

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 458

6
7 H.P. 375

House of Representatives, February 1, 1983

8 Received by the Clerk of the House on February 1, 1983. Referred to the
9 Committee on Appropriations and Financial Affairs, and ordered printed
pursuant to Joint Rule 14.

EDWIN H. PERT, Clerk

10 Presented by Representative Livesay of Brunswick.

Cosponsors: Representative Bell of Paris, Senator Clark of Cumberland
and Senator Perkins of Hancock.

11
12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-THREE
16

17 AN ACT to Prohibit State Mandates and
18 Tax Shifts.
19

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

22 30 MRSA c. 241, sub-c. IV is enacted to read:

23 SUBCHAPTER IV

24 PROHIBITION OF STATE MANDATES AND TAX SHIFTS

25 §5315. Definitions

26 As used in this subchapter, unless the context
27 otherwise indicates, the following words have the
28 following meanings.

29 1. Expenditure. "Expenditure" means local appro-
30 priations financed by the property tax, the motor

1 vehicle excise tax, the state-municipal revenue
2 sharing program or any state reimbursements for reve-
3 nuues lost due to property tax exemptions.

4 2. Local unit of government. "Local unit of gov-
5 ernment" means any city, town, plantation, county or
6 school administrative unit.

7 3. Rule. "Rule" has the meaning set out in Title
8 5, section 8002, subsection 9.

9 4. State. "State" means the legislative or execu-
10 tive departments of the State and any agency as de-
11 finied by Title 5, section 8002.

12 §5316. Prohibition of state mandates

13 The State may not repeal, amend or enact any law
14 or rule which would impose a new or expanded require-
15 ment on any local unit of government if that require-
16 ment would cause an expenditure by any combination of
17 local units of government or any single local unit of
18 government in excess of \$100,000 per year.

19 §5317. Reimbursement of certain state mandates

20 Local units of government shall be reimbursed for
21 any expenditures caused by any law or rule repealed,
22 amended or enacted after November 1, 1981, and before
23 the effective date of this subchapter which imposed a
24 new or expanded requirement upon any combination of
25 local units of government, including any single local
26 unit of government, in excess of \$100,000 per year.

27 §5318. Enforcement

28 Any rule which is adopted, repealed or amended in
29 violation of this subchapter shall be void. The
30 determination of whether any rule is in violation of
31 this subchapter shall be made during any rule-making
32 proceeding pursuant to Title 5, chapter 375, subchap-
33 ter II.

34 Any Act of the Legislature repealing, amending or
35 enacting any law shall be void if it is in violation
36 of this subchapter, unless that Act clearly states
37 without ambiguity that this subchapter does not apply

1 to the Act. Any local unit of government aggrieved
2 by an Act which is in violation of this subchapter
3 may commence an action for declaratory judgment in
4 the Superior Court, pursuant to Title 14, section
5 5951, for a determination of whether or not the Act
6 is in violation of this subchapter, and, if so found,
7 the court shall declare the Act void.

8 The State Controller shall generally administer
9 this subchapter and make all necessary determinations
10 pursuant to section 5317.

11 STATEMENT OF FACT

12 This bill prohibits future state actions
13 that would increase the property tax burden. The
14 State is prevented from requiring local units of gov-
15 ernment to finance from their existing revenue base
16 any new or expanded program or function.

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