

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 1003

S.P. 343

In Senate, February 24, 2005

**An Act To Establish the Androscoggin County Budget Advisory
Committee and the Somerset County Budget Advisory Committee**

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator SNOWE-MELLO of Androscoggin.
Cosponsored by Senator ROTUNDO of Androscoggin and
Senator: NUTTING of Androscoggin, Representatives: CEBRA of Naples, LANSLEY of
Sabattus, RICHARDSON of Greenville.

2 **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4 **Sec. 1. 30-A MRSA c. 3, sub-c. 1, art. 2,** as amended, is repealed.

6 **Sec. 2. 30-A MRSA c. 3, sub-c. 1, art. 2-A** is enacted to read:

8 **ARTICLE 2-A**

10 **ANDROSCOGGIN COUNTY BUDGET ADVISORY COMMITTEE**

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

14 Notwithstanding sections 2, 701 and 702, in Androscoggin
County the county commissioners may appropriate money according
to a budget that must be approved by a majority of the county
commissioners.

18 **§728-A. Interim budget**

20 If the budget under section 728 is not approved before the
start of a fiscal year, until a budget is finally adopted the
county shall operate on an interim budget, which may not exceed
80% of the previous year's budget.

24 **§728-B. Advisory committee**

26 The Androscoggin County Budget Advisory Committee, referred
to in this article as "the committee," is established as provided
in this section.

30 **1. Committee membership.** The committee consists of 11
members who are chosen by the following procedure.

34 A. Two municipal officers from each of the 3 county
commissioner districts and one representative of the general
public from each of the 3 county commissioner districts are
chosen by the municipal officers from each county
commissioner district, and 2 members of the county
legislative delegation are chosen by the members of the
county legislative delegation. Committee members
representing municipal officers and the general public serve
3-year terms, except for the initial members, whose terms
are provided in subsection 2, paragraph B. If a committee
member who is a municipal officer ceases to be a municipal
officer during the term of membership, that committee member
vacates membership.

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

12 (2) If a committee member who is a representative of
14 the general public resigns from or is unable to
16 complete the term of office to which that member was
18 elected, the next district caucus elects a
20 representative of the general public to serve for the
22 remainder of the unexpired term.

24 (3) If a committee member who is a member of the
26 county legislative delegation resigns from or is unable
28 to complete the term of office to which that member was
30 elected, the county legislative delegation elects a
32 member of the county legislative delegation to serve
34 for the remainder of the unexpired term.

36 B. The committee selects annually one of its members to
38 chair the committee.

40 **2. Municipal officers; election; term.** The municipal
42 officers from each county commissioner district choose the budget
44 committee members by the following procedure.

46 A. Before February 15th of every year, the county
48 commissioners shall notify all municipal officers in the
50 county to caucus by county commissioner districts at a
 specified date, time and place for the purpose of electing
 the membership of the committee, except for the membership
 from the county legislative delegation. When a public
 member of the committee is elected, the county commissioners
 shall issue a public notice that includes the date, time and
 place of the caucus. The county commissioner serves as
 nonvoting moderator for that commissioner's district
 caucus. Nominations are received from the floor. The
 nominee receiving the most votes is approved as a committee
 member and serves a term of 3 years, except as provided in
 paragraph B.

B. In 2006, each caucus elects 3 members, whose terms are
 as follows:

(1) One of the members who is a municipal officer
 serves an initial term of one year;

(2) One of the members who is a municipal officer
 serves an initial term of 2 years; and

2 (3) The member who is a representative of the general
3 public serves an initial term of 3 years.

4 C. The members selected by the county legislative
5 delegation serve for terms of 2 years coterminous with their
6 terms of office.

7 3. Legislative member. The Androscoggin County legislative
8 delegation shall annually select one member of the delegation who
9 resides in Androscoggin County to serve on the committee.

10 **§728-C. Public hearing**

11 The Androscoggin County commissioners shall hold one or more
12 public hearings on the budget estimate under section 728-D
13 annually before October 1st and an informational meeting, in
14 conjunction with the committee, with the Androscoggin County
15 legislative delegation before December 1st.

16 **§728-D. Budget estimate; submission to committee**

17 The Androscoggin County commissioners shall submit a budget
18 estimate to the committee no later than April 1st for the next
19 fiscal year. The committee shall review the budget estimate,
20 hold a public hearing on the budget estimate and make
21 recommendations to the county commissioners before May 15th. The
22 county commissioners shall act on the budget in a timely fashion
23 and, in any event, not later than June 15th of the fiscal year.

24 **§728-E. Final budget estimates; filing**

25 A copy of the final budget estimate under section 728-D must
26 be filed, on forms approved by the Department of Audit, with the
27 State Auditor, who shall retain the forms for 3 years.

28 Sec. 3. 30-A MRSA c. 3, sub-c. 1, art. 12, as amended, is repealed.

29 Sec. 4. 30-A MRSA c. 3, sub-c. 1, art. 15 is enacted to read:

30 **ARTICLE 15**

31 **SOMERSET COUNTY BUDGET ADVISORY COMMITTEE**

32 **§900-K. Budget; appropriations; approval**

33 Notwithstanding sections 2, 701 and 702, in Somerset County
34 the county commissioners may appropriate money according to a

2 budget that must be approved by a majority of the county
3 commissioners.

