

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 211

H.P. 170

House of Representatives, January 21, 2003

An Act To Modify the County Budget Procedures for Sagadahoc County

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

Millicent M. MacFarland

MILLICENT M. MacFARLAND

Clerk

Presented by Representative LESSARD of Topsham.

Cosponsored by Representatives: EARLE of Damariscotta, GERZOFKY of Brunswick,

GROSE of Woolwich, HUTTON of Bowdoinham, PINEAU of Jay, WATSON of Bath,

Senators: BRYANT of Oxford, TREAT of Kennebec.

2
3 **Be it enacted by the People of the State of Maine as follows:**

4 **Sec. 1. 30-A MRSA c. 3, sub-c. 1, art. 10** is amended by repealing
5 the article headnote and enacting the following in its place:

6 **Article 10**

7 **SAGADAHOC COUNTY BUDGET COMMITTEE**

8
9
10 **Sec. 2. 30-A MRSA §881**, as enacted by PL 1991, c. 513, is
11 repealed and the following enacted in its place:

12 **§881. Budget; appropriations; approval**

13
14 This article establishes a method of appropriating money for
15 county expenditures in Sagadahoc County, according to a budget,
16 which must first receive approval of a budget committee. This
17 article amends the statutory method in sections 2, 701 and 702 by
18 transferring the authority of the Sagadahoc County legislative
19 delegation and the Legislature to approve the Sagadahoc County
20 budget to a committee composed of Sagadahoc County and municipal
21 officials established pursuant to section 883. This article
22 applies only to Sagadahoc County.

23
24
25 **Sec. 3. 30-A MRSA §882**, as enacted by PL 1991, c. 513, is
26 repealed.

27
28 **Sec. 4. 30-A MRSA §883**, as amended by PL 2001, c. 143, §1 and
29 affected by §4 and c. 499, §1, is further amended to read:

30 **§883. Budget committee**

31
32 There is established a Sagadahoc County Budget Advisory
33 Committee, referred to in this article as "the budget committee,"
34 as provided in this section.

35
36
37 **1. Budget committee membership.** The municipal officers
38 from each county commissioner district shall choose the budget
39 advisory committee members by the following procedure.

40
41 **A.** The budget advisory committee consists of 9 members:
42 two municipal officers from each of the 3 county
43 commissioner districts and one representative of the general
44 public from each of the 3 county commissioner districts.
45 Budget advisory committee members serve staggered 3-year
46 terms, ~~except for the initial members whose terms are~~
47 ~~provided in subsection 2, paragraph B.~~ If a budget advisory
48 committee member who is elected as a municipal officer
49 ceases to be a municipal officer during the term of
50 membership, that committee member shall vacate membership.

2 (1) If a budget advisory committee member who is
4 elected as a municipal officer vacates, resigns or is
6 unable to complete the term of office to which that
8 member was elected, the next district caucus shall
elect a municipal officer to serve for the remainder of
the unexpired term.

10 (2) If a budget advisory committee member who is a
12 representative of the general public resigns or is
14 unable to complete the term of office to which that
member was elected, the next district caucus shall
elect a representative of the general public to serve
for the remainder of the unexpired term.

16 B. The budget advisory committee shall select annually one
18 of its members to chair the committee.

20 **2. Election.** ~~The election of In 2004, and thereafter, at~~
~~least 90 days before the end of every fiscal year the budget~~
~~advisory committee members is as follows must be elected by the~~
22 following procedures:

24 A. ~~Before February 15th of every year, the~~ The county
26 commissioners shall notify all municipal officers in the
28 county to caucus by county commissioner districts at a
specified date, time and place for the purpose of electing
the membership of the county budget advisory committee.
30 Whenever a public member of the budget advisory committee
will be elected, the county commissioners must issue a
32 public notice of that fact that includes the date, time and
place of the caucus. The county commissioner shall serve as
34 nonvoting moderator for that commissioner's district
caucus. Nominations must be received from the floor. The
36 nominee receiving the most votes is approved as a budget
advisory committee member and serves a term of 3 years,
38 ~~except as provided in paragraph B.~~

40 ~~B. In 1991, each caucus shall elect 3 members whose terms~~
~~are as follows.~~

42 ~~(1) One of the members who is a municipal officer~~
~~shall serve an initial term of one year.~~

44 ~~(2) One of the members who is a municipal officer~~
46 ~~shall serve an initial term of 2 years.~~

48 ~~(3) The member who is a representative of the general~~
50 ~~public shall serve an initial term of 3 years.~~

2 **Sec. 5. 30-A MRSA §884**, as amended by PL 2001, c. 143, §2 and
affected by §4 and c. 499, §1, is repealed.

