

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWELFTH LEGISLATURE

SECOND REGULAR SESSION
January 8, 1986 to April 16, 1986

SECOND SPECIAL SESSION
May 28, 1986 to May 30, 1986

AND AT THE

THIRD SPECIAL SESSION
October 17, 1986

PUBLISHED BY THE DIRECTOR OF REVISOR OF STATUTES IN
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

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

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION
of the
ONE HUNDRED AND TWELFTH LEGISLATURE
1985

referred to in section 7904, subsection 1, need not be furnished annually by the State Fire Marshal to the department when a children's home serves only one or 2 children.

2. Temporary license. The department may issue a temporary license to operate a family foster home, as defined by section 8101, subsection 3, without complying with subsection 1, prior to issuing the license, provided that a preliminary evaluation of the home reveals no obvious fire safety violations.

Sec. 10. 22 MRSA §8107, sub-§2, as enacted by PL 1983, c. 629, §2, is amended to read:

2. Handicapped; placement. The definitions used shall not preclude the department from placing a moderately to severely handicapped child in any appropriate child care facility at the department's discretion, subject to the limitations on the number of children specified in section 8101, subsections 1 and 3.

Effective July 16, 1986.

CHAPTER 707

S.P. 936 - L.D. 2345

AN ACT to Establish a Piscataquis County Budget Committee.

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

30 MRSA c. 10-A is enacted to read:

CHAPTER 10-A

PISCATAQUIS COUNTY BUDGET COMMITTEE

§1421. Purpose

The purpose of this chapter is to establish in Piscataquis 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 reviewed by a budget committee and shall then be approved by the Legislature. This chapter amends the present statuto-

ry method in sections 252 and 253 by creating a committee with authority to review the budget and make recommendations to the county commissioners. The Legislature shall continue to have authority to approve and amend the budget. This chapter applies only to Piscataquis County.

§1422. 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 Piscataquis County.

2. Municipal officials. "Municipal officials" may include 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 Piscataquis 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 Piscataquis County.

§1423. Piscataquis County Budget Committee

In Piscataquis County there is established the Piscataquis County 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 at least 90 days prior to the end of the fiscal year as provided for in this section.

A. Of the 3 members from each commissioner district, one must be a municipal official and one must be a representative of the general public. All 3 members shall be appointed by the county commissioners.

Of the 3 members of the general public on the committee, one and only one shall be a resident of the unorganized territories.

B. 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 com-

missioners, and to make recommendations concerning the budget and estimates.

C. The term of office shall be as follows:

(1) The member who is a municipal officer, appointed by the county commissioners, shall have an initial term of one year;

(2) The member who is a representative of the general public, appointed by the county commissioners, shall have an initial term of 2 years; and

(3) The 3rd member shall have an initial term of 3 years.

The terms of the respective members shall increase by one year at the time of reappointment, except the 3-year term, which shall become a one-year term.

D. A vacancy occurring on the budget committee shall be filled in the same manner as the original appointment for the balance of the unexpired term. The person appointed to fill the vacant office must have the same qualifications as the person vacating the office.

E. Members shall serve without compensation.

§1424. 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 15 days after the county budget has been prepared by the county commissioners. 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.

§1425. Budget procedures

1. Proposed budget. The county commissioners shall submit itemized budget estimates, as described in sections 252, 253 and 5903, to the budget commit-

tee in a timely fashion, no later than 90 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, institution or another governmental agency. The budget committee may make recommendations concerning increase, decrease, alteration or revision to the proposed budget. This shall be done prior to November 1st.

3. Meeting with legislative delegation. Prior to November 15th, the county commissioners shall meet with the county legislative delegation to review and finalize estimates for the year.

4. Public hearing. The county commissioners shall hold a public hearing in the county on the proposed budget prior to December 1st 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 mail or delivered in person to the clerk of each municipality in the county and to the members of the budget committee. The municipal clerk shall notify the municipal officials of the proposed budget and the date of the public hearing.

5. Adoption of budget. After completion of the public hearing, the county commissioners may further increase, 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 county commissioners at a duly called meeting not later than December 15th.

6. Interim approval by legislative delegation. Prior to submission of the budget to the Legislature pursuant to subsection 7, the county commissioners shall submit the proposed budget to the legislative delegation. The delegation shall render a decision by January 1st. Failure to do so shall be considered as approval of the budget as submitted. If the legislative delegation disapproves of the budget, the county commissioners 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 approved by the legislative delegation.

7. Final budget approval. Prior to January 15th of the fiscal year for which the budget is prepared, the county commissioners shall submit the proposed budget to the Legislature. The Legislature shall approve, disapprove or amend the budget as submitted.

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 shall 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.

§1426. 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 of a proposed amended budget by the county commissioners. This proposed amended budget shall be submitted to the county budget committee for review. Any recommendations by this committee must be submitted within 10 calendar days. After receiving the recommendation of the budget committee, the county commissioner shall forward the proposed revised budget to the legislative delegation for approval. The delegation shall have 10 calendar days to render a decision on the proposed revision. Failure of the delegation to render a decision within the specified time shall result in the revision being considered approved by the delegation. The proposed revised budget shall be submitted by the county commissioners to the Legislature for approval, disapproval or amendment. Disapproval of the revision by the delegation shall be treated in a fashion similar to that described in section 1425, subsection 6. 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.

§1427. Filing of county budget

A copy of the final budget, and subsequent amendments, shall be filed on forms approved by the De-

partment of Audit, with the State Auditor, who shall retain them for a period of 3 years.

Effective July 16, 1986.

CHAPTER 708

H.P. 1674 - L.D. 2359

AN ACT to Fairly Apportion the Cost of New Water Utility Services.

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

Whereas, several water department and quasi-municipal water district water systems are currently inadequate to serve the rapidly growing needs of the public and certain capital improvements are immediately necessary to meet the demand; 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:

35 MRSA §73-A is enacted to read:

§73-A. System development charge

1. System development charge authorized. In addition to section 73, the governing body of a municipal water department or quasi-municipal water district may establish and file, pursuant to section 69 or 72, a system development charge which is just and reasonable to provide funds to finance capital outlays for water system expansion caused by an increase in demand for service.

2. Commission review. If a municipal water department or quasi-municipal water district elects to institute a system development charge, it shall file