



115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1990

Legislative Document

No. 66

S.P. 42

In Senate, December 21, 1990

Reference to the Committee on State and Local Government suggested and ordered printed.

Suen

JOY J. O'BRIEN Secretary of the Senate

Presented by Senator CLARK of Cumberland. Cosponsored by Senator CLEVELAND of Androscoggin, Representative MAYO of Thomaston and Representative GWADOSKY of Fairfield.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND NINETY

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide State Funding of any Mandate Imposed on Municipalities.

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Constitutional amendment. RESOLVED: Two thirds of each branch of the Legislature concurring, that the following amendment to the Constitution of Maine be proposed:

Constitution, Art. IX, §21 is enacted to read:

Section 21. State mandates. For any state mandate imposed by statute, by executive order or by rule, the Legislature shall appropriate the amount necessary to reimburse the municipality the cost of the mandate. If the Legislature fails to appropriate the necessary funds, a municipality is not obligated to implement the mandate.

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; and be it further

Constitutional referendum procedure; form of question; effective 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 a statewide election, on the Tuesday following the first Monday of November following the passage of this resolution, to vote upon the ratification of the amendment proposed in this resolution by voting upon the following question:

26 "Shall the Constitution of Maine be amended to require the
State to fund any state mandates imposed upon a municipality
28 by statute, by executive order or by rule?"

30 The legal voters of each city, town and plantation shall vote by ballot on this question, and shall designate their choice by a cross or check mark placed within the corresponding square 32 below the word "Yes" or "No." The ballots shall be received, 34 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 36 shall review the returns and, if it appears that a majority of 38 the legal voters are in favor of the amendment, the Governor shall proclaim that fact without delay and the amendment shall 40 become part of the Constitution on the date of the proclamation; and be it further

44 Secretary of State shall prepare ballots. Resolved: That the 44 A secretary of State shall prepare and furnish to each city, town 46 and plantation all ballots, returns and copies of this resolution 46 herein a secretary out the purposes of this referendum.

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STATEMENT OF FACT

This resolution amends the Constitution of Maine to require the State to fund state mandates. It also provides that a municipality is not obligated to implement a state mandate imposed by statute, by executive order or by rule unless the Legislature appropriates the amount necessary to reimburse the municipality the cost of the mandate.

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