

# MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1991

Legislative Document

No. 281

H.P. 188

House of Representatives, February 2, 1991

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

EDWIN H. PERT, Clerk

Presented by Representative FOSS of Yarmouth.

Cosponsored by Representative SMALL of Bath, Representative REED of Falmouth and Senator CAHILL of Sagadahoc.

### STATE OF MAINE

IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY-ONE

**RESOLUTION, Proposing an Amendment to the Constitution of Maine to Require That Local Units of Government Be Reimbursed for the Costs Incurred in Executing State-mandated Programs.**



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

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

6 **Section 21. Prohibition of state mandates; reimbursement of**  
8 **certain state mandates.** The Legislature, Executive Department or  
10 any agency of the State may not repeal, amend or enact a law or  
12 rule that imposes a new or expanded requirement on a local unit  
14 of government if that requirement causes an expenditure by a  
combination of local units of government or a single local unit  
of government in excess of \$100,000 per year, unless the  
Legislature annually reimburses those local units for those  
expenditures.

16 ; and be it further

18 **Constitutional referendum procedure; form of question; effective**  
20 **date. Resolved:** That the city aldermen, town selectmen and  
22 plantation assessors of this State shall notify the inhabitants  
24 of their respective cities, towns and plantations to meet, in the  
manner prescribed by law for holding a statewide election, at a  
26 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:

28 "Shall the Constitution of Maine be amended to require that  
30 local units of government be reimbursed for any costs in  
excess of \$100,000 per year incurred in executing state laws  
32 or rules?"

34 The legal voters of each city, town and plantation shall  
36 vote by ballot on this question, and shall designate their choice  
by a cross or check mark placed within the corresponding square  
38 below the word "Yes" or "No." The ballots shall be received,  
sorted, counted and declared in open ward, town and plantation  
40 meetings and returns made to the Secretary of State in the same  
manner as votes for members of the Legislature. The Governor  
42 shall review the returns and, if it appears that a majority of  
the legal voters are in favor of the amendment, the Governor  
44 shall proclaim that fact without delay and the amendment shall  
become part of the Constitution on the date of the proclamation;  
and be it further

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

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**STATEMENT OF FACT**

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6

This constitutional resolution requires that the Legislature reimburse local units of government for any expenditures over \$100,000 incurred by the local unit as a result of any state law or rule.

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