

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 SPECIAL SESSION-2008

Legislative Document

No. 2302

H.P. 1660

House of Representatives, April 4, 2008

An Act To Remove Impediments to Changing County Government Fiscal Years

(AFTER DEADLINE)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Reference to the Committee on Appropriations and Financial Affairs suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative MILLETT of Waterford.
Cosponsored by Representatives: HAYES of Buckfield, PATRICK of Rumford, SYKES of Harrison.

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

2 **Sec. 1. 30-A MRSA §701, sub-§2**, as enacted by PL 1987, c. 737, Pt. A, §2 and
3 Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is
4 further amended to read:

5 **2. Preparation of estimates.** In order to assess a county tax, the county
6 commissioners, ~~prior to November 7th in each year~~ at least 55 days before the end of the
7 county's fiscal year, shall prepare estimates of the sums necessary to pay the expenses
8 ~~which that~~ have accrued or may probably accrue for the coming year, including the
9 building and repairing of jails, courthouses and appurtenances, with the debts owed by
10 their counties.

11 The estimates must be drawn so as to authorize the appropriations to be made to each
12 department or agency of the county government for the year. The estimates must provide
13 specific amounts for personal services, contractual services, commodities, debt service
14 and capital expenditures.

15 **Sec. 2. 30-A MRSA §701, sub-§3**, as amended by PL 2003, c. 696, §6, is further
16 amended to read:

17 **3. Public hearing.** The county commissioners shall hold a public hearing in the
18 county on these estimates before ~~December 31st~~ the end of the county's fiscal year. They
19 shall publish a notice of the hearing at least 10 days before the hearing in a newspaper of
20 general circulation within the county. Written notice and a copy of the estimates must be
21 sent by mail or delivered in person to the clerk of each municipality in the county at least
22 10 days before the hearing. The municipal clerk shall notify the municipal officers of the
23 receipt of the estimates.

24 **Sec. 3. 30-A MRSA §702**, as repealed and replaced by PL 2003, c. 696, §8, is
25 amended to read:

26 **§702. Estimates recorded and sent to State Auditor**

27 The county clerk shall record the estimates made under section 701. A copy of the
28 estimates must be signed by the chair of the county commissioners and attested to by the
29 county commissioners' clerk. On or before the first day of ~~each January~~ the fiscal year,
30 the clerk shall transmit that copy to the State Auditor, who shall retain the copy for 3
31 years. These records are a public record at the office of the county commissioners in the
32 county that submitted those records.

33 **Sec. 4. 30-A MRSA §706**, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C,
34 §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further
35 amended to read:

36 **§706. Apportionment of county tax; warrants**

37 When a county tax is authorized, the county commissioners, within 30 days of that
38 authorization, shall apportion ~~it~~ the tax upon the municipalities and other places

1 according to the last state valuation and fix the date for the payment of the tax. This date
2 may not be earlier than the first day of the ~~following September~~ 9th month of the county's
3 fiscal year. They may add that sum above the sum so authorized, not exceeding 2% of
4 that sum, as a fractional division necessitates and demonstrate that necessity in the record
5 of that apportionment, and issue their warrant to the assessors requiring them to
6 immediately assess the sum apportioned to their municipality or place, and to commit
7 their assessment to the constable or collector for collection. The county treasurer shall
8 immediately certify the millage rate to the State Tax Assessor. The State Tax Assessor
9 shall separately assess this millage rate upon the real and personal property in the
10 unorganized territory within the appropriate county.

11 The county may collect delinquent county taxes and charge interest on delinquent
12 county taxes as provided under Title 36, sections 891, 892 and 892-A.

13 **Sec. 5. 30-A MRSA §741-A, sub-§1, ¶B**, as enacted by PL 1995, c. 380, §4 and
14 affected by §10, is amended to read:

15 B. ~~On or before August 15th of each year~~ No later than 135 days before the end of
16 the county's fiscal year the county commissioners shall notify all municipal officers
17 to caucus by county commissioner district at a specified date, time and place for the
18 purpose of electing members to the budget committee. Public notice of the meeting
19 must be issued at least 10 days before the meeting is held.

