

# MAINE STATE LEGISLATURE

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R. S. S.

L.D. 61

DATE: 5/2/01

(Filing No. H-288)

STATE AND LOCAL GOVERNMENT

MINORITY

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
120TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 52, L.D. 61, "RESOLUTION, Proposing an Amendment to the Constitution of Maine to Eliminate the Ability of the Legislature to Pass Legislation Imposing Mandates on Municipalities"

Amend the resolution by striking out the title and substituting the following:

'RESOLUTION, Proposing an Amendment to the Constitution of Maine to Increase from 2/3 to 3/4 the Majority Vote that the Legislature Needs to Pass Legislation Imposing Mandates on Local Units of Government'

Further amend the resolution in section 21 in the 8th to 11th lines (page 1, lines 14 to 17 in L.D.) by striking out the following: "~~Legislation implementing this section or requiring a specific expenditure as an exception to this requirement may be enacted upon the vote of 2/3 of all members elected to each House. This section must be liberally construed.~~" and inserting in its place the following: 'Legislation implementing this section or requiring a specific expenditure as an exception to this requirement may be enacted upon the vote of 2/3 3/4 of all members elected to each House. This section must be liberally construed.'

Further amend the resolution by striking out all of the question (page 1, lines 31 to 34 in L.D.) and inserting in its place the following:

' "Do you favor amending the Constitution of Maine to require the Legislature to increase from 2/3 to 3/4 the majority vote required to pass legislation imposing mandates on municipalities for which no funding is provided?" '

**COMMITTEE AMENDMENT**

2 Further amend the resolution by inserting at the end before  
the summary the following:

4 **FISCAL NOTE**

6 The estimated cost of sending this constitutional amendment  
out to referendum will vary according to the total number of  
8 referenda enacted during the First Regular Session of the 120th  
Legislature to be submitted to the voters in November. The  
10 estimated cost to the Secretary of State if one to 6 referenda  
are enacted is \$121,392. Each additional referendum costs an  
12 additional \$8,000.

14 If approved by the voters, this constitutional amendment may  
affect future legislation that proposes to enact state mandates.  
16 Additional proposals may require funding for 90% of any costs as  
a result of the higher number of votes required to exempt a  
18 proposed state mandate from the funding requirements.'

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**SUMMARY**

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24 This amendment, which is the minority report, proposes to  
amend the original resolution by retaining the current language  
in the Constitution of Maine, Article IX, Section 21 with the  
26 exception of the requirement that a 2/3 majority of the  
Legislature vote to impose mandates on local units of  
28 government. The amendment strikes the 2/3 majority and replaces  
it with a 3/4 majority. The amendment also changes the proposed  
30 referendum question to reflect this change and to refer to local  
units of government instead of municipalities.