

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1350

H. P. 1083

House of Representatives, March 20, 1979

On Motion of Mr. Connolly of Portland, referred to the Committee on Local and County Government. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mrs. Post of Owl's Head.

Cosponsors: Mr. Wood of Sanford, Mrs. Damren of Belgrade and Mr. Rolde of York.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT to Create a Special Commission on State Mandates Imposed on Local Units.

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

Sec. 1. Named. A special commission of governments, to be named the Special Commission on State Mandates Imposed on Local Units, is constituted to conduct a comprehensive review of all state statutes, rules, policies and programs which mandate programs be undertaken by local units of government, that is, by counties, municipalities and school administrative units.

The commission shall determine:

- 1. Clear policy.** Whether, taken as a whole, these state mandates constitute a clear state policy towards local units of government, or whether that policy is ambiguous or confused;
- 2. Consistent course of action.** Whether, taken as a whole, these state mandