

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 214

H.P. 185

House of Representatives, January 16, 2007

An Act To Initiate the Intergovernmental Advisory Commission's Blueprint for Government

Reported by Representative BARSTOW of Gorham for the Intergovernmental Advisory Commission pursuant to the Maine Revised Statutes, Title 30-A, section 2181, subsection 4, paragraph F.

Reference to the Committee on State and Local Government suggested and ordered printed under Joint Rule 218.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

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

2 **Sec. 1. 30-A MRSA §721**, as amended by PL 1999, c. 253, §1, is further amended
3 to read:

4 **§721. Purpose**

5 The purpose of this article is to establish in Androscoggin County a method of
6 appropriating money for county expenditures, including the salaries for county officers,
7 according to a budget that ~~must first be adopted~~ is reviewed by a budget advisory
8 committee and ~~must then be submitted to~~ adopted by the county commissioners. This
9 article amends the statutory method in sections 2, 701 and 702 ~~by creating a committee~~
10 ~~elected by Androscoggin County municipal officers with authority to adopt or amend the~~
11 ~~budget subject to review and revision by the county commissioners and, if revised,~~
12 ~~subject to subsequent acceptance or rejection by the budget committee as provided in this~~
13 ~~article.~~ This article applies only to Androscoggin County.

14 **Sec. 2. 30-A MRSA §723, first ¶**, as enacted by PL 1987, c. 737, Pt. A, §2 and
15 Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is
16 further amended to read:

17 In Androscoggin County there is established a budget advisory committee to carry
18 out the purposes of this article.

19 **Sec. 3. 30-A MRSA §723, sub-§2**, as amended by PL 1999, c. 253, §4, is further
20 amended to read:

21 **2. Duties.** The county budget advisory committee shall review the budget and
22 estimates, including the salaries for county officers, prepared by the county
23 commissioners, ~~and shall approve a final county budget as provided in this article and~~
24 ~~make recommendations to the county commissioners.~~

25 **Sec. 4. 30-A MRSA §725, sub-§3**, as enacted by PL 1987, c. 737, Pt. A, §2 and
26 Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is
27 further amended to read:

28 **3. Budget advisory committee process.** After the public hearing required under
29 subsection 2 is completed, the budget advisory committee may make recommendations to
30 increase, decrease, alter or revise the proposed budgets ~~provided that as long as:~~

31 A. The budget advisory committee ~~shall enter~~ enters into its minutes an explanation
32 for any recommended change in the estimated expenditures and revenues as initially
33 presented by the county commissioners; and

34 B. The total estimated revenues, together with the amount of county tax to be
35 levied, ~~must~~ equal the total estimated expenditures.

36 **Sec. 5. 30-A MRSA §725, sub-§4**, as enacted by PL 1987, c. 737, Pt. A, §2 and
37 Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is
38 further amended to read:

1 **4. Public hearing on revised budget.** ~~The budget committee~~ county commissioners
2 shall hold at least one additional public hearing in the county on the proposed budget, as
3 ~~revised by the budget committee~~ including the recommendations from the budget
4 advisory committee, before the end of the county's fiscal year and before the final
5 adoption of the budget. Notice of the hearing must be given at least 10 days before the
6 hearing in all newspapers of general circulation within the county. Written notice and a
7 copy of the proposed budget shall must be mailed or delivered in person to the clerk of
8 each municipality in the county. The municipal clerk shall notify the municipal officials
9 of the proposed budget.

10 **Sec. 6. 30-A MRSA §725, sub-§5**, as amended by PL 1999, c. 253, §5, is further
11 amended to read:

12 **5. Adoption of budget.** After the public hearing or hearings held under subsection 4
13 are completed, ~~the budget committee shall adopt a final budget and transmit that budget~~
14 ~~to the county commissioners~~ shall adopt a final budget by a majority vote of the county
15 commissioners at a duly called meeting not later than December 15th. ~~The county~~
16 ~~commissioners may not revise the budget adopted by the budget committee, except by~~
17 ~~unanimous vote of the commissioners elected.~~ ~~If the adopted budget is changed by the~~
18 ~~county commissioners, the budget committee may reject that change by a 2/3 vote of its~~
19 ~~membership.~~ Those actions are final and are not subject to further action by either county
20 commissioners or the budget committee. ~~The budget and the capital improvement~~
21 ~~program submitted under subsection 1 must be finally adopted by a majority vote of the~~
22 ~~budget committee at a duly called meeting held before the end of the county's fiscal year.~~

23 **Sec. 7. 30-A MRSA §725, sub-§7**, as amended by PL 1999, c. 253, §7, is further
24 amended to read:

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

29 **Sec. 8. 30-A MRSA §726**, as amended by PL 1999, c. 253, §9, is further amended
30 to read:

31 **§726. Budget amendments**

32 The approved budget governs the expenditures of the county during the fiscal year.
33 No expenses may be incurred in excess of those shown in the approved budget, but the
34 county commissioners may transfer funds as provided in section 922, and the budget may
35 be from time to time revised by the preparation and submission of a proposed amended
36 budget by the county commissioners ~~to the budget committee.~~ ~~The budget committee~~
37 ~~shall within 15 calendar days approve, disapprove or amend this revised budget.~~ This
38 proposed amended budget must be submitted to the county budget advisory committee
39 for review. Any recommendations by this committee must be submitted within 10
40 calendar days. The county commissioners have final authority to adopt budget
41 amendments. A report of approval of a revised budget must be transmitted to the State
42 Auditor within 15 days of the approval.

