

# MAINE STATE LEGISLATURE

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L.D. 1915

DATE: 3/17/94

(Filing No. H- 852 )

**STATE & LOCAL GOVERNMENT**

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

COMMITTEE AMENDMENT "A" to H.P. 1406, L.D. 1915, Bill, "An Act to Establish the Somerset County Advisory Budget Committee"

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

**'An Act to Establish the Somerset County Budget Committee'**

Further amend the bill by inserting after the title and before the enacting clause 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.'

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

**'Sec. 1. 30-A MRSA c. 3, art. 12 is enacted to read:**

**Article 12**

**Somerset County Budget Committee**

**COMMITTEE AMENDMENT**

2 **§895. Committee established**

4 There is established the Somerset County Budget Committee,  
6 referred to in this article as the "budget committee," to carry  
8 out the purposes of this article. As used in this article,  
"county commissioners" means the county commissioners of Somerset  
County.

10 **§896. Membership**

12 The budget committee consists of 9 voting members and 3  
14 nonvoting members selected as follows.

16 1. Municipal representatives. Prior to September 15th each  
18 year, municipal officers within each commissioner district shall  
20 caucus and elect members from that district for terms as provided  
22 in paragraph A. There must be 3 members from each commissioner  
district, 2 of whom are municipal officers and one of whom is a  
municipal official as defined in section 2001. No more than one  
member may represent the same municipality at one time.

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

32 2. Legislative member. By September 15th each year, the  
34 Somerset County legislative delegation shall select 3 of the  
36 delegation's members to serve as nonvoting members on the budget  
committee.

38 3. Budget committee chair. The budget committee shall  
40 select its own chair each year.

42 **§897. Budget procedures**

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

48 2. Budget review process. The budget committee shall  
50 review the itemized estimated budget prepared by the county  
commissioners, together with any supplementary material prepared

COMMITTEE AMENDMENT "A" to H.P. 1406, L.D. 1915

by the head of each county department or provided by any independent board or institution or other governmental agency. The budget committee shall prepare a proposed budget and may increase, decrease or alter the estimated budget as long as:

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 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 county commissioners may not further increase, decrease, alter or revise the budget adopted by the budget committee except by unanimous vote of the county commissioners. If the adopted budget is changed by the county commissioners, the budget committee may reject that change by a 2/3 vote of its membership. The budget is final and not subject to further action by either the county commissioners or the budget committee upon failure of the commissioners to unanimously recommend changes in the budget transmitted from the budget committee or upon acceptance or rejection of changes by the budget committee.

B. The budget adopted 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.

§898. 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

2 on an interim budget, which may not exceed 80% of the previous  
3 year's budget.

4 **§899. Filing of final budget**

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

10 **§900. Review**

12 The joint standing committee of the Legislature having  
13 jurisdiction over county government matters may review the  
14 operation of the budget committee before February 1, 1997 and, if  
15 it determines necessary, introduce legislation to amend or repeal  
16 this article. If the committee fails to act, this article  
17 continues in effect.

18  
19  
20 **FISCAL NOTE**

22 The bill includes several requirements on Somerset County.  
23 The additional costs of this state mandate are minimal. Pursuant  
24 to the mandate preamble, the 2/3 vote of all members elected to  
25 each House exempts the State from the constitutional requirement  
26 to fund 90% of the additional local costs.'

28  
29 **STATEMENT OF FACT**

30 This amendment replaces the bill and establishes the  
31 Somerset County Budget Committee consisting of 2 municipal  
32 officers and 1 municipal official from each county commissioner  
33 district as voting members and 3 nonvoting members of the county  
34 legislative delegation. Voting members serve 3-year staggered  
35 terms. Following submission of budget estimates by the county  
36 commissioners and a public hearing held by the budget committee,  
37 the committee adopts the county budget. That budget may be  
38 changed only by a unanimous vote of the county commissioners,  
39 which change may, in turn, be overridden by a 2/3 vote of the  
40 budget committee. The budget as finally approved at the county  
41 level is the basis on which the county commissioners apportion  
42 the county taxes.