

MAINE STATE LEGISLATURE

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L.D. 418

DATE: 6/19/95

(Filing No. H- 530)

STATE AND LOCAL GOVERNMENT

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
117TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 314, L.D. 418, Bill, "An Act to Amend the County Budget Approval Process for Cumberland County"

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

'An Act to Amend the Governmental Structure and Budget Approval Process for Cumberland County'

Further amend the bill by 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.

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 budget process is in urgent need of revision; and

Whereas, Cumberland County government has grown tremendously in recent years in terms of size, responsibility and cost and is currently in need of restructuring; and

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

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

8 Sec. 1. 30-A MRSA §82, sub-§4, ¶C is enacted to read:

10 C. The county commissioners of Cumberland County are
11 entitled to receive the salary specified in section 2,
12 regardless of whether that county has a full-time county
13 manager.

16 Sec. 2. 30-A MRSA §82, sub-§5 is enacted to read:

18 5. Cumberland County manager required. Notwithstanding the
19 other provisions of this section, no later than January 1, 1996,
20 the county commissioners of Cumberland County shall hire a
21 full-time county manager, who works under their direction to
22 oversee the implementation of county policy and the day-to-day
23 administration of county operations. The appointment,
24 compensation and tenure of the manager are the same as provided
25 for a county administrator pursuant to subsections 1 and 2. The
26 manager:

28 A. Is responsible for the administration of all departments
29 and offices controlled by the county commissioners;

30 B. In conjunction with the county commissioners, department
31 heads and budget committee, shall develop a proposed county
32 budget for the coming year, which must be presented to the
33 commissioners no later than October 1st;

34 C. Shall keep the county commissioners and the county
35 legislative delegation informed as to the financial
36 condition of the county and collect all data necessary to
37 prepare the budget;

38 D. Shall attend all meetings of the county commissioners,
39 except when the manager's removal or suspension is being
40 considered; and

41 E. Shall carry out other administrative duties assigned by
42 the commissioners.

43 Sec. 3. 30-A MRSA §741, as amended by PL 1989, c. 104, Pt. C,
44 §§8 and 10, is repealed.

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Sec. 4. 30-A MRSA §741-A is enacted to read:

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§741-A. Cumberland County Budget Advisory Committee

Notwithstanding sections 701 and 702, the county commissioners working in conjunction with the Cumberland County Budget Advisory Committee, established in this section, and the county manager, established in section 82, subsection 5, are responsible for establishing the county budget as provided in this article. The county commissioners shall appropriate money for county expenditures according to the budget established in accordance with this article.

1. Membership; caucus; election. The Cumberland County Budget Advisory Committee consists of the Cumberland County commissioners and 9 municipal officers. The county commissioner members serve on the budget committee in an advisory capacity only and may not vote on any committee matter. The municipal officer members are elected in accordance with this section.

A. There must be 3 members from each commissioner's district.

B. On or before August 15th of each year the county commissioners shall notify all municipal officers to caucus by county commissioner district at a specified date, time and place for the purpose of electing members to the budget committee. Public notice of the meeting must be issued at least 10 days before the meeting is held.

C. The commissioner for each district shall serve as the nonvoting moderator for that district caucus. At the caucus, the municipal officers shall nominate by motion from the floor proposed members to fill any vacancies on the budget committee. For each vacancy the nominee receiving the most votes from among the officers present and voting is elected as a budget committee member.

D. Committee membership terminates when a budget advisory committee member ceases to be a municipal officer or to reside in the commissioner district from which elected. Vacancies occurring on the budget advisory committee must be filled by the committee, subject to confirmation by a majority of the county commissioners. If a vacancy occurs with less than one year remaining in the term of office, the person selected by the committee serves for the balance of the unexpired term. If a vacancy of more than one year occurs, the person selected by the committee serves until the next municipal officers' caucus. At that time a replacement is selected to serve for the balance of the

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unexpired term. The person appointed to fill the vacant office must be a municipal officer in the same commissioner district as the person vacating the office.

2. Chair; terms; compensation; procedures. Administration of the budget advisory committee is as follows.

A. The budget advisory committee shall select its own chair, vice-chair and secretary each year.

B. Members serve for 3-year terms and may not serve more than 2 consecutive terms.

C. Members may be compensated. The amount and conditions must be unanimously approved by the budget advisory committee and the county commissioners.

D. The committee shall adopt rules of procedure and bylaws each year. In a procedural situation not addressed by these rules and bylaws, Robert's Rules of Order prevail.

