

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

77  
1008

L.D. 1369

DATE: 5/5/5

(Filing No. H-260)

**APPROPRIATIONS AND FINANCIAL AFFAIRS**

Reproduced and distributed under the direction of the Clerk of the House.

**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
122ND LEGISLATURE  
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT "A" to H.P. 955, L.D. 1369, "Resolve, Directing the Department of Administrative and Financial Services, Bureau of the Budget To Review Unfunded Mandates"

Amend the resolve by striking out the title and substituting the following:

**'Resolve, Directing the Executive Department, State Planning Office To Review Unfunded Mandates'**

Further amend the resolve by striking out everything after the title and before the summary and inserting in its place the following:

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

**Whereas, this resolve directs the Executive Department, State Planning Office to review certain unfunded mandates; and**

**Whereas, the review must be initiated before the 90-day period expires in order that the review may be completed and a report submitted in time for submission to the next legislative session; 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**

**COMMITTEE AMENDMENT**

**Sec. 1. State Planning Office to conduct review. Resolved:** That the Executive Department, State Planning Office shall conduct a review of unfunded state mandates that pertain to municipalities and shall identify those unfunded state mandates that were enacted prior to November 23, 1992, the effective date of the Constitution of Maine, Article IX, Section 21, which limits the imposition of unfunded state mandates. In conducting its review, the State Planning Office shall:

1. Prepare a comprehensive listing of the state mandates placed on municipalities that are considered by the affected units of government to be deserving of analysis and review;

2. Identify for each listed mandate the precise legal origin of the mandate, whether state law or rule, a combination of both or any other originating authority. The State Planning Office shall also provide notice and analysis of federal mandates that contribute to or conflict with specific state mandates on municipalities;

3. Identify the statewide local government costs of each listed mandate within the limits of practicability; and

4. Identify the characteristics of each listed mandate that cause the affected units of government to believe the mandate is deserving of review. Identified characteristics may include, but are not limited to, the following:

- A. Archaic or unnecessary features or features lacking significant public purpose;
- B. Inadequate funding;
- C. Disproportionate efforts for the public policy benefit;
- D. Coordination between federal law and regulation and state law and rule;
- E. Subjection to excessive administrative oversight; and
- F. An insufficient structure to predict, measure or control local costs; and be it further

**Sec. 2. Participation of other entities. Resolved:** That the Executive Department, State Planning Office, in the conduct of its duties, may seek information from all related state agencies, statewide or regional associations representing municipalities and statewide associations representing the beneficiaries or interests that may be affected by the repeal,

modification, redesign, enhanced coordination or delayed implementation of the mandates; and be it further

**Sec. 3. Report. Resolved:** That, no later than November 2, 2005, the Executive Department, State Planning Office shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the Joint Standing Committee on State and Local Government and the Legislative Council. In its proposed implementing legislation, the State Planning Office may include proposals to repeal, modify, redesign, effectively coordinate or delay the implementation of any of the listed mandates, as may be appropriate. The State Planning Office is not authorized to introduce legislation. Following receipt and review of the report, the Joint Standing Committee on State and Local Government may report out a bill to the Second Regular Session of the 122nd Legislature.

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

#### SUMMARY

This amendment changes the agency responsible for the review of unfunded state mandates from the Department of Administrative and Financial Services, Bureau of the Budget to the Executive Department, State Planning Office. In addition, the amendment restricts the review to unfunded state mandates that pertain to municipalities.

**FISCAL NOTE REQUIRED**  
(See attached)



Approved: 04/26/05 *MAC*

# 122nd MAINE LEGISLATURE

LD 1369

LR 0453(02)

**Resolve, Directing the Department of Administrative and Financial Services, Bureau of the Budget To  
Review Unfunded Mandates**

**Fiscal Note for Bill as Amended by Committee Amendment "A"**

**Committee: Appropriations and Financial Affairs**

**Fiscal Note Required: Yes**

---

## Fiscal Note

Minor cost increase - General Fund

### Fiscal Detail and Notes

The additional costs associated with conducting a comprehensive review of unfunded state mandates can be absorbed by the State Planning Office within the Executive Department utilizing existing budgeted resources.