1 **Sec. 9. 30-A MRSA §739, sub-§1, ¶F**, as enacted by PL 1989, c. 475, §§1 and 2,
2 is amended to read:

3 F. The county finance committee shall review ~~and approve~~ and make
4 recommendations on the budget and estimates, including the budget for municipal
5 services in the unorganized territory prepared by the county commissioners.

6 **Sec. 10. 30-A MRSA §739-B, sub-§2**, as enacted by PL 1989, c. 475, §§1 and 2,
7 is amended to read:

8 **2. Budget review process.** The finance committee shall review the itemized
9 estimated budget prepared by the county commissioners, together with any
10 supplementary material prepared by the head of each county department or provided by
11 any independent board or institution or another governmental agency. The finance
12 committee shall prepare a proposed budget and may make recommendations to increase,
13 decrease or alter the estimated budget ~~provided that~~ as long as:

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

17 B. ~~In the proposed budget, the~~ The total estimated revenues, together with the
18 amount of county tax to be levied, ~~equals~~ equal the total estimated expenditures.

19 **Sec. 11. 30-A MRSA §739-B, sub-§3**, as enacted by PL 1989, c. 475, §§1 and 2,
20 is amended to read:

21 **3. Public hearing.** ~~The finance committee~~ county commissioners shall hold a public
22 hearing in the county on ~~its~~ the proposed budget before the end of the county's fiscal year
23 and before the final adoption of the budget. Notice of the hearing ~~shall~~ must be given at
24 least 10 days before the hearing in all newspapers of general circulation within the
25 county. Written notice and a copy of the proposed budget ~~shall~~ must be sent by mail, or
26 delivered in person, to the clerk of each municipality in the county. The municipal clerk
27 shall notify the municipal officials of the proposed budget.

28 **Sec. 12. 30-A MRSA §739-B, sub-§4**, as enacted by PL 1989, c. 475, §§1 and 2,
29 is amended to read:

30 **4. Finality of budget.** After the public hearing is completed, the ~~finance committee~~
31 ~~shall adopt a final budget and transmit that budget to the~~ county commissioners shall
32 adopt a final budget by a majority vote of the county commissioners at a duly called
33 meeting not later than December 15th. ~~The county commissioners shall not further~~
34 ~~increase, decrease, alter or revise the budget as adopted by the finance committee, except~~
35 ~~by unanimous vote of the county commissioners. If the adopted budget is changed by the~~
36 ~~county commissioners, the finance committee may reject that change by a 2/3 vote of its~~
37 ~~membership. Those actions shall be final and not subject to further action by either the~~
38 ~~county commissioners or finance committee.~~

39 **Sec. 13. 30-A MRSA §739-B, sub-§5**, as enacted by PL 1989, c. 475, §§1 and 2,
40 is amended to read:

1 **5. Assessment of taxes.** The budget as so adopted and changed under subsection 4
2 is the final authorization for the assessment of county taxes. The ~~approved final budget~~
3 ~~shall be sent to the county commissioners and the county tax authorized shall~~ must be
4 apportioned and collected in accordance with section 706. The approved final budget for
5 the unorganized territories shall must be sent to the State as provided by section 7503.

6 **Sec. 14. 30-A MRSA §739-C**, as enacted by PL 1989, c. 475, §§1 and 2, is
7 amended to read:

8 **§739-C. Budget amendments**

9 The approved final budget ~~shall govern~~ governs the expenditures of the county during
10 the fiscal year. No expenses may be incurred in excess of those shown in the approved
11 final budget, but the budget may be from time to time revised by the preparation and
12 submission of a proposed amended budget by the county commissioners ~~to the finance~~
13 ~~committee for approval. Only after the finance committee has approved an amended~~
14 ~~approved final budget, shall the amendment become effective. This proposed amended~~
15 budget must be submitted to the finance committee for review. Any recommendations by
16 this committee must be submitted within 10 calendar days. The county commissioners
17 have final authority to adopt budget amendments. A report of approval of an amended
18 budget shall must be transmitted to the State Auditor within 15 days of an approval of an
19 amended budget by the finance committee.

20 **Sec. 15. 30-A MRSA §751, first ¶**, as enacted by PL 1991, c. 257, is amended to
21 read:

22 In Knox County, there is established a budget advisory committee to carry out the
23 purposes of this article. As used in this article, "county commissioners" means the county
24 commissioners of Knox County.

