

# MAINE STATE LEGISLATURE

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L.D. 1817

DATE: 3/18/94

(Filing No. H-872 )

STATE & LOCAL GOVERNMENT

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
116TH LEGISLATURE  
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1351, L.D. 1817, Bill, "An Act Creating the York County Budget Advisory Committee"

Amend the bill by striking out the title and substituting the following:

'An Act Creating the York County Budget Committee'

Further amend the bill striking out everything after the title and before the statement of fact and inserting in its place the following:

**'Mandate preamble.** This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

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

**Sec. 1. 30-A MRSA c. 3, sub-c. I, art. 6-A is enacted to read:**

Article 6-A

YORK COUNTY BUDGET COMMITTEE

§831. Committee established

There is established the York County Budget Committee, referred to in this article as the "budget committee," to carry

**COMMITTEE AMENDMENT**

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2 out the purposes of this article. As used in this article,  
"county commissioners" means the county commissioners of York  
4 County and "county" means York County.

6 **§832. Membership**

8 The budget committee consists of 15 voting members and one  
nonvoting member selected as follows.

10 **1. Municipal and public representatives.** Prior to  
12 September 15th each year, elected municipal officials within each  
commissioner district shall caucus and elect representatives to  
14 the budget committee from that district for terms as provided in  
paragraph A. There must be 3 members from each commissioner  
16 district, 2 of whom are elected municipal officials and one of  
whom is a public representative. No more than one member may  
represent the same municipality at a time.

18 A. Members shall serve for 3-year terms, except that  
20 initially each district caucus shall select one member for a  
one-year term, one member for a 2-year term and one member  
22 for a 3-year term. If a committee member ceases to be a  
municipal officer or official during the term of membership,  
24 the committee member shall resign the membership and the  
next district caucus shall elect a qualified municipal  
26 officer or official to fill the membership for the remainder  
of the unexpired term.

28 **2. Legislative member.** By September 15th each year, the  
30 York County legislative delegation shall elect one of the  
delegation's members to serve as a nonvoting member on the budget  
32 committee.

34 **3. Committee chair.** The budget committee shall select its  
own chair each year.

36 **§833. Budget procedures**

38 **1. Budget procedures.** The county commissioners shall  
40 submit itemized finance estimates in the form of a budget to the  
budget committee no later than 60 days before the end of the  
42 county's fiscal year.

44 **2. Budget review process.** The budget committee shall  
review the itemized estimated budget prepared by the county  
46 commissioners, together with any supplementary material prepared  
by the head of each county department or provided by any  
48 independent board or institution or another governmental agency.  
The budget committee shall prepare a proposed budget and may  
50 increase, decrease or alter the estimated budget as long as:

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COMMITTEE AMENDMENT "A" to H.P. 1351, L.D. 1817

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

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

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

4. Adoption of budget; tax levy. After the public hearing is completed, the budget committee shall adopt a final budget and transmit that budget to the county commissioners.

A. The budget adopted by the budget committee may be changed only by a majority vote of the county commissioners and a 2/3 vote of the budget committee. Those actions are final and are not subject to further action by either the county commissioners or the budget committee.

B. The budget adopted and changed under this subsection is the final authorization for the assessment of county taxes and the county tax authorized is apportioned and collected in accordance with section 706.

**§834. Interim budget**

If the budget is not approved before the start of a fiscal year, until a budget is finally adopted, the county shall operate on an interim budget which may not exceed 80% of the previous year's budget.

**§835. Filing of final budget**

The budget committee shall file a copy of the final budget with the State Auditor on forms approved by the Department of Audit. The State Auditor shall retain the forms for 3 years.

**§836. Review**

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2 The joint standing committee of the Legislature having  
3 jurisdiction over state and local government matters may review  
4 the operation of the budget committee before February 1, 1997  
5 and, if it determines necessary, introduce legislation to amend  
6 or repeal this article. If the committee fails to act, this  
7 article continues in effect.'

8 Further amend the bill by inserting at the end before the  
9 statement of fact the following:

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11 **FISCAL NOTE**

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13 This bill imposes several requirements on York County as a  
14 result of establishing the York County Budget Committee. The  
15 additional costs to York County are minimal. Pursuant to the  
16 mandate preamble, the 2/3 vote of all members elected to each  
17 House exempts the State from the constitutional requirement to  
18 fund 90% of the additional local costs.'

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21 **STATEMENT OF FACT**

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23 This amendment creates the York County Budget Committee.  
24 The committee consists of 2 elected municipal officials and one  
25 public member from each of the 5 county commissioner districts  
26 selected by the municipal officials in the district. Following  
27 consideration of budget estimates submitted by the county  
28 commissioners and a public hearing on the budget, the budget  
29 committee adopts the county budget. That budget is final unless  
30 a majority of the commissioners and 2/3 of the committee vote to  
31 change it.

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33 The amendment also adds a mandate preamble and a fiscal note.  
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