20 **Sec. 6. 30-A MRSA §742-A**, as enacted by PL 1995, c. 380, §6 and affected by
21 §10, is amended to read:

22 **§742-A. Budget procedures**

23 **1. Budgetary planning meetings.** During ~~the month of September~~ the 4th month
24 before the end of the county's fiscal year, county commissioners shall meet with the
25 county manager and county department heads to establish county budgetary needs for the
26 ensuing year. County budget advisory committee members shall attend these meetings,
27 which must be held in the county courthouse and must be open to the public.

28 **2. Draft budget.** ~~On or before October 1st~~ Ninety days prior to the beginning of the
29 fiscal year, the county commissioners shall submit a draft budget to the budget advisory
30 committee.

31 **3. Proposed budget.** The budget advisory committee shall review the draft budget
32 with the county commissioners at meetings during ~~the month of October~~ 3rd month prior
33 to the beginning of the fiscal year and shall prepare a proposed budget. The budget
34 advisory committee may increase, decrease or alter the county commissioners' draft
35 budget as long as:

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

39 B. In the proposed budget, the total estimated revenue, together with the amount of
40 county tax to be levied, at least equals the total estimated expenditures.

1 **4. Public hearings.** Public hearings on the proposed budget must be held by the
2 budget advisory committee and county commissioners in each commissioner's district
3 ~~before November 30th~~ at least one month prior to the beginning of the fiscal year. Notice
4 of these hearings must be given at least 10 days before the hearing in newspapers of
5 general circulation within the county. Written notice and a copy of the proposed budget
6 must be sent by mail, or delivered in person, to the clerk of each municipality in the
7 county. The municipal clerk shall notify the municipal officials of the receipt of the
8 proposed budget and the date of the hearings.

9 **5. Adoption of final budget.** After the public hearings are completed, the budget
10 advisory committee may further increase, decrease or alter the proposed budget based on
11 information obtained during the public hearing process. The proposed budget must be
12 approved by a majority vote of the budget advisory committee at a duly called meeting
13 not later than ~~December 15th~~ 15 days prior to the beginning of the fiscal year. The
14 budget advisory committee shall send the approved budget to the county commissioners.
15 The county commissioners may adopt the budget as submitted or after increasing,
16 decreasing or altering the budget by a majority vote by December 31st.

17 **6. Effect of adoption.** Once the budget is finalized as provided in subsection 5, it is
18 final and not subject to further action by the county commissioners or the budget advisory
19 committee.

20 **7. Interim budget.** Until a budget is finally approved, the county must be operated
21 on an interim budget, which may not exceed the previous year's budget.

22 **Sec. 7. 30-A MRSA §751, sub-§1, ¶A,** as amended by PL 1991, c. 458, Pt. C,
23 §4, is further amended to read:

24 A. Budget committee members must be elected on the Tuesday following the first
25 Monday of ~~November~~ the last month of the fiscal year in each even-numbered year
26 beginning in 1994. Each term begins ~~January 1st~~ on the first day of the fiscal year
27 following the election.

28 **Sec. 8. 30-A MRSA §763, sub-§1, ¶A,** as amended by PL 1999, c. 440, §1, is
29 further amended to read:

30 A. ~~Before September 15th of every year~~ No later than 75 days before the start of a
31 fiscal year, the county commissioners shall notify all municipal officers in the county
32 and the public to caucus by county commissioner districts at a specified date, time
33 and place for the purpose of electing either one municipal officer or one
34 representative of the public from each district as a member of the budget advisory
35 committee. The county commissioner shall serve as nonvoting moderator for that
36 district caucus. Nominations for either the municipal officer member or the public
37 member must be received from the floor. The nominee for the category of member
38 being chosen receiving the most votes is approved as a budget advisory committee
39 member. The names of those elected by the caucus must be recorded and forwarded
40 to the county commissioners.

