

# MAINE STATE LEGISLATURE

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# 119th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1999

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Legislative Document

No. 1048

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H.P. 758

House of Representatives, February 9, 1999

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### **An Act to Amend the Androscoggin County Budget Process.**

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

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative BOUFFARD of Lewiston.  
Cosponsored by Senator DOUGLASS of Androscoggin and  
Representatives: BOLDUC of Auburn, CHIZMAR of Lisbon, COTE of Lewiston, JACOBS  
of Turner, MAILHOT of Lewiston, SCHNEIDER of Durham, SHIELDS of Auburn, Senator:  
BERUBE of Androscoggin.

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

2  
4       **Sec. 1. 30-A MRSA §721**, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

6       **§721. Purpose**

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

22       **Sec. 2. 30-A MRSA §723, sub-§1**, as amended by PL 1989, c. 104,  
24       Pt. C, §§8 and 10, is further amended by amending the first  
26       indented paragraph and the first blocked paragraph to read:

28       1. **Membership.** The budget committee shall consist of 9 11  
30       members, 3 members from each commissioner district selected as  
32       provided in this section, and 2 members are appointed from the  
34       Androscoggin County legislative delegation. The members from the  
36       Androscoggin County legislative delegation may vote on committee  
38       matters. The county commissioners shall serve on the committee  
40       in an advisory capacity only and may not vote on any committee  
42       matters.

36       In 1989, and every 3rd year thereafter, at least 90 days before  
38       the end of the fiscal year, the 9 11 members shall ~~be~~ are elected  
40       by the following procedure.

40       **Sec. 3. 30-A MRSA §723, sub-§§2 and 4**, as amended by PL 1989,  
42       c. 104, Pt. C, §§8 and 10, are further amended to read:

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

48       4. **Vacancies.** A vacancy occurring on the budget committee  
50       shall must be filled by the committee for the balance of the  
52       unexpired term. The person appointed to fill the vacant office  
      must be from the same municipality or county as the person  
      vacating the office.

2           **Sec. 4. 30-A MRSA §725, sub-§5**, as amended by PL 1993, c. 573,  
§1, is further amended to read:

4           **5. Adoption of budget.** After the public hearing or  
hearings held under subsection 4 are completed, the budget  
6 committee ~~may further increase, decrease, alter and revise the~~  
~~proposed itemized budgets, subject to the conditions and~~  
8 ~~restrictions imposed in subsection 3~~ shall adopt a final budget  
and transmit that budget to the county commissioners. The county  
10 commissioners may not revise the budget adopted by the budget  
committee, except by unanimous vote of the commissioners  
12 elected. If the adopted budget is changed by the county  
commissioners, the budget committee may reject that change by a  
14 2/3 vote of its membership. Those actions are final and are not  
subject to further action by either county commissioners or the  
16 budget committee. The ~~proposed itemized~~ budget and the capital  
improvement program submitted under subsection 1 must be finally  
18 adopted by a majority vote of the budget committee at a duly  
called meeting held before the end of the county's fiscal year.

20           **Sec. 5. 30-A MRSA §725, sub-§6**, as amended by PL 1989, c. 104,  
Pt. C, §§8 and 10, is repealed.

24           **Sec. 6. 30-A MRSA §725, sub-§7**, as amended by PL 1989, c. 104,  
Pt. C, §§8 and 10, is further amended to read:

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

32           **Sec. 7. 30-A MRSA §725, sub-§9**, as enacted by PL 1993, c. 573,  
34 §2, is amended to read:

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

44           A. To further reduce the tax levy;

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

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

52

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

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

6  
8 **§726. Budget amendments**

10 The approved budget shall ~~govern~~ governs the expenditures of  
12 the county during the fiscal year. No expenses may be incurred  
14 in excess of those shown in the approved budget, but the county  
commissioners may transfer funds as provided in section 922, and  
16 the budget may be from time to time revised by the preparation  
and submission of a proposed amended budget by the county  
18 commissioners to the budget committee. The budget committee  
shall within 15 calendar days approve, disapprove or amend this  
20 revised budget. ~~If the proposed revised budget is approved or  
amended, the budget committee within this same time period shall  
forward the revised budget to the Legislature for final  
approval. The Legislature has 15 calendar days to approve or  
disapprove the revised budget. If the Legislature is not in  
session or does not approve the revised budget within this time,  
it is disapproved.~~ A report of approval of a revised budget  
24 shall must be transmitted to the State Auditor within 15 days of  
the Legislature's approval of a revised budget.

26  
28 **SUMMARY**

30 This bill amends the budget approval process for  
Androscoggin County by removing the requirement that the budget  
32 be submitted to the Legislature for final approval. Instead, the  
existing budget committee is empowered to adopt the budget, which  
34 it must submit to the county commissioners. The county  
commissioners may alter the budget committee's budget only by a  
36 unanimous vote; and, if the commissioners do so, the budget  
committee may reject the county commissioners' change by a 2/3  
38 vote. The bill also increases the number of members on the  
committee from 9 to 11 members. The 2 additional members must be  
40 Androscoggin County legislative delegation members.