25 **Sec. 16. 30-A MRSA §751, sub-§1, ¶F**, as enacted by PL 1991, c. 257, is
26 amended to read:

27 F. The county budget advisory committee shall review the itemized estimated
28 budget prepared by the county commissioners, ~~prepare a proposed budget and after a~~
29 ~~public hearing approve a final budget.~~

30 **Sec. 17. 30-A MRSA §753**, as amended by PL 1993, c. 345, §§2 and 3, is further
31 amended to read:

32 **§753. Budget procedures**

33 **1. Proposed budget.** The county commissioners shall submit an itemized estimated
34 budget, as described in sections 701, 702 and 7503, in the form of a budget, to the budget
35 advisory committee in a timely fashion no later than 60 days before the end of the
36 county's fiscal year. The county commissioners must identify in the itemized estimated
37 budget all revenue sources, including balances in reserve accounts and other such funds,
38 used in arriving at their budget estimates.

1 **2. Budget review process.** The budget advisory committee shall review the
2 itemized estimated budget prepared by the county commissioners, together with any
3 supplementary material prepared by each county department or provided by any
4 independent board or institution or another governmental agency. ~~The budget committee~~
5 ~~may use the surplus balance in any reserve account retained by the county after the~~
6 ~~purposes for which the account was created are accomplished or abandoned to reduce the~~
7 ~~county tax levy in the same manner as county commissioners are authorized to do under~~
8 ~~section 921.~~ The budget advisory committee shall ~~prepare a proposed budget and~~ may
9 make recommendations to increase, decrease or alter the itemized estimated budget if:

10 A. The budget advisory committee records in its minutes an explanation for any
11 suggested change in the itemized estimated budget initially presented by the county
12 commissioners; and

13 B. The total estimated revenues, together with the amount of county tax to be
14 levied, equals equal the total estimated expenditures ~~in the proposed budget.~~

15 **3. Public hearing.** ~~The budget committee~~ county commissioners shall hold a public
16 hearing in the county on ~~its~~ the proposed budget before the end of the county's fiscal year
17 and before the final adoption of the budget. Notice of the hearing must be given at least
18 10 days before the hearing in all newspapers of general circulation within the county.
19 Written notice and a copy of the proposed budget must be sent by mail or delivered in
20 person to the clerk of each municipality in the county. The municipal clerk shall notify
21 the municipal officials of the receipt of the proposed budget.

22 **4. Finality of budget.** After the public hearing is completed, the ~~budget committee~~
23 ~~shall adopt a final budget and transmit that budget to the~~ county commissioners shall
24 adopt a final budget by a majority vote of the county commissioners at a duly called
25 meeting not later than December 15th. ~~The county commissioners may not further~~
26 ~~increase, decrease, alter or revise the budget as adopted by the budget committee, except~~
27 ~~by unanimous vote of the county commissioners. If the adopted budget is changed by the~~
28 ~~county commissioners, the budget committee may reject that change by a 2/3 vote of its~~
29 ~~membership. Those actions are final and are not subject to further action by either the~~
30 ~~county commissioners or the budget committee.~~

31 **5. Assessment of taxes.** The budget as adopted and changed under subsection 4 is
32 the final authorization for the assessment of county taxes. ~~The approved final budget~~
33 ~~must be sent to the county commissioners and the~~ county tax authorized is apportioned
34 and collected in accordance with section 706.

35 **6. Interim budget.** Until a budget is finally approved, the county shall operate on an
36 interim budget that may not exceed the previous year's budget.

37 **7. Transfer of funds.** The county commissioners may transfer funds as provided in
38 section 922.

39 **Sec. 18. 30-A MRS §754,** as enacted by PL 1991, c. 257, is amended to read:

1 **§754. Budget amendments**

2 The approved final budget governs the expenditures of the county during the fiscal
3 year. Expenses may not be incurred in excess of those shown in the approved final
4 budget. The budget may be revised if the county commissioners prepare and submit a
5 proposed budget amendment to the budget advisory committee ~~for approval~~. ~~The~~
6 ~~amended budget becomes effective only after the budget committee has approved the~~
7 ~~amendment~~. The budget advisory committee must submit any recommendations to the
8 county commissioners within 10 calendar days. The county commissioners have final
9 authority to adopt budget amendments. A report of an approval of a budget amendment
10 must be transmitted to the State Auditor within 15 days of that approval by the budget
11 advisory committee.

12 **Sec. 19. 30-A MRSA §831**, as enacted by PL 1993, c. 623, §1, is amended to
13 read:

14 **§831. Committee established**

15 There is established the York County Budget Advisory Committee, referred to in this
16 article as the "budget advisory committee," to carry out the purposes of this article. As
17 used in this article, "county commissioners" means the county commissioners of York
18 County and "county" means York County.

19 **Sec. 20. 30-A MRSA §833**, as enacted by PL 1993, c. 623, §1, is amended to
20 read:

21 **§833. Budget procedures**

22 **1. Budget procedures.** The county commissioners shall submit itemized finance
23 estimates in the form of a budget to the budget advisory committee no later than 60 days
24 before the end of the county's fiscal year.

25 **2. Budget review process.** The budget advisory committee shall review the
26 itemized estimated budget prepared by the county commissioners, together with any
27 supplementary material prepared by the head of each county department or provided by
28 any independent board or institution or another governmental agency. The budget
29 advisory committee ~~shall prepare a proposed budget and~~ may make recommendations to
30 increase, decrease or alter the estimated budget as long as:

31 A. The budget advisory committee enters into its minutes an explanation for any
32 suggested change in the estimated expenditures and revenues as initially presented by
33 the county commissioners; and

34 B. ~~In the proposed budget, the~~ The total estimated revenues, together with the
35 amount of county tax to be levied, equal the total estimated expenditures.

36 **3. Public hearing.** ~~The budget committee~~ county commissioners shall hold a public
37 hearing in the county on the proposed budget before the end of the county's fiscal year
38 and before the final adoption of the budget. Notice of the hearing must be given in all
39 newspapers of general circulation within the county at least 10 days before the hearing.

1 Written notice and a copy of the proposed budget must be sent by mail, or delivered in
2 person, to the clerk of each municipality in the county. The municipal clerk shall notify
3 the municipal officials of the proposed budget.

4 **4. Adoption of budget; tax levy.** After the public hearing is completed, the budget
5 ~~committee~~ county commissioners shall adopt a final budget ~~and transmit that budget to~~
6 ~~the county commissioners by majority vote at a duly called meeting not later than~~
7 December 15th. The budget adopted and changed under this subsection is the final
8 authorization for the assessment of county taxes, and the county tax authorized is
9 apportioned and collected in accordance with section 706.

10 ~~A. The budget adopted by the budget committee may be changed only by a~~
11 ~~majority vote of the county commissioners and a majority vote of all elected~~
12 ~~members of the budget committee. Those actions are final and are not subject to~~
13 ~~further action by either the county commissioners or the budget committee.~~

14 ~~B. The budget adopted and changed under this subsection is the final authorization~~
15 ~~for the assessment of county taxes and the county tax authorized is apportioned and~~
16 ~~collected in accordance with section 706.~~

17 **Sec. 21. 30-A MRSA §835**, as enacted by PL 1993, c. 623, §1, is amended to
18 read:

19 **§835. Filing of final budget**

20 The ~~budget committee~~ county commissioners shall file a copy of the final budget
21 with the State Auditor on forms approved by the Department of Audit. The State Auditor
22 shall retain the forms for 3 years.

23 **Sec. 22. 30-A MRSA §836**, as enacted by PL 1993, c. 623, §1, is repealed.

24 **Sec. 23. 30-A MRSA §851**, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C,
25 §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further
26 amended to read:

27 **§851. Purpose**

28 The purpose of this article is to establish in Waldo County a method of appropriating
29 money for county expenditures, according to a budget, which ~~must first receive approval~~
30 ~~of a budget committee~~ the county commissioners have the final authority to adopt. This
31 article amends the statutory method in sections 2, 701 and 702 by transferring the
32 authority of the Waldo County legislative delegation and the Legislature to approve the
33 Waldo County budget to ~~a committee comprised~~ the county commissioners of Waldo
34 County ~~and municipal officials~~. This article applies only to Waldo County.

35 **Sec. 24. 30-A MRSA §853, sub-§2**, as enacted by PL 1987, c. 737, Pt. A, §2 and
36 Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is
37 further amended to read:

1 **2. Duties.** The county budget advisory committee shall review the budget estimates
2 prepared by the county commissioners and ~~approve a final county budget~~ make
3 recommendations.

4 **Sec. 25. 30-A MRSA §855, sub-§2**, as enacted by PL 1987, c. 737, Pt. A, §2 and
5 Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is
6 further amended to read:

7 **2. Budget review process.** The budget advisory committee shall review the
8 proposed itemized budget prepared by the county commissioners, together with any
9 supplementary material prepared by the head of each county department or provided by
10 any independent board or institution or another governmental agency. The budget
11 advisory committee may make recommendations to increase, decrease, alter or revise the
12 proposed budget, ~~provided that~~ as long as:

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

16 B. The total estimated revenues, together with the amount of county tax to be
17 levied, ~~must~~ equal the total estimated expenditures.

18 **Sec. 26. 30-A MRSA §855, sub-§3**, as enacted by PL 1987, c. 737, Pt. A, §2 and
19 Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is
20 further amended to read:

21 **3. Public hearing.** The ~~budget committee~~ county commissioners shall hold a public
22 hearing in the county on the proposed budget before the end of the county's fiscal year
23 and before the final adoption of the budget. Notice of the hearing ~~shall~~ must be given at
24 least 10 days before the hearing in a newspaper of general circulation within the county.
25 Written notice and a copy of the proposed budget ~~shall~~ must be sent by registered or
26 certified mail with return receipt requested, or delivered in person, with proof received of
27 the delivery, to the clerk of each municipality in the county. The municipal clerk shall
28 notify the municipal officers of the proposed budget.

