

# MAINE STATE LEGISLATURE

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# EIGHTY-FOURTH LEGISLATURE

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**House Document**

**No. 37**

H. P. 77          House of Representatives, January 22, 1929.

Referred to Committee on Judiciary and 1000 copies ordered printed. Sent up for concurrence.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Kitchen of Presque Isle.

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## STATE OF MAINE

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IN THE YEAR OF OUR LORD ONE THOUSAND NINE  
HUNDRED AND TWENTY-NINE

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AN ACT to Establish a Budget Commission.

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

Section 1. Definitions. Wherever in this act the words  
2 or sentences, hereinafter specifically referred to, are used,  
3 they shall be held to have the following meaning:

The word "Commission" means the State Budget Commis-  
2 sion herein created.

The word "commissioner" means a member of such com-  
2 mission.

The words "expending agency" mean any state depart-  
2 ment, institution, corporation, organization, individual, or  
3 other agency for whose purposes and uses any appropria-

4 tion is made by the legislature to be expended through,  
5 under, or by, such agency.

The term “budget,” or “budget measure,” or “budget bill,”  
2 means the budget bill, or appropriation bill, prepared by the  
3 commission and submitted to the legislature.

Sect. 2. There is hereby created a budget commission to  
2 consist of three members, citizens of the State of Maine,  
3 whose term of office, with the exception hereinafter noted,  
4 shall be six years; provided that the members of the com-  
5 mission first appointed shall serve the following terms,  
6 namely: one for two years, one for four years, and one for  
7 six years from the date of appointment, and the governor,  
8 in making such first appointment, shall indicate the terms  
9 of each appointee. The governor by and with the consent  
10 of the executive council shall appoint forthwith, if this act  
11 becomes a law, three citizens of the state, who jointly shall  
12 be known as the state budget commission, and who shall  
13 have and exercise the powers and perform the duties specifi-  
14 cally created and defined herein. Generally it shall be the  
15 duty of the commission to determine as near as may be the  
16 income of the state for the two fiscal years following a reg-  
17 ular legislative session, and to allocate to each expending  
18 agency so much of said income as, in the judgment of the  
19 commission, is necessary, lawful, reasonable, and proper.  
20 In gathering information, and in performing its duties, the  
21 commission shall have the authority conferred herein as  
22 follows, viz:

During the month of October in each even year there shall  
2 be filed with the state budget commission by each individ-  
3 ual, by the heads of departments, state institutions, com-  
4 missions and boards of trustees, or other expending agen-  
5 cies, who are intrusted with the expenditure of public  
6 money, upon forms prepared and furnished by the state  
7 budget commission, written statements showing in detail  
8 the amounts appropriated and expended for the current  
9 biennial fiscal period ending on the thirtieth day of June  
10 preceding, and a written estimate of the necessary expendi-  
11 tures of the department, institution, commission, board, or  
12 other expending agency, for each of the two following years  
13 ending on June thirtieth, together with the estimated in-  
14 come, if any, arranged in proper manner in detail by classi-  
15 fication and by proper summaries as may be required by  
16 the state budget commission. A written statement showing  
17 the reason for all estimated expenditures, other than fixed  
18 charges, shall be filed with statement of appropriations and  
19 expenditures.

During the month of October in each even year there shall  
2 be filed with the state budget commission by every corpora-  
3 tion, not including municipal corporations, every associa-  
4 tion, board and institution, whether public or private, re-  
5 ceiving or requesting an appropriation from the state, upon  
6 forms prepared and furnished by the state budget commis-  
7 sion, a statement in detail of all money, with the reason  
8 therefor, for which any appropriation is desired at the en-

9 suing session of the legislature by such corporation, associa-  
10 tion or institution, and such statement of desired appropria-  
11 tions as well as any reports required shall be and remain  
12 public records.

The state budget commission shall meet on the third Tues-  
2 day in November of each even year at the state capitol,  
3 and shall thereupon proceed to prepare estimates, for the  
4 budget, of the amounts required to be appropriated by the  
5 legislature for the conduct of the business of the state in  
6 all its offices, institutions, departments and undertakings for  
7 the biennial fiscal period next ensuing, provided that the  
8 estimates for the first fiscal period shall be for the interim  
9 from the January first following to June thirtieth of the  
10 year after the next regular session of the legislature, and  
11 thereafterwards the biennial fiscal period shall be from  
12 June thirtieth to June thirtieth of odd years. From the six  
13 months' period following June thirtieth of the year in which  
14 this act is passed, the legislature may make such appropria-  
15 tions as it sees fit. Before making up such estimates the  
16 state budget commission shall examine all statements and  
17 requests for appropriations on file with its secretary, and  
18 shall afford to the officers, boards, commissions, and expend-  
19 ing agencies, presenting such statements, and making such  
20 requests, reasonable opportunity for explanation in regard  
21 thereto, and whenever requested shall grant to such officers,  
22 boards, commissions, or expending agencies, and to citizens  
23 having information, a hearing thereon. All such hearings

24 shall be open to the public. The state budget commission,  
25 or any member or members thereof, may upon vote of the  
26 state budget commission, visit any department, institution,  
27 or undertaking for which an appropriation is requested, for  
28 the purpose of examination and investigation, and shall also  
29 hold such public hearings as in its judgment may be deemed  
30 advantageous for the purpose of preparing such estimates.  
31 As a part of the budget shall be included an estimate of  
32 the revenues of the state expected to be received during the  
33 ensuing biennial fiscal period, together with a report of the  
34 expenditure of state funds during the current biennial fiscal  
35 period in detail, so far as advisable.

