

PLEASE NOTE: The Office of the Revisor of Statutes **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Public Law
123rd Legislature
Second Regular Session

Chapter 663
H.P. 1660 - L.D. 2302

**An Act To Remove Impediments to
Changing County Government Fiscal Years**

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

Sec. 1. 30-A MRSA §701, sub-§2, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

2. Preparation of estimates. In order to assess a county tax, the county commissioners, prior to November 7th in each year for counties on a January to December fiscal year and April 15th for counties on a July to June fiscal year, shall prepare estimates of the sums necessary to pay the expenses ~~which~~that have accrued or may probably accrue for the coming year, including the building and repairing of jails, courthouses and appurtenances, with the debts owed by their counties.

The estimates must be drawn so as to authorize the appropriations to be made to each department or agency of the county government for the year. The estimates must provide specific amounts for personal services, contractual services, commodities, debt service and capital expenditures.

Sec. 2. 30-A MRSA §701, sub-§3, as amended by PL 2003, c. 696, §6, is further amended to read:

3. Public hearing. The county commissioners shall hold a public hearing in the county on these estimates before ~~December 31st~~the end of the county's fiscal year. They shall publish a notice of the hearing at least 10 days before the hearing in a newspaper of general circulation within the county. Written notice and a copy of the estimates must be sent by mail or delivered in person to the clerk of each municipality in the county at least 10 days before the hearing. The municipal clerk shall notify the municipal officers of the receipt of the estimates.

Sec. 3. 30-A MRSA §702, as repealed and replaced by PL 2003, c. 696, §8, is amended to read:

§ 702. Estimates recorded and sent to State Auditor

The county clerk shall record the estimates made under section 701. A copy of the estimates must be signed by the chair of the county commissioners and attested to by the county commissioners' clerk. On or before the first day of ~~each January~~the fiscal year, the clerk shall transmit that copy to the State Auditor, who shall retain the copy for 3 years. These records are a public record at the office of the county commissioners in the county that submitted those records.

Sec. 4. 30-A MRSA §741-A, sub-§1, ¶B, as enacted by PL 1995, c. 380, §4 and affected by §10, is amended to read:

B. ~~On or before August 15th of each year~~No later than 135 days before the end of the county's fiscal year the county commissioners shall notify all municipal officers to caucus by county commissioner district at a specified date, time and place for the purpose of electing members to the budget committee. Public notice of the meeting must be issued at least 10 days before the meeting is held.

Sec. 5. 30-A MRSA §742-A, as enacted by PL 1995, c. 380, §6 and affected by §10, is amended to read:

§ 742-A. Budget procedures

1. Budgetary planning meetings. During the ~~month of September~~4th month before the end of the county's fiscal year, county commissioners shall meet with the county manager and county department heads to establish county budgetary needs for the ensuing year. County budget advisory committee members shall attend these meetings, which must be held in the county courthouse and must be open to the public.

2. Draft budget. ~~On or before October 1st~~Ninety days prior to the beginning of the fiscal year, the county commissioners shall submit a draft budget to the budget advisory committee.

3. Proposed budget. The budget advisory committee shall review the draft budget with the county commissioners at meetings during the ~~month of October~~3rd month prior to the beginning of the fiscal year and shall prepare a proposed budget. The budget advisory committee may increase, decrease or alter the county commissioners' draft budget as long as:

A. The budget advisory committee enters into its minutes an explanation for any suggested change in the estimated expenditures and revenues initially presented by the county commissioners; and

B. In the proposed budget, the total estimated revenue, together with the amount of county tax to be levied, at least equals the total estimated expenditures.

4. Public hearings. Public hearings on the proposed budget must be held by the budget advisory committee and county commissioners in each commissioner's district ~~before November 30~~that least one month prior to the beginning of the fiscal year. Notice of these hearings must be given at least 10 days before the hearing in newspapers of general circulation within the county. Written notice and a copy of the proposed budget must be sent by mail, or delivered in person, to the clerk of each municipality in the county. The municipal clerk shall notify the municipal officials of the receipt of the proposed budget and the date of the hearings.

5. Adoption of final budget. After the public hearings are completed, the budget advisory committee may further increase, decrease or alter the proposed budget based on information obtained during the public hearing process. The proposed budget must be approved by a majority vote of the budget advisory committee at a duly called meeting not later than ~~December 15th~~15 days prior to the beginning of the fiscal year. The budget advisory committee shall send the approved budget to the county commissioners. The county commissioners may adopt the budget as submitted or after increasing, decreasing or altering the budget by a majority vote by December 31st.

