

MAINE STATE LEGISLATURE

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L.D. 548

DATE: 4-25-01

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MAJORITY
STATE AND LOCAL GOVERNMENT

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
120TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 427, L.D. 548, Bill, "An Act to Repeal the Requirement that the Kennebec County Budget be Approved by the Legislature"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

Sec. 1. 30-A MRSA c. 3, sub-c. I, art. 8 is amended by repealing the article headnote and enacting the following in its place:

Article 8

KENNEBEC COUNTY BUDGET COMMITTEE

Sec. 2. 30-A MRSA §862, as amended by PL 1991, c. 533, §3 and affected by §10, is further amended to read:

§862. Kennebec County Budget Committee

In Kennebec County there is established the Kennebec County Advisory Budget Committee to carry out the purposes of this article. The advisory budget committee consists of 9 elected officials and a subcommittee of 6 nonvoting members of the county legislative delegation or their designees as provided in this section.

COMMITTEE AMENDMENT

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2 1. **Membership; elected officials.** The 9 advisory budget
committee members who are elected officials are appointed as
provided in this section.

4
6 A. ~~In-1991-and-annually--thereafter~~ Annually, the county
commissioners shall call a meeting of elected officials
within each county commissioner district no later than
8 September 15th. A public notice of the meeting must be
issued at least 10 days before the meeting is held. Each
10 commissioner shall serve as the nonvoting moderator of the
meeting in that commissioner's district. At the meeting,
12 the elected officials shall nominate a slate of proposed
members for the advisory budget committee. Each
14 commissioner shall select one advisory budget committee
member from the slate of proposed members within 7 days of
16 the meeting, ~~except for the selection of the initial
advisory budget committee as provided in subsection 1-B.~~

18
20 **1-A. Membership; legislative delegation.** A subcommittee of
6 members of the Kennebec County legislative delegation or their
designees shall serve as nonvoting members of the advisory budget
22 committee.

24 A. The subcommittee is appointed by the chair and must be
ratified by a vote of the legislative delegation.

26
28 B. The subcommittee shall serve as a resource to the
advisory budget committee and as a liaison to the
legislative delegation.

30
32 ~~1-B. Initial election. Notwithstanding subsections 1 and
3, in the initial election of the advisory budget committee in
1991, 3 members are elected from each county commissioner
34 district. One member from each district is appointed for a term
of 3 years, one member from each district is appointed for a term
36 of 2 years and one member from each district is appointed for a
term of one year.~~

38
40 **2. Duties.** The advisory budget committee shall review the
budget estimates prepared by the county commissioners, hold
public hearings in the county and submit their recommendations to
42 the county commissioners.

44 **3. Term of office.** The term of office for an advisory a
budget committee member who is an elected official is 3 years,
46 provided that an advisory a budget committee member remains an
elected official in the elected official's municipality. This
48 subsection does not apply to the initial advisory budget
committee members whose terms are described in subsection 1-B.

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COMMITTEE AMENDMENT

4. **Vacancies.** The county commissioners shall appoint an elected official to fill any vacancy occurring on the advisory budget committee. A vacancy must be filled from the commissioner district in which the vacancy occurred and is for the balance of the unexpired term.

5. **Expenses.** Members are not entitled to compensation, but must be reimbursed at the county rate from the county treasury for expenses authorized by the county commissioners that are lawfully incurred in the performance of their duties.

Sec. 3. 30-A MRSA §863, as repealed and replaced by PL 1991, c. 533, §4 and affected by §10, is amended to read:

§863. Budget committee organization

The advisory budget committee shall organize and conduct its meetings as follows.

1. **Organization.** The county commissioners shall direct the county clerk to call an organizational meeting of the advisory budget committee no later than 60 days before the end of the county's fiscal year. At the organizational meeting, the committee shall:

A. Elect a chair and a recording secretary from among its members; and

B. Adopt rules, procedures and bylaws.

2. **Meetings.** The advisory budget committee shall determine the time and location of the advisory budget committee meetings. The meetings must be held at times convenient for the public. The advisory budget committee shall keep minutes and record votes for every meeting. The county clerk shall issue a public notice of a meeting no later than 7 days before the meeting is held.

