

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 1669

S.P. 592

In Senate, May 16, 1989

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator BUSTIN of Kennebec.

Cosponsored by Senator MATTHEWS of Kennebec, Representative JACQUES of Waterville and Representative JOSEPH of Waterville.

STATE OF MAINE

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

An Act to Establish a Budget Committee for Kennebec County.

(After Deadline)



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

3 30-A MRSA c. 3, sub-c. I, art. 8 is enacted to read:

5 ARTICLE 8. KENNEBEC COUNTY BUDGET COMMITTEE

7 §861. Definitions

9 As used in this article, unless the context indicates
11 otherwise, the following terms have the following meanings.

13 1. County commissioners. "County commissioners" means the
county commissioners of Kennebec County.

15 2. Municipal officers. "Municipal officers" has the same
17 meaning as set forth in Title 1, section 72, subsection 12.

19 §862. Kennebec County Budget Committee

21 In Kennebec County there is established the Kennebec County
Budget Committee to carry out the purposes of this article.

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

29 In 1990, and thereafter, at least 90 days before the end of every
31 fiscal year, the members shall be elected by the following
procedure.

33 A. The county commissioners shall notify all municipal
35 officers in the county to caucus by county commissioner
37 districts at a specified date, time and place for the
39 purpose of nominating at least one municipal officer from
41 each district as a candidate for the county budget
43 committee; except that in 1990, at least 3 municipal
45 officers shall be nominated from each district. A county
47 commissioner shall serve as nonvoting moderator for his
district's caucus. Nominations shall be received from the
floor. The nominee receiving the most votes shall be
approved. Any other nominees who receive a majority vote of
those present shall also be approved. The names of those
duly approved shall be recorded and forwarded to the county
commissioners to be placed on a written ballot.

49 B. The county commissioners shall have written ballots
51 printed with the names of those candidates selected in their
districts under paragraph A. Each commissioner district
shall require a separate ballot and each ballot shall
specify each candidate's full name and municipality. The

1 county commissioners shall distribute the appropriate
3 ballots to each municipality within a commissioner
5 district. The municipal officers shall vote as a board for
7 one budget committee member from the candidates on the
9 ballot and return the ballot to the county commissioners by
11 a certain date, except that in 1990, the municipal officers
13 shall vote as a board for 3 budget committee members. The
15 ballots shall be counted at a regular meeting of the county
17 commissioners. Each vote shall be weighted according to
19 that municipality's population as a proportion of the
21 district's total population, except that no municipality may
23 have more than one budget committee member. The county
25 commissioners shall notify each municipality, in writing, of
27 the results of the election and shall certify the results to
29 the Secretary of State.

17 2. Duties. The county budget committee shall review the
19 budget estimates prepared by the county commissioners and approve
21 a final county budget.

21 3. Term of office. The term of office shall be 3 years,
23 provided that a budget committee member remains a municipal
25 officer in the municipal officer's municipality, except that of
27 those elected in 1990, one from each district shall be elected
29 for a term of 3 years; one from each district shall be elected
31 for a term of 2 years; and one from each district shall be
33 elected for a term of one year.

29 4. Vacancies. A vacancy occurring on the budget committee
31 shall be filled by the committee for the balance of the unexpired
33 term. The person appointed to fill the vacant office must be a
35 municipal officer from the same municipality as the person
37 vacating the office.

35 5. Expenses. Members shall serve without compensation, but
37 shall be reimbursed from the county treasury for expenses
39 lawfully incurred by them in the performance of their duties.

39 §863. Budget committee organization

41 The budget committee shall conduct its meetings in public at
43 the county courthouse. The county commissioners shall direct the
45 county clerk to call an organizational meeting of the budget
47 committee no later than 60 days before the end of the county's
49 fiscal year. The county commissioners shall provide the
 committee with necessary clerical assistance, office expenses and
 suitable meeting space, as well as access to county files and
 information. The budget committee shall adopt its own rules or
 procedures and bylaws.

1 §864. Budget procedures

3 1. Proposed budget. The county commissioners shall submit
4 an itemized budget estimate, as described in sections 701, 702
5 and 7503, to the budget committee in a timely fashion, no later
6 than 60 days before the end of the county's fiscal year.

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

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

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

23
24 3. Public hearing. The budget committee shall hold a
25 public hearing in the county on the proposed budget before the
26 end of the county's fiscal year and before the final adoption of
27 the budget. Notice of the hearing shall be given at least 10
28 days before the hearing in a newspaper of general circulation
29 within the county. Written notice and a copy of the proposed
30 budget shall be sent by registered or certified mail with return
31 receipt requested, or delivered in person, with proof received of
32 the delivery, to the clerk of each municipality in the county.
33 The municipal clerk shall notify the municipal officers of the
34 proposed budget.

35
36 4. Adoption of budget. After the public hearing is
37 completed, the budget committee may further increase, decrease,
38 alter and revise the proposed itemized budget, subject to the
39 conditions and restrictions imposed in subsection 2. The proposed
40 itemized budget must be finally adopted by a majority vote of the
41 budget committee at a duly called meeting not later than the end
42 of the county's fiscal year. The approved budget is the final
43 authorization for the assessment of county taxes. The budget
44 shall be sent to the county commissioners and the county tax
45 authorized shall be apportioned and collected in accordance with
46 section 706.

47
48 5. Interim budget. If the budget is not approved before
49 the start of a fiscal year, until a budget is finally adopted,
50 the county shall operate on an interim budget which may not
51 exceed the previous year's budget.

1 6. Transfer of funds. The county commissioners may
3 transfer funds as provided in section 922.

5 **§865. Budget amendments**

7 The approved budget shall govern the expenditures of the
9 county during the fiscal year. No expenses may be incurred in
11 excess of those shown in the approved budget, but the budget may
13 be revised from time to time by the preparation and submission of
15 a proposed amended budget by the county commissioners to the
17 budget committee. The budget committee shall render, not less
than 15 calendar days, except in emergencies, nor more than 30
days after the submission to it, a decision on any such revised
budget. An approved revised budget shall be transmitted to the
State Auditor within 15 days of the budget committee's action.

19 **§866. Filing of county budget**

21 A copy of the final budget and subsequent amendments shall
23 be filed, on forms approved by the Department of Audit, with the
25 State Auditor, who shall retain them for 3 years.

27 **STATEMENT OF FACT**

This bill establishes the Kennebec County Budget Committee.