

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

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Legislative Document

No. 1776

S.P. 627

March 28, 2007

**An Act To Strengthen Budget Caps for Counties, Municipalities and
School Districts**

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator COURTNEY of York.

Cosponsored by Representative SAMSON of Auburn and Senators: McCORMICK of Kennebec, NASS of York, PERRY of Penobscot, SCHNEIDER of Penobscot, SULLIVAN of York, Representatives: BEAUDETTE of Biddeford, CONNOR of Kennebunk, LANSLEY of Sabattus.

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

2 **Sec. 1. 20-A MRSA §15671-A, sub-§5, ¶A**, as enacted by PL 2005, c. 2, Pt. D,
3 §35 and affected by §§72 and 74 and c. 12, Pt. WW, §18, is amended to read:

4 A. The article approving the additional amount must conform to the requirements
5 of section 15690, subsection 3, paragraph B. Notwithstanding section 1304,
6 subsection 6; section 1701, subsection 7; Title 30-A, section 2528, subsection 5; ; or
7 any other provision of law, municipal charter provision or ordinance, voter approval
8 of the article, ~~whether in town meeting, district meeting or other voting process~~
9 ~~established by law, municipal charter or ordinance, including, but not limited to, any~~
10 ~~vote on the article initiated by voter petition,~~ must be by referendum or written ballot
11 conducted pursuant to paragraph B, subparagraph (6).

12 **Sec. 2. 20-A MRSA §15671-A, sub-§5, ¶B**, as amended by PL 2005, c. 12, Pt.
13 WW, §3 and affected by §18, is repealed and the following enacted in its place:

14 B. In a municipality where the responsibility for final adoption of the school budget
15 is vested by the municipal charter in a council, this paragraph applies,
16 notwithstanding any provision of the municipal charter that prohibits a petition and
17 referendum process with respect to the matters described in this paragraph.

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

20 (2) An article approving the additional amount must conform to the requirements
21 of section 15690, subsection 3, paragraph B and be approved by a majority of the
22 entire membership of the council in a vote taken in accordance with section
23 15690, subsection 5.

24 (3) If the council votes to approve the article, the article must be submitted to the
25 legal voters in a referendum held pursuant to subparagraph (6) at the next regular
26 election or a special election called for that purpose, but not later than 45 days
27 after the council's vote.

28 (4) If the council votes not to approve the article, voters may petition for a
29 referendum vote on the same article in accordance with subparagraph (5). If a
30 petition is filed in accordance with subparagraph (5), the vote of the council is
31 suspended pending the outcome of the referendum vote.

32 (5) If a written petition, signed by at least 10% of the number of voters voting in
33 the last gubernatorial election in the municipality, requesting a vote on the
34 additional amount is submitted to the municipal officers within 30 days of the
35 council's vote pursuant to subparagraph (4), the article voted on by the council
36 must be submitted to the legal voters of the municipality at the next regular
37 election or at a special election called for the purpose but not later than 45 days
38 after the submission of the petition.

39 (6) The referendum must be called, advertised and conducted according to the
40 law relating to municipal elections, except that the registrar of voters is not
41 required to prepare or the clerk to post a new list of voters and absentee ballots

1 must be prepared and made available at least 14 days prior to the date of the
2 referendum. For the purpose of registration of voters, the registrar of voters must
3 be in session the secular day preceding the election. The voters shall indicate by
4 a cross or check mark placed against the word "Yes" or "No" their opinion on the
5 article. The results must be declared by the municipal officers and entered upon
6 the municipal records.

7 (7) Upon approval of the article by a majority of the voters voting in that
8 referendum, the article takes effect. If the article is not approved by a majority of
9 the voters voting in that referendum, the article does not take effect. Subsequent
10 to the vote, the school committee or board may again propose an additional
11 amount, subject to the requirements of this section.

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 repealed and the
14 following enacted in its place:

15 **7. Process for exceeding county assessment limit.** A county may exceed or
16 increase the county assessment limit only if approved by a vote of a majority of:

17 A. The members of the county budget committee or county budget advisory
18 committee;

19 B. The county commissioners; and

20 C. Notwithstanding any county charter provision to the contrary, the legal voters in
21 that county voting in a referendum called for that purpose. The article voted on by
22 the commissioners must be submitted to the legal voters in the next regular election
23 or a special election called for that purpose. The election must be called, advertised
24 and conducted according to the law relating to municipal elections, except that the
25 registrar of voters is not required to prepare or the clerk to post a new list of voters,
26 the filing requirement contained in section 2528 does not apply and absentee ballots
27 must be prepared and made available at least 14 days prior to the date of the
28 referendum. For the purpose of registration of voters, the registrar of voters must be
29 in session the secular day preceding the election. The voters shall indicate by a cross
30 or check mark placed against the word "Yes" or "No" their opinion on the article.
31 The results must be declared by the county commissioners and entered upon the
32 county records.

33 **Sec. 4. 30-A MRSA §5721-A, sub-§7**, as affected by PL 2005, c. 2, Pt. C, §5 and
34 amended by c. 12, Pt. WW, §12 and affected by §§15 and 16, is repealed and the
35 following enacted in its place:

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

38 A. If the municipal budget is adopted by town meeting or by referendum, then,
39 notwithstanding any provision of the municipality's charter to the contrary, the
40 property tax levy limit may be exceeded only by a referendum of the legal voters of
41 that municipality held pursuant to paragraph B, subparagraph (2).

1 B. If the municipal budget is adopted by a town council or city council, the property
2 tax levy limit may be exceeded only by a majority vote of:

3 (1) The elected members of the town council or city council on a separate article
4 that specifically identifies the intent to exceed the property tax levy limit; and

5 (2) Notwithstanding any provision of the municipal charter to the contrary, the
6 legal voters of that municipality voting in a referendum on the question of
7 exceeding the property tax levy limit. The article voted on by the council must
8 be submitted to the legal voters in the next regular election or a special election
9 called for that purpose. The election must be called, advertised and conducted
10 according to the law relating to municipal elections, except that the registrar of
11 voters is not required to prepare or the clerk to post a new list of voters and
12 absentee ballots must be prepared and made available at least 14 days prior to the
13 date of the referendum. For the purpose of registration of voters, the registrar of
14 voters must be in session the secular day preceding the election. The voters shall
15 indicate by a cross or check mark placed against the word "Yes" or "No" their
16 opinion on the article. The results must be declared by the municipal officers and
17 entered upon the municipal records.

18 **SUMMARY**

19 Under Public Law 2005, chapter 2, the so-called "L.D. 1," a county, municipality or
20 school administrative unit in a municipality may exceed the maximum state and local
21 spending targets if a majority of the legislative body responsible for the budget votes
22 specifically to exceed the spending limits.

23 This bill requires the final vote on whether to exceed the spending limits at the
24 county, municipal or school unit level to be sent to a referendum of the voters in that
25 county, municipality or school unit, respectively.