

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

SECOND REGULAR SESSION-1992

Legislative Document

No. 2265

H.P. 1603

House of Representatives, January 30, 1992

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 "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative MITCHELL of Freeport.

Cosponsored by Representative KONTOS of Windham, Representative GREENLAW of Standish and Senator CLARK of Cumberland.

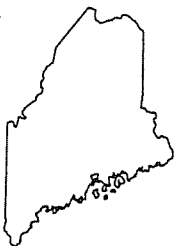
STATE OF MAINE

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

An Act to Establish a Budget Committee and Process for Cumberland County.

(AFTER DEADLINE)

(EMERGENCY)



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

Whereas, the Cumberland County finance committee established by this Act must meet at least 60 days prior to the end of the fiscal year; and

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

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

Sec. 1. 30-A MRSA c. 3, sub-c. I, art. 4 is repealed.

Sec. 2. 30-A MRSA c. 3, sub-c. I, art. 12 is enacted to read:

Article 12

CUMBERLAND COUNTY FINANCE COMMITTEE

§895. Cumberland County finance committee

In Cumberland County, there is established a finance committee to carry out the purposes of this article. As used in this article, "county commissioners" means the county commissioners of Cumberland County.

1. Membership. The finance committee consists of 9 members, 3 members from each commissioner district elected as provided in this subsection. The county commissioners shall designate 3 district subdivisions within each district from each of which one member of the finance committee must be elected.

A. Finance committee members must be elected on the Tuesday following the first Monday of November in each even-numbered year. Nominations for the office of finance committee member are to be nonpartisan and are to be made by petition in accordance with Title 21-A, chapter 5, subchapter II, except that candidates need not verify by oath or affirmation that they are not enrolled in a party and the number of signatures of voters on a nomination petition for a candidate in each district subdivision must be at least 25 and not more than 40. The election must be conducted and the results determined as provided for the election of county commissioners in section 61.

2 B. Before the first election of finance committee members,
4 the county commissioners shall designate 5 district
6 subdivisions for which members of the finance committee
8 shall serve initial terms of 4 years, and 4 district
10 subdivisions for which members of the finance committee
12 shall serve initial terms of 2 years. All subsequent terms
14 are for 4 years. The county commissioners shall reapportion
16 these subdivisions after each Federal Decennial Census.

18 C. The finance committee shall annually elect a chair from
20 among its members.

22 D. A vacancy occurring on the finance committee must be
24 filled by the committee, subject to confirmation by a
26 majority of the county commissioners, for the balance of the
28 unexpired term. The person appointed to fill the vacant
30 office must be from the same municipality or unorganized
32 territory as the person vacating the office.

34 E. Members shall serve without compensation.

36 F. The county finance committee shall review and approve
38 the budget and estimates, including the budget for municipal
40 services in the unorganized territory, prepared by the
42 county commissioners.

44 **§896. Finance committee organization**

46 The finance committee shall conduct its meetings in public
48 at county buildings. The county commissioners shall direct the
50 county clerk to call an organizational meeting of the finance
52 committee no later than 60 days before the end of the county's
54 fiscal year. The county commissioners shall provide the
56 committee with necessary clerical assistance, office expenses and
58 suitable meeting space, as well as access to county files and
60 information. The finance committee shall select its own chair,
62 vice-chair and secretary. The finance committee shall adopt its
64 own rules or procedures and bylaws.

66 **§897. Budget procedures**

68 1. Proposed budget. The county commissioners shall submit
70 itemized finance estimates, as described in sections 701, 702 and
72 7503, in the form of a budget, to the finance committee in a
74 timely fashion, no later than 60 days before the end of the
76 county's fiscal year.

78 2. Budget review process. The finance committee shall
80 review the itemized estimated 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 finance committee shall prepare a proposed budget and may
6 increase, decrease or alter the estimated budget provided that:

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

11 B. In the proposed budget, the total estimated revenues,
12 together with the amount of county tax to be levied, equals
13 the total estimated expenditures.

14 3. Public hearing. The finance committee shall hold a
15 public hearing in the county on its proposed budget before the
16 end of the county's fiscal year and before the final adoption of
17 the budget. Notice of the hearing must be given at least 10 days
18 before the hearing in all newspapers of general circulation
19 within the county. Written notice and a copy of the proposed
20 budget must be sent by mail, or delivered in person, to the clerk
21 of each municipality in the county. The municipal clerk shall
22 notify the municipal officials of the proposed budget.

23 4. Finality of budget. After the public hearing is
24 completed, the finance committee shall adopt a final budget and
25 transmit that budget to the county commissioners. The county
26 commissioners may not further increase, decrease, alter or revise
27 the budget as adopted by the finance committee, except by
28 unanimous vote of the county commissioners. If the adopted
29 budget is changed by the county commissioners, the finance
30 committee may reject that change by a 2/3 vote of its
31 membership. Those actions are final and not subject to further
32 action by either the county commissioners or finance committee.

33 5. Assessment of taxes. The budget as so adopted and
34 changed under subsection 4 is the final authorization for the
35 assessment of county taxes. The approved final budget must be
36 sent to the county commissioners and the county tax authorized
37 must be apportioned, and collected in accordance with section
38 706. The approved final budget for the unorganized territories
39 must be sent to the State Tax Assessor as provided by section
40 7503.

41 6. Interim budget. Until a budget is finally approved, the
42 county shall operate on an interim budget that may not exceed the
43 previous year's budget.