41 **Sec. 9. 30-A MRSA §764,** as amended by PL 1999, c. 83, §1, is further amended
42 to read:

1 **§764. Public hearing**

2 The Hancock County commissioners shall hold a public hearing on the budget
3 estimate ~~before October 1st~~ at least 90 days before the end of the county's fiscal year and
4 an informational meeting on the advisory committee's budget estimates ~~before December~~
5 ~~1st~~ at least 30 days before the end of the county's fiscal year. Pursuant to the
6 requirements of section 701, subsection 3, written notice and a copy of the estimates must
7 be sent by mail or delivered in person to each member of the county legislative delegation
8 at least 10 days before the informational meeting on the annual budget.

9 **Sec. 10. 30-A MRSA §765**, as amended by PL 1995, c. 147, §1, is further
10 amended to read:

11 **§765. Budget estimate; submission to advisory committee**

12 The Hancock County commissioners shall submit a budget estimate to the budget
13 advisory committee no later than ~~October 1st~~ 90 days before the end of the county's fiscal
14 year for the coming year. The budget advisory committee shall review the budget
15 estimate and make recommendations to the commissioners ~~before November 15th~~ at least
16 30 days before the end of the county's fiscal year. In order to deviate from any
17 recommendation made by a recorded 2/3 majority vote of the full membership of the
18 budget advisory committee, the county commissioners must unanimously approve that
19 change. The county commissioners shall act on the budget no later than ~~December 15th~~
20 ~~of the budget~~ 15 days before the end of the county's fiscal year.

21 **Sec. 11. 30-A MRSA §793, sub-§1, ¶A**, as enacted by PL 1989, c. 718, is
22 amended to read:

23 A. ~~Before September 15th of every year~~ No later than 100 days before the end of
24 the county's fiscal year, the county commissioners shall notify all municipal officers
25 in the county to caucus by county commissioner districts at a specified date, time and
26 place for the purpose of electing at least one municipal officer from each district as a
27 member of the county budget committee except, in 1990, at least 3 municipal officers
28 must be selected from each district. The county commissioner shall serve as
29 nonvoting moderator for that district caucus. Nominations must be received from the
30 floor. The nominee receiving the most votes is approved as a budget committee
31 member except, in 1990, each caucus shall elect 3 members. The names of those
32 elected by the caucus must be recorded and forwarded to the county commissioners.

33 **Sec. 12. 30-A MRSA §794**, as enacted by PL 1989, c. 718, is amended to read:

34 **§794. Public hearing**

35 The Lincoln County commissioners shall hold one or more public hearings on the
36 budget estimate ~~before October 1st~~ no later than 90 days before the end of the county's
37 fiscal year and an informational meeting, in conjunction with the advisory committee,
38 with the Lincoln County legislative delegation ~~before December 1st~~ no later than 30 days
39 before the end of the county's fiscal year.

40 **Sec. 13. 30-A MRSA §795**, as enacted by PL 1989, c. 718, is amended to read:

1 **§795. Budget estimate; submission to advisory committee**

2 The Lincoln County commissioners shall submit a budget estimate to the advisory
3 committee no later than ~~October 1st~~ 90 days before the end of the county's fiscal year for
4 the coming year. The advisory committee shall review the budget estimate and make
5 recommendations to the commissioners ~~before November 15th~~ no later than 45 days
6 before the end of the county's fiscal year. The county commissioners shall act on the
7 budget in a timely fashion and, in any event, not later than ~~December 15th~~ of the budget
8 15 days before the end of the county's fiscal year.

9 **Sec. 14. 30-A MRSA §825**, as amended by PL 1995, c. 520, §§2 and 3, is further
10 amended to read:

11 **§825. Budget procedures**

12 **1. Proposed budget.** The county commissioners shall submit itemized budget
13 estimates, as described in sections 701, 702 and 7503, to the budget committee in a timely
14 fashion, no later than 90 days before the end of the county's fiscal year.

15 **2. Budget review process.** The budget committee shall review the proposed
16 itemized budgets prepared by the county commissioners, together with any
17 supplementary material prepared by the head of each county department or provided by
18 any independent board, institution or another governmental agency. The budget
19 committee may make recommendations concerning any increase, decrease, alteration or
20 revision to the proposed budget. These activities ~~shall~~ must be done 60 days before
21 ~~November 1st~~ the end of the county's fiscal year.

22 **4. Public hearing.** The county commissioners shall hold a public hearing in the
23 county on the proposed budget ~~prior to December 1st~~ at least 30 days before the end of
24 the county's fiscal year and before the final adoption of the budget. Notice of the hearing
25 ~~shall~~ must be given at least 10 days before the hearing in all newspapers of general
26 circulation within the county. Written notice and a copy of the proposed budget ~~shall~~
27 must be sent by mail or delivered in person to the clerk of each municipality in the county
28 and to the members of the budget committee. The municipal clerk shall notify the
29 municipal officials of the proposed budget and the date of the public hearing.

30 **5. Adoption of budget.** After the public hearing is completed, the county
31 commissioners may further increase, decrease, alter and revise the proposed itemized
32 budgets ~~provided that~~ as long as:

33 A. The county commissioners ~~shall~~ enter into their minutes and submit to the
34 budget committee a statement of their bases for any rejection of any recommendation
35 of the budget committee; and

36 B. The county commissioners ~~shall~~ hold a public meeting ~~prior to December 7th~~ at
37 least 21 days before the end of the county's fiscal year with the budget committee to
38 discuss any rejections.

1 The proposed itemized budget must be finally adopted by a majority vote of the county
2 commissioners at a duly called meeting not later than ~~December 15th~~ 15 days before the
3 end of the county's fiscal year.

4 **8. Assessment of taxes.** The budget is the final authorization for the assessment of
5 county taxes. The budget must be sent to the county commissioners and the county tax
6 authorized must be apportioned and collected in accordance with section 706. The
7 budget for the unorganized territories must be sent to the State as provided by section
8 7503.

9 **9. Interim budget.** Until a budget is finally adopted, the county shall operate on an
10 interim budget ~~which shall~~ that may not exceed the previous year's budget.

11 **10. Transfer of funds.** The county commissioners may transfer funds as provided
12 in section 922.

13 **Sec. 15. 30-A MRSA §832,** as enacted by PL 1993, c. 623, §1, is amended to
14 read:

15 **§832. Membership**

16 The budget committee consists of 15 voting members and one nonvoting member
17 selected as follows.

18 **1. Municipal and public representatives.** ~~Prior to September 15th each year~~ No
19 later than 100 days before the end of the county's fiscal year, elected municipal officials
20 within each commissioner district shall caucus and elect representatives to the budget
21 committee from that district for terms as provided in paragraph A. There must be 3
22 members from each commissioner district, 2 of whom are elected municipal officials and
23 one of whom is a public representative. No more than one member may represent the
24 same municipality at a time.

25 A. Members shall serve for 3-year terms, except that initially each district caucus
26 shall select one member for a one-year term, one member for a 2-year term and one
27 member for a 3-year term. If a committee member ceases to be a municipal officer or
28 official during the term of membership, the committee member shall resign the
29 membership and the next district caucus shall elect a qualified municipal officer or
30 official to fill the membership for the remainder of the unexpired term.

31 **2. Legislative member.** ~~By September 15th each year~~ No later than 100 days before
32 the end of the county's fiscal year, the York County legislative delegation shall elect one
33 of the delegation's members to serve as a nonvoting member on the budget committee.

34 **3. Committee chair.** The budget committee shall select its own chair each year.

35 **Sec. 16. 30-A MRSA §862, sub-§1,** as amended by PL 2001, c. 471, Pt. B, §17
36 and affected by §18, is further amended to read:

37 **1. Municipal representatives.** ~~Prior to September 15th each~~ No later than 100 days
38 before the end of the county's fiscal year, municipal officers within each commissioner

1 district shall caucus and elect members from that district for terms as provided in
2 paragraph A. There must be 3 members from each commissioner district, 2 of whom are
3 municipal officers and one of whom may be a municipal official who is not a municipal
4 officer as defined in section 2001. No more than one member may represent the same
5 municipality at one time.

