

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 418

H.P. 314

House of Representatives, February 6, 1995

An Act to Amend the County Budget Approval Process for Cumberland County.

Reference to the Committee on State and Local Government suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative LABRECQUE of Gorham.
Cosponsored by Representatives: BENEDIKT of Brunswick, DUNN of Gray, GIERINGER of Portland, GREENLAW of Standish, HARTNETT of Freeport, KONTOS of Windham, LOVETT of Scarborough, PENDLETON of Scarborough, REED of Falmouth, TAYLOR of Cumberland, THOMPSON of Naples, TYLER of Windham, WATERHOUSE of Bridgton, Senator: HARRIMAN of Cumberland.

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

2 **Sec. 1. 30-A MRSA §741**, as amended by PL 1989, c. 104, Pt. C,
4 §§8 and 10, is repealed.

6 **Sec. 2. 30-A MRSA §741-A** is enacted to read:

8 **§741-A. Cumberland County Budget Committee**

10 Notwithstanding sections 701 and 702, the Cumberland County
12 Budget Committee is established and, working in concert with the
14 county commissioners, is responsible for establishing the county
16 budget as provided in this article. The county commissioners
18 shall appropriate money for county expenditures according to the
20 budget established in accordance with this article.

22 **1. Membership; caucus; election.** The Cumberland County
24 Budget Committee consists of the Cumberland County Commissioners
26 and 9 municipal officers. The county commissioners serve on the
28 budget committee in an advisory capacity only and may not vote on
30 any committee matter. The municipal officers are elected in
32 accordance with this section.

34 **A.** Three members must be from each commissioner's
36 district. No more than one member may reside in the same
38 municipality.

40 **B.** On or before August 15th of each year the county
42 commissioners shall notify all municipal officers to caucus
44 by county commissioner district at a specified date, time
46 and place for the purpose of electing members to the budget
48 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 committee
 member ceases to be a municipal officer or to reside in the
 commissioner district from which elected. Vacancies
 occurring on the budget committee must be filled by the
 committee, subject to confirmation by a majority of the
 county commissioners, for the balance of the unexpired
 term. The person appointed to fill the vacant office must

2 be a municipal officer in the same commissioner district as
3 the person vacating the office.

4 **2. Chair; terms; compensation; procedures.** Administration
5 of the budget committee is as follows.

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

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

10 C. Members may be compensated. The amount and conditions
11 must be unanimously approved by the budget committee and the
12 commissioners.

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

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

20 **3. Meetings.** The budget committee shall conduct its
21 meetings in public and in accordance with this subsection.

22 A. The county commissioners shall call an organizational
23 meeting of the budget committee within 2 weeks after caucus
24 elections.

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

28 **Sec. 3. 30-A MRSA §742,** as amended by PL 1989, c. 104, Pt. C,
29 §§8 and 10, is repealed.

30 **Sec. 4. 30-A MRSA §742-A** is enacted to read:

31 **§742-A. Budget procedures**

32 **1. Budgetary planning meetings.** During the month of
33 September county commissioners shall meet with department heads
34 to establish their budgetary needs for the ensuing year. County
35 budget committee members shall attend these meetings, which must
36 be held in the county courthouse and must be open to the public.

37 **2. Draft budget.** On or before October 1st the county
38 commissioners shall submit a draft budget to the budget committee.

2 **3. Proposed budget.** The budget committee shall review the
4 draft budget with the commissioners at meetings during the month
6 of October and shall prepare a proposed budget. The budget
 committee may increase, decrease or alter the draft budget
 provided that:

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

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

18 **4. Public hearings.** Public hearings on the proposed budget
20 shall be held by the budget committee and county commissioners in
22 each commissioner's district before November 30th. Notice of
24 these hearings must be given at least 10 days before the hearing
26 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.

28 **5. Adoption of final budget.** After the public hearings are
30 completed, the budget committee may further increase, decrease,
32 alter or revise the proposed budget based on information obtained
34 during the public hearing process. The proposed budget must be
36 finally approved by a majority vote of the budget committee at a
38 duly called meeting not later than December 15th. The budget
 committee shall send the approved budget to the county
 commissioners. The budget sent to the commissioners is final
 unless, by December 31st, the commissioners make changes in the
 approved budget and adopt the modified budget by unanimous vote.

40 **6. Effect of adoption.** Once the budget is finalized as
42 provided in subsection 5, it is final and not subject to further
44 action by the county commissioners or the budget committee. No
 expenses may be incurred in excess of those approved in the final
 budget.

46 **7. Interim budget.** Until a budget is finally approved, the
48 county shall operate on an interim budget, which may not exceed
 the previous year's budget.

50 **Sec. 5. 30-A MRSA §743,** as amended by PL 1989, c. 104, Pt. C,
 §§8 and 10, is repealed.

2 **Sec. 6. 30-A MRSA §743-A** is enacted to read:

4 **§743-A. Filing of county budget**

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

12 **Sec. 7. 30-A MRSA §744**, as amended by PL 1989, c. 104, Pt. C,
14 §§8 and 10, is repealed.

16 **Sec. 8. 30-A MRSA §744-A** is enacted to read:

18 **§744-A. Sunset**

20 The Cumberland County Budget Committee terminates at the end
22 of the fiscal year in which either a county manager form of
24 government or county administrator form of government is
26 implemented in Cumberland County.

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

32 **Sec. 10. Transition.** This Act does not terminate the terms of
34 the members of the Cumberland County Budget Advisory Committee.
36 Members of the advisory budget committee on the effective date of
38 this Act continue to hold office as members of the Cumberland
40 County Budget Committee created by this Act until the term to
42 which they were appointed expires. At that time vacancies must
44 be filled as provided by this Act.

46 **Sec. 11. Implementation.** For 1995 only, the meeting of
48 municipal officers called by the county commissioners for the
50 purpose of filling vacancies on the Cumberland County Budget
Committee may occur after August 15th. That meeting must be held
and members elected to consider the county budget for 1996 as
soon after this Act becomes law as is possible.

40 **STATEMENT OF FACT**

42 This bill abolishes the current Cumberland County Budget
44 Advisory Committee and replaces it with the Cumberland County
46 Budget Committee. The new budget committee, working in
48 conjunction with the county commissioners, is responsible for
50 developing the annual county budget. The bill establishes a
collaborative process between the commissioners and the committee
in reviewing department requests, sharing budgetary information
and approving a final budget. The budget approved by the budget
committee is final unless changed by the county commissioners by
unanimous vote. The membership, qualifications, terms and

2 procedures of the new budget committee are similar to those of
the old advisory budget committee. The bill contains transition
provisions to guide implementation. If Cumberland County
4 establishes a county manager style of government, the Cumberland
County Budget Committee is terminated.