

MAINE STATE LEGISLATURE

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M
P. of S.

L.D. 2412

DATE: 2/18/00

(Filing No. H-805)

STATE AND LOCAL GOVERNMENT

MAJORITY

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE
HOUSE OF REPRESENTATIVES
119TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1706, L.D. 2412, Bill, "An Act to Clarify the Process for a County Bond Referendum Election"

Amend the bill by striking out everything after the title and before the summary and inserting in its place the following:

'Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

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

Sec. 1. 30-A MRSA §934, as amended by PL 1991, c. 778, §1, is further amended to read:

§934. Loans

The county commissioners may obtain loans of money for the use of their county and cause notes ~~or~~ obligations or bonds, with coupons for lawful interest, to be issued for payment of the loans. These loans may not exceed \$10,000, except in Franklin County and Aroostook County as provided in sections 935 and 935-A, without first obtaining the consent of the county, substantially as provided in section 122 or by countywide referendum pursuant to section 938.

COMMITTEE AMENDMENT

PL 989

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Sec. 2. 30-A MRSA §936, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is repealed.

Sec. 3. 30-A MRSA §938 is enacted to read:

§938. Bond issue referendum election; conduct; public hearings

Except as otherwise provided in sections 122, 934 and 937, the method of voting and the conduct of a county bond referendum election are governed by Title 21-A.

1. County commissioners, administrators; perform duties of Secretary of State. When Title 21-A applies to a county bond referendum election, the county commissioners or county administrators shall perform the duties of the Secretary of State prescribed by Title 21-A.

2. Public hearings. Prior to each county bond referendum election, the county commissioners shall conduct at least one public hearing in each of the county commissioner districts in that county. The public hearing must include a reading of the each bond issue question proposed by the commissioners to be voted upon by the county.

3. Statewide election. A county bond referendum election may only be conducted during a statewide election.

4. Result filed with the Secretary of State. The result of a county bond referendum election must be declared by the county commissioners or county administrators and due certificate filed with the Secretary of State.'

Further amend the bill by inserting at the end before the summary the following:

'FISCAL NOTE

This bill requires county commissioners or county administrators to conduct a county bond referendum election and public hearings. The additional local costs to conduct a county bond referendum election and public hearings can not be determined at this time. Pursuant to the Mandate Preamble, the two-thirds vote of all members elected to each House exempts the State from the constitutional requirement to fund 90% of the additional local costs.'

SUMMARY

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This amendment is the majority report. It replaces the original bill and repeals the Maine Revised Statutes, Title 30-A, section 936, which requires legislative approval of county bond issue referenda. The amendment directs counties to conduct county bond issue referendum elections according to the provisions of Title 21-A. It also requires that county commissioners hold a public hearing in each county commissioner district prior to a bond issue election. The amendment also makes minor word changes to Title 30-A, section 934. It adds a mandate preamble and a fiscal note to the bill.