6 A. Members serve for 3-year terms, except that initially each district caucus selects
7 one member for a one-year term, one member for a 2-year term and one member for a
8 3-year term. If a budget committee member ceases to be a municipal officer or
9 official during the term of membership, that member shall resign the membership and
10 the next district caucus shall elect a qualified municipal officer or official to fill the
11 membership for the remainder of the unexpired term.

12 **Sec. 17. 30-A MRSA §883, sub-§2, ¶A**, as amended by PL 2001, c. 143, §1 and
13 affected by §4, is further amended to read:

14 A. ~~Before February 15th of every~~ No later than 135 days before the end of the
15 county's fiscal year, the county commissioners shall notify all municipal officers in
16 the county to caucus by county commissioner districts at a specified date, time and
17 place for the purpose of electing the membership of the county budget advisory
18 committee. Whenever a public member of the budget advisory committee will be
19 elected, the county commissioners must issue a public notice of that fact that includes
20 the date, time and place of the caucus. The county commissioner shall serve as
21 nonvoting moderator for that commissioner's district caucus. Nominations must be
22 received from the floor. The nominee receiving the most votes is approved as a
23 budget advisory committee member and serves a term of 3 years, except as provided
24 in paragraph B.

25 **Sec. 18. 30-A MRSA §884**, as amended by PL 2001, c. 143, §2 and affected by
26 §4, is further amended to read:

27 **§884. Budget estimate; submission to advisory committee**

28 The Sagadahoc County commissioners shall submit a budget estimate to the advisory
29 committee no later than ~~April 1st~~ 90 days before the end of the county's fiscal year for the
30 coming fiscal year. The advisory committee shall review the budget estimate, hold a
31 public hearing on the budget estimate and make recommendations to the commissioners
32 ~~before May 15th~~ no later than 45 days before the end of the county's fiscal year. The
33 county commissioners shall act on the budget in a timely fashion and, in any event, not
34 later than ~~June 15th~~ 15 days prior to the beginning of the budget year.

35 **Sec. 19. 30-A MRSA §892, sub-§1**, as enacted by PL 1991, c. 204, §2, is
36 amended to read:

37 **1. Appointment.** Each county commissioner shall appoint a municipal officer from
38 the commissioner's respective county commissioner district ~~prior to September 15th of~~
39 ~~every~~ at least 75 days before the end of the county's fiscal year.

40 **Sec. 20. 30-A MRSA §892, sub-§2**, as amended by PL 1999, c. 31, §1, is further
41 amended to read:

1 **2. Municipal officer elections.** ~~Before September 15th of every~~ No later than 100
2 days before the end of the county's fiscal year, the county commissioners shall notify all
3 municipal officers to caucus by county commissioner district at a specified date, time and
4 place for the purpose of electing 2 municipal officers from each district as members of
5 the county budget advisory committee. The county commissioner shall serve as
6 nonvoting moderator for that district caucus. Nominations must be received from the
7 floor. The 2 nominees receiving the most votes are the budget advisory committee
8 members. The names of those elected by the caucus must be recorded and forwarded to
9 the county commissioners. When the district meeting fails to produce 2 budget
10 committee member nominees, the county commissioner of the district may appoint a
11 municipal officer from that district to each vacant seat within 10 days of the district
12 caucus. The county commissioner shall include notice of this appointment provision in
13 the original notice to convene the caucus if the commissioner plans to exercise the
14 appointment authority granted in this subsection. A municipality may not at any time
15 have more than one representative serving on the budget advisory committee.

16 **Sec. 21. 30-A MRSA §893, sub-§1**, as enacted by PL 1991, c. 204, §2, is
17 amended to read:

18 **1. Public hearing.** The Oxford County commissioners shall hold one or more public
19 hearings on the budget estimate at times convenient for the residents of the county and
20 ~~before November 1st of each~~ no later than 60 days before the end of the county's fiscal
21 year.

