

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

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Legislative Document

No. 1459

H.P. 1029

House of Representatives, March 16, 2007

An Act Concerning Spending Caps

Reference to the Committee on Taxation suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative FLOOD of Winthrop.
Cosponsored by Senators: MILLS of Somerset, PLOWMAN of Penobscot, Senator
SHERMAN of Aroostook and Representatives: COTTA of China, CURTIS of Madison,
GILES of Belfast, MAREAN of Hollis.

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

2 **Sec. 1. 5 MRSA §1534, sub-§3, ¶B,** as enacted by PL 2005, c. 2, Pt. A, §5 and
3 affected by §14, is amended to read:

4 B. The appropriation limitation in subsection 1 may be exceeded only by a 2/3 vote
5 of both Houses of the Legislature in a separate measure that identifies the
6 extraordinary circumstance and the intent of the Legislature to exceed the
7 appropriation limitation.

8 **Sec. 2. 5 MRSA §1534, sub-§4,** as enacted by PL 2005, c. 2, Pt. A, §5 and
9 affected by §14, is amended to read:

10 **4. Increase in appropriation limitation.** The appropriation limitation established in
11 subsection 1 may be increased for other purposes only by a 2/3 vote of both Houses of the
12 Legislature in a separate measure that identifies the intent of the Legislature to exceed the
13 appropriation limitation.

14 **Sec. 3. 20-A MRSA §15671-A, sub-§3,** as amended by PL 2005, c. 2, Pt. D, §35
15 and affected by §§72 and 74 and affected by c. 12, Pt. WW, §18, is further amended to
16 read:

17 **3. Exceeding maximum local cost share expectations; separate article.**
18 Beginning with the 2005-2006 school budget, the legislative body of a school
19 administrative unit may adopt an additional local appropriation that exceeds the local cost
20 share expectation established by section 15688, subsection 3-A, paragraph A only if that
21 action is approved in a separate article by a 2/3 vote of the school administrative unit's
22 legislative body through the same process that the school budget is approved in that
23 school administrative unit and in accordance with section 15690. If that additional
24 appropriation causes the school administrative unit to exceed the maximum state and
25 local spending target described in subsection 4, the requirements of subsection 5 apply.

26 **Sec. 4. 20-A MRSA §15671-A, sub-§5, ¶B,** as amended by PL 2005, c. 12, Pt.
27 WW, §3 and affected by §18, is further amended to read:

28 B. In a municipality where the responsibility for final adoption of the school budget
29 is vested by the municipal charter in a council, this paragraph applies, except that the
30 petition and referendum provisions apply only if the municipal charter does not
31 otherwise provide for or prohibit a petition and referendum process with respect to
32 the matters described in this paragraph.

33 (1) ~~A majority~~ Two thirds of the entire membership of the school board or
34 committee must approve the additional amount in a regular budget meeting.

35 (2) An article approving the additional amount must conform to the
36 requirements of section 15690, subsection 3, paragraph B and be approved by a
37 ~~majority~~ 2/3 of the entire membership of the council in a vote taken in
38 accordance with section 15690, subsection 5 or, if the council votes not to
39 approve the article, by a majority of voters voting in a referendum called pursuant
40 to subparagraph (4).

1 (3) If an article is approved by the council pursuant to subparagraph (2), the
2 voters may petition for a referendum vote on the same article in accordance with
3 subparagraph (4). If a petition is filed in accordance with subparagraph (4), the
4 vote of the council is suspended pending the outcome of the referendum vote.
5 Upon approval of the article by a majority of the voters voting in that
6 referendum, the article takes effect. If the article is not approved by a majority of
7 the voters voting in that referendum, the article does not take effect. Subsequent
8 to the vote, the school committee or board may again propose an additional
9 amount, subject to the requirements of this section.

