

MAINE STATE LEGISLATURE

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E I G H T Y - E I G H T H L E G I S L A T U R E

Legislative Document

No. 681

H. P. 1541

House of Representatives, February 16, 1937.

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

HARVEY R. PEASE, Clerk.

Presented by Mr. Newton of Readfield.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-SEVEN

AN ACT Relating to Municipal Budgets.

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

Sec. 1. Municipal budget act. At the annual town meeting next after the taking effect of this act, each town in the state shall by ballot vote on the following article to be inserted in the warrant: "To see if the town will vote to adopt the provisions of the Municipal Budget Act." If the majority of those present and voting at said meeting vote for its adoption, this act shall be in force at the next annual town meeting and remain in force in said town until by proper article in the warrant the town shall at an annual town meeting by majority vote rescind such action. In towns where this act is not adopted as above provided, on petition of 10 legal voters of said town the selectmen shall insert in the warrant for any subsequent annual town meeting a similar article, which shall be voted on in the manner above provided, and if adopted said act shall remain in force until rescinded by a majority vote at an annual meeting.

Sec. 2. Budget committee. In towns adopting the provisions of this act the budget committee shall consist of 3, 6, 9, or 12 members at large as the meeting adopting the provisions of this act shall by vote determine and 1 member chosen by the school committee of such town and 1 member

of the board of selectmen to be designated by said board. The members at large may either be appointed by the moderator or elected by the town meeting adopting this act as said meeting may by vote determine. The majority of the members at large shall be property tax-payers. If said members at large are selected by election it shall be by a majority vote by ballot or acclamation of those present and voting. Where said members at large are appointive such appointment shall be made within 30 days after the adoption of this act by the town meeting. $\frac{1}{3}$ of the members at large so elected or appointed shall hold office for 1 year, $\frac{1}{3}$ for 2 years and $\frac{1}{3}$ for 3 years or until their successors are elected and qualified. The places of those members at large whose terms have expired shall be filled in accordance with the terms of the original vote of said town meeting unless the town shall at some subsequent meeting change the method of selection. The members selected by the school committee and the selectmen shall hold office for 1 year or until their successors are elected and qualified.

Sec. 3. Preparation of budget. It shall be the duty of the budget committee to prepare a budget according to forms prescribed by the bureau of taxation for town expenditures, and for this purpose to hold public hearings, notice of which shall be given at least 7 days in advance. The budget committee shall consult the selectmen, school committee, and other town officers and departments as to the costs of government, revenue anticipated and services performed, and it shall be the duty of any town or school officer or employee to furnish information required by said committee. It shall also be the duty of all boards of selectmen and of school committees of each town to prepare and submit to the budget committee of the town an itemized statement of expected receipts and expenditures for the ensuing year at such time as said budget committee shall fix. When completed the budget shall be printed in the town report or separately and distributed or published in some newspaper printed or circulated in said town at least 1 week before the town meeting. In any town where a budget committee has not been authorized, the selectmen shall perform the duties of said committee in relation to town expenditures.

Sec. 4. Limitation. So long as the provisions of this act shall remain in force in any town the total amount appropriated at any annual town meeting shall not exceed by more than 10% the total amount specified in the budget for town purposes and no appropriation shall be made for any purpose not included in said budget.

Sec. 5. Exceeding appropriations. In towns adopting the provisions of this act, no board of selectmen, school board or other spending agency

shall pay or agree to pay any money or incur any liability involving the expenditure of money for any purpose for which an appropriation has not been made, or in excess of any appropriation or allotment made to it except for the purpose of paying judgments rendered against a town, provided, however, that in case of sudden and unexpected emergency, the selectmen, on application to the bureau of taxation, and after hearing, may be given a certificate of emergency authorizing them to make such expenditure or incur such liability; provided, further, that in cases arising during the year following a town meeting where changes occur which make it unnecessary to use the amount appropriated for a specific purpose, an unexpended balance may be transferred by boards of selectmen or school boards from 1 appropriation to another, provided the total amount expended for all purposes does not exceed the total amount appropriated at town meetings for all purposes.

Sec. 6. Penalty. Any person or persons violating the provisions of the preceding section shall be subject to removal from office on proper petition brought before the superior court. Such petition shall take precedence of other actions pending in said court, and shall be heard and decided as speedily as possible.