unless the context oth-
16 erwise indicates, the following terms have the fol-
17 lowing meanings.

18 1. County commissioners. "County commissioners"
19 means the elected county commissioners of Aroostook
20 County.

21 2. Municipal officials. "Municipal officials"
22 means elected mayor, aldermen or counselor of a city,
23 the selectmen or counselors of a town and the asses-
24 sors of a plantation located in Aroostook County.

25 §1423. Aroostook County Budget Committee

26 In Aroostook County there shall be established a
27 budget committee to carry out the purposes of this
28 chapter.

29 1. Membership. The budget committee shall con-
30 sist of 12 members: Three members from each commis-
31 sioner district selected as provided for in this sec-
32 tion and 3 members selected pursuant to paragraph C.
33 The county commissioners shall serve on the committee
34 in an advisory capacity only and shall not vote on
35 any committee matters.

36 In 1985 and every 3rd year thereafter, at least 90
37 days prior to the end of the fiscal year, the 9 mem-
38 bers shall be elected by the following procedure.

1 A. The county commissioners shall notify all mu-
2 nicipal officers in the county to caucus, by
3 county commissioner districts, at a specified
4 date, time and place for the purpose of nominat-
5 ing as candidates for the county budget committee
6 at least 5 residents of the district of voting
7 age, at least 2 of whom shall be municipal offi-
8 cers. A county commissioner shall serve as non-
9 voting moderator for his district caucus. Nomi-
10 nations shall be received from the floor and re-
11 quire a majority vote of those present to be ap-
12 proved. The names of those duly nominated shall
13 be recorded and forwarded to the county commis-
14 sioners to be placed on a written ballot.

15 B. The county commissioners shall have written
16 ballots printed with the names of those candi-
17 dates selected in their districts in accordance
18 with paragraph A. The county commissioners shall
19 distribute these ballots to each municipality.
20 Each commissioner district shall require a sepa-
21 rate ballot and each ballot shall specify each
22 candidate's full name and municipality. The mu-
23 nicipal officers of each municipality shall vote,
24 as a board, for 3 budget committee members from
25 the candidates on the ballot at least one of whom
26 shall be a municipal officer and return the bal-
27 lot to the county commissioners by a certain
28 date. The ballots shall be counted at a regular
29 meeting of the county commissioners. The vote of
30 each municipality shall be weighted according to
31 that municipality's population as a proportion of
32 the district's total population. The county com-
33 missioners shall notify each municipality, in
34 writing, of the results of the election and shall
35 certify the results to the Secretary of State.

36 C. The county commissioners shall appoint one
37 qualified budget committee member from each com-
38 missioner district from the unorganized territory
39 of Aroostook County. The appointed budget com-
40 mittee members from the unorganized territory
41 shall serve in an official capacity only on mat-
42 ters dealing with the unorganized territory bud-
43 get.

1 D. It is the responsibility of the county budget
2 committee to review the budget and estimates, in-
3 cluding the budget for municipal services in the
4 unorganized territory prepared by the county com-
5 missioners, and to approve a final county and un-
6 organized territory budget.

7 E. The term of office shall be 3 years.

8 2. Responsibilities. It is the responsibility
9 of the county budget committee to review the budget
10 estimates prepared by the county commissioners and to
11 approve a final county budget.

12 3. Term of office. The term of office shall be
13 3 years, provided that a budget committee member re-
14 mains a municipal officer in his municipality.

15 4. Vacancies. A vacancy occurring on the budget
16 committee shall be filled by the committee for the
17 balance of the unexpired term. The person appointed
18 to fill a vacant office formerly held by a municipal
19 officer shall be a municipal officer from the same
20 municipality or unorganized territory as the person
21 vacating the office.

22 5. Expenses. Members shall serve without com-
23 ensation, but shall be reimbursed from the county
24 treasury for expenses lawfully incurred by them in
25 the performance of their duties.

26 §1424. Budget committee organization

27 The budget committee shall conduct its meetings
28 in public at the county courthouse. The county com-
29 missioners shall direct the county clerk to call an
30 organizational meeting of the budget committee no la-
31 ter than 75 days prior to the end of the county's
32 fiscal year. The county commissioners shall provide
33 the committee with necessary clerical assistance, of-
34 fice expenses and suitable meeting space, as well as
35 access to county files and information. The budget
36 committee shall adopt its own rules or procedures and
37 bylaws.

38 §1425. Budget procedures

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

6 2. Budget review process. The budget committee
7 shall review the proposed itemized budgets prepared
8 by the county commissioners, together with any sup-
9 plementary material prepared by the head of each
10 county department or provided by any independent
11 board or institution or another governmental agency.
12 The budget committee may increase, decrease, alter or
13 revise the proposed budget, provided that:

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

19 B. The total estimated revenues, together with
20 the amount of county tax to be levied, shall
21 equal the total estimated expenditures.

22 3. Public hearing. The budget committee shall
23 hold a public hearing in the county on the proposed
24 budget prior to December 15th and before the final
25 adoption of the budget. Notice of the hearing shall
26 be given at least 10 days prior to the hearing in a
27 newspaper of general circulation within the county.
28 At least 10 days prior to the hearing written notice
29 and a copy of the proposed budget shall be sent by
30 mail, or delivered by hand in person, to the clerk of
31 each municipality in the county. The municipal clerk
32 shall forthwith notify the municipal officers of the
33 proposed budget and the date of the public hearing.

34 4. Adoption of budget. After completion of the
35 public hearing, the budget committee may further in-
36 crease, decrease, alter and revise the proposed item-
37 ized budgets, subject to the conditions and restric-
38 tions imposed in subsection 2. The proposed itemized
39 budget shall be finally adopted by a majority vote of
40 the budget committee at a duly called meeting not la-
41 ter than the end of the county's fiscal year. The
42 approved budget shall be the final authorization for

1 the assessment of county taxes. The budget shall be
2 transmitted to the county commissioners and the county
3 tax authorized shall be apportioned and collected
4 in accordance with section 254.

5 The budget for the unorganized territories shall be
6 transmitted to the State as provided by section 5903.

7 In the event the budget is not approved before the
8 start of a fiscal year, the county shall, until a
9 budget is finally adopted, operate on a
10 month-to-month interim budget in which no month may
11 exceed the same month of the previous year.

12 The county commissioners may transfer funds as pro-
13 vided in section 252.

14 §1426. Budget amendments

15 The approved budget shall govern the expenditures
16 of the county during the fiscal year. No expenses
17 may be incurred in excess of those shown in the ap-
18 proved budget, but the budget may be revised from
19 time to time by the preparation and submission of a
20 proposed amended budget by the county commissioners
21 to the budget committee. The budget committee shall
22 render, not less than 15 calendar days, except in
23 emergencies, nor more than 30 days after the submis-
24 sion to it, a decision on any such proposed budget
25 revision according to the procedures of section 1405,
26 subsection 2. An approved revised budget shall be
27 transmitted to the State Auditor within 15 days of
28 the budget committee's action.

29 §1427. Filing of county budget

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

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STATEMENT OF FACT

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Current Aroostook County budget procedures provide for the county budget to be prepared by the county commissioners, finalized with the legislative delegation, adopted by a budget committee of residents and submitted by that committee to the Legislature for approval, but not revision. The prohibition on revision has been questioned by the Attorney General.

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The original bill eliminated a 1938 sunset from the law which originally set up the county budget committee, thus establishing the current procedure on a permanent basis. This new draft removes the legislative delegation and the Legislature from the Aroostook County budget process, thereby leaving the final approval with the budget committee. It also eliminates the sunset provision. It increases the number of budget committee members from the unorganized territories from 1 to 3, but limits their role to matters dealing with the unorganized territory budget. It also requires that at least one budget committee member from each district be an elected municipal officer. Previously any resident was eligible for each elected committee position.

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