Sect. 3. When said commission shall have collected and  
2 considered in the manner provided by law such information  
3 as it deems necessary, the commission shall prepare a budget  
4 bill in the form of an appropriation bill, and submit the  
5 same to the legislature of Maine within the first five days  
6 of its biennial session. Such budget measure shall set forth  
7 in as much detail as will be informative and necessary the  
8 particular appropriation for each of the several expending  
9 agencies for which appropriation is to be made. The legis-  
10 lature may decrease the amount of any such appropriation,  
11 but may not increase in such appropriation, except upon  
12 vote therefor of a majority of the entire membership of  
13 each branch of the legislature. In addition to the budget  
14 measure herein provided for, the commission may, if it  
15 deems the same necessary, submit to the legislature at the

16 opening of its session a budget report in printed form, which  
17 shall contain the information specified in section six of chap-  
18 ter one hundred and two, of the public laws of nineteen  
19 hundred and nineteen.

Sect. 4. On or before the 10th day of the session of the  
2 legislature such budget measure shall be referred by the  
3 legislature to such committee as it designates for public  
4 hearing, which hearing shall be advertised by publication  
5 in some newspaper in each county of the state, and shall  
6 be begun not less than five, nor more than seven, days from  
7 the date of reference herein provided for. The committee,  
8 to which such budget measure may be referred, shall have  
9 no authority to change or alter such budget measure in any  
10 respect. The committee may, however, make recommenda-  
11 tions to the legislature for such changes as are deemed wise  
12 or necessary, and the authority of the legislature to make  
13 such changes is as hereinbefore set forth.

Sect. 5. Until said budget measure has been finally acted  
2 upon by the legislature and by the governor, and signed by  
3 the speaker of the house, president of the senate, and the  
4 governor, no measure whatsoever appropriating money, or  
5 granting any form of financial aid, shall be considered by  
6 the legislature.

Sect. 6. Each special act, or resolve, which appropriates  
2 money, or grants any form of financial aid, shall apply to  
3 one matter only, and shall provide the means by which the  
4 money necessary to carry out the purposes of the act, or

5 resolve, is to be provided. Each such act, or resolve, must  
6 be passed by a majority vote of all the members of both the  
7 senate and house of representatives.

Sect. 7. Prior to the beginning of the state's fiscal year,  
2 the commission shall require each expending agency, through  
3 some authorized representative, to appear before it with  
4 a definite and detailed program of proposed expenditures  
5 for the first three months of such fiscal year, which pro-  
6 gram shall also contain either a statement, or an estimate,  
7 of any income which such expending agency is to receive,  
8 or expects to receive, during the three months' period. The  
9 commission shall determine what amounts such expending  
10 agency may expend during such three months' period, and  
11 shall deliver to such expending agency a detailed statement  
12 authorizing such expenditures, and shall keep a copy there-  
13 of upon the files of the commission. Any expenditure not  
14 so authorized is declared to be embezzlement, and to con-  
15 stitute an offense which, as embezzlement, shall be punished  
16 in accordance with the law relating to this offense. The  
17 same procedure with reference to expenditures shall be re-  
18 peated by the commission prior to the beginning of each  
19 quarterly period during the biennium covered by the appro-  
20 priations therein provided for.

Sect. 8. The commission may act in all matters within  
2 its authority by a majority.

Sect. 9. The governor (and when an administration is  
2 about to change, the governor-elect) may sit with the com-



3 mission at its hearings, and with the committee of the leg-  
4 islature which is conducting hearings upon the budget meas-  
5 ure, in an advisory capacity.

Sect. 10. If the budget measure is not finally acted on by  
2 March 20, the governor shall issue his proclamation continu-  
3 ing the session of the legislature until such measure is final-  
4 ly acted on.

Sect. 11. No act, or resolve appropriating money shall  
2 be passed by the legislature if the aggregate of appropria-  
3 tions already made exceed in amount the state income from  
4 all sources for the ensuing biennial period.

Sect. 12. No expending agency shall enter into any con-  
2 tract, or obligation, which calls for the expenditure of any  
3 part of its appropriation until such contract, or obligation,  
4 has been approved by the commission.

Sect. 13. The budget committee created by chapter one  
2 hundred and two of the public laws of nineteen hundred  
3 and nineteen is hereby abolished.

Sect. 14. In the performance of its duties the commission  
2 shall be provided with suitable quarters in the state house  
3 at Augusta, shall have the authority to employ such assist-  
4 ants as are necessary, in its judgment, and each commission-  
5 er shall receive as compensation for his services the sum  
6 of two thousand dollars and his actual expenses, which are  
7 to be audited and paid through the state auditor's depart-  
8 ment. To defray the salary and expenses of the commis-  
9 sion, there is appropriated out of any money in the state

10 treasury, not otherwise appropriated, such sum as may be  
11 required to carry out the purposes of this act.

Sect. 15. All acts, or parts of acts, inconsistent herewith,  
2 are hereby repealed, and are of no effect.