

MAINE STATE LEGISLATURE

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JANUARY 27, 1988
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(EMERGENCY)
SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 2154

S.P. 828 In Senate, January 27, 1988
Approved for Introduction by a Majority of the Legislative
Council pursuant to Joint Rule 26.
Reference to the Committee on State and Local Government
suggested and ordered printed.

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator GAUVREAU of Androscoggin.
Cosponsored by Representative CALLAHAN of Mechanic Falls,
Representative COTE of Auburn.

STATE OF MAINE

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

1 AN ACT to Modify the Law Regarding the
2 Androscoggin County Budget Committee.
3

4 Emergency preamble. Whereas, Acts of the
5 Legislature do not become effective until 90 days
6 after adjournment unless enacted as emergencies; and

7 Whereas, in order to carry out the purposes of
8 this Act, provisions of this Act must become effective
9 sooner than 90 days after the adjournment of the

1 Legislature; and

2 Whereas, in the judgment of the Legislature, these
3 facts create an emergency within the meaning of the
4 Constitution of Maine and require the following
5 legislation as immediately necessary for the
6 preservation of the public peace, health and safety;
7 now, therefore,

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

10 Sec. 1. 30 MRSA §1451, as enacted by PL 1985,
11 c. 806, is amended to read:

12 §1451. Purpose

13 The purpose of this chapter is to establish in
14 Androscoggin County a method of appropriating money
15 for county expenditures, including the salaries for
16 county officers, according to a budget which must
17 first be adopted by a budget committee and then be
18 approved by the Legislature. This chapter amends the
19 present statutory method in sections 2, 252 and 253 by
20 creating a committee elected by Androscoggin County
21 municipal officers with authority to adopt or amend
22 the budget. The Legislature continues to have
23 authority to approve ~~but not to~~ or amend the
24 budget. Notwithstanding section 253, submission of
25 the budget to the Secretary of State is not required.
26 This chapter applies only to Androscoggin County.

27 Sec. 2. 30 MRSA §1453, sub-§1, ¶¶A, B and C, as
28 enacted by PL 1985, c. 806, are amended to read:

29 A. The At least 120 days before the end of the
30 county's fiscal year, the county commissioners
31 shall notify all municipal officers in the county
32 to caucus by county commissioner districts at
33 least 90 days before the end of the fiscal year at
34 a specified date, time and place for the purpose
35 of nominating at least 3 residents of the district
36 of voting age as candidates for the county budget
37 committee. At least 2 of the persons nominated
38 must not be municipal officials. A county

1 commissioner shall serve as nonvoting moderator
2 for his district caucus. Nominations shall be
3 received from the floor and require a majority
4 vote of those present to be approved. The names
5 of those duly nominated shall be recorded and
6 immediately forwarded to the county commissioners
7 to be placed on a written ballot. If a
8 municipality fails to provide the names to the
9 county commissioners within 85 days of the end of
10 the fiscal year, the commissioners may nominate
11 the residents from that district.

12 B. The county commissioners shall have written
13 ballots printed with the names of those candidates
14 selected in each county commissioner district
15 under paragraph A. Each commissioner district
16 shall require a separate ballot and each ballot
17 shall specify each candidate's full name and
18 municipality. The county commissioners shall
19 distribute the appropriate ballots to each
20 municipality within a commissioner district.
21 The At least 75 days prior to the end of the
22 fiscal year, the municipal officers shall vote, as
23 a board, for 3 budget committee members from the
24 candidates on the ballot. The municipal officers
25 must vote for at least 2 candidates who are not
26 municipal officials. After voting, the municipal
27 officers shall immediately return the ballot to
28 the county commissioners by-a-certain-date.

29 C. The ballots shall be counted at a **regular**
30 meeting of the county commissioners at least 60
31 days prior to the end of the fiscal year. Each
32 municipality's vote shall be weighted according to
33 the formula set out in paragraph D to ensure that
34 each municipality's vote reflects its proportion
35 of the commissioner district's total population.
36 The 2 candidates with the highest vote totals and
37 who are not municipal officials, and the candidate
38 with the otherwise highest vote total are elected
39 to membership on the county budget committee for
40 each district. The county commissioners shall
41 immediately notify each municipality, in writing,
42 of the results of the election and shall certify
43 to the Secretary of State the results of the

1 election.

2 Sec. 3. 30 MRSAs §1455, sub-§1-A is enacted to
3 read:

4 1-A. Meeting with legislative delegation. The
5 budget committee shall review the proposed itemized
6 budgets prepared by the county commissioners, together
7 with any supplementary material prepared by the head
8 of each county department or provided by any
9 independent board or institution or another
10 governmental agency. Prior to November 15th, the
11 county commissioners and the budget committee shall
12 meet with the county legislative delegation to review
13 and finalize estimates for the year.

14 Sec. 4. 30 MRSAs §1455, sub-§2, as enacted by PL
15 1985, c. 806, is repealed and the following enacted in
16 its place:

17 2. Public hearing on commissioners' budget. The
18 budget committee shall hold a public hearing, with
19 notice as provided in subsection 5, on the proposed
20 itemized budgets prepared by the county commissioners.