4 **Sec. 6. 30-A MRSA §§884-A to 884-C** are enacted to read:

6 **§884-A. Budget committee organization**

8 The budget committee shall conduct its meetings in public at
10 the county courthouse. The county commissioners shall direct the
12 county clerk to call an organizational meeting of the budget
14 committee no later than 60 days before the end of the county's
16 fiscal year. The county commissioners shall provide the
committee with necessary clerical assistance, office expenses and
suitable meeting space, as well as access to county files and
information. The budget committee shall adopt its own rules or
procedures and bylaws.

18 **§884-B. Budget procedures**

20 **1. Proposed budget.** The county commissioners shall submit
22 an itemized budget estimate, as described in sections 701 and
24 702, to the budget committee in a timely fashion, no later than
60 days before the end of the county's fiscal year.

26 **2. Budget review process.** The budget committee shall
28 review the proposed itemized budget prepared by the county
30 commissioners, together with any supplementary material prepared
32 by the head of each county department or provided by any
independent board or institution or another governmental agency.
The budget committee may increase, decrease, alter or revise the
proposed budget, if:

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

38 B. The total estimated revenues, together with the amount
40 of county tax to be levied, equals the total estimated
expenditures.

42 **3. Public hearing.** The budget committee shall hold a
44 public hearing at least once in each of the 3 commissioner
46 districts on the proposed budget before the end of the county's
48 fiscal year and before the final adoption of the budget. Notice
of the hearing must be given at least 10 days before the hearing
in a newspaper of general circulation within the county. Written
notice and a copy of the proposed budget must be sent by
registered or certified mail with return receipt requested, or
50 delivered in person, with proof received of the delivery, to the

2 clerk of each municipality in the county. The municipal clerk
3 shall notify the municipal officers of the proposed budget.

4 4. Adoption of budget. After the public hearings are
5 completed, the budget committee may further increase, decrease,
6 alter and revise the proposed itemized budget, subject to the
7 conditions and restrictions imposed in subsection 2. The
8 proposed itemized budget must be finally adopted by a majority
9 vote of the budget committee at a duly called meeting not later
10 than the end of the county's fiscal year. The approved budget is
11 the final authorization for the assessment of county taxes. The
12 budget must be sent to the county commissioners and the county
13 tax authorized must be apportioned and collected in accordance
14 with section 706.

15 5. Interim budget. If the budget is not approved before
16 the start of a fiscal year, until a budget is finally adopted,
17 the county shall operate on an interim budget that may not exceed
18 the previous year's budget.

19 6. Transfer of funds. The county commissioners may
20 transfer funds as provided in section 922.

21 **§884-C. Budget amendments**

22 The approved budget must govern the expenditures of the
23 county during the fiscal year. Expenses may not be incurred in
24 excess of those shown in the approved budget, but the budget may
25 be revised from time to time by the preparation and submission of
26 a proposed amended budget by the county commissioners to the
27 budget committee. The budget committee shall render, not less
28 than 15 calendar days, except in emergencies, nor more than 30
29 days after the submission to it, a decision on any such revised
30 budget. An approved revised budget must be transmitted to the
31 State Auditor within 15 days of the budget committee's action.

32 Sec. 7. 30-A MRSA §885, as enacted by PL 1991, c. 513, is
33 amended to read:

34 **§885. Final budget; filing**

35 A copy of the final budget estimates and subsequent
36 amendments must be filed, on forms approved by the Department of
37 Audit, with the State Auditor, who shall retain them for 3 years.

38 Sec. 8. Continuation of service. Any member of the Sagadahoc
39 County Budget Advisory Committee on the effective date of this
40 Act continues to serve on the Sagadahoc County Budget Committee
41 for the remainder of the term to which the member was elected.

2

SUMMARY

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6 This bill amends the procedures for adopting a budget for
Sagadahoc County. Under current law, the county commissioners
submit a budget estimate to an advisory committee that makes
8 recommendations back to the commissioners; but the budget is
adopted by a majority vote of the county commissioners. Under
10 the bill, the county commissioners will submit a budget estimate
to a budget committee that will conduct at least one public
12 hearing in each of the 3 commissioner districts and the budget
committee is responsible for final adoption of the county budget
14 and any later amendments to it. The bill retains the same make
up of the advisory committee for the budget committee; that is,
16 from each commissioner district, 2 elected municipal officials
and one public member. The bill provides that members currently
18 serving on the advisory committee will serve on the budget
committee until the terms for which they were elected expire.