

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

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Legislative Document

No. 1618

S.P. 562

March 21, 2007

An Act To Seek Direct Voter Approval To Exceed Government Spending Limits

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

A handwritten signature in cursive script, reading "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator ROSEN of Hancock.

Cosponsored by Senators: COURTNEY of York, MILLS of Somerset, NASS of York, PERRY of Penobscot, RAYE of Washington, Representatives: PERCY of Phippsburg, WATSON of Bath.

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

2 **Sec. 1. 20-A MRSA §15671-A, sub-§3**, as amended by PL 2005, c. 2, Pt. D, §35
3 and affected by §§72 and 74 and affected by c. 12, Pt. WW, §18, is further amended to
4 read:

5 **3. Exceeding maximum local cost share expectations; separate article.**
6 Beginning with the 2005-2006 school budget, the legislative body of a school
7 administrative unit may adopt an additional local appropriation that exceeds the local cost
8 share expectation established by section 15688, subsection 3-A, paragraph A only if that
9 action is approved in a separate article by a vote of the school administrative unit's
10 legislative body through the same process ~~that by which~~ the school budget is approved in
11 that school administrative unit and in accordance with section 15690 and that action is
12 approved by the voters at a referendum. If that additional appropriation causes the school
13 administrative unit to exceed the maximum state and local spending target described in
14 subsection 4, the requirements of subsection 5 apply.

15 **Sec. 2. 20-A MRSA §15671-A, sub-§5, ¶B**, as amended by PL 2005, c. 12, Pt.
16 WW, §3 and affected by §18, is further amended to read:

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

22 (1) A majority of the entire membership of the school board or committee must
23 approve the additional amount in a regular budget meeting.

24 (2) An article approving the additional amount must conform to the
25 requirements of section 15690, subsection 3, paragraph B and be approved by a
26 majority of the entire membership of the council in a vote taken in accordance
27 with section 15690, subsection 5 ~~or, if the council votes not to approve the~~
28 ~~article, and~~ by a majority of voters voting in a referendum ~~called pursuant to~~
29 ~~subparagraph (4).~~

30 (3) ~~If an article is approved by the council pursuant to subparagraph (2), the~~
31 ~~voters may petition for a referendum vote on the same article in accordance with~~
32 ~~subparagraph (4). If a petition is filed in accordance with subparagraph (4), the~~
33 ~~vote of the council is suspended pending the outcome of the referendum vote.~~
34 ~~Upon approval of the article by a majority of the voters voting in that~~
35 ~~referendum, the article takes effect. If the article is not approved by a majority of~~
36 ~~the voters voting in that referendum, the article does not take effect. Subsequent~~
37 ~~to the vote, the school committee or board may again propose an additional~~
38 ~~amount, subject to the requirements of this section.~~

39 (4) ~~If a written petition, signed by at least 10% of the number of voters voting in~~
40 ~~the last gubernatorial election in the municipality, requesting a vote on the~~
41 ~~additional amount is submitted to the municipal officers within 30 days of the~~
42 ~~council's vote pursuant to subparagraph (2), the article voted on by the council~~

1 must be submitted to the legal voters in the next regular election or a special
2 election called for the purpose. The election must be held within 45 days of the
3 submission of the petition. The election must be called, advertised and conducted
4 according to the law relating to municipal elections, except that the registrar of
5 voters is not required to prepare or the clerk to post a new list of voters and
6 absentee ballots must be prepared and made available at least 14 days prior to the
7 date of the referendum. For the purpose of registration of voters, the registrar of
8 voters must be in session the secular day preceding the election. The voters shall
9 indicate by a cross or check mark placed against the word "Yes" or "No" their
10 opinion on the article. The results must be declared by the municipal officers and
11 entered upon the municipal records.

12 **Sec. 3. 30-A MRSA §706-A, sub-§7**, as affected by PL 2005, c. 2, Pt. B, §4 and
13 amended by c. 12, Pt. WW, §10 and affected by §§13 and 14, is further amended to read:

14 **7. Process for exceeding county assessment limit.** A county may exceed or
15 increase the county assessment limit only if approved by a vote of a majority of all the
16 members of both the county budget committee or county budget advisory committee and
17 the county commissioners and if approved by the voters at a referendum.

18 ~~Unless a county charter otherwise provides or prohibits a petition and referendum~~
19 ~~process, if a written petition, signed by at least 10% of the number of voters voting in the~~
20 ~~last gubernatorial election in the county, requesting a vote on the question of exceeding~~
21 ~~the county assessment limit is submitted to the county commissioners within 30 days of~~
22 ~~the commissioners' vote pursuant to this subsection, the article voted on by the~~
23 ~~commissioners must be submitted to the legal voters in the next regular election or a~~
24 ~~special election called for that purpose. The election must be held within 45 days of the~~
25 ~~submission of the petition. The election must be called, advertised and conducted~~
26 ~~according to the law relating to municipal elections, except that the registrar of voters is~~
27 ~~not required to prepare or the clerk to post a new list of voters, the filing requirement~~
28 ~~contained in section 2528 does not apply and absentee ballots must be prepared and made~~
29 ~~available at least 14 days prior to the date of the referendum. For the purpose of~~
30 ~~registration of voters, the registrar of voters must be in session the secular day preceding~~
31 ~~the election. The voters shall indicate by a cross or check mark placed against the word~~
32 ~~"Yes" or "No" their opinion on the article. The results must be declared by the county~~
33 ~~commissioners and entered upon the county records.~~

34 **Sec. 4. 30-A MRSA §5721-A, sub-§7, ¶B**, as affected by PL 2005, c. 2, Pt. C,
35 §5 and amended by c. 12, Pt. WW, §12 and affected by §§15 and 16, is further amended
36 to read:

37 B. If the municipal budget is adopted by a town council or city council, the property
38 tax levy limit may be exceeded only if approved by a majority vote of all the elected
39 members of the town council or city council on a separate article that specifically
40 identifies the intent to exceed the property tax levy limit and approved by the voters
41 at a referendum. ~~Unless a municipal charter otherwise provides or prohibits a~~
42 ~~petition and referendum process, if a written petition, signed by at least 10% of the~~
43 ~~number of voters voting in the last gubernatorial election in the municipality,~~
44 ~~requesting a vote on the question of exceeding the property tax levy limit is submitted~~

1 to the municipal officers within 30 days of the council's vote pursuant to this
2 paragraph, the article voted on by the council must be submitted to the legal voters in
3 the next regular election or a special election called for that purpose. The election
4 must be held within 45 days of the submission of the petition. The election must be
5 called, advertised and conducted according to the law relating to municipal elections,
6 except that the registrar of voters is not required to prepare or the clerk to post a new
7 list of voters and absentee ballots must be prepared and made available at least 14
8 days prior to the date of the referendum. For the purpose of registration of voters, the
9 registrar of voters must be in session the secular day preceding the election. The
10 voters shall indicate by a cross or check mark placed against the word "Yes" or "No"
11 their opinion on the article. The results must be declared by the municipal officers
12 and entered upon the municipal records.

13 SUMMARY

14 This bill provides that the spending caps set in Public Law 2005, chapter 2 on school
15 administrative units, counties and municipalities may be exceeded only if approved by
16 the voters at a referendum.