

# MAINE STATE LEGISLATURE

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# 125th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2011

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Legislative Document

No. 1476

H.P. 1085

House of Representatives, April 13, 2011

### An Act To Streamline the County Budget Process

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

A handwritten signature in cursive script, reading "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Clerk

Presented by Representative COTTA of China.  
Cosponsored by Senator SULLIVAN of York and  
Representatives: CASAVANT of Biddeford, DOW of Waldoboro, GILLWAY of Searsport,  
HARMON of Palermo, MOULTON of York, VALENTINO of Saco, WEAVER of York.

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

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

3 **§831. Committee established**

4 There is established the York County Budget Advisory Committee, referred to in this  
5 article as the "budget committee," to carry out the purposes of this article. As used in this  
6 article, "county commissioners" means the county commissioners of York County and  
7 "county" means York County.

8 **Sec. 2. 30-A MRSA §832**, as amended by PL 2007, c. 663, §14, is further  
9 amended to read:

10 **§832. Membership**

11 The budget committee consists of ~~45~~ 10 voting members and one nonvoting member  
12 selected as follows.

13 **1. Municipal and public representatives.** No later than 100 days before the end of  
14 the county's fiscal year, elected municipal officials within each commissioner district  
15 shall caucus and elect representatives to the budget committee from that district for terms  
16 as provided in paragraph A. There must be ~~3~~ 2 members from each commissioner  
17 district, ~~2~~ one of whom ~~are~~ is an elected municipal ~~officials and one of whom is a public~~  
18 ~~representative official elected by the district caucus, and one of whom is a member of the~~  
19 ~~public who is not a municipal official and who is a resident of that district, appointed by~~  
20 ~~the county commissioner of that district.~~ the county commissioner of that district. No more than one member may represent the  
21 same municipality at a time.

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

28 **2. Legislative member.** No later than 100 days before the end of the county's fiscal  
29 year, the York County legislative delegation shall elect one of the delegation's members  
30 to serve as a nonvoting member on the budget committee.

31 **3. Committee chair.** ~~The~~ Each year, the budget committee shall select its own chair  
32 ~~each year, who must be an appointed public member.~~

33 **Sec. 3. 30-A MRSA §833, sub-§4, ¶A**, as enacted by PL 1993, c. 623, §1, is  
34 amended to read:

35 A. The budget adopted by the budget committee may be changed only by a ~~majority~~  
36 ~~unanimous~~ unanimous vote of the county commissioners ~~and a majority vote of all elected~~  
37 ~~members of the budget committee.~~ Those actions are final and are not subject to  
38 ~~further action by either the county commissioners or the budget committee.~~

1           **Sec. 4. 30-A MRSA §834**, as enacted by PL 1993, c. 623, §1, is repealed and the  
2 following enacted in its place:

3           **§834. Interim budget**

4           If the budget committee fails to submit a budget to the county commissioners within  
5 30 days following the start of the fiscal year, the budget submitted by the commissioners  
6 becomes the approved budget for the county. If a budget is not approved before the start  
7 of a fiscal year, the county shall operate on an interim budget not to exceed that of the  
8 previous fiscal year until a budget is finally adopted.

9           **Sec. 5. 30-A MRSA §837** is enacted to read:

10          **§837. Budget amendments**

11          The approved budget governs the expenditures of the county during the fiscal year.  
12 Expenses may not be incurred in excess of those shown in the approved budget, but the  
13 budget may be from time to time revised by the preparation of an amended budget by the  
14 county commissioners. The amended budget takes effect when approved by the county  
15 commissioners. A report of an amended budget must be transmitted by the county  
16 commissioners to the State Auditor within 15 days of that approval.