6. Effect of adoption. Once the budget is finalized as provided in subsection 5, it is final and not subject to further action by the county commissioners or the budget advisory committee.

7. Interim budget. Until a budget is finally approved, the county must be operated on an interim budget, which may not exceed the previous year's budget.

Sec. 6. 30-A MRSA §751, sub-§1, ¶A, as amended by PL 1991, c. 458, Pt. C, §4, is further amended to read:

A. Budget committee members must be elected on the Tuesday following the first Monday of November in each even-numbered year beginning in 1994. Each term begins ~~January 1st~~ on the first day of the fiscal year following the election.

Sec. 7. 30-A MRSA §763, sub-§1, ¶A, as amended by PL 1999, c. 440, §1, is further amended to read:

A. ~~Before September 15th of every year~~ No later than 100 days before the start of a fiscal year, the county commissioners shall notify all municipal officers in the county and the public to caucus by county commissioner districts at a specified date, time and place for the purpose of electing either one municipal officer or one representative of the public from each district as a member of the budget advisory committee. The county commissioner shall serve as nonvoting moderator for that district caucus. Nominations for either the municipal officer member or the public member must be received from the floor. The nominee for the category of member being chosen receiving the most votes is approved as a budget advisory committee member. The names of those elected by the caucus must be recorded and forwarded to the county commissioners.

Sec. 8. 30-A MRSA §764, as amended by PL 1999, c. 83, §1, is further amended to read:

§ 764. Public hearing

The Hancock County commissioners shall hold a public hearing on the budget estimate ~~before October 1st~~ at least 90 days before the end of the county's fiscal year and an informational meeting on the advisory committee's budget estimates ~~before December 1st~~ at least 30 days before the end of the county's fiscal year. Pursuant to the requirements of section 701, subsection 3, written notice and a copy of the estimates must be sent by mail or delivered in person to each member of the county legislative delegation at least 10 days before the informational meeting on the annual budget.

Sec. 9. 30-A MRSA §765, as amended by PL 1995, c. 147, §1, is further amended to read:

§ 765. Budget estimate; submission to advisory committee

The Hancock County commissioners shall submit a budget estimate to the budget advisory committee no later than ~~October 1st~~ 90 days before the end of the county's fiscal year for the coming year. The budget advisory committee shall review the budget estimate and make recommendations to the commissioners ~~before November 15th~~ at least 45 days before the end of the county's fiscal year. In order to deviate from any recommendation made by a recorded 2/3 majority vote of the full membership of the budget advisory committee, the county commissioners must unanimously approve that change. The county commissioners shall act on the budget no later than ~~December 15th of the budget~~ 15 days before the end of the county's fiscal year.

Sec. 10. 30-A MRSA §793, sub-§1, ¶A, as enacted by PL 1989, c. 718, is amended to read:

~~A. Before September 15th of every year~~No later than 100 days before the end of the county's fiscal year, 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 electing at least one municipal officer from each district as a member of the county budget committee except, in 1990, at least 3 municipal officers must be selected from each district. The county commissioner shall serve as nonvoting moderator for that district caucus. Nominations must be received from the floor. The nominee receiving the most votes is approved as a budget committee member except, in 1990, each caucus shall elect 3 members. The names of those elected by the caucus must be recorded and forwarded to the county commissioners.

Sec. 11. 30-A MRSA §794, as enacted by PL 1989, c. 718, is amended to read:

§ 794. Public hearing

The Lincoln County commissioners shall hold one or more public hearings on the budget estimate ~~before October 1st~~no later than 90 days before the end of the county's fiscal year and an informational meeting, in conjunction with the advisory committee, with the Lincoln County legislative delegation ~~before December 1st~~no later than 30 days before the end of the county's fiscal year.

Sec. 12. 30-A MRSA §795, as enacted by PL 1989, c. 718, is amended to read:

§ 795. Budget estimate; submission to advisory committee

The Lincoln County commissioners shall submit a budget estimate to the advisory committee no later than ~~October 1st~~90 days before the end of the county's fiscal year for the coming year. The advisory committee shall review the budget estimate and make recommendations to the commissioners ~~before November 15th~~no later than 45 days before the end of the county's fiscal year. The county commissioners shall act on the budget in a timely fashion and, in any event, not later than ~~December 15th of the budget~~15 days before the end of the county's fiscal year.

Sec. 13. 30-A MRSA §825, as amended by PL 1995, c. 520, §§2 and 3, is further amended to read:

§ 825. Budget procedures

1. Proposed budget. The county commissioners shall submit itemized budget estimates, as described in sections 701, 702 and 7503, to the budget committee in a timely fashion, no later than 90 days before 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 any increase, decrease, alteration or revision to the proposed budget. These activities ~~shall~~must be done 60 days before ~~November 1st~~the end of the county's fiscal year.

4. Public hearing. The county commissioners shall hold a public hearing in the county on the proposed budget ~~prior to December 1st~~at least 30 days before the end of the county's fiscal year and before the final adoption of the budget. Notice of the hearing ~~shall~~must be given at least 10 days before the hearing in all newspapers of general circulation within the county. Written notice and a copy of the

proposed budget ~~shall~~must 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 the public hearing is completed, the county commissioners may further increase, decrease, alter and revise the proposed itemized budgets ~~provided that~~as long as:

A. The county commissioners ~~shall~~ enter into their minutes and submit to the budget committee a statement of their bases for any rejection of any recommendation of the budget committee; and

B. The county commissioners shall hold a public meeting ~~prior to December 7~~that least 21 days before the end of the county's fiscal year with the budget committee to discuss any rejections.

The proposed itemized budget must be finally adopted by a majority vote of the county commissioners at a duly called meeting not later than ~~December 15th~~15 days before the end of the county's fiscal year.

8. Assessment of taxes. The budget is the final authorization for the assessment of county taxes. The budget must be sent to the county commissioners and the county tax authorized must be apportioned and collected in accordance with section 706. The budget for the unorganized territories must be sent to the State as provided by section 7503.

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

10. Transfer of funds. The county commissioners may transfer funds as provided in section 922.

Sec. 14. 30-A MRSA §832, as enacted by PL 1993, c. 623, §1, is amended to read:

§ 832. Membership

The budget committee consists of 15 voting members and one nonvoting member selected as follows.

1. Municipal and public representatives. ~~Prior to September 15th each year~~No later than 100 days before the end of the county's fiscal year, elected municipal officials within each commissioner district shall caucus and elect representatives to the budget committee from that district for terms as provided in paragraph A. There must be 3 members from each commissioner district, 2 of whom are elected municipal officials and one of whom is a public representative. No more than one member may represent the same municipality at a time.

A. Members shall serve for 3-year terms, except that initially each district caucus shall select one member for a one-year term, one member for a 2-year term and one member for a 3-year term. If a committee member ceases to be a municipal officer or official during the term of membership, the committee member shall resign the membership and the next district caucus shall elect a qualified municipal officer or official to fill the membership for the remainder of the unexpired term.

2. Legislative member. ~~By September 15th each year~~No later than 100 days before the end of the county's fiscal year, the York County legislative delegation shall elect one of the delegation's members to serve as a nonvoting member on the budget committee.

3. Committee chair. The budget committee shall select its own chair each year.

Sec. 15. 30-A MRSA §862, sub-§1, as amended by PL 2001, c. 471, Pt. B, §17 and affected by §18, is further amended to read:

1. Municipal representatives. ~~Prior to September 15th each~~No later than 100 days before the end of the county's fiscal year, municipal officers within each commissioner district shall caucus and elect members from that district for terms as provided in paragraph A. There must be 3 members from each commissioner district, 2 of whom are municipal officers and one of whom may be a municipal official who is not a municipal officer as defined in section 2001. No more than one member may represent the same municipality at one time.

A. Members serve for 3-year terms, except that initially each district caucus selects one member for a one-year term, one member for a 2-year term and one member for a 3-year term. If a budget committee member ceases to be a municipal officer or official during the term of membership, that member shall resign the membership and the next district caucus shall elect a qualified municipal officer or official to fill the membership for the remainder of the unexpired term.

Sec. 16. 30-A MRSA §883, sub-§2, ¶A, as amended by PL 2001, c. 143, §1 and affected by §4, is further amended to read:

A. ~~Before February 15th of every~~No later than 135 days before the end of the county's fiscal year, 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 electing the membership of the county budget advisory committee. Whenever a public member of the budget advisory committee will be elected, the county commissioners must issue a public notice of that fact that includes the date, time and place of the caucus. The county commissioner shall serve as nonvoting moderator for that commissioner's district caucus. Nominations must be received from the floor. The nominee receiving the most votes is approved as a budget advisory committee member and serves a term of 3 years, except as provided in paragraph B.

