

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 1749

H.P. 1196

House of Representatives, April 30, 1991

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, reading "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative SHELTRA of Biddeford.

Cosponsored by Representative LORD of Waterboro, Representative PAUL of Sanford and Representative MURPHY of Berwick.

STATE OF MAINE

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

An Act Authorizing Changes to the Budget Process in York County.

(AFTER DEADLINE)



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

30-A MRSA c. 3, sub-c. I, art. 9 is enacted to read:

Article 9

YORK COUNTY BUDGET COMMITTEE

§891. Definitions

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

1. County commissioners. "County commissioners" means the elected county commissioners of York County.

2. Municipal officers. "Municipal officers" means the elected mayor, aldermen, councillors or selectmen.

§892. York County Budget Committee

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

1. Membership. The county budget committee consists of 9 members, 3 members from each commissioner district selected at least 90 days before the end of the fiscal year as provided for in this section. Of the 3 members from each commissioner district, 2 must be municipal officers and one must be a representative of the general public. All 3 members are appointed by the county commissioners.

2. Duties. It is the responsibility of the county budget committee to review the itemized budget estimates prepared by the county commissioners and make recommendations concerning the proposed budget.

3. Terms. The term of office is as follows.

A. One of the members who is a municipal officer has an initial term of one year.

B. One of the members who is a municipal officer has an initial term of 2 years.

C. The member who is a representative of the general public has an initial term of 3 years.

The terms of the respective members increase by one year at the time of reappointment, except the 3-year term, which becomes a one-year term.

2 4. Vacancy. A vacancy occurring on the county budget
4 committee is filled in the same manner as the original
6 appointment for the balance of the unexpired term. The person
8 appointed to fill the vacant position must have the same
10 qualifications as the person vacating the position.

12 5. Compensation. Members serve without compensation.

14 §893. County budget committee organization

16 The county budget committee shall conduct its meetings in
18 public at the county courthouse. The county commissioners shall
20 direct the county clerk to call an organizational meeting of the
22 county budget committee within 15 days after the budget has been
24 prepared by the county commissioners. The county commissioners
26 shall provide the county budget committee with necessary clerical
28 assistance, office expenses and suitable meeting space, as well
30 as access to county files and information. The county budget
32 committee shall select its own chair, vice-chair and secretary.
34 The county budget committee shall adopt written rules or
36 procedures and bylaws.

38 §894. Budget procedures

40 1. Proposed budget. The county commissioners shall submit
42 itemized budget estimates, as described in sections 701, 702 and
44 7503, to the county budget committee no later than 90 days before
46 the end of the county's fiscal year.

48 2. Budget review process. The county budget committee
50 shall review the itemized budget estimates prepared by the county
52 commissioners together with any supplementary material prepared
54 by the head of each county department or provided by any
56 independent board, institution or governmental agency. The
58 county budget committee may make recommendations concerning any
60 increase, decrease, alteration or revision to the proposed
62 budget. These activities must be completed before November 1st.

64 3. Meeting with legislative delegation. Before November
66 15th, the county commissioners shall meet with the county
68 legislative delegation to review and finalize estimates for the
70 year.

72 4. Public hearing. The county commissioners shall hold a
74 public hearing in the county on the proposed budget prior to
76 December 1st and before the final adoption of the budget. Notice
78 of the hearing must be given at least 10 days before the hearing
80 in all newspapers of general circulation in the county. Written
82 notice and a copy of the proposed budget must be sent by mail or
84 delivered in person to the clerk of each municipality in the
86 county and to the members of the county budget committee. The
88 municipal clerk of each municipality shall notify the municipal

2 officers of the proposed budget and the date of the public
3 hearing.

4 5. Adoption of budget. After the public hearing is
5 completed, the county commissioners may further increase,
6 decrease, alter and revise the proposed budget provided that the
7 county commissioners:

8
9 A. Enter into their minutes and submit to the county budget
10 committee a statement of their bases for any rejection of
11 any recommendation of the county budget committee; and

12
13 B. Hold a public meeting prior to December 7th with the
14 county budget committee to discuss any rejections.

15 The proposed budget must be finally adopted by a majority vote of
16 the county commissioners at a duly called meeting not later than
17 December 15th.

18
19 6. Interim approval by legislative delegation. Before
20 submitting the proposed budget to the Legislature under
21 subsection 7, the county commissioners shall submit the proposed
22 budget to the legislative delegation. The legislative delegation
23 shall render a decision by January 1st. Failure to do so is
24 considered approval of the budget as submitted. If the
25 legislative delegation disapproves of the proposed budget, the
26 county commissioners shall submit, within 15 calendar days, new
27 proposals in accordance with subsection 1 and the provisions of
28 this section must be followed until a proposed budget is approved
29 by the legislative delegation.

30
31 7. Final budget approval. Before January 1st of the fiscal
32 year for which the budget is prepared, the county commissioners
33 shall submit the proposed budget to the Legislature. The
34 Legislature shall approve, disapprove or amend the proposed
35 budget as submitted.

36
37 8. Assessment of taxes. The budget as approved by the
38 Legislature is the final authorization for the assessment of
39 county taxes. The budget must be sent to the county
40 commissioners and the county tax authorized must be apportioned
41 and collected in accordance with section 706.

42
43 9. Interim budget. Until a budget is finally adopted, the
44 county shall operate on an interim budget, which may not exceed
45 the previous year's budget.

46
47 10. Transfer of funds. The county commissioners may
48 transfer funds as provided in section 922.

49 \$895. Budget amendments
50
51
52

2 The budget governs the expenditures of the county during the
3 fiscal year. Expenses may not be incurred in excess of those
4 shown in the budget, but the budget may be from time to time
5 revised by the preparation by the county commissioners of a
6 proposed amended budget. This proposed amended budget must be
7 submitted to the county budget committee for review. Any
8 recommendations by the county budget committee must be submitted
9 within 10 calendar days. After receiving the recommendation of
10 the county budget committee, the county commissioners shall
11 forward the proposed amended budget to the legislative delegation
12 for approval. The legislative delegation has 10 calendar days to
13 render a decision on the proposed amended budget. Failure of the
14 legislative delegation to render a decision within the specified
15 time is considered an approval of the proposed amended budget.
16 If the legislative delegation disapproves of the proposed amended
17 budget, the procedure in section 894, subsection 6, must be
18 followed. The county commissioners shall submit the proposed
19 amended budget to the Legislature for approval, disapproval or
20 amendment. If approved, the Legislature shall transmit a report
21 of approval of the revised budget to the State Auditor within 15
22 days of that approval.

23 **§896. Filing of budget**

24 A copy of the budget and subsequent amendments must be
25 filed, on forms approved by the Department of Audit, with the
26 State Auditor, who shall retain them for 3 years.
27

28

29 **STATEMENT OF FACT**

30

31 This bill authorizes changes in the budget process in York
32 County.