17          **Sec. 6. 30-A MRSA §851**, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C,  
18 §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further  
19 amended to read:

20          **§851. Purpose**

21          The purpose of this article is to establish in Waldo County a method of appropriating  
22 money for county expenditures, according to a budget, which must first receive approval  
23 of a budget committee. This article amends the statutory method in sections 2, 701 and  
24 702 by transferring the authority of the Waldo County legislative delegation and the  
25 Legislature to approve the Waldo County budget to a committee comprised of Waldo  
26 County residents and municipal officials. This article applies only to Waldo County.

27          **Sec. 7. 30-A MRSA §853**, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C,  
28 §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further  
29 amended to read:

30          **§853. Waldo County Budget Committee**

31          In Waldo County there is established a the Waldo County Budget Advisory  
32 Committee, referred to in this article as "the budget committee," to carry out the purposes  
33 of this article.

34          **1. Membership.** The budget committee ~~shall consist~~ consists of 9 voting members,  
35 3 members from each commissioner district selected as provided for in this ~~section~~  
36 subsection. The county commissioners shall serve on the committee in an advisory  
37 capacity only and may not vote on any committee matters. Each year, the budget  
38 committee shall select its own chair, who must be an appointed public member.

1 In 1987, and thereafter, ~~at least~~ no later than 90 days before the end of every fiscal year,  
2 the members ~~shall be~~ are elected by the following procedure.

3 A. The county commissioners shall notify all municipal officers in the county to  
4 caucus by county commissioner districts at a specified date, time and place ~~for the~~  
5 ~~purpose of nominating at least~~ to elect under paragraph B one municipal officer and  
6 one resident who is a members of the public and who is not a municipal officer from  
7 each district as ~~a candidate for~~ members of the county budget committee; ~~except that~~  
8 ~~in 1987, at least 3 municipal officers shall be nominated from each district.~~ A county  
9 commissioner shall serve as nonvoting moderator for ~~his~~ that commissioner district's  
10 caucus. ~~Nominations shall be received from the floor. The nominee receiving the~~  
11 ~~most votes shall be approved. Any other nominees who receive a majority vote of~~  
12 ~~those present shall also be approved. The names of those duly approved shall be~~  
13 ~~recorded and forwarded to the county commissioners to be placed on a written ballot.~~  
14 Each county commissioner shall appoint to the budget committee a member of the  
15 public who is a resident of the commissioner's district.

16 B. The county commissioners shall have written ballots printed with the names of  
17 those candidates ~~selected in~~ to represent their districts under paragraph A. Each  
18 commissioner district ~~shall~~ must require a separate ballot and each ballot ~~shall~~ must  
19 specify each candidate's full name and municipality and whether the candidate is an  
20 elected municipal official or a member of the public. The county commissioners  
21 shall distribute the appropriate ballots to each municipality within a commissioner  
22 district. The municipal officers shall vote as a board ~~for one budget committee~~  
23 ~~member~~ from the candidates on the ballot and return the ballot to the county  
24 commissioners by a certain date, except that in 1987, the municipal officers shall vote  
25 as a board for 3 budget committee members. The ballots ~~shall~~ must be counted at a  
26 regular meeting of the county commissioners. Each vote ~~shall be~~ is weighted  
27 according to that municipality's population as a proportion of the district's total  
28 population, except that ~~no~~ a municipality may not have more than one budget  
29 committee member. The county commissioners shall notify each municipality, in  
30 writing, of the results of the election and shall certify the results to the Secretary of  
31 State.

32 **2. Duties.** The county budget committee shall review the budget estimates prepared  
33 by the county commissioners and approve a final county budget.

34 **3. Term of office.** The term of office ~~shall be~~ is 3 years, ~~provided that~~ as long as a  
35 budget committee member who is a municipal officer remains a municipal officer in the  
36 municipal officer's municipality, ~~except that of those elected in 1987, one from each~~  
37 ~~district shall be elected for a term of 3 years; one from each district shall be elected for a~~  
38 ~~term of 2 years; and one from each district shall be elected for a term of one year~~ or who  
39 is a member of the public remains a member of the public and a resident of the public  
40 member's municipality.