Sec. 17. 30-A MRSA §884, as amended by PL 2001, c. 143, §2 and affected by §4, is further amended to read:

§ 884. Budget estimate; submission to advisory committee

The Sagadahoc County commissioners shall submit a budget estimate to the advisory committee ~~no later than April 1st~~90 days before the end of the county's fiscal year for the coming fiscal year. The advisory committee shall review the budget estimate, hold a public hearing on the budget estimate and make recommendations to the commissioners ~~before May 15th~~no later than 45 days before the end of the county's fiscal year. The county commissioners shall act on the budget in a timely fashion and, in any event, not later than ~~June 15th~~15 days prior to the beginning of the budget year.

Sec. 18. 30-A MRSA §892, sub-§1, as enacted by PL 1991, c. 204, §2, is amended to read:

1. Appointment. Each county commissioner shall appoint a municipal officer from the commissioner's respective county commissioner district ~~prior to September 15th of every~~at least 100 days before the end of the county's fiscal year.

Sec. 19. 30-A MRSA §892, sub-§2, as amended by PL 1999, c. 31, §1, is further amended to read:

2. Municipal officer elections. ~~Before September 15th of every~~No later than 100 days before the end of the county's fiscal year, the county commissioners shall notify all municipal officers to caucus by county commissioner district at a specified date, time and place for the purpose of electing 2 municipal officers from each district as members of the county budget advisory committee. The county commissioner shall serve as nonvoting moderator for that district caucus. Nominations must be received from the floor. The 2 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. When the district meeting fails to produce 2 budget committee member nominees, the county commissioner of the district may appoint a municipal officer from that district to each vacant seat within 10 days of the district caucus. The county commissioner shall include notice of this appointment provision in the original notice to convene the caucus if the commissioner plans to exercise the appointment authority granted in this subsection. A municipality may not at any time have more than one representative serving on the budget advisory committee.

Sec. 20. 30-A MRSA §893, sub-§1, as enacted by PL 1991, c. 204, §2, is amended to read:

1. Public hearing. The Oxford County commissioners shall hold one or more public hearings on the budget estimate at times convenient for the residents of the county and ~~before November 1st of each~~no later than 60 days before the end of the county's fiscal year.

Sec. 21. 30-A MRSA §893, sub-§2, as amended by PL 2005, c. 29, §1, is further amended to read:

2. Budget estimate; submission to budget advisory committee. The Oxford County commissioners shall submit a budget estimate for the coming year to the budget advisory committee no later than ~~November 1st of each~~60 days before the end of the county's fiscal year. The budget advisory committee shall review the budget estimate and prepare the budget. The budget must be presented to the county commissioners ~~before December 1st of each~~no later than 30 days before the end of the county's fiscal year. The county commissioners shall act on the budget in a timely fashion, not later than the 3rd Tuesday in ~~December~~the last month of the fiscal year preceding the budget year. If the adopted budget is changed by the county commissioners, the budget advisory committee may reject that change by a 2/3 vote of its membership. Those actions are final and not subject to further action by either the county commissioners or the budget advisory committee.

Sec. 22. 30-A MRSA §896, sub-§1, as amended by PL 1999, c. 49, §1, is further amended to read:

1. Municipal representatives. ~~Prior to September 15th each~~No later than 100 days before the end of the county's fiscal year, municipal officers within each commissioner district shall caucus and elect members from that district for terms as provided in paragraph A. There must be 3 members from each commissioner district, 2 of whom are municipal officers and one of whom is a municipal official who is not a municipal officer as defined in section 2001. No more than one member may represent the same municipality at one time.

A. Members serve for 3-year terms, except that initially each district caucus selects one member for a one-year term, one member for a 2-year term and one member for a 3-year term. If a budget committee member ceases to be a municipal officer or official during the term of membership, that member shall resign the membership and the next district caucus shall elect a qualified municipal officer or official to fill the membership for the remainder of the unexpired term.

