

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
108TH LEGISLATURE  
FIRST SPECIAL SESSION

(Filing No. H-1257)

HOUSE AMENDMENT "O" to S. P. 772, L.D. 2209, RESOLUTION,  
Proposing an Amendment to the Constitution to Limit the Amount  
of Government Spending and Taxes which may be Made without  
Voter Approval.

Amend the Resolution by striking out all of the Title  
and inserting in its place the following:

'RESOLUTION, Proposing an Amendment to the Constitution to Limit  
the Amount of Government Spending which may be Made without  
Voter Approval.'

Further amend the Resolution by striking out everything  
after the first paragraph and inserting in its place the  
following:

Constitution, Art. I, §22, subsections 1 to 9 are enacted  
to read:

1. Limitation of expenditures. Total appropriations of a  
unit of government during any fiscal year shall not exceed such ap-  
propriations for the prior/<sup>fiscal</sup>year by a greater percentage than the  
lesser of: the percentage change in the cost of living or Maine personal  
income, as established by recognized indices selected by the Legislature,  
in such a manner that such indices are available prior to legislative action.

Any amount appropriated above this limitation shall not be effective until  
revised by the electors of such unit in accordance with law, except for  
funds needed in a declared emergency. Emergency appropriations may be  
made only for the fiscal year for which the emergency is declared and  
shall be excluded from future calculations of total appropriations.

2. Declaration of emergency. The appropriations limit of sub-  
section 1 may be exceeded if all the following conditions are met:

A. The Governor requests the Legislature to declare an emergency;

B. The request is specific as to the nature of the emergency and the amount of funding required to meet the emergency. This request shall also state the Governor's recommended method of funding the emergency; and

C. The Legislature declares an emergency in accordance with the specifics of the Governor's request, by a two-thirds vote of the members elected to each branch, prior to incurring any of the expenses connected with the emergency.

3. Protection of local government from state required costs. The Legislature and Executive Department of the state are prohibited from requiring that non-state levels of government finance from property taxation any new or expanded programs or services or from shifting the cost of existing programs and services to non-state levels of government, except as governed by statutes effective on July 1, 1979.

4. Exclusions. The following expenditures shall be exempt from the limitations established in subsection 1:

A. Expenditures from federal revenues;

B. Expenditures for debt service payments or for retirement of bonded indebtedness;

C. Expenditures from state dedicated revenue accounts effective on July 1, 1979;

D. Expenditures of revenues from use charges; and

E. Expenditures made by the State to reimburse the organized municipalities for revenue lost as a result of the implementation of Article IX, Section 8, subsection 1.

5. Transfer of any program or service. Adjustment of appropriations under subsection 1 shall be made for the transfer of any program or service from one entity to another, provided there is a corresponding downward and upward adjustment in appropriations in the surrendering and receiving entity.

6. Annual appropriation made to a county. The annual appropriation made to a county shall be considered an appropriation of the county for the purpose of subsection 1 and shall not be considered an appropriation of any other unit of government.

Unit of government.

7./ "Unit of government" is the State of Maine, any county, any city, town or plantation, any school district, or any other political subdivision created by the Legislature excluding tax districts;

8. Standing. The Legislature shall by statute determine the requirements as to who shall have standing to bring an action in courts of this State to enforce subsections 1 to 4.

9. Local control option. Any <-----> municipality <-----> may, by referenda called in accordance with law, with the approval of a majority of the voting electors, be exempted from the limitation in subsection 1 for a period not to exceed three fiscal years.

Constitutional referendum procedure; form of question; effect.

date. Resolved: That the city aldermen, town selectmen and plantation assessors of this state shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, at the next general election in the month of November or special statewide election on the Tuesday following the passage of this resolution, to vote upon the ratification of the amendment proposed in this resolution by voting upon the following question:

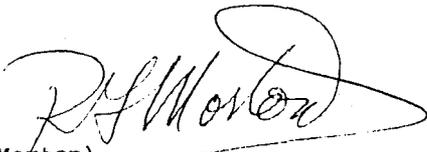
"Shall the Constitution be amended, as proposed by the first special session of the 108th Legislature, to limit the amount of government spending  $\leftarrow$   $\rightarrow$  which may be made without voter approval?"

The legal voters of each city, town and plantation shall vote ballot on this question, and shall designate their choice by a cross or check mark placed within the corresponding square below the words "Yes" or "No". The ballots shall be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns, and, if it appears that a majority of the legal votes are in favor of the amendment, the Governor shall proclaim that fact without delay and the amendment shall become part of the Constitution on July 1, 1979 and shall remain in effect only if reratified by the voters at the general election in 1982.

Secretary of State shall prepare ballots. Resolved: That the Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this resolution necessary to carry out the purpose of this referendum.

Statement of Fact

This amendment will limit the amount of government spending which may be made without voter approval.



(Morton)

NAME:

TOWN: Farmington

Filed by Mr. Morton of Farmington

produced and distributed under the direction of the Clerk of the House  
(9/12/78)

(Filing No. H-1257)