

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWELFTH LEGISLATURE

FIRST REGULAR SESSION

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J.S. McCarthy Co., Inc.
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PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND TWELFTH LEGISLATURE

1985

CHAPTER 223

H.P. 685 - L.D. 971

AN ACT to Establish a Budget Committee to
Provide Local Input in the Waldo County
Budget-making Process.

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

30 MRSA c. 10 is enacted to read:

CHAPTER 10

WALDO COUNTY BUDGET COMMITTEE

§1401. Purpose

The purpose of this chapter is to establish in Waldo County a method of appropriating money for county expenditures, according to a budget, which shall first receive approval of a budget committee. This chapter amends the present statutory method in sections 252 and 253 by transferring the authority of the Waldo County legislative delegation and the Legislature to approve the Waldo County budget to a committee comprised of Waldo County and municipal officials. This chapter shall apply only to Waldo County.

§1402. Definitions

As used in this chapter, unless the context indicates otherwise, the following terms have the following meanings.

1. County commissioners. "County commissioners" means the elected county commissioners of Waldo County.

2. Municipal officers. "Municipal officers" means the mayor or councilors or selectman.

§1403. Waldo County Budget Committee

In Waldo County there shall be established a budget committee to carry out the purposes of this chapter.

1. Membership. The budget committee shall consist of 9 members, 3 members from each commissioner district selected as provided for in this section and 3 county commissioners who shall serve on the committee in an advisory capacity only and shall not vote on any committee matters.

In 1985, and thereafter, at least 90 days prior to the end of every other fiscal year, the 9 members shall be elected by the following procedure.

A. The county commissioners shall notify all municipal officers in the county to caucus by county commissioner districts at a specified date, time and place for the purpose of nominating at least 3 municipal officers from each district as candidates for the county budget committee. The county commissioners shall serve as nonvoting moderators for their district caucuses. Nominations shall be received from the floor. The 3 nominees receiving the most votes shall be approved. Any other nominees who receive a majority vote of those present shall also be approved. The names of those duly approved shall be recorded and forwarded to the county commissioners to be placed on a written ballot.

B. The county commissioners shall have written ballots printed with the names of those candidates selected in their districts in accordance with paragraph A. The county commissioners shall distribute these ballots to each municipality. Each commissioner district shall require a separate ballot and each ballot shall specify each candidate's full name and municipality. The municipal officers shall vote as a board for 3 budget committee members from the candidates on the ballot and return the ballot to the county commissioners by a certain date. The ballots shall be counted at a regular meeting of the county commissioners. Each vote shall be weighed according to that municipality's population as a proportion of the district's total population, except that no municipality may have more than one budget committee member. The county commissioners shall notify each municipality, in writing, of the results of the election and shall certify the results to the Secretary of State.

2. Responsibilities. It is the responsibility of the county budget committee to review the budget estimates prepared by the county commissioners and to approve a final county budget.

3. Term of office. The term of office shall be 2 years, provided that a budget committee member remains a municipal officer in his municipality.

4. Vacancies. A vacancy occurring on the budget committee shall be filled by the committee for the balance of the unexpired term. The person appointed to fill the vacant office shall be a municipal officer from the same municipality as the person vacating the office.

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

§1404. Budget committee organization

The budget committee shall conduct its meetings in public at the county courthouse. The county commissioners shall direct the county clerk to call an organizational meeting of the budget committee no later than 60 days prior to the end of the county's fiscal year. The county commissioners shall provide the committee with necessary clerical assistance, office expenses and suitable meeting space, as well as access to county files and information. The budget committee shall adopt its own rules or procedures and bylaws.

§1405. Budget procedures

1. Proposed budget. The county commissioners shall submit an itemized budget estimate, as described in sections 252 and 253, to the budget committee in a timely fashion, no later than 60 days prior to the end of the county's fiscal year.

2. Budget review process. The budget committee shall review the proposed itemized budget prepared by the county commissioners, together with any supplementary material prepared by the head of each county department or provided by any independent board or institution or another governmental agency. The budget committee may increase, decrease, alter or revise the proposed budget, provided that:

A. The budget committee shall enter into its minutes a statement of the basis for any change in the estimated expenditures and revenues as initially presented by the county commissioners; and

B. The total estimated revenues, together with the amount of county tax to be levied, shall equal the total estimated expenditures.

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

4. Adoption of budget. After completion of the public hearing, the budget committee may further increase, decrease, alter and revise the proposed itemized budget, subject to the conditions and restrictions imposed in subsection 2. The proposed itemized budget shall be finally adopted by a majority vote of the budget committee at a duly called meeting not later than the end of the county's fiscal year. The approved budget shall be the final authorization for the assessment of county taxes. The budget shall be transmitted to the county commissioners and the county tax authorized shall be apportioned and collected in accordance with section 254.

In the event the budget is not approved before the start of a fiscal year, the county shall, until a budget is finally adopted, operate on an interim budget which shall not exceed the previous year's budget.

The county commissioners may transfer funds as provided in section 252.

§1406. Budget amendments

The approved budget shall govern the expenditures of the county during the fiscal year. No expenses may be incurred in excess of those shown in the approved budget, but the budget may be revised from time to time by the preparation and submission of a proposed amended budget by the county commissioners to the budget committee. The budget committee shall, not less than 15 calendar days, except in emergencies, nor more than 30 days after the submission to it, render a decision on any such revised budget. An

approved revised budget shall be transmitted to the State Auditor within 15 days of the budget committee's action.

§1407. Filing of county budget

A copy of the final budget and subsequent amendments, shall be filed on forms approved by the Department of Audit, with the State Auditor, who shall retain them for a period of 3 years.

Effective September 19, 1985.

CHAPTER 224

H.P. 1054 - L.D. 1530

AN ACT to Increase Citizen Participation in
the Municipal Charter Revision
Process.

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

Sec. 1. 30 MRSA §1913, sub-§6-A is enacted to read:

6-A. Charter modification summaries. Where a proposed charter revision is submitted to the voters in separate questions as charter modifications under section 1915, subsection 1, paragraph A, and the municipal officers, with the advice of an attorney, determine that it is not practical to print the proposed charter modification on the ballot and that a summary would not misrepresent the subject matter of the proposed modification, a summary of the modification may be substituted for the text of the proposed modification in the same manner as a summary is substituted for a proposed amendment under section 1914.

Sec. 2. 30 MRSA §1915, sub-§1, as enacted by PL 1969, c. 563, is amended to read:

1. Charter revision or adoption. In Except as provided in paragraph A, in the case of a charter revision or a charter adoption the question to be submitted to the voters shall be in substance as follows: