

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

FIRST SPECIAL SESSION
November 28, 1995 to December 1, 1995

SECOND REGULAR SESSION
January 3, 1996 to April 4, 1996

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 4, 1996

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

J.S. McCarthy Company
Augusta, Maine
1995

14506 is a Class D crime if the State pleads and proves that the act or omission was intentional.

See title page for effective date.

CHAPTER 682

S.P. 613 - L.D. 1617

An Act to Establish the Penobscot County Budget Committee

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

Sec. 1. 30-A MRSA c. 3, sub-c. I, art. 14 is enacted to read:

ARTICLE 14

PENOBSCOT COUNTY BUDGET COMMITTEE

§900-F. Definitions

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

1. Budget committee. "Budget committee" means the Penobscot County Budget Committee.

2. Municipal officials. "Municipal officials" means any elected member of a municipal government in Penobscot County.

§900-G. Budget; appropriations and approval

Notwithstanding sections 2, 701 and 702, in Penobscot County the county commissioners may appropriate money, according to a budget that must be prepared and finalized in accordance with this article.

§900-H. Budget committee

There is established the Penobscot County Budget Committee to carry out the purposes of this article.

1. Membership. The budget committee consists of 15 members as follows:

A. Three members elected from each commissioner district as provided in subsection 2;

B. One municipal official appointed by each county commissioner from the commissioner's district; and

C. Three members of the county legislative delegation selected by the delegation.

2. Municipal official elections. Before September 30th of every year, the county commissioners shall notify all municipal officials to caucus by county commissioner district at a specified date, time and place for the purpose of electing 3 municipal officials from each district as members of the county budget committee. Each county commissioner shall serve as nonvoting moderator for that district caucus. Nominations must be received from the floor. The 3 nominees receiving the most votes are the budget advisory committee members. The names of those elected by the caucus must be recorded and forwarded to the county commissioners.

3. Term; vacancy; replacement. Budget committee members serve 2-year terms. If a budget advisory committee member ceases to be a municipal official during the term of membership, the committee member vacates membership and a replacement must be appointed by the county commissioner from the district in which the vacancy occurred.

§900-I. Budget process

1. Public hearing. The Penobscot County commissioners shall hold one or more public hearings on the budget at times convenient for the residents of the county and before November 1st of each year.

2. Budget; submission to budget committee. The Penobscot County commissioners shall submit a budget for the coming year to the budget committee no later than November 1st of each year. The budget committee shall review the budget and make additions or deletions to the budget by a majority vote of the committee. The budget must be presented to the county commissioners by December 1st of each year. The county commissioners shall act on the budget no later than December 15th of the year preceding the budget year. If the adopted budget is changed by the county commissioners, the budget committee may reject that change by a 2/3 vote of its membership no later than December 31st of that year. Those actions are final and not subject to further action by either the county commissioners or the budget committee.

3. Budget presentation to legislative delegation. Before December 15th annually, the county commissioners, in conjunction with the budget committee, shall present the proposed budget to the Penobscot County legislative delegation at a meeting called by the chair of the legislative delegation for that purpose. Copies of the proposed budget must be submitted to the chair of the legislative delegation at least 7 days prior to the meeting.

4. Assessment of taxes. The budget adopted under subsection 2 is the final authorization for the assessment of county taxes. The county tax authorized is apportioned and collected in accordance with section 706.

5. Final budget; filing. A copy of the final budget must be filed on forms approved by the Department of Audit with the State Auditor, who shall retain them for 3 years.

6. Interim budget. If the budget is not approved before the start of the fiscal year, the county must operate on an interim budget that does not exceed the budget of the previous year until a final budget is adopted.

§900-J. Repeal

This article is repealed December 31, 1999.

Sec. 2. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1996-97

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

State Mandates

All Other \$1,000

Appropriates funds for 90% of the additional local costs associated with the Penobscot County Budget Committee including additional advertising, postage and printing costs. The Commissioner of Administrative and Financial Services shall distribute these funds pursuant to the Maine Revised Statutes, Title 30-A, section 5685. Amounts not required to fund 90% of the local costs associated with this Act must lapse to the General Fund.

See title page for effective date.

CHAPTER 683

H.P. 1240 - L.D. 1700

An Act to Allow the Removal from Public Office of Certain Elected County Officials

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

Sec. 1. 4 MRSA §301, first ¶, as amended by PL 1995, c. 245, §1, is further amended to read:

Judges of probate are elected or appointed as provided in the Constitution of Maine. Only attorneys at law admitted to the general practice of law in this State and resident in this State may be elected or appointed as judges of probate. Their election is effected and determined as is provided respecting county commissioners; and they enter upon the discharge of their duties on the first day of January following their election; but, when appointed to fill vacancies, their terms commence on their appointment. Vacancies caused by death, resignation, removal from the county, permanent incapacity as defined in Title 30-A, section 1, subsection 2-A or any other reason must be filled as provided in the Constitution of Maine. In the case of a vacancy in the term of a judge of probate who was nominated by primary election before the general election, the judge of probate appointed by the Governor to fill the vacancy until a successor is chosen at election must be enrolled in the same political party as the judge of probate whose term is vacant. In making the appointment, the Governor shall choose from any recommendations submitted to the Governor by the county committee of the political party from which the appointment is to be made.

Sec. 2. 18-A MRSA §1-501, first ¶, as amended by PL 1995, c. 245, §2, is further amended to read:

Registers of probate are elected or appointed as provided in the Constitution of Maine. Their election is effected and determined as is provided respecting county commissioners by Title 30-A, chapter 1, subchapter II, and they enter upon the discharge of their duties on the first day of January following their election; but the term of those appointed to fill vacancies commences immediately. All registers, before acting, shall give bond to the treasurer of their county with sufficient sureties in the sum of \$2,500, except that this sum must be \$10,000 for Cumberland County. Every register, having executed such bond, shall file it in the office of the clerk of the county commissioners of that register's county, to be presented to them at their next meeting for approval. After the bond has been so approved, the clerk shall record it and certify the fact thereon, and retaining a copy thereof, deliver the original to the register, who shall deliver it to the treasurer of the county within 10 days after its approval, to be filed in the treasurer's office. Vacancies caused by death, resignation, removal from the county, permanent incapacity as defined in Title 30-A, section 1, subsection 2-A or any other reason must be filled as provided in the Constitution of Maine. In the case of a vacancy in the term of a register of probate who was nominated by primary election before the general election, the