22 **Sec. 22. 30-A MRSA §893, sub-§2**, as amended by PL 2005, c. 29, §1, is further
23 amended to read:

24 **2. Budget estimate; submission to budget advisory committee.** The Oxford
25 County commissioners shall submit a budget estimate for the coming year to the budget
26 advisory committee no later than ~~November 1st of each~~ 60 days before the end of the
27 county's fiscal year. The budget advisory committee shall review the budget estimate and
28 prepare the budget. The budget must be presented to the county commissioners ~~before~~
29 ~~December 1st of each~~ no later than 30 days before the end of the county's fiscal year. The
30 county commissioners shall act on the budget in a timely fashion, not later than the 3rd
31 Tuesday in ~~December~~ the last month of the fiscal year preceding the budget year. If the
32 adopted budget is changed by the county commissioners, the budget advisory committee
33 may reject that change by a 2/3 vote of its membership. Those actions are final and not
34 subject to further action by either the county commissioners or the budget advisory
35 committee.

36 **Sec. 23. 30-A MRSA §896, sub-§1**, as amended by PL 1999, c. 49, §1, is further
37 amended to read:

38 **1. Municipal representatives.** ~~Prior to September 15th each~~ No later than 100 days
39 before the end of the county's fiscal year, municipal officers within each commissioner
40 district shall caucus and elect members from that district for terms as provided in
41 paragraph A. There must be 3 members from each commissioner district, 2 of whom are
42 municipal officers and one of whom is a municipal official who is not a municipal officer

1 as defined in section 2001. No more than one member may represent the same
2 municipality at one time.

3 A. Members serve for 3-year terms, except that initially each district caucus selects
4 one member for a one-year term, one member for a 2-year term and one member for a
5 3-year term. If a budget committee member ceases to be a municipal officer or
6 official during the term of membership, that member shall resign the membership and
7 the next district caucus shall elect a qualified municipal officer or official to fill the
8 membership for the remainder of the unexpired term.

9 **Sec. 24. 30-A MRSA §900-B, sub-§1, ¶A**, as amended by PL 1997, c. 279, §2,
10 is further amended to read:

11 A. ~~Before September 15th of every~~ No later than 100 days before the end of the
12 county's fiscal year, the county commissioners shall notify all municipal officers in
13 the county to caucus by county commissioner districts at a specified date, time and
14 place for the purpose of electing at least one municipal officer from each district as a
15 member of the budget advisory committee; except that, in 1992, at least 3 municipal
16 officers must be selected from each district unless the municipal officers of a district
17 decide that another person from that district would be better qualified. A
18 municipality may not be represented by more than one officer at a time. The county
19 commissioner shall serve as nonvoting moderator for that district caucus.
20 Nominations must be received from the floor. The nominee receiving the most votes
21 is approved as a budget advisory committee member except that, in 1992, each
22 caucus shall elect 3 members. The names of those elected by the caucus must be
23 recorded and forwarded to the county commissioners.

24 **Sec. 25. 30-A MRSA §900-B1**, as enacted by PL 1997, c. 279, §3, is amended to
25 read:

26 **§900-B1. Prior year's budget available**

27 ~~Annually by September 15th~~ No later than 100 days before the end of the county's
28 fiscal year, the county commissioners shall publish, deliver to the budget advisory
29 committee and make available to the public copies of a financial statement for the
30 preceding county fiscal year showing funds authorized, including but not limited to
31 revenues, unappropriated fund balances and reserve accounts, and expenditures made for
32 each department, account and program and showing the balance in each account at the
33 end of the fiscal year.

34 **Sec. 26. 30-A MRSA §900-C**, as enacted by PL 1991, c. 777, §1, is amended to
35 read:

36 **§900-C. Public hearing**

37 The Washington County commissioners shall hold one or more public hearings on
38 the budget estimate ~~before October 1st~~ no later than 90 days before the end of the
39 county's fiscal year and an informational meeting, in conjunction with the budget
40 advisory committee, with the Washington County legislative delegation ~~before December~~
41 ~~1st~~ no later than 30 days before the end of the county's fiscal year.