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

Sec. 4. 30-A MRSA §864, as amended by PL 1991, c. 533, §§5 to 8 and affected by §10, is further amended to read:

§864. Budget procedures

1. **Commissioners' budget.** The county commissioners shall submit an itemized budget estimate, as described in sections 701, 702 and 7503, to the advisory budget committee in a timely

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COMMITTEE AMENDMENT "A" to H.P. 427, L.D. 548

2 fashion, no later than 60 days before the end of the county's
fiscal year.

4 **2. Budget review process.** The advisory budget committee
shall develop a proposed budget following review of the proposed
6 itemized budget estimate prepared by the county commissioners,
7 together with any supplementary material prepared by the head of
8 each county department or provided by any independent board or
9 institution or another governmental agency. The advisory budget
10 committee may advise propose that the proposed budget estimate be
11 increased, decreased, altered or revised, provided that:

12
13 A. The advisory budget committee enters into its minutes an
14 explanation for any recommended change in the estimated
15 expenditures and revenues as initially presented by the
16 county commissioners; and

17 B. The total estimated revenues, together with the amount
18 of county tax to be levied, equals the total estimated
19 expenditures.
20

21
22 **3. Public hearing.** The advisory budget committee shall
23 hold at least 2 public hearings in the county on the proposed
24 budget before the end of the county's fiscal year and before
25 submitting the budget to the commissioners finally--approve--the
26 budget. At least one public hearing must be held in the northern
27 part of the county and at least one public hearing must be held
28 in the southern part of the county. Notice of the hearing must
29 be given at least 10 days before the hearing in a newspaper of
30 general circulation within the county.

31
32 **3-A. Written notification.** Written notice and a copy of
33 the proposed budget must be sent at least 10 days before the
34 public hearing to the clerk of each municipality in the county.
35 The municipal clerk shall notify the elected officials of the
36 proposed budget.

37
38 **4. Approval of budget.** After the public hearings are
39 completed, the advisory budget committee shall adopt a final
40 budget and shall submit its--recommendations that budget to the
41 county commissioners for approval review not later than the end
42 of the county's fiscal year, subject to the conditions and
43 restrictions imposed in subsection 2. The county commissioners
44 may not revise the budget adopted by the budget committee except
45 by unanimous vote of the county commissioners. If the adopted
46 budget is changed by the county commissioners, the budget
47 committee may reject that change by a 2/3 vote of its
48 membership. Those actions are final and are not subject to
49 further action by either the county commissioners or the budget
50 committee.

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2 ~~4-A. Legislative approval. Before January 15th of the~~
3 ~~fiscal year for which the budget is prepared, the county~~
4 ~~commissioners shall submit the budget to the Legislature. The~~
5 ~~Legislature shall approve, disapprove or amend the budget as~~
6 ~~submitted.~~

8 5. Interim budget. If the budget is not approved before
9 the start of a fiscal year, until a budget is finally adopted,
10 the county shall operate on an interim budget which that may not
11 exceed the previous year's budget.

12 6. Transfer of funds. The county commissioners may
13 transfer funds as provided in section 922.

16 Sec. 5. Transition. The members of the Kennebec County
17 Advisory Budget Committee who are elected officials continue to
18 hold office as members of the Kennebec County Budget Committee
19 established in this Act for the remainder of the term to which
20 they were appointed. Following completion of their terms,
21 vacancies are filled as provided in the Maine Revised Statutes,
22 Title 30-A, section 862.'

24 **SUMMARY**

26 This amendment replaces the bill. The amendment deletes
27 references to "advisory" from the laws governing the Kennebec
28 County Budget Committee. It also eliminates legislative approval
29 for the county budget and empowers the budget committee to submit
30 a final budget to the county commissioners, who may change the
31 budget only by the unanimous vote of the county commissioners.
32 Any changes made by the county commissioners may be overridden by
33 a 2/3 vote of the budget committee. The amendment also makes
34 several technical changes to the laws governing the Kennebec
35 County Budget Committee.