

# MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

## SECOND REGULAR SESSION-1992

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Legislative Document

No. 2403

H.P. 1718

House of Representatives, March 5, 1992

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.  
Reference to the Committee on Appropriations and Financial Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative ANTHONY of South Portland.

Cosponsored by Representative STROUT of Corinth, Representative MURPHY of Berwick and Senator CLEVELAND of Androscoggin.

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STATE OF MAINE

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

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**An Act to Clarify the Authority of the Governor's Emergency Budget  
Curtailment Powers.**



(AFTER DEADLINE)

(EMERGENCY)

2           **Emergency preamble.** Whereas, Acts of the Legislature do not  
become effective until 90 days after adjournment unless enacted  
as emergencies; and

4           Whereas, the State's current financial crisis may require  
6 the Governor to exercise the authority granted to him by the  
Legislature to curtail allotments under the Maine Revised  
8 Statutes, Title 5, section 1668; and

10           Whereas, serious legal questions exist with respect to the  
applicability of the Governor's curtailment powers to municipal  
12 revenue sharing funds; and

14           Whereas, there is a need for the State to resolve this legal  
issue in order to avoid potential litigation which may result in  
16 worsening the State's current financial crisis; and

18           Whereas, in the judgment of the Legislature, these facts  
create an emergency within the meaning of the Constitution of  
20 Maine and require the following legislation as immediately  
necessary for the preservation of the public peace, health and  
22 safety; now, therefore,

24           **Be it enacted by the People of the State of Maine as follows:**

26           **Sec. 1. 5 MRSA §1668, first ¶,** as amended by PL 1985, c. 785,  
Pt. A, §59, is further amended to read:

28           Whenever it appears to the Commissioner of Finance  
30 Administrative and Financial Services that the anticipated income  
and other available funds of the State will not be sufficient to  
32 meet the expenditures authorized by the Legislature, he the  
commissioner shall so report in writing to the Governor, and  
34 shall send a copy of the report to the President of the Senate  
and the Speaker of the House of Representatives and the majority  
36 and minority leaders of the Senate and House of Representatives.  
After receiving the report, the Governor may temporarily curtail  
38 allotments equitably so that expenditures will not exceed the  
anticipated income and other available funds. No allotment may be  
40 terminated pursuant to this section. Any curtailment of  
allotments shall must, insofar as practicable, be made consistent  
42 with the intent of the Legislature in authorizing these  
expenditures. The authority granted by this section is not  
44 applicable to state-municipal revenue sharing funds provided  
under Title 30-A, section 5681.

46           **Emergency clause.** In view of the emergency cited in the  
48 preamble, this Act takes effect when approved.

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**STATEMENT OF FACT**

4           This bill clarifies that state-municipal revenue sharing  
6 funds are not within the scope of the Governor's powers to  
temporarily curtail allotments.