29 **Sec. 27. 30-A MRSA §855, sub-§4**, as enacted by PL 1987, c. 737, Pt. A, §2 and
30 Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is
31 further amended to read:

32 **4. Adoption of budget.** After the public hearing is completed, the ~~budget committee~~
33 county commissioners may further increase, decrease, alter and revise the proposed
34 itemized budget, subject to the conditions and restrictions imposed in subsection 2. The
35 proposed itemized budget must be finally adopted by a majority vote of the ~~budget~~
36 ~~committee~~ county commissioners at a duly called meeting not later than the end of the
37 county's fiscal year. The approved budget is the final authorization for the assessment of
38 county taxes. The ~~budget shall be sent to the county commissioners and the county tax~~
39 authorized ~~shall~~ must be apportioned and collected in accordance with section 706.

1 **Sec. 28. 30-A MRSA §856**, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C,
2 §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further
3 amended to read:

4 **§856. Budget amendments**

5 The approved budget ~~shall govern~~ governs the expenditures of the county during the
6 fiscal year. No expenses may be incurred in excess of those shown in the approved
7 budget, but the budget may be revised from time to time by the preparation and
8 submission of a proposed amended budget by the county commissioners to the budget
9 advisory committee. The budget advisory committee shall render, not less than 15
10 calendar days, except in emergencies, nor more than 30 days after the submission to it, a
11 ~~decision~~ recommendations on any such revised budget. The county commissioners have
12 final authority to adopt budget amendments. An approved revised budget ~~shall~~ must be
13 transmitted to the State Auditor within 15 days of the budget advisory committee's action.

14 **Sec. 29. 30-A MRSA §862, first ¶**, as amended by PL 2001, c. 471, Pt. B, §16
15 and affected by §18, is further amended to read:

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

21 **Sec. 30. 30-A MRSA §864, sub-§2**, as amended by PL 2001, c. 170, §4, is
22 further amended to read:

23 **2. Budget review process.** The budget advisory committee shall ~~develop a proposed~~
24 ~~budget following review of~~ review the itemized budget estimate prepared by the county
25 commissioners, together with any supplementary material prepared by the head of each
26 county department or provided by any independent board or institution or another
27 governmental agency. The budget advisory committee may propose that the budget
28 estimate be increased, decreased, altered or revised, ~~provided that~~ as long as:

29 A. The budget advisory committee enters into its minutes an explanation for any
30 recommended change in the estimated expenditures and revenues as initially
31 presented by the county commissioners; and

32 B. The total estimated revenues, together with the amount of county tax to be
33 levied, ~~equals~~ equal the total estimated expenditures.

34 **Sec. 31. 30-A MRSA §864, sub-§3**, as amended by PL 2001, c. 170, §4, is
35 further amended to read:

36 **3. Public hearing.** The ~~budget committee~~ county commissioners shall hold at least
37 2 public hearings in the county on the proposed budget before the end of the county's
38 fiscal year ~~and before submitting the budget to the commissioners.~~ At least one public
39 hearing must be held in the northern part of the county and at least one public hearing

1 must be held in the southern part of the county. Notice of the hearing must be given at
2 least 10 days before the hearing in a newspaper of general circulation within the county.

3 **Sec. 32. 30-A MRSA §864, sub-§4**, as amended by PL 2001, c. 170, §4, is
4 further amended to read:

5 **4. Approval of budget.** After the public hearings are completed, the ~~budget~~
6 ~~committee~~ county commissioners shall adopt a final budget ~~and shall submit that budget~~
7 ~~to the county commissioners for review not later than the end of the county's fiscal year,~~
8 ~~subject to the conditions and restrictions imposed in subsection 2 by majority vote at a~~
9 ~~duly called meeting not later than December 15th. The county commissioners may not~~
10 ~~revise the budget adopted by the budget committee except by unanimous vote of the~~
11 ~~county commissioners. If the adopted budget is changed by the county commissioners,~~
12 ~~the budget committee may reject that change by a 2/3 vote of its membership. These~~
13 ~~actions are final and are not subject to further action by either the county commissioners~~
14 ~~or the budget committee.~~

15 **Sec. 33. 30-A MRSA §874, sub-§2**, as enacted by PL 1991, c. 495, is amended
16 to read:

17 **2. Budget review process.** The advisory committee shall review the itemized
18 estimated budget prepared by the county commissioners, together with any
19 supplementary material prepared by the head of each county department or provided by
20 any independent board or institution or another governmental agency. The advisory
21 committee ~~shall prepare a proposed budget and~~ make recommendations to increase,
22 decrease or alter the estimated budget as long as:

23 A. The advisory committee enters into its minutes an explanation for any suggested
24 change in the estimated expenditures and revenues as initially presented by the
25 county commissioners; and

26 B. ~~In the proposed budget, the~~ The total estimated revenues, together with the
27 amount of county tax to be levied, equal the total estimated expenditures.

