

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND NINETEENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 2, 1998 to June 19, 1999**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 18, 1999**

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

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1999**

**Sec. 2. Accessible voting places; cost saving plan.** The Office of the Secretary of State and the Department of Administrative and Financial Services, Bureau of General Services, working jointly, shall review the number of municipalities affected by this Act, examine alternative strategies that would provide accessibility to all voting places for the handicapped community at the lowest possible cost and report any findings to the Joint Standing Committee on Legal and Veterans Affairs no later than January 15, 2000.

These agencies shall consult with and seek input from the municipalities directly affected by this Act.

See title page for effective date.

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## CHAPTER 253

### H.P. 758 - L.D. 1048

#### An Act to Amend the Androscoggin County Budget Process

**Mandate preamble.** This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

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

**Sec. 1. 30-A MRSA §721**, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

#### §721. Purpose

The purpose of this article 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 that~~ must first be adopted by a budget committee and must then be ~~approved by the Legislature submitted to the county commissioners.~~ This article amends the statutory method in sections 2, 701 and 702 by creating a committee elected by Androscoggin County municipal officers with authority to adopt or amend the budget subject to review and revision by the county commissioners and, if revised, subject to subsequent acceptance or rejection by the budget committee as provided in this article. ~~The Legislature continues to have authority to approve but not to amend the budget.~~ This article applies only to Androscoggin County.

**Sec. 2. 30-A MRSA §723, sub-§1**, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended by amending the first indented paragraph and the first blocked paragraph to read:

**1. Membership.** The budget committee ~~shall consist~~ consists of ~~9~~ 11 members, 3 members from each commissioner district selected as provided in this section and 2 members of the Androscoggin County legislative delegation elected by the legislative delegation. ~~The members from the Androscoggin County legislative delegation may vote on committee matters.~~ The county commissioners ~~shall~~ serve on the committee in an advisory capacity only and may not vote on any committee matters.

In 1989, and every 3rd year thereafter, at least 90 days before the end of the fiscal year, the ~~9~~ 11 members ~~shall be~~ are elected by the following procedure.

**Sec. 3. 30-A MRSA §723, sub-§1, ¶E** is enacted to read:

E. The Androscoggin County legislative delegation shall caucus and choose its 2 budget committee members for a term to be set by the delegation.

**Sec. 4. 30-A MRSA §723, sub-§§2 and 4**, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, are further amended to read:

**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 as provided in this article.

**4. Vacancies.** A vacancy occurring on the budget committee ~~shall~~ must 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 or county as the person vacating the office.

A legislative vacancy occurring on the budget committee must be filled by the Androscoggin County legislative delegation for the balance of the unexpired term.

**Sec. 5. 30-A MRSA §725, sub-§5**, as amended by PL 1993, c. 573, §1, is further amended to read:

**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~~ shall adopt a final budget and transmit that budget to the county commissioners. The county

commissioners may not revise the budget adopted by the budget committee, except by unanimous vote of the commissioners elected. 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. Those actions are final and are not subject to further action by either county commissioners or the budget committee. The proposed itemized budget and the capital improvement program submitted under subsection 1 must 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.

**Sec. 6. 30-A MRSA §725, sub-§6,** as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is repealed.

**Sec. 7. 30-A MRSA §725, sub-§7,** as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

**7. Assessment of taxes.** The budget as approved by the Legislature under this article is the final authorization for the assessment of county taxes. The budget ~~shall~~ must be sent to the county commissioners and the county tax authorized ~~shall~~ be apportioned and collected in accordance with section 706.

**Sec. 8. 30-A MRSA §725, sub-§9,** as enacted by PL 1993, c. 573, §2, is amended to read:

**9. Surplus funds.** In developing the proposed itemized budget under this section, the ~~budget committee and the~~ county commissioners shall use 10% of any unencumbered surplus funds in excess of estimates from the previous fiscal year as reported in the audited financial report for that year to reduce the tax levy for the next year. The remaining unencumbered surplus funds may only be allocated for the following purposes:

- A. To further reduce the tax levy;
- B. To establish a capital reserve account under section 921 to fund items in the capital improvement program approved under subsection 5;
- C. To restore the contingent account as provided in section 922, subsection 2; or
- D. To fund the county charter commission as provided in section 1322, subsection 4.

**Sec. 9. 30-A MRSA §726,** as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

#### **§726. Budget amendments**

The approved budget ~~shall govern~~ governs 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 922, 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~~ must be transmitted to the State Auditor within 15 days of the Legislature's approval of ~~a~~ revised budget.

See title page for effective date.

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## **CHAPTER 254**

**H.P. 535 - L.D. 742**

### **An Act to Amend the Animal Welfare Laws**

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

**Sec. 1. 7 MRSA c. 717** is amended by repealing the chapter headnote and enacting the following in its place:

#### **CHAPTER 717**

#### **ANIMAL WELFARE ACT**

**Sec. 2. 7 MRSA §3909, sub-§3** is enacted to read:

**3. Education requirement; management.** A humane agent hired after January 1, 1999 shall attend a nationally recognized animal law enforcement training program of at least 40 hours' duration. A humane agent, regardless of date of employment, must receive related education periodically as determined by the department.

**Sec. 3. 7 MRSA §3911,** as amended by PL 1987, c. 643, §1, is further amended to read:

#### **§3911. Dogs at large**

It is unlawful for any dog, licensed or unlicensed, to ~~run~~ be at large, except when used for hunting. The owner or keeper of any dog found