

# MAINE STATE LEGISLATURE

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# 122nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2005

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Legislative Document

No. 1369

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H.P. 955

House of Representatives, March 17, 2005

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

(EMERGENCY)

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Reference to the Committee on Appropriations and Financial Affairs suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative RINES of Wiscasset.

Cosponsored by Representative MILLETT of Waterford, Senator HOBBS of York, Senator ANDREWS of York and Representatives: BLANCHETTE of Bangor, BLISS of South Portland, DUPREY of Hampden, FLETCHER of Winslow, MARLEY of Portland, McCORMICK of West Gardiner, Senators: COWGER of Kennebec, DOW of Lincoln.

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

4  
6           **Whereas,** this resolve directs the Department of  
Administrative and Financial Services, Bureau of the Budget to  
review certain unfunded mandates; and

8  
10           **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  
12 session; and

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

20           **Sec. 1. Department to conduct review. Resolved:** That the  
Department of Administrative and Financial Services, Bureau of  
22 the Budget, referred to in this resolve as "the bureau," shall  
conduct a review of unfunded state mandates pertaining to  
24 municipalities and school systems that were enacted prior to  
November 23, 1992, the effective date of the Constitution of  
26 Maine, Article 9, Section 21, which limits the imposition of  
unfunded state mandates. In conducting its review, the bureau  
28 shall:

30           1. Prepare a comprehensive listing of the state mandates  
placed on municipalities, school administrative units, counties  
32 and quasi-municipal entities that are considered by the affected  
units of government to be deserving of analysis and review;

34           2. Identify for each listed mandate the precise legal  
36 origin of the mandate, whether state law or regulation or a  
combination of both, or any originating authority;

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

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

46           A. Archaic or unnecessary features or features lacking  
48 significant public purpose;

50           B. Inadequate funding;

2 C. Disproportionate efforts for the public policy benefit;

4 D. Coordination solely between federal and state law and regulation;

6 E. Subjection to excessive administrative oversight; and

8 F. An insufficient structure to predict, measure or control local costs; and be it further

10 **Sec. 2. Participation of other entities. Resolved:** That the bureau,  
12 in the conduct of its duties, may seek information from all  
14 related state agencies; statewide or regional associations  
16 representing municipalities, counties, schools and  
18 quasi-municipal associations; and statewide associations  
20 representing the beneficiaries or interests that may be affected  
by the repeal, modification, redesign, enhanced coordination or  
delayed implementation of the mandates under the bureau's  
purview; and be it further

22 **Sec. 3. Report. Resolved:** That, no later than November 2,  
24 2005, the bureau 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  
26 implementing legislation, the bureau may include proposals to  
repeal, modify, redesign, effectively coordinate or delay the  
28 implementation of any of the listed mandates, as may be  
appropriate. The bureau is not authorized to introduce  
30 legislation. Following receipt and review of the report, the  
Joint Standing Committee on State and Local Government may  
32 report out a bill to the Second Regular Session of the 122nd  
Legislature.

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

38 **SUMMARY**

40 This resolve directs the Department of Administrative and  
42 Financial Services, Bureau of the Budget to identify the unfunded  
state mandates placed on local and regional governmental entities  
44 that were enacted prior to November 23, 1992, the effective date  
of the Constitution of Maine, Article 9, Section 21, which limits  
46 the imposition of unfunded state mandates and to recommend  
legislation for reducing the burden of those mandates.