

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 61

H.P. 52

House of Representatives, January 9, 2001

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Eliminate the Ability of the Legislature to Pass Legislation Imposing Mandates on Municipalities.

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

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative PERKINS of Penobscot.
Cosponsored by Representatives: BERRY of Belmont, DUGAY of Cherryfield, PINKHAM of Lamoine, Senator: CARPENTER of York.

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

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

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8 **Section 21. State mandates.** For the purpose of more fairly
apportioning the cost of government and providing local property
tax relief, the State may not require a local unit of government
10 to expand or modify that unit's activities so as to necessitate
additional expenditures from local revenues unless the State
12 provides annually 90% of the funding for these expenditures from
State funds not previously appropriated to that local unit of
14 government. ~~Legislation implementing this section or requiring a
specific expenditure as an exception to this requirement may be
16 enacted upon the vote of 2/3 of all members elected to each
House.---This section must be liberally construed.~~

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; and be it further

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22 **Constitutional referendum procedure; form of question; effective
date. Resolved:** That the municipal officers of this State shall
24 notify the inhabitants of their respective cities, towns and
plantations to meet, in the manner prescribed by law for holding
26 a statewide election, at a statewide election, on the Tuesday
following the first Monday of November following the passage of
28 this resolution, to vote upon the ratification of the amendment
proposed in this resolution by voting upon the following question:

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32 "Do you favor amending the Constitution of Maine to
eliminate the ability of the Legislature, by 2/3 majority,
to pass legislation imposing mandates on municipalities for
34 which no funding is provided?"

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

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Secretary of State shall prepare ballots. Resolved: That the
Secretary of State shall prepare and furnish to each city,

2 town and plantation all ballots, returns and copies of this
resolution necessary to carry out the purpose of this referendum.

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SUMMARY

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This resolution eliminates the ability of the Legislature,
by 2/3 majority, to pass legislation imposing mandates on
municipalities for which no funding is provided.

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