MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 1804

H.P. 1259

House of Representatives, March 30, 2007

An Act To Permit Greater Voter Participation Regarding Municipal **Expenditures**

(AFTER DEADLINE)

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

Millient M. Mag Failand MILLICENT M. MacFARLAND

Clerk

Presented by Representative BABBIDGE of Kennebunk. Cosponsored by Senator SULLIVAN of York and

Representatives: CASAVANT of Biddeford, CONNOR of Kennebunk.

- 1 Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and 2 3 Whereas, municipalities are in the process of developing their budgets for the next 4 fiscal year; and 5 Whereas, this proposal affects the municipal budget process; and 6 Whereas, in the judgment of the Legislature, these facts create an emergency within 7 the meaning of the Constitution of Maine and require the following legislation as 8 immediately necessary for the preservation of the public peace, health and safety; now, therefore, 10 Be it enacted by the People of the State of Maine as follows: 11 Sec. 1. 30-A MRSA §5721-A, sub-§7, ¶A, as enacted by PL 2005, c. 2, Pt. C. 12 §1 and affected by §§3 and 5 and affected by c. 12, Pt. WW, §16, is repealed and the 13 following enacted in its place: 14 A. If the municipal budget is adopted by town meeting or by referendum, then, notwithstanding any provision of the municipality's charter to the contrary, a 15 16 majority of the municipal officers may vote to submit the question of exceeding the property tax levy limit to a referendum of the legal voters. The article may be 17 18 submitted to the legal voters in the next regular election or a special election called 19 for that purpose. The election must be called, advertised and conducted according to 20 the law relating to municipal elections, except that the registrar of voters is not 21 required to prepare nor the clerk to post a new list of voters and absentee ballots must be prepared and made available at least 14 days prior to the date of the referendum. 22 23 For the purpose of registration of voters, the registrar of voters must be in session the secular day preceding the election. The voters shall indicate by a cross or check mark 24 25 placed against the word "Yes" or "No" their opinion on the article. The results must be declared by the municipal officers and entered upon the municipal records. 26 2.7 If the question of exceeding the property tax levy limit is not submitted to a 28 referendum, the vote of the town meeting must be by written ballot on a separate 29 article that specifically identifies the intent to exceed the property tax levy limit. 30 Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved. 31 32 **SUMMARY** Under Public Law 2005, chapter 2, the so-called "L.D. 1," a municipality that adopts 33 34 its budget through a town meeting may exceed the maximum spending targets imposed pursuant to L.D. 1 by the same process as long as it is done by written ballot. 35 This bill allows the municipal officers of a municipality that allows the spending 36
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targets to be exceeded by a vote at a town meeting to submit the question of exceeding

the property tax levy limit to a referendum of the legal voters in that municipality.

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