

MAINE STATE LEGISLATURE

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**STATE OF MAINE
116TH LEGISLATURE**

FIRST REGULAR SESSION

**BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
STATE AND LOCAL GOVERNMENT**

JULY 1993

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**ONE HUNDRED AND SIXTEENTH LEGISLATURE
FIRST REGULAR SESSION**

**JOINT STANDING COMMITTEE
BILL SUMMARIES**

JULY 1993

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees and Joint Select Committees of the Maine Legislature. The volume is organized alphabetically by committee; within each committee, the summaries are arranged by LD number. A subject index is provided at the beginning of each committee's summaries.

The committee report or reports, the prime sponsor for each bill and the lead co-sponsor in each house if one has been designated are listed below each bill title. All adopted amendments are listed, by paper number (e.g., H-584 or S-222), together with the sponsor for floor amendments. Final action on each bill is listed to the right of the title. Various types of final action are abbreviated as follows:

<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of enacted Resolve</i>
<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>CARRIED OVER</i>	<i>Bill carried over to Second Session</i>
<i>ONTP</i>	<i>Ought Not to Pass report accepted</i>
<i>ENACTMENT FAILED</i>	<i>Bill failed to get majority vote</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed</i>
<i>FAILED EMERGENCY ENACTMENT</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>DIED BETWEEN BODIES</i>	<i>House & Senate disagree; bill died</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference formed but unable to agree</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>
<i>UNSIGNED</i>	<i>Not signed by Governor within 10 days</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>

These summaries were prepared by the analyst or analysts assigned to the committee. But, this document was produced by the efforts of all the office staff, including secretaries: Charlene Raymond and Valarie Parlin.

If you have any suggestions or comments on these summaries, please let us know.

4693NRG

An Act to Implement the Constitutional Requirement for State Funding of Mandates Imposed on Local Units of Government**SPONSOR(S)**
GRAY**COMMITTEE REPORT**
OTP-AM**AMENDMENTS ADOPTED**
H-530
H-604 CHONKO**SUMMARY**

This bill provides enabling legislation to implement the provisions of the Constitution of Maine, Article IX, Section 21, which prohibits the State from imposing new requirements on local units of government without paying 90% of their cost, except by approval of 2/3 of both houses of the Legislature.

The bill defines some of the terms used in the constitutional amendment; requires that if the Legislature reduces any state aid programs it must also suspend or modify existing mandates to allow similar cost savings at the local level; requires the State to fund mandates through state funding sources, rather than the authorization of local fees or taxes; and requires that if local units of government sell property purchased with funds provided from the State to meet a mandate, the proceeds from the sale must be returned to the State.

The bill makes clear that the funding of mandates must come from state revenues and prohibits funding of mandates by taking funds from existing programs that provide funds to local units of government.

The bill also exempts certain mandates from the requirements of state funding, including activities that result from a court order, that expand the criminal laws, that pertain to salaries and benefits of public employees and that result from a request made by a unit of government, and mandates that impose costs that are below \$100,000 per year so long as a cumulative impact ceiling is not reached.

LD's 885 and 1247 are similar bills.

The committee amendment (H-530) replaces the bill and contains statutory language to implement the Constitution of Maine, Article IX, Section 21.

The amendment defines necessary terms. Local unit of government means: cities, towns, plantations, counties, school units and other local governmental entities that are established under legislative authority to perform a public function and are funded by local revenues and administered by governing bodies that are responsible to the public. A mandate is any law, rule or executive order requiring a local unit of government to modify its actions in a way that primarily affects that unit's performance of its governmental functions and that directly results in new spending from local revenues by that unit of government.

If the State does impose a mandate without the approval of 2/3 of both Houses, it must fund at least 90% of the new local costs. The State may not meet its funding obligations by requiring a local unit of government to use funds previously appropriated to the unit for another purpose or by authorizing new local taxes or fees to be raised. The State may reduce or eliminate existing mandates that result in savings to local units and, in effect, use those savings to provide funding for new mandates. State actions to comply with federal requirements need not be funded by the State, except to the extent that they exceed the federal requirements.

In each fiscal year, a local unit of government must receive the required state funding prior to implementing a mandate or it is not obligated to conform to the mandate. State agencies must develop mandate payment distribution schedules for each mandate they administer. The schedules are designed with local input to periodically pay local units the costs of complying with mandates. A single mandate may have more than one payment schedule for different local units of government or types of units.