4 **§900-L. Interim budget**

6 If the budget under section 900-K is not approved before the
7 start of a fiscal year, until a budget is finally adopted the
8 county shall operate on an interim budget, which may not exceed
9 80% of the previous year's budget.

10 **§900-M. Advisory committee**

12 The Somerset County Budget Advisory Committee, referred to
13 in this article as "the committee," is established as provided in
14 this section.

16 **1. Committee membership.** The committee consists of 11
17 members who are chosen by the following procedure.

20 A. Two municipal officers from each of the 3 county
21 commissioner districts and one representative of the general
22 public from each of the 3 county commissioner districts are
23 chosen by the municipal officers from each county
24 commissioner district, and 2 members of the county
25 legislative delegation are chosen by the members of the
26 county legislative delegation. Committee members
27 representing municipal officers and the general public serve
28 3-year terms, except for the initial members, whose terms
29 are provided in subsection 2, paragraph B. If a committee
30 member who is a municipal officer ceases to be a municipal
31 officer during the term of membership, that committee member
32 vacates membership.

34 (1) If a committee member who is a municipal officer
35 vacates, resigns from or is unable to complete the term
36 of office to which that member was elected, the next
37 district caucus elects a municipal officer to serve for
38 the remainder of the unexpired term.

40 (2) If a committee member who is a representative of
41 the general public resigns from or is unable to
42 complete the term of office to which that member was
43 elected, the next district caucus elects a
44 representative of the general public to serve for the
45 remainder of the unexpired term.

48 (3) If a committee member who is a member of the
49 county legislative delegation resigns from or is unable
50 to complete the term of office to which that member was
elected, the county legislative delegation elects a

2 member of the county legislative delegation to serve
3 for the remainder of the unexpired term.

4 B. The committee selects annually one of its members to
5 chair the committee.

6
7 2. Municipal officers; election; term. The municipal
8 officers from each county commissioner district choose the
9 committee members by the following procedure.

10 A. Before February 15th of every year, the county
11 commissioners shall notify all municipal officers in the
12 county to caucus by county commissioner districts at a
13 specified date, time and place for the purpose of electing
14 the membership of the committee, except for the membership
15 from the county legislative delegation. When a public
16 member of the committee is elected, the county commissioners
17 shall issue a public notice that includes the date, time and
18 place of the caucus. The county commissioner shall serve as
19 nonvoting moderator for that commissioner's district
20 caucus. Nominations are received from the floor. The
21 nominee receiving the most votes is approved as a committee
22 member and serves a term of 3 years, except as provided in
23 paragraph B.

24
25 B. In 2006, each caucus elects 3 members, whose terms are
26 as follows:

27 (1) One of the members who is a municipal officer
28 serves an initial term of one year;

29 (2) One of the members who is a municipal officer
30 serves an initial term of 2 years; and

31 (3) The member who is a representative of the general
32 public serves an initial term of 3 years.

33 C. The members selected by the county legislative
34 delegation serve for terms of 2 years coterminous with their
35 terms of office.

36
37 3. Legislative member. The Somerset County legislative
38 delegation shall annually select one member of the delegation who
39 resides in Somerset County to serve on the committee.

40
41 **§900-N. Public hearing**

42 The Somerset County commissioners shall hold one or more
43 public hearings on the budget estimate under section 900-O
44 annually before October 1st and an informational meeting, in
45

2 conjunction with the committee, with the Somerset County
3 legislative delegation before December 1st.

4 **§900-O. Budget estimate; submission to committee**

6 The Somerset County commissioners shall submit a budget
7 estimate to the committee no later than April 1st for the next
8 fiscal year. The committee shall review the budget estimate,
9 hold a public hearing on the budget estimate and make
10 recommendations to the county commissioners before May 15th. The
11 county commissioners shall act on the budget in a timely fashion
12 and, in any event, not later than June 15th of the fiscal year.

14 **§900-P. Final budget estimates; filing**

16 A copy of the final budget estimate under section 900-O must
17 be filed, on forms approved by the Department of Audit, with the
18 State Auditor, who shall retain the forms for 3 years.

20 **Sec. 5. 30-A MRSA §924, first ¶**, as amended by PL 2001, c. 349,
21 **§6**, is further amended to read:

22
23 The county commissioners of each county shall use any
24 unencumbered surplus funds at the end of a fiscal year in the
25 following fiscal year only as provided in this section, ~~except~~
26 ~~that--the--Androscoggin--County--commissioners--shall--act--in~~
27 ~~accordance--with--section--725,--subsection--9.~~

30 **SUMMARY**

32 This bill repeals the existing process of adoption of a
33 budget in Androscoggin County and in Somerset County and
34 establishes the Androscoggin County Budget Advisory Committee and
the Somerset County Budget Advisory Committee.