E. The county commissioners shall provide the budget advisory committee with necessary clerical assistance, office expenses and suitable meeting space as well as access to appropriate county files and information.

3. Meetings. The budget advisory committee shall conduct its meetings in public in accordance with this subsection and shall record its minutes and votes.

A. The county commissioners shall call an organizational meeting of the budget advisory committee each year within 2 weeks after caucus elections.

B. The county commissioners or the chair of the budget advisory committee may call a meeting for the purpose of discussing county financial matters and approving a county budget.

Sec. 5. 30-A MRSA §742, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is repealed.

Sec. 6. 30-A MRSA §742-A is enacted to read:

§742-A. Budget procedures

1. Budgetary planning meetings. During the month of September, county commissioners shall meet with the county manager and county department heads to establish county budgetary needs for the ensuing year. County budget advisory committee

members shall attend these meetings, which must be held in the county courthouse and must be open to the public.

2. Draft budget. On or before October 1st, the county commissioners shall submit a draft budget to the budget advisory committee.

3. Proposed budget. The budget advisory committee shall review the draft budget with the county commissioners at meetings during the month of October and shall prepare a proposed budget. The budget advisory committee may increase, decrease or alter the county commissioners' draft budget as long as:

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

B. In the proposed budget, the total estimated revenue, together with the amount of county tax to be levied, at least equals the total estimated expenditures.

4. Public hearings. Public hearings on the proposed budget must be held by the budget advisory committee and county commissioners in each commissioner's district before November 30th. Notice of these hearings must be given at least 10 days before the hearing in newspapers of general circulation within the county. 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 receipt of the proposed budget and the date of the hearings.

5. Adoption of final budget. After the public hearings are completed, the budget advisory committee may further increase, decrease or alter the proposed budget based on information obtained during the public hearing process. The proposed budget must be approved by a majority vote of the budget advisory committee at a duly called meeting not later than December 15th. The budget advisory committee shall send the approved budget to the county commissioners. The county commissioners may adopt the budget as submitted or after increasing, decreasing or altering the budget by a majority vote by December 31st.

6. Effect of adoption. Once the budget is finalized as provided in subsection 5, it is final and not subject to further action by the county commissioners or the budget advisory committee.

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2 7. Interim budget. Until a budget is finally approved, the
3 county must be operated on an interim budget, which may not
4 exceed the previous year's budget.

6 **Sec. 7. 30-A MRSA §743**, as amended by PL 1989, c. 104, Pt. C,
7 §§8 and 10, is repealed.

8 **Sec. 8. 30-A MRSA §743-A** is enacted to read:

10 **§743-A. Filing of county budget**

12 A copy of the adopted budget must be filed with the State
13 Auditor on forms approved by the Department of Audit and must be
14 retained by the State Auditor for 3 years.

16 **Sec. 9. 30-A MRSA §§744, 745 and 746** as amended by PL 1989, c.
17 104, Pt. C, §§8 and 10, are repealed.

18 **Sec. 10. Transition.** Notwithstanding those sections of this
19 Act that repeal the Maine Revised Statutes, Title 30-A, sections
20 741 to 746 and that enact Title 30-A, sections 741-A, 742-A and
21 743-A, until a county manager is employed by the Cumberland
22 County commissioners, an interim budget committee known as the
23 "Cumberland County Budget Committee" shall formulate the county
24 budget as provided in this section. Finalization of the county
25 budget must follow the procedures described in Title 30-A,
26 sections 741-A, 742-A and 743-A except that:

28 1. The approved budget sent to the county commissioners
29 following the budget committee's December vote is final unless
30 modified by unanimous vote of the county commissioners; and

32 2. Reference in Title 30-A, sections 741-A, 742-A and 743-A
33 to the Cumberland County Budget Advisory Committee must be read
34 as reference to the Cumberland County Budget Committee; and
35 reference to Cumberland County manager and to Cumberland County
36 commissioners and manager must be read as reference to the county
37 commissioners only.

40 **Sec. 11. Cumberland County Budget Committee; Budget Advisory**
41 **Committee terms.** This Act does not terminate the terms of the
42 current members of the Cumberland County Budget Advisory
43 Committee. Members of the Cumberland County Budget Advisory
44 Committee on the effective date of this Act continue to hold
45 office as members of the interim Cumberland County Budget
46 Committee or its successor, the Cumberland County Budget Advisory
47 Committee, until the term for which they were selected expires,
48 after which time vacancies must be filled as provided by this Act.

