

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

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No. 1531

S.P. 577

In Senate, April 16, 1991

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".

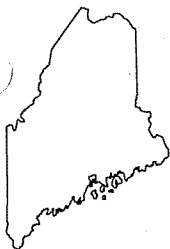
JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator BERUBE of Androscoggin
Cosponsored by Senator EMERSON of Penobscot and Representative LARRIVÉE of
Gorham.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

**An Act to Allow the Creation of County Budget Committees by
Referendum Vote.**



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

PART A

Sec. A-1. 30-A MRSA c. 3, sub-c. I, art. 1-A is enacted to read:

Article 1-A

County Budgets Generally

§711. Application; referendum

Except for counties that have adopted an alternative method of appropriating money for county expenditures as part of a county charter under section 1353-A and except for those counties that have previously adopted a budget committee with a budget setting authority in some form, this article applies to a county if a majority of the voters of the county at a county referendum held at regular election vote in the affirmative on the following question:

"Shall the budget for this county be set by a budget committee made up of municipal officials and members of the general public as provided in the Maine Revised Statutes, Title 30-A, chapter 3, subchapter I, article 1-A?"

In counties that vote in the negative, the same question may be posed no more than once every 2 years. It may be placed on the ballot by the county commissioners on their own motion, or if the commissioners receive a petition signed by voters that number at least 10% of the total number of votes cast in the county for the office of Governor in the last gubernatorial election.

§712. County budget committee

In each county there is established a county budget committee to carry out the purpose of this article.

1. Membership. The budget committee consists of 9 members: two elected members and one appointed from each county commissioner district selected as provided for in this section. The county commissioners serve on the committee in an advisory capacity only and may not vote on any committee matters.

Starting in 1993, at least 90 days before the end of every fiscal year, the municipal officers from each county commissioner

2 district shall choose the elected members by the following
3 procedure.

4 A. The county commissioners shall direct all municipal
5 officers in the county to caucus by county commissioner
6 districts at a specified date, time and place for the
7 purpose of nominating at least one municipal officer from
8 each district as a candidate for the county budget
9 committee, except that in the first election under this
10 section at least 2 municipal officers must be nominated from
11 each district. The county commissioner of the district
12 shall serve as nonvoting moderator for that district
13 caucus. Nominations must be received from the floor. A
14 municipal officer may vote for more than one nominee to be
15 placed on the written ballot for that district. The nominee
16 receiving the most votes is approved for placement on the
17 ballot. Any other nominee who receives a majority vote of
18 those present is also approved for placement on the ballot.
19 The names of those duly approved must be recorded and
20 forwarded to the county commissioners to be placed on a
21 written ballot.

22 B. The county commissioners shall have written ballots
23 printed with the names of those candidates selected in their
24 district under paragraph A. Each commissioner district
25 requires a separate ballot and each ballot must specify each
26 candidate's full name and municipality. The county
27 commissioners shall distribute the appropriate ballots to
28 each municipality within a commissioner district. The
29 municipal officers of each municipality shall vote as a
30 board for one budget committee member from the candidates on
31 the ballot and return the ballot to the county commissioners
32 by a certain date, except that in the first election under
33 this section, the municipal officers of each municipality
34 shall vote as a board for 2 budget committee members. The
35 ballot must be counted at a regular meeting of the county
36 commissioners. Each vote must be weighted according to that
37 municipality's population as a proportion of the district's
38 total population. The county commissioners shall select the
39 nominee receiving the most votes, as weighted, except that
40 in the first election under this section, the county
41 commissioners shall select the 2 nominees receiving the most
42 votes as weighted. For the purposes of this section,
43 "population" means the number of people as determined by the
44 latest federal Decennial Census or the number of people as
45 determined and certified by the Department of Human
46 Services, whichever is more recent. The county
47 commissioners shall notify each municipality, in writing, of
48 the results of the election and certify the results to the
49 Secretary of State.

50
51
52 Each county commissioner shall appoint one member of the general
53 public to serve on the budget committee from that commissioner's
54 district.

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

6 3. Term of office. The term of office for the elected
members is 2 years beginning on October 1st, provided that a
8 budget committee member remains a municipal officer in that
officer's municipality, except that of those elected in 1993, one
10 from each district is elected for a term of one year and one from
each district is elected for a term of 2 years. The term of
12 office for the appointed members is 2 years beginning on October
1st in odd-numbered years, provided that a budget committee
14 member remains a resident of the county commissioner district.
Those appointed in 1993 are appointed for a term of one year.

16 4. Vacancies. The budget committee shall fill a vacancy
18 occurring in an elected position on the committee for the balance
of the unexpired term. The person appointed by the budget
20 committee to fill the vacant office must be a municipal officer
from the same municipality as the person vacating the office. A
22 vacancy in a position representing the general public must be
filled by appointment by the commissioner for that district for
24 the balance of the unexpired term. The person appointed to fill
this vacancy must be a resident of the appointing commissioner's
26 district.

28 5. Expenses. Members serve without compensation, but are
entitled to reimbursement from the county treasury for expenses
30 incurred in performing their duties.