Sec. 23. 30-A MRSA §900-B, sub-§1, ¶A, as amended by PL 1997, c. 279, §2, is further amended to read:

A. ~~Before September 15th of every~~No later than 100 days before the end of the county's fiscal year, 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 electing at least one municipal officer from each district as a member of the budget advisory committee; except that, in 1992, at least 3 municipal officers must be selected from each district unless the municipal officers of a district decide that another person from that district would be better qualified. A municipality may not be represented by more than one officer at a time. The county commissioner shall serve as nonvoting moderator for that district caucus. Nominations must be received from the floor. The nominee receiving the most votes is approved as a budget advisory committee member except that, in 1992, each caucus shall elect 3 members. The names of those elected by the caucus must be recorded and forwarded to the county commissioners.

Sec. 24. 30-A MRSA §900-B1, as enacted by PL 1997, c. 279, §3, is amended to read:

§ 900-B1. Prior year's budget available

~~Annually by September 15th~~No later than 100 days before the end of the county's fiscal year, the county commissioners shall publish, deliver to the budget advisory committee and make available to the public copies of a financial statement for the preceding county fiscal year showing funds authorized, including but not limited to revenues, unappropriated fund balances and reserve accounts, and expenditures made for each department, account and program and showing the balance in each account at the end of the fiscal year.

Sec. 25. 30-A MRSA §900-C, as enacted by PL 1991, c. 777, §1, is amended to read:

§ 900-C. Public hearing

The Washington County commissioners shall hold one or more public hearings on the budget estimate ~~before October 1st~~no later than 90 days before the end of the county's fiscal year and an informational meeting, in conjunction with the budget advisory committee, with the Washington County legislative delegation ~~before December 1st~~no later than 30 days before the end of the county's fiscal year.

Sec. 26. 30-A MRSA §900-D, as amended by PL 1997, c. 279, §4, is further amended to read:

§ 900-D. Budget estimate; submission to advisory committee; legislative delegation role

The Washington County commissioners shall submit a budget estimate to the budget advisory committee ~~no later than October 1st~~90 days before the end of the county's fiscal year for the coming year. The budget advisory committee shall review the budget estimate and make recommendations to the commissioners ~~before November 15th~~no later than 45 days before the end of the county's fiscal year. The county commissioners shall act on the budget in a timely fashion and, in any event, not

later than ~~December 15th of the budget~~ 15 days before the end of the county's fiscal year. If county commissioners wish to make changes in the budget recommended by the budget advisory committee, the county commissioners shall schedule one or more meetings with the budget advisory committee ~~before December 15th~~ no later than 15 days before the end of the county's fiscal year for the purpose of negotiating a final budget.

If, following negotiations, a final budget that is acceptable to the budget advisory committee is not approved by the county commissioners ~~by December 15th~~ at least 15 days before the end of the county's fiscal year, the budget advisory committee shall adopt a final budget and transmit that budget to the county commissioners. The budget adopted by the budget advisory committee may be changed by a majority vote of the board of county commissioners. If the adopted budget is changed by the county commissioners, the budget advisory committee may reject that change by a 2/3 vote of its membership. The budget is final and not subject to further action by either the county commissioners or the budget advisory committee upon failure of the commissioners to recommend changes in the budget transmitted from the budget advisory committee or upon acceptance or rejection of changes by the budget advisory committee. The entire budget approval process must be completed by ~~December 31st~~ the last day of the county's fiscal year.

Sec. 27. 30-A MRSA §900-M, sub-§2, as enacted by PL 2005, c. 124, §1, is amended to read:

2. Municipal official elections. ~~Before October 15th of every~~ No later than 75 days before the end of the county's fiscal 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 one municipal official from each district as a member of the budget committee. Each county commissioner shall serve as nonvoting moderator for that district caucus. Nominations must be received from the floor. The nominee receiving the most votes is the budget committee member. The name of the member elected by the caucus must be recorded and forwarded to the county commissioners.

Sec. 28. 30-A MRSA §900-N, sub-§1, as enacted by PL 2005, c. 124, §1, is amended to read:

1. Public hearing. The county commissioners shall hold one or more public hearings on the budget at times convenient for the residents of the county and ~~before December 16th of each~~ no later than 15 days before the end of the county's fiscal year.

Sec. 29. 30-A MRSA §900-N, sub-§2, as enacted by PL 2005, c. 124, §1, is amended to read:

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 10th of each~~ 50 days before the end of the county's fiscal year. The budget committee shall review the budget with the county commissioners ~~prior to November 30th~~ no later than 30 days before the end of the county's fiscal year and make additions or deletions to the budget by a majority vote of the budget committee. A unanimous vote of the county commissioners is required to override the budget committee.