1 **Sec. 27. 30-A MRSA §900-D**, as amended by PL 1997, c. 279, §4, is further
2 amended to read:

3 **§900-D. Budget estimate; submission to advisory committee; legislative delegation**
4 **role**

5 The Washington County commissioners shall submit a budget estimate to the budget
6 advisory committee no later than ~~October 1st~~ 90 days before the end of the county's fiscal
7 year for the coming year. The budget advisory committee shall review the budget
8 estimate and make recommendations to the commissioners ~~before November 15th~~ no
9 later than 45 days before the end of the county's fiscal year. The county commissioners
10 shall act on the budget in a timely fashion and, in any event, not later than ~~December 15th~~
11 of the budget 15 days before the end of the county's fiscal year. If county commissioners
12 wish to make changes in the budget recommended by the budget advisory committee, the
13 county commissioners shall schedule one or more meetings with the budget advisory
14 committee ~~before December 15th~~ no later than 15 days before the end of the county's
15 fiscal year for the purpose of negotiating a final budget.

16 If, following negotiations, a final budget that is acceptable to the budget advisory
17 committee is not approved by the county commissioners ~~by December 15th~~ at least 15
18 days before the end of the county's fiscal year, the budget advisory committee shall adopt
19 a final budget and transmit that budget to the county commissioners. The budget adopted
20 by the budget advisory committee may be changed by a majority vote of the board of
21 county commissioners. If the adopted budget is changed by the county commissioners,
22 the budget advisory committee may reject that change by a 2/3 vote of its membership.
23 The budget is final and not subject to further action by either the county commissioners
24 or the budget advisory committee upon failure of the commissioners to recommend
25 changes in the budget transmitted from the budget advisory committee or upon
26 acceptance or rejection of changes by the budget advisory committee. The entire budget
27 approval process must be completed by ~~December 31st~~ the last day of the county's fiscal
28 year.

29 **Sec. 28. 30-A MRSA §900-M, sub-§2**, as enacted by PL 2005, c. 124, §1, is
30 amended to read:

31 **2. Municipal official elections.** ~~Before October 15th of every~~ No later than 75 days
32 before the end of the county's fiscal year, the county commissioners shall notify all
33 municipal officials to caucus by county commissioner district at a specified date, time and
34 place for the purpose of electing one municipal official from each district as a member of
35 the budget committee. Each county commissioner shall serve as nonvoting moderator for
36 that district caucus. Nominations must be received from the floor. The nominee
37 receiving the most votes is the budget committee member. The name of the member
38 elected by the caucus must be recorded and forwarded to the county commissioners.

39 **Sec. 29. 30-A MRSA §900-N, sub-§1**, as enacted by PL 2005, c. 124, §1, is
40 amended to read:

1 **1. Public hearing.** The county commissioners shall hold one or more public
2 hearings on the budget at times convenient for the residents of the county and ~~before~~
3 ~~December 16th of each~~ no later than 15 days before the end of the county's fiscal year.

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

6 **2. Budget; submission to budget committee.** The Penobscot County
7 commissioners shall submit a budget for the coming year to the budget committee no
8 later than ~~November 10th of each~~ 45 days before the end of the county's fiscal year. The
9 budget committee shall review the budget with the county commissioners ~~prior to~~
10 ~~November 30th~~ no later than 30 days before the end of the county's fiscal year and make
11 additions or deletions to the budget by a majority vote of the budget committee. A
12 unanimous vote of the county commissioners is required to override the budget
13 committee.

14

SUMMARY

15 Current law permits county commissioners to change their county's fiscal year.
16 However, the laws governing some counties' budget procedures specify certain dates by
17 which steps in the budgeting process must be completed, and those dates need to be
18 changed in order for the commissioners to change their county's fiscal year. This bill
19 replaces specific dates with a specified number of days prior to the end of the county
20 fiscal year, but does not mandate a change in the county fiscal year.