

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 SPECIAL SESSION
of the
ONE HUNDRED AND TWELFTH LEGISLATURE
1985

3. Permit limitation. A permit shall only authorize these activities at one location or place of business.

4. Regulations. The commissioner in accordance with the Maine Administrative Procedures Act, Title 5, chapter 375, may adopt such regulations as are deemed necessary for implementation and enforcement of this section. These regulations may include provisions for determining that lobster tails processed under this section were removed from legal sized lobsters and other provisions as may be deemed necessary.

5. Report; repeal. The department shall report in writing to the joint standing committee of the Legislature having jurisdiction over marine resources on the activities conducted under this section. The report shall be submitted no later than January 15, 1988. This section is repealed on August 1, 1988.

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

Effective June 3, 1986.

CHAPTER 806

H.P. 1726 - L.D. 2414

AN ACT to Establish an Androscoggin County Budget.

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

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

CHAPTER 10-C

ANDROSCOGGIN COUNTY BUDGET COMMITTEE

§1451. Purpose

The purpose of this chapter is to establish in Androscoggin County a method of appropriating money for county expenditures, including the salaries for county officers, according to a budget which must first be adopted by a budget committee and then be

approved by the Legislature. This chapter amends the present statutory method in sections 2, 252 and 253 by creating a committee elected by Androscoggin County municipal officers with authority to adopt or amend the budget. The Legislature continues to have authority to approve but not to amend the budget. This chapter applies only to Androscoggin County.

§1452. 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 county commissioners of Androscoggin County.

2. Municipal officials. "Municipal officials" means the mayor, aldermen, councillors or manager of a city and the selectmen, councillors or manager of a town located in Androscoggin County.

§1453. Androscoggin County budget committee

In Androscoggin County there is 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. The county commissioners shall serve on the committee in an advisory capacity only and may not vote on any committee matters.

In 1986, and every 3rd year thereafter, at least 90 days before the end of the 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 residents of the district of voting age as candidates for the county budget committee. At least 2 of the persons nominated must not be municipal officials. 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 each county commissioner district under paragraph A. Each commissioner district shall require a separate ballot and each ballot shall specify each candidate's full name and municipality. The county commissioners shall distribute the appropriate ballots to each municipality within a commissioner district. The municipal officers shall vote, as a board, for 3 budget committee members from the candidates on the ballot. The municipal officers must vote for at least 2 candidates who are not municipal officials. After voting, the municipal officers shall return the ballot to the county commissioners by a certain date.

C. The ballots shall be counted at a regular meeting of the county commissioners. Each municipality's vote shall be weighted according to the formula set out in paragraph D to ensure that each municipality's vote reflects its proportion of the commissioner district's total population. The 2 candidates with the highest vote totals and who are not municipal officials, and the candidate with the otherwise highest vote total are elected to membership on the county budget committee for each district. The county commissioners shall notify each municipality, in writing, of the results of the election and shall certify to the Secretary of State the results of the election.

D. The votes of each municipality shall be multiplied by the figure opposite the municipality's name as follows:

<u>(1) For Commissioner District Number One:</u>	
<u>(a) Greene</u>	<u>902</u>
<u>(b) Leeds</u>	<u>435</u>
<u>(c) Lewiston</u>	<u>2231</u>
<u>(d) Lisbon</u>	<u>2605</u>
<u>(e) Livermore</u>	<u>542</u>

(f) Livermore Falls	1061
(g) Sabattus	915
(h) Turner	1051
(i) Wales	256

(2) For Commissioner District Number 2:

(a) Auburn	7034
(b) Durham	631
(c) Mechanic Falls	800
(d) Minot	398
(e) Poland	1141

(3) For Commissioner District Number 3:

(a) Lewiston	1
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These population figures will be revised after each decennial census.

2. Duties. The county budget committee shall review the budget and estimates, including the salaries for county officers, prepared by the county commissioners, and shall approve a final county budget.

3. Term of office. The term of office for budget committee members is 3 years.

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 must be 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.

§1454. 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 at least 60 days before 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.

§1455. Budget procedure

1. Proposed budget. The county commissioners shall submit itemized budget estimates, as described in sections 252 and 253 to the budget committee in a timely fashion, at least 60 days before the end of the county's fiscal year.

2. Public hearing on commissioners' budget. 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 shall hold a public hearing, with notice as provided in subsection 4, on the proposed itemized budgets prepared by the county commissioners.

3. Budget committee process. After the public hearing required under subsection 2 is completed, the budget committee may increase, decrease, alter or revise 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, must equal the total estimated expenditures.

4. Public hearing on revised budget. The budget committee shall hold at least one additional public hearing in the county on the proposed budget, as revised by the budget committee, before the end of the county's fiscal year and before the final adoption of the budget. Notice of the hearing must be given at least 10 days before the hearing in all newspapers of general circulation within the county. Written no-

tice and a copy of the proposed budget shall be mailed or delivered by hand in person to the clerk of each municipality in the county. The municipal clerk shall notify the municipal officials of the proposed budget.

5. Adoption of budget. After the public hearing or hearings held under subsection 4 are completed, the budget committee may further increase, decrease, alter and revise the proposed itemized budgets, subject to the conditions and restrictions imposed in subsection 3. The proposed itemized budget shall be finally adopted by a majority vote of the budget committee at a duly called meeting held before the end of the county's fiscal year.

6. Final budget approval. Before 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 before 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.

7. Assessment of taxes. The budget as approved by the Legislature is 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.

8. Interim budget. Until a budget is finally adopted, the county shall operate on an interim budget which may not exceed the previous year's budget.

§1456. 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 county commissioners may transfer funds as provided in section 252, and 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. If

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 has 15 calendar days to approve or disapprove the revised budget. If the Legislature is not in session or does not approve the revised budget within this time, it is disapproved. A report of approval of a revised budget shall be transmitted to the State Auditor within 15 days of the Legislature's approval of a revised budget.

§1457. Filing of county budget

A copy of the final budget, and any 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 August 29, 1986.

CHAPTER 807

H.P. 1722 - L.D. 2411

AN ACT Concerning Atlantic Salmon.

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

Whereas, the Legislature in Public Law 1985, chapter 703 amended the law governing the taking of Atlantic salmon; and

Whereas, this legislation is scheduled to take effect on July 16, 1986; and

Whereas, unless the effective date of that legislation is delayed, it will take effect in the middle of the Atlantic salmon fishing season; and

Whereas, this would cause great confusion and would make it very difficult to enforce the new provision of law; 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 preser-