

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 1359

H.P. 979

House of Representatives, March 4, 1997

An Act to Amend the Androscoggin County Budget Process.

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 BOUFFARD of Lewiston.
Cosponsored by Senator JENKINS of Androscoggin and
Representatives: BOLDUC of Auburn, GAMACHE of Lewiston, LEMAIRE of Lewiston,
MAILHOT of Lewiston, NICKERSON of Turner, SHANNON of Lewiston, Senators:
BENNETT of Oxford, CLEVELAND of Androscoggin.

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

Sec. 1. 30-A MRSA §721, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

§721. Purpose

The purpose of this article is to establish in Androscoggin County a method of appropriating money for county expenditures, including the salaries for county officers, according to a budget ~~which that~~ must first be adopted by a budget committee and must then be ~~approved by the Legislature~~ submitted to the county commissioners. This article amends the statutory method in sections 2, 701 and 702 by creating a committee elected by Androscoggin County municipal officers with authority to adopt or amend the budget subject to review and revision by the county commissioners and, if revised, subject to subsequent acceptance or rejection by the budget committee as provided in this article. ~~The Legislature continues to have authority to approve but not to amend the budget.~~ This article applies only to Androscoggin County.

Sec. 2. 30-A MRSA §723, sub-§2, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

2. Duties. The county budget committee shall review the budget and estimates, including the salaries for county officers, prepared by the county commissioners, and shall approve a final county budget as provided in this article.

Sec. 3. 30-A MRSA §725, sub-§5, as amended by PL 1993, c. 573, §1, is further amended to read:

5. Adoption of budget. After the public hearing or hearings held under subsection 4 are completed, the budget committee ~~may further increase, decrease, alter and revise the proposed itemized budgets, subject to the conditions and restrictions imposed in subsection 3~~ shall adopt a final budget and transmit that budget to the county commissioners. The county commissioners may not revise the budget adopted by the budget committee, except by unanimous vote of the commissioners elected. 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. Those actions are final and are not subject to further action by either county commissioners or the budget committee. The proposed itemized budget and the capital improvement program submitted under subsection 1 must be finally adopted by a majority vote of the budget committee at a duly called meeting held before the end of the county's fiscal year.

2 **Sec. 4. 30-A MRSA §725, sub-§6**, as amended by PL 1989, c. 104,
Pt. C, §§8 and 10, is repealed.

4 **Sec. 5. 30-A MRSA §725, sub-§7**, as amended by PL 1989, c. 104,
Pt. C, §§8 and 10, is further amended to read:

6 **7. Assessment of taxes.** The budget as approved by--the
8 Legislature under this article is the final authorization for the
assessment of county taxes. The budget shall must be sent to the
10 county commissioners and the county tax authorized shall--be
apportioned and collected in accordance with section 706.

12 **Sec. 6. 30-A MRSA §725, sub-§9**, as enacted by PL 1993, c. 573,
14 §2, is amended to read:

16 **9. Surplus funds.** In developing the proposed itemized
budget under this section, the ~~budget-committee-and-the~~ county
18 commissioners shall use 10% of any unencumbered surplus funds in
excess of estimates from the previous fiscal year as reported in
20 the audited financial report for that year to reduce the tax levy
for the next year. The remaining unencumbered surplus funds may
22 only be allocated for the following purposes:

24 A. To further reduce the tax levy;

26 B. To establish a capital reserve account under section 921
to fund items in the capital improvement program approved
28 under subsection 5;

30 C. To restore the contingent account as provided in section
922, subsection 2; or

32 D. To fund the county charter commission as provided in
34 section 1322, subsection 4.

36 **Sec. 7. 30-A MRSA §726**, as amended by PL 1989, c. 104, Pt. C,
§§8 and 10, is further amended to read:

38 **§726. Budget amendments**

40 The approved budget shall--govern governs the expenditures of
42 the county during the fiscal year. No expenses may be incurred
in excess of those shown in the approved budget, but the county
44 commissioners may transfer funds as provided in section 922, and
the budget may be from time to time revised by the preparation
46 and submission of a proposed amended budget by the county
commissioners to the budget committee. The budget committee
48 shall within 15 calendar days approve, disapprove or amend this
revised budget. ~~If the proposed revised budget is approved or~~
50 ~~amended, the budget committee within this same time period shall~~

forward--the--revised--budget--to--the--Legislature--for--final
2 approval.--The--Legislature--has--15--calendar--days--to--approve--or
disapprove--the--revised--budget.--If--the--Legislature--is--not--in
4 session--or--does--not--approve--the--revised--budget--within--this--time,
it--is--disapproved. A report of approval of a revised budget
6 shall must be transmitted to the State Auditor within 15 days of
the Legislature's approval of a revised budget.

10 SUMMARY

12 This bill amends the budget approval process for
Androscoggin County by removing the requirement that the budget
14 be submitted to the Legislature for final approval. Instead, the
existing budget committee is empowered to adopt the budget which
16 it must submit to the county commissioners. The county
commissioners may alter the budget committee's budget only by a
18 unanimous vote; and, if the commissioners do so, the budget
committee may reject the county commissioners' change by a 2/3
20 vote.