

MAINE STATE LEGISLATURE

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L.D. 66

(Filing No. S-379)

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STATE OF MAINE
SENATE
115TH LEGISLATURE
FIRST REGULAR SESSION

SENATE AMENDMENT " A " to S.P. 42, L.D. 66, "RESOLUTION,
Proposing an Amendment to the Constitution of Maine to Provide
State Funding of any Mandate Imposed on Municipalities"

Amend the amendment by striking out all of section 21 and
inserting in its place the following:

'Section 21. State mandates. For the purpose of more
fairly apportioning the cost of government and providing property
tax relief, after January 1, 1992, the Legislature shall
appropriate sufficient funds to pay for at least 90% of the cost
of fully implementing state mandates enacted after that date and
shall disburse those funds to local units of government prior to
the implementation dates. Funds to fulfill the purpose of this
section must be appropriated from state funds and may not come
from funds for programs established prior to January 1, 1991 that
provide funds to local government, except in cases of fiscal
exigencies when reductions in overall state spending are
required. A mandate is not legally effective and imposes no
obligations on a local unit of government until the State
provides sufficient funds to meet its obligation under this
section. "State mandate" means any regulatory or statutory
action that requires local units of government to establish,
expand or modify their activities in such a way as to necessitate
additional expenditures from local revenues, and includes laws
and rules that apply to both the public and private sector. The
state is not required to fund any state mandate that promotes
equal justice; ensures due process; results from an order issued
by a state court or federal court; creates, expands or amends
criminal laws or civil infractions or penalties enforced by
municipalities; pertains to wages, salaries or benefits for state
and local public employees; is necessary to comply with a federal
mandate; accommodates a request from municipalities; or imposes

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2 routine obligations, the combined cost of which in any calendar
3 year is less than .001 of the total amount of property taxes
4 collected in the state during the previous year.

6 Legislation that is specifically enacted to implement this
7 section and that refers to this section may only be amended by a
8 proper enactment upon the votes of 2/3 of all members elected to
9 each House. No additional exclusions to this section may be
10 created by legislation.

12 This section must be liberally construed to reduce the
13 impact of state mandates on property taxpayers.'

16 STATEMENT OF FACT

18 This amendment replaces the constitutional language proposed
19 in the original bill and the committee amendment. The amendment
20 proposes an amendment to the Constitution of Maine that, if
21 approved by the voters, would require the State to pay for at
22 least 90% of the cost of future state mandates passed after
23 January 1, 1992. The intent of the proposal is to establish a
24 fairer way to apportion the cost of government and to provide
25 property tax relief to the people of the State.

26 This amendment defines state mandates as law or rules that
27 require local units of government to establish, expand or modify
28 their activities in such a way as to impose additional costs on
29 local units of government. Local units of government are
30 municipalities, school districts, counties and special districts.

32 Mandates that are excluded from mandatory payment by the
33 state are those that:

- 36 1. Create, expand or amend criminal laws or civil
37 infractions which municipalities are required to enforce;
- 38 2. Are sought at the request of municipalities;
- 40 3. Apply to wages, salaries or benefits for state and local
41 public employees;
- 42 4. Pertain to human rights or due process; or
- 44 5. Do not impose substantial additional costs on local
45 units.

48 Mandates that create or expand routine obligations may be
49 passed without State funding as long as a single mandate would
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SENATE AMENDMENT "A" to S.P. 42, L.D. 66


2 not impose costs of more than \$100,000 in additional annual local
cost and as long as all such mandates in any one calendar year,
4 do not exceed .001 of the total amount of property taxes
collected by municipalities during the previous year. In 1990,
6 property taxes amounted to about \$880,000,000.

8 Local units of government are not required to implement a
mandate if the Legislature fails to appropriate sufficient funds
10 to pay for the State's share to implement the mandate prior to
the implementation date or dates.

12 The amendment also make it clear that the State is
prohibited from using current local aid programs to fund the
14 State's share of future mandates. The State is permitted to make
cuts in local aid programs in cases of fiscal emergencies if the
16 State finds it is necessary to reduce allocations to those local
aid programs as part of overall reductions in state spending.

18 The amendment provides that legislation that is specifically
20 enacted to implement the amendment may not be amended except by a
2/3 vote of all of the members of both chambers and that
22 amendments that would create further exclusions are prohibited.

24 A separate companion bill, which will take effect only upon
voter approval of the constitutional amendment, enacts statutory
26 language implementing this constitutional requirement.

28
30 (Senator CLARK)
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32
34 COUNTY: Cumberland

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