32 **§713. Budget committee organization**

34 The budget committee shall conduct its meetings in public at
the county courthouse or any other convenient public building.
36 The county commissioners shall call an organizational meeting of
the budget committee no later than 60 days before the end of the
38 county's fiscal year. The county commissioners shall provide the
committee with necessary clerical assistance, office expenses and
40 suitable meeting space, as well as access to county files and
information. The budget committee shall adopt its own rules,
42 procedures and bylaws.

44 **§714. Budget process**

46 1. Proposed budget. The county commissioners shall submit
an itemized budget estimate, as described in section 701, to the
48 budget committee in a timely fashion, no later than 60 days
before the end of the county's fiscal year.

50 2. Budget review process. The budget committee shall
52 review the proposed itemized budget prepared by the county

2 commissioners, together with any supplementary material prepared
3 by the head of each county department or provided by any
4 independent board or institution or another governmental agency.
5 The budget committee may increase, decrease or revise the
6 proposed budget, provided that:

7 A. The budget committee shall enter into its minutes an
8 explanation for any change in the estimated expenditures and
9 revenues as initially presented by the county commissioners;
10 and

11 B. The total estimated revenues, together with the amount
12 of county tax to be levied, must equal the total estimated
13 expenditures.

14
15 3. Public hearing. The budget committee shall hold a
16 public hearing in the county on the proposed budget before the
17 end of the county's fiscal year and before the final adoption of
18 the budget. At least 10 days before the hearing, the budget
19 committee shall publish a notice in a newspaper of general
20 circulation within the county. Written notice and a copy of the
21 proposed budget must be sent by registered or certified mail with
22 return receipt requested, or delivered in person with proof
23 received of the delivery, to the clerk of each municipality in
24 the county. The municipal clerk shall notify the municipal
25 officers of the proposed budget.

26
27 4. Adoption of budget. After the public hearing is
28 completed, the budget committee may further increase, decrease,
29 and revise the proposed itemized budget, subject to the
30 conditions and restrictions imposed in subsection 2. The
31 proposed itemized budget must be finally adopted by a majority
32 vote of the full membership of the budget committee at a meeting
33 not later than the end of the county's fiscal year. The approved
34 budget is the final authorization for the assessment of county
35 taxes. The budget must be sent to the county commissioners and
36 the county tax authorized must be apportioned and collected in
37 accordance with section 706.

38
39 5. Interim budget. If the budget is not approved before
40 the start of a fiscal year, until a budget is finally adopted the
41 county shall operate on an interim budget that may not exceed 90%
42 of the previous year's budget.

43 **§715. Budget amendments**

44
45 The approved budget governs the expenditures of the county
46 during the fiscal year. Expenses may not be incurred in excess
47 of those shown in the approved budget, but the budget may be
48 revised from time to time by the preparation and submission of a
49 proposed amended budget by the county commissioners to the budget
50 committee. Except in emergencies, the budget committee shall
51 reconsider the budget.

2 render a decision on any revised budget not less than 15 calendar
3 days nor more than 30 days after it is submitted to the
4 committee. An approved revised budget must be transmitted to the
5 State Auditor within 15 days of the budget committee's action.

6 Sec. A-2. 30-A MRSA §1353, as amended by PL 1989, c. 104,
7 Pt. C, §§8 and 10, is repealed.

8
9 Sec. A-3. 30-A MRSA §1353-A is enacted to read:

10 §1353-A. County budget

11
12 A county adopting a charter under this chapter may provide
13 for a method of appropriating money for county expenditures other
14 than the method in chapter 3, subchapter I, article 1-A. If the
15 budget is not approved before the start of a fiscal year, the
16 county, until a budget is finally adopted, shall operate on an
17 interim budget that may not exceed the previous year's budget.
18 Any county adopting an alternative method of appropriating money
19 for county expenditures under this section shall require in the
20 charter that one or more public hearings be held in the county on
21 the budget estimates before the budget is adopted. A copy of the
22 final budget estimates must be filed with the State Auditor as
23 provided in section 702.

24
25
26 PART B

27
28 Sec. B-1. 30-A MRSA c. 3, sub-c. I, art. 2, as amended, is repealed.

29
30 Sec. B-2. 30-A MRSA c. 3, sub-c. I, art. 3-A, as amended, is
31 repealed.

32
33 Sec. B-3. 30-A MRSA c. 3, sub-c. I, art. 4, as amended, is repealed.

34
35 Sec. B-4. 30-A MRSA c. 3, sub-c. I, art. 5-A, as amended, is
36 repealed.

37
38 Sec. B-5. 30-A MRSA c. 3, sub-c. I, art. 6, as amended, is repealed.

39
40 Sec. B-6. 30-A MRSA c. 3, sub-c. I, art. 7, as amended, is repealed.

41
42 Sec. B-7. 30-A MRSA c. 3, sub-c. I, art. 8, as amended, is repealed.

43
44 Sec. B-8. Effective date; Androscoggin County. Section B-1 of
45 this Part is effective when a majority of voters of Androscoggin
46 County approve a replacement budget process under the Maine
Revised Statutes, Title 30-A, section 711.