28 **Sec. 34. 30-A MRSA §874, sub-§3**, as enacted by PL 1991, c. 495, is amended
29 to read:

30 **3. Public hearing.** ~~The advisory committee~~ county commissioners shall hold a
31 public hearing in the county on the proposed budget before the end of the county's fiscal
32 year and before the final adoption of the budget. Notice of the hearing must be given in
33 all newspapers of general circulation within the county at least 10 days before the
34 hearing. Written notice and a copy of the proposed budget must be sent by mail, or
35 delivered in person, to the clerk of each municipality in the county. The municipal clerk
36 shall notify the municipal officials of the proposed budget.

37 **Sec. 35. 30-A MRSA §874, sub-§4**, as enacted by PL 1991, c. 495, is amended
38 to read:

39 **4. Finality of budget.** After the public hearing is completed, the ~~advisory committee~~
40 county commissioners shall adopt a final budget ~~and transmit that budget to the county~~

1 ~~commissioners by majority vote at a duly called meeting not later than December 15th.~~
2 ~~The county commissioners may not further increase, decrease, alter or revise the budget~~
3 ~~adopted by the advisory committee, except by unanimous vote of the county~~
4 ~~commissioners. If the adopted budget is changed by the county commissioners, the~~
5 ~~advisory committee may reject that change by a 2/3 vote of its membership. Those~~
6 ~~actions are final and are not subject to further action by either the county commissioners~~
7 ~~or the advisory committee.~~

8 **Sec. 36. 30-A MRSA §891**, as corrected by RR 1991, c. 1, §39, is amended to
9 read:

10 **§891. Budget; appropriations and approval**

11 Notwithstanding sections 2, 701 and 702, in Oxford County the county
12 commissioners may appropriate money, according to a budget that must be prepared
13 reviewed by the Oxford County Budget Advisory Committee and approved by the county
14 commissioners. ~~A unanimous vote of the county commissioners is required to change the~~
15 ~~budget as presented by the Oxford County Budget Advisory Committee.~~

16 **Sec. 37. 30-A MRSA §893, sub-§2**, as amended by PL 2005, c. 29, §1, is further
17 amended to read:

18 **2. Budget estimate; submission to budget advisory committee.** The Oxford
19 County commissioners shall submit a budget estimate for the coming year to the budget
20 advisory committee no later than November 1st of each year. The budget advisory
21 committee shall review the budget estimate and ~~prepare the budget. The budget must be~~
22 ~~presented~~ make any recommendations to the county commissioners before December 1st
23 of each year. The county commissioners shall ~~act on the budget in a timely fashion, not~~
24 ~~adopt a final budget at a duly called meeting no later than the 3rd Tuesday in December~~
25 ~~of the year preceding the budget year. If the adopted budget is changed by the county~~
26 ~~commissioners, the budget advisory committee may reject that change by a 2/3 vote of its~~
27 ~~membership. Those actions are final and not subject to further action by either the county~~
28 ~~commissioners or the budget advisory committee.~~

29 **Sec. 38. 30-A MRSA §895**, as enacted by PL 1993, c. 582, §1, is amended to
30 read:

31 **§895. Committee established**

32 There is established the Somerset County Budget Advisory Committee, referred to in
33 this article as the "budget advisory committee," to carry out the purposes of this article.
34 As used in this article, "county commissioners" means the county commissioners of
35 Somerset County.

36 **Sec. 39. 30-A MRSA §897, sub-§2**, as enacted by PL 1993, c. 582, §1, is
37 amended to read:

38 **2. Budget review process.** The budget advisory committee shall review the
39 itemized estimated budget prepared by the county commissioners, together with any

1 supplementary material prepared by the head of each county department or provided by
2 any independent board or institution or other governmental agency. The budget advisory
3 ~~committee shall prepare a proposed budget and~~ may make recommendations to increase,
4 decrease or alter the estimated budget as long as:

5 A. The budget advisory committee enters into its minutes an explanation for any
6 suggested change in the estimated expenditures and revenues as initially presented by
7 the county commissioners; and

8 B. ~~In the proposed budget, the~~ The total estimated revenues, together with the
9 amount of county tax to be levied, equal the total estimated expenditures.

10 **Sec. 40. 30-A MRSA §897, sub-§3**, as enacted by PL 1993, c. 582, §1, is
11 amended to read:

12 **3. Public hearing.** ~~The budget committee~~ county commissioners shall hold a public
13 hearing in the county on the proposed budget before the end of the county's fiscal year
14 and before final adoption of the budget. Notice of the hearing must be given in all
15 newspapers of general circulation within the county at least 10 days before the hearing.
16 Written notice and a copy of the proposed budget must be sent by mail or delivered in
17 person to the clerk of each municipality in the county. The municipal clerk shall notify
18 the municipal officials of the proposed budget.

