

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

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

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** municipalities are in the process of developing their budgets for the next fiscal year; and

**Whereas,** this proposal affects the municipal budget process; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 30-A MRSA §5721-A, sub-§7, ¶A,** as enacted by PL 2005, c. 2, Pt. C, §1 and affected by §§3 and 5 and affected by c. 12, Pt. WW, §16, is repealed and the following enacted in its place:

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 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 submitted to the legal voters in the next regular election or a special election called for that purpose. The election must be called, advertised and conducted according to the law relating to municipal elections, except that the registrar of voters is not 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. 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 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.

If the question of exceeding the property tax levy limit is not submitted to a referendum, the vote of the town meeting must be by written ballot on a separate article that specifically identifies the intent to exceed the property tax levy limit.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

### **SUMMARY**

Under Public Law 2005, chapter 2, the so-called "L.D. 1," a municipality that adopts 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.

This bill allows the municipal officers of a municipality that allows the spending 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.