41 **4. Vacancies.** A vacancy occurring on the budget committee ~~shall~~ must be filled by  
42 the committee for the balance of the unexpired term. The person appointed to fill the  
43 vacant office must be a municipal officer from or a member of the public who is a  
44 resident of the same municipality as the person vacating the office.

1           **5. Expenses.** Members ~~shall~~ serve without compensation, but ~~shall be~~ are  
2 reimbursed from the county treasury for expenses lawfully incurred by them in the  
3 performance of their duties.

4           **Sec. 8. 30-A MRSA §855, sub-§4**, 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 repealed and the following enacted in its place:

7           **4. Adoption of budget.** After the public hearing under subsection 3 is completed,  
8 the budget committee shall adopt a final budget and transmit that budget to the county  
9 commissioners. The budget adopted by the budget committee may be changed only by a  
10 unanimous vote of the county commissioners.

11           **Sec. 9. 30-A MRSA §855, sub-§5**, as enacted by PL 1987, c. 737, Pt. A, §2 and  
12 Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is  
13 repealed and the following enacted in its place:

14           **5. Interim budget.** If the budget committee fails to submit a budget to the county  
15 commissioners within 30 days following the start of the fiscal year, the budget submitted  
16 by the commissioners becomes the approved budget for the county. If a budget is not  
17 approved before the start of a fiscal year, the county shall operate on an interim budget  
18 not to exceed that of the previous fiscal year until a budget is finally adopted.

19           **Sec. 10. 30-A MRSA §856**, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C,  
20 §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further  
21 amended to read:

22           **§856. Budget amendments**

23           The approved budget ~~shall govern~~ governs the expenditures of the county during the  
24 fiscal year. ~~No expenses~~ Expenses may not be incurred in excess of those shown in the  
25 approved budget, but the budget may be revised ~~from time to time~~ by the preparation and  
26 submission of a proposed amended budget by the county commissioners to the budget  
27 committee for review. The budget committee shall ~~render, not less than 15 calendar days,~~  
28 ~~except in emergencies, nor~~ submit to the county commissioners any recommendations no  
29 more than 30 10 days after receipt of the submission to it, a decision on any such revised  
30 budget. ~~An approved~~ A revised budget shall takes effect upon approval by the county  
31 commissioners and must be transmitted to the State Auditor within 15 days of the ~~budget~~  
32 ~~committee's action~~ budget's approval.

33           **Sec. 11. Staggered terms.** Notwithstanding the provisions of the Maine Revised  
34 Statutes, Title 30-A, section 853, subsection 3, the terms of all members of the Waldo  
35 County Budget Advisory Committee terminate upon the next election of the budget  
36 committee under Title 30-A, section 853, subsection 1 held after the effective date of this  
37 Act. Of the members elected at the first election of the budget committee under Title  
38 30-A, section 853, subsection 1 held subsequent to the effective date of this Act, one from  
39 each commissioner district must be elected for a term of 2 years and one from each  
40 commissioner district must be elected for a term of one year.

1 **SUMMARY**

2 This bill amends the county budget procedures for York County and Waldo County  
3 in the following ways.

4 1. For York County, this bill renames the York County Budget Committee the York  
5 County Budget Advisory Committee, requires 5 of the 10 voting members to be from the  
6 public and requires its chair be an appointed public member. This bill also requires a  
7 unanimous vote by the York County commissioners to amend the budget sent to them by  
8 the York County Budget Advisory Committee, changes the provisions concerning interim  
9 budgets and adds provisions concerning budget amendments.

10 2. For Waldo County, this bill renames the Waldo County Budget Committee the  
11 Waldo County Budget Advisory Committee, requires 6 of the 9 voting members to be  
12 from the public and requires its chair be an appointed public member. This bill also  
13 requires a unanimous vote by the Waldo County commissioners to amend the budget sent  
14 to them by the Waldo County Budget Advisory Committee, changes provisions  
15 concerning interim budgets and amends the provisions concerning budget amendments.