19 **Sec. 41. 30-A MRSA §897, sub-§4**, as enacted by PL 1993, c. 582, §1, is
20 amended to read:

21 **4. Adoption of budget; tax levy.** After the public hearing is completed, the ~~budget~~
22 ~~committee~~ county commissioners shall adopt a final budget ~~and transmit that budget to~~
23 ~~the county commissioners by majority vote at a duly called meeting not later than~~
24 December 15th. The budget adopted under this subsection is the final authorization for
25 the assessment of county taxes, and the county tax authorized is apportioned and
26 collected in accordance with section 706.

27 ~~A. The county commissioners may not further increase, decrease, alter or revise the~~
28 ~~budget adopted by the budget committee except by unanimous vote of the county~~
29 ~~commissioners. If the adopted budget is changed by the county commissioners, the~~
30 ~~budget committee may reject that change by a 2/3 vote of its membership. The~~
31 ~~budget is final and not subject to further action by either the county commissioners or~~
32 ~~the budget committee upon failure of the commissioners to unanimously recommend~~
33 ~~changes in the budget transmitted from the budget committee or upon acceptance or~~
34 ~~rejection of changes by the budget committee.~~

35 ~~B. The budget adopted under this subsection is the final authorization for the~~
36 ~~assessment of county taxes and the county tax authorized is apportioned and collected~~
37 ~~in accordance with section 706.~~

38 **Sec. 42. 30-A MRSA §899-A**, as enacted by PL 1995, c. 462, Pt. A, §51, is
39 repealed.

40 **Sec. 43. 30-A MRSA §900-K, sub-§1**, as enacted by PL 2005, c. 124, §1, is
41 amended to read:

1 **1. Budget advisory committee.** "Budget advisory committee" means the Penobscot
2 County Budget Advisory Committee.

3 **Sec. 44. 30-A MRSA §900-N, sub-§2,** as enacted by PL 2005, c. 124, §1, is
4 amended to read:

5 **2. Budget; submission to budget advisory committee.** The Penobscot County
6 commissioners shall submit a budget for the coming year to the budget advisory
7 committee no later than November 10th of each year. The budget advisory committee
8 shall review the budget with the county commissioners prior to November 30th and make
9 recommendations for any additions or deletions to the budget by a majority vote of the
10 budget advisory committee. A unanimous vote of the county commissioners is required
11 to override the budget committee. The county commissioners shall adopt a final budget
12 by majority vote at a duly called meeting not later than December 15th.

13 **Sec. 45. Apportionment commission.** An apportionment commission, referred
14 to in this section as "the commission," is established to apportion county commissioner
15 districts to increase the number of county commissioner districts in all counties except
16 Aroostook County, Knox County and York County. The commission must be established
17 in accordance with the procedure set out in the Constitution of Maine, Article IV, Part
18 Third, Section 1-A for apportionment of legislative districts except that the commission
19 may convene at any time, and the budget for the commission may be established in the
20 same fiscal year as the commission is required to convene. For each county, the
21 commission shall develop 2 plans, one that increases the number of county commissioner
22 districts from 3 to 5 and one that increases the number of districts from 3 to 7. The
23 commission shall include in its apportionment plans the initial terms of office for each
24 commissioner district. The plan to increase the number of districts to 5 must designate 2
25 commissioner districts that have 2-year initial terms and 3 commissioner districts that
26 have 4-year initial terms. The plan to increase the number of districts to 7 must designate
27 3 commissioner districts that have 2-year initial terms and 4 commissioner districts that
28 have 4-year initial terms. All subsequent terms under both plans are for 4 years. The
29 commission shall conduct the reapportionment according to the process established in the
30 Maine Revised Statutes, Title 30-A, section 65, subsection 1, paragraphs A and B.

31 **Sec. 46. County referendum.** Each county except Aroostook County, Knox
32 County and York County shall submit the proposed apportionment plan under section 45
33 that increases the number of county commissioner districts to 7 to the legal voters of the
34 county at a statewide election held in November 2008. If the legal voters of a county
35 reject the proposed apportionment plan to increase the number of county commissioner
36 districts to 7, then the proposed apportionment plan under section 45 that increases the
37 number of county commissioner districts to 5 is adopted for that county. The
38 apportionment commission under section 45 shall submit the plans adopted by each
39 county to the Clerk of the House of Representatives no later than January 15, 2009 for
40 enactment by the First Regular Session of the 124th Legislature.

41 **Sec. 47. Election of county commissioners.** The election of county
42 commissioners in the reapportioned districts approved pursuant to section 46 must take
43 place on the first Tuesday after the first Monday in November 2010.