10 (4) If a written petition, signed by at least 10% of the number of voters voting in
11 the last gubernatorial election in the municipality, requesting a vote on the
12 additional amount is submitted to the municipal officers within 30 days of the
13 council's vote pursuant to subparagraph (2), the article voted on by the council
14 must be submitted to the legal voters in the next regular election or a special
15 election called for the purpose. The election must be held within 45 days of the
16 submission of the petition. The election must be called, advertised and conducted
17 according to the law relating to municipal elections, except that the registrar of
18 voters is not required to prepare or the clerk to post a new list of voters and
19 absentee ballots must be prepared and made available at least 14 days prior to the
20 date of the referendum. For the purpose of registration of voters, the registrar of
21 voters must be in session the secular day preceding the election. The voters shall
22 indicate by a cross or check mark placed against the word "Yes" or "No" their
23 opinion on the article. The results must be declared by the municipal officers and
24 entered upon the municipal records.

25 **Sec. 5. 30-A MRSA §706-A, sub-§7**, as affected by PL 2005, c. 2, Pt. B, §4 and
26 amended by c. 12, Pt. WW, §10 and affected by §§13 and 14, is further amended to read:

27 **7. Process for exceeding county assessment limit.** A county may exceed or
28 increase the county assessment limit only if approved by a vote of ~~a majority~~ 2/3 of all
29 the members of both the county budget committee or county budget advisory committee
30 and the county commissioners.

31 Unless a county charter otherwise provides or prohibits a petition and referendum
32 process, if a written petition, signed by at least 10% of the number of voters voting in the
33 last gubernatorial election in the county, requesting a vote on the question of exceeding
34 the county assessment limit is submitted to the county commissioners within 30 days of
35 the commissioners' vote pursuant to this subsection, the article voted on by the
36 commissioners must be submitted to the legal voters in the next regular election or a
37 special election called for that purpose. The election must be held within 45 days of the
38 submission of the petition. The election must be called, advertised and conducted
39 according to the law relating to municipal elections, except that the registrar of voters is
40 not required to prepare or the clerk to post a new list of voters, the filing requirement
41 contained in section 2528 does not apply and absentee ballots must be prepared and made
42 available at least 14 days prior to the date of the referendum. For the purpose of
43 registration of voters, the registrar of voters must be in session the secular day preceding
44 the election. The voters shall indicate by a cross or check mark placed against the word

1 "Yes" or "No" their opinion on the article. The results must be declared by the county
2 commissioners and entered upon the county records.

3 **Sec. 6. 30-A MRSA §5721-A, sub-§7**, as affected by PL 2005, c. 2, Pt. C, §5 and
4 amended by c. 12, Pt. WW, §12 and affected by §§15 and 16, is further amended to read:

5 **7. Process for exceeding property tax levy limit.** A municipality may exceed or
6 increase the property tax levy limit only by the following means.

7 A. If the municipal budget is adopted by town meeting or by referendum, the
8 property tax levy limit may be exceeded by the same process that applies to adoption
9 of the municipal budget except that the vote to exceed the property tax levy limit
10 must be approved by 2/3 of the voters and must be by written ballot on a separate
11 article that specifically identifies the intent to exceed the property tax levy limit.

12 B. If the municipal budget is adopted by a town council or city council, the property
13 tax levy limit may be exceeded only by a ~~majority~~ 2/3 vote of all the elected members
14 of the town council or city council on a separate article that specifically identifies the
15 intent to exceed the property tax levy limit. Unless a municipal charter otherwise
16 provides or prohibits a petition and referendum process, if a written petition, signed
17 by at least 10% of the number of voters voting in the last gubernatorial election in the
18 municipality, requesting a vote on the question of exceeding the property tax levy
19 limit is submitted to the municipal officers within 30 days of the council's vote
20 pursuant to this paragraph, the article voted on by the council must be submitted to
21 the legal voters in the next regular election or a special election called for that
22 purpose. The election must be held within 45 days of the submission of the petition.
23 The election must be called, advertised and conducted according to the law relating to
24 municipal elections, except that the registrar of voters is not required to prepare or the
25 clerk to post a new list of voters and absentee ballots must be prepared and made
26 available at least 14 days prior to the date of the referendum. For the purpose of
27 registration of voters, the registrar of voters must be in session the secular day
28 preceding the election. The voters shall indicate by a cross or check mark placed
29 against the word "Yes" or "No" their opinion on the article. The results must be
30 declared by the municipal officers and entered upon the municipal records.

31

SUMMARY

32 This bill provides that the spending caps set in Public Law 2005, chapter 2 may be
33 exceeded only by a 2/3 vote. Current law provides that these caps may be exceeded by a
34 majority vote.