

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

December 5, 1984 to June 20, 1985
Chapters 384-End

AND AT THE

FIRST SPECIAL SESSION

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J.S. McCarthy Co., Inc.
Augusta, Maine
1985

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

CONTINUED

and

FIRST SPECIAL SESSION

of the

ONE HUNDRED AND TWELFTH LEGISLATURE

1985

filing a joint return to make a separate designation of both party and amount.

Effective September 19, 1985.

CHAPTER 428

S.P. 310 - L.D. 799

AN ACT to Establish an Aroostook County Budget Committee.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, it is desired to obtain the benefits of participation by local officials at the earliest possible time; and

Whereas, the budget committee by terms of this Act must be elected at least 90 days prior to the end of the fiscal year; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

30 MRSA c. 10 is enacted to read:

CHAPTER 10

AROOSTOOK COUNTY BUDGET COMMITTEE

§1401. Purpose

The purpose of this chapter is to establish in Aroostook County a method of appropriating money for county expenditures, including expenditures for municipal services in the unorganized territory, according to a budget, which shall first be adopted by a budget committee and shall then be approved by the Legislature. This chapter amends the present statutory method in sections 252 and 253 by creating a com-

mittee elected by Aroostook County municipal officers with authority to adopt or amend the budget. The Legislature shall continue to have authority to approve, but not to amend, the budget. This chapter applies only to Aroostook County.

§1402. Definitions

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

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

2. Municipal officials. "Municipal officials" means the mayor, aldermen, councillors or manager of a city, the selectmen, councillors or manager of a town and the assessors of a plantation located in Aroostook County. The municipal officer means elected mayor, aldermen or councillors of a city, the selectmen or councillors of a town and the assessors of a plantation located in Aroostook County.

§1403. Aroostook County budget committee

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

1. Membership. The budget committee shall consist of 10 members, 3 members from each commissioner district selected as provided for in this section and one member selected pursuant to paragraph C. The county commissioners shall serve on the committee in an advisory capacity only and shall not vote on any committee matters.

In 1985, and every 3rd year thereafter, at least 90 days prior to the end of the fiscal year, the 10 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 residents of the district of voting age as candidates for the county budget committee. A county commissioner shall serve as nonvoting moderator for his district caucus. Nominations shall be received from the floor and require a

majority vote of those present to be approved. The names of those duly nominated 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 his district 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 weighted according to that municipality's population as a proportion of the district's total population. 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.

C. The county commissioners shall appoint one qualified budget committee member from the unorganized territory of Aroostook County to serve on the budget committee.

D. It is the responsibility of the county budget committee to review the budget and estimates, including the budget for municipal services in the unorganized territory prepared by the county commissioners, and to approve a final county and unorganized budget.

E. The term of office shall be 3 years.

F. 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 from the same municipality or unorganized territory as the person vacating the office.

G. Members shall serve without compensation.

§1404. Budget committee organization

The budget committee shall conduct its meetings in public at the county courthouse. The county com-

missioners 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 select its own chairman, vice-chairman and secretary. The budget committee shall adopt its own rules or procedures and bylaws.

§1405. Budget procedures

1. Proposed budget. The county commissioners shall submit itemized budget estimates, as described in sections 252, 253 and 5903, 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 budgets 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 review the proposed budgets 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 all newspapers 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 officials of the proposed budget.

4. Adoption of budget. After completion of the public hearing, the budget committee may further in

crease, decrease, alter and revise the proposed itemized budgets, 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.

5. Final budget approval. Prior to January 15th of the fiscal year for which the budget is prepared, the budget committee shall submit the proposed budget to the Legislature. The Legislature shall approve or disapprove the budget as submitted prior to April 1st of each year.

If the Legislature disapproves of the budget, the budget committee shall submit within 15 calendar days, new budget proposals in accordance with subsection 1 and the provisions of this section shall be followed until a budget is finally approved.

The budget as approved by the Legislature 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. The budget for the unorganized territories will be transmitted to the State as provided by section 5903.

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 from time to time revised by the preparation and submission of a proposed amended budget by the county commissioners to the budget committee. The budget committee shall within 15 calendar days approve, disapprove or amend this revised budget. In the event that the proposed revised budget is approved or amended, the budget committee within this same time period shall forward the revised budget to the Legislature for final approval. The Legislature shall have 15 calendar days to render a decision on the revised budget. A report of approval of a revised budget shall be transmitted

to the State Auditor within 15 days of an approval of a revised budget by the Legislature on the revised budget.

§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.

§1408. Repeal

This chapter is repealed on September 30, 1988.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective June 25, 1985.

CHAPTER 429

S.P. 605 - L.D. 1599

AN ACT to Amend Certain Motor Vehicle Laws.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Supreme Judicial Court has recently interpreted the used car information law so as to prohibit the sale of so-called "mechanics' specials," that is, motor vehicles that cannot pass Maine inspection laws, to knowledgeable consumers who wish to rebuild or repair those vehicles themselves; and

Whereas, the result of this interpretation of the used car information law is to create a dilemma for dealers and consumers whereby any car taken in trade which cannot meet Maine's inspection standards must either be fixed to meet the inspection standards or be sold for parts or scrap; and

Whereas, the result of this interpretation of the used car information law is to force many consumers to pay more for used motor vehicles than they can afford; and