21 Sec. 5. 30 MRSAs §1455, sub-5-A is enacted to
22 read:

23 5-A. Interim approval by legislative delegation.
24 Prior to the end of the county's fiscal year, the
25 budget committee shall submit the proposed budget to
26 the legislative delegation. The delegation shall
27 approve, disapprove or amend the budget by January
28 15th. Failure to do so shall be considered as
29 approval of the budget as submitted.

30 Sec. 6. 30 MRSAs §1455, sub-§6, as amended by PL
31 1987, c. 47, §2, is repealed and the following enacted
32 in its place:

33 6. Final budget approval. Before February 1st of
34 the fiscal year for which the budget is prepared, the
35 legislative delegation at a public hearing shall
36 submit the proposed budget to the joint standing
37 committee of the Legislature having jurisdiction over

1 county government. This submission shall indicate
2 delegation changes versus the budget committee budget
3 and a statement of the basis for these changes. The
4 legislative committee shall submit legislation to the
5 Legislature containing its recommended budget for the
6 county. The Legislature shall approve, disapprove or
7 revise this budget.

8 Sec. 7. 30 MRS §1455, sub-§8, as enacted by
9 PL 1985, c. 806, is repealed and the following enacted
10 in its place:

11 8. Interim budget. Until a budget is finally
12 adopted by the Legislature, the county shall operate
13 on an interim budget which may not exceed the previous
14 year's budget. If a final budget is not adopted by
15 May 1st of the fiscal year, until the budget is
16 adopted, the county shall operate on a month-to-month
17 budget which shall not exceed the budget of the same
18 month of the previous year by more than 10%.

19 Sec. 8. 30 MRS §1456, as enacted PL 1985, c.
20 806, is amended to read:

21 §1456. Budget amendments

22 The approved budget shall govern the expenditures
23 of the county during the fiscal year. No expenses may
24 be incurred in excess of those shown in the approved
25 budget, but the county commissioners may transfer
26 funds as provided in section 252, and the budget may
27 be from time to time revised by the preparation and
28 submission of a proposed amended budget by the county
29 commissioners to the budget committee. The budget
30 committee shall within 15 calendar days approve,
31 disapprove or amend this revised budget. If the
32 proposed revised budget is approved or amended, the
33 budget committee within this same time period shall
34 forward the revised budget to the Legislature
35 legislative delegation for final approval,
36 disapproval or revision. The legislature
37 delegation has 15 10 calendar days to approve or
38 disapprove act on the revised budget. If the
39 delegation fails to render a decision within the
40 specified time, the revision shall be deemed approved

1 by the delegation. The proposed revised budget shall
2 be submitted by the delegation or, if the delegation
3 fails to do so, by the budget committee, to the
4 Legislature for approval, disapproval or amendment.
5 If the Legislature fails to act on the proposed
6 amendment within 30 days, the county may transfer with
7 the approval of the delegation amounts between
8 departments or agencies. Until a decision is
9 rendered, the county, with the approval of the
10 delegation, may operate on a month-to-month budget,
11 provided that the budget for any one month does not
12 exceed the budget for the same month from the previous
13 year by more than 10 percentage points above the
14 percentage points by which the total current year
15 differs from the total previous year. If the
16 Legislature is not in session or does not approve the
17 revised budget within this time, it is disapproved. A
18 report of approval of a revised budget shall be
19 transmitted to the State Auditor within 15 days of
20 approval of a revised budget.

21 **Emergency clause.** In view of the emergency
22 cited in the preamble, this Act shall take effect when
23 approved.

24 STATEMENT OF FACT

25 This bill accomplishes the following:

26 1. The changes to the Maine Revised Statutes,
27 Title 30, section 1451, eliminate the requirement for
28 submitting the county budget to the Secretary of
29 State; and

30 2. The changes to Title 30, section 1453, set up
31 the following time schedule for budget committee
32 selection:

| 33 | | <u>Days Prior to</u> |
|----|---------------------------|----------------------|
| 34 | | <u>Year End</u> |
| 35 | Notify municipal officers | 120 |

| | | |
|---|----------------------------------|----|
| 1 | Municipal caucus for nominations | 90 |
| 2 | Municipal vote | 75 |
| 3 | Counting of ballots | 60 |

4 3. Changes to Title 30, section 1455, accomplish
5 the following:

6 A. Require an early meeting between the
7 commissioners, the budget committee and the
8 legislative delegation;

9 B. Require approval or revision of the budget by
10 the legislative delegation;

11 C. Indicate that the delegation is the body to
12 place the budget before the Legislature and that
13 this submission is to take the form of a public
14 hearing before the Joint Standing Committee on
15 State and Local Government;

16 D. Allow the Legislature to revise the budget
17 rather than to return it to the budget committee;
18 and

19 E. Allow the county to operate on a
20 month-to-month budget 10% greater than the
21 previous year's budget if the budget is not
22 approved by the Legislature prior to May 1st of
23 each year.

24 4. Changes to Title 30, section 1456, provide for
25 transfers between departments and operation on a
26 month-to-month budget up to 10% greater than the
27 previous year's budget in the event that the
28 Legislature has not rendered a decision on a requested
29 budget revision during the course of the fiscal year.

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