1 **Sec. 48. Government chart of accounts.** The Department of Audit shall supply
2 on the publicly accessible website of the department the government chart of accounts for
3 municipal and county governments developed under Resolve 2005, chapter 136. This
4 standardized chart of accounts may be used voluntarily by any level of government.

5 **Sec. 49. Maine Revised Statutes amended; revision clause.** Wherever in
6 the Maine Revised Statutes, Title 30-A, chapter 3, subchapter 1, article 2 the words
7 "Androscoggin County Budget Committee" or "budget committee" appear or reference is
8 made to that entity or those words, those words are amended to read or mean, as
9 appropriate, "Androscoggin County Budget Advisory Committee" or "budget advisory
10 committee," and the Revisor of Statutes shall implement this revision when updating,
11 publishing or republishing the statutes.

12 **Sec. 50. Maine Revised Statutes amended; revision clause.** Wherever in
13 the Maine Revised Statutes, Title 30-A, chapter 3, subchapter 1, article 4-A the words
14 "Knox County Budget Committee" or "budget committee" appear or reference is made to
15 that entity or those words, those words are amended to read or mean, as appropriate,
16 "Knox County Budget Advisory Committee" or "budget advisory committee," and the
17 Revisor of Statutes shall implement this revision when updating, publishing or
18 republishing the statutes.

19 **Sec. 51. Maine Revised Statutes amended; revision clause.** Wherever in
20 the Maine Revised Statutes, Title 30-A, chapter 3, subchapter 1, article 6-A the words
21 "York County Budget Committee" or "budget committee" appear or reference is made to
22 that entity or those words, those words are amended to read or mean, as appropriate,
23 "York County Budget Advisory Committee" or "budget advisory committee," and the
24 Revisor of Statutes shall implement this revision when updating, publishing or
25 republishing the statutes.

26 **Sec. 52. Maine Revised Statutes amended; revision clause.** Wherever in
27 the Maine Revised Statutes, Title 30-A, chapter 3, subchapter 1, article 7 the words
28 "Waldo County Budget Committee" or "budget committee" appear or reference is made
29 to that entity or those words, those words are amended to read or mean, as appropriate,
30 "Waldo County Budget Advisory Committee" or "budget advisory committee," and the
31 Revisor of Statutes shall implement this revision when updating, publishing or
32 republishing the statutes.

33 **Sec. 53. Maine Revised Statutes amended; revision clause.** Wherever in
34 the Maine Revised Statutes, Title 30-A, chapter 3, subchapter 1, article 8 the words
35 "Kennebec County Budget Committee" or "budget committee" appear or reference is
36 made to that entity or those words, those words are amended to read or mean, as
37 appropriate, "Kennebec County Budget Advisory Committee" or "budget advisory
38 committee," and the Revisor of Statutes shall implement this revision when updating,
39 publishing or republishing the statutes.

40 **Sec. 54. Maine Revised Statutes amended; revision clause.** Wherever in
41 the Maine Revised Statutes, Title 30-A, chapter 3, subchapter 1, article 12 the words
42 "Somerset County Budget Committee" or "budget committee" appear or reference is

1 made to that entity or those words, those words are amended to read or mean, as
2 appropriate, "Somerset County Budget Advisory Committee" or "budget advisory
3 committee," and the Revisor of Statutes shall implement this revision when updating,
4 publishing or republishing the statutes.

5 **Sec. 55. Maine Revised Statutes amended; revision clause.** Wherever in
6 the Maine Revised Statutes, Title 30-A, chapter 3, subchapter 1, article 15 the words
7 "Penobscot County Budget Committee" or "budget committee" appear or reference is
8 made to that entity or those words, those words are amended to read or mean, as
9 appropriate, "Penobscot County Budget Advisory Committee" or "budget advisory
10 committee," and the Revisor of Statutes shall implement this revision when updating,
11 publishing or republishing the statutes.

12 **SUMMARY**

13 This bill amends the county budget process so that all county budget committees are
14 advisory only and the county commissioners have the authority to adopt a final budget. It
15 amends the budget process in the counties of Androscoggin, Aroostook, Knox, York,
16 Waldo, Kennebec, Franklin, Oxford, Somerset and Penobscot.

17 This bill establishes an apportionment commission to increase the number of county
18 commissioner districts to 5 or 7 in all counties except York County, which already has 5
19 commissioner districts, and Knox County and Aroostook County, both of which have
20 county charters that set the number of commissioner districts at 3. It requires the
21 apportionment commission to develop 2 plans, one that increases the number of county
22 commissioner districts to 5 and one that increases the number to 7. Voters in each county
23 vote on whether to accept the plan that increases the number of districts to 7. If the
24 referendum fails, that county shall adopt the plan increasing the number of districts to 5.
25 The plans chosen by county voters are to be submitted to the Legislature for enactment no
26 later than January 15, 2009. Election of county commissioners must take place at the
27 November 2010 election.

28 This bill requires the Department of Audit to post on its website the government chart
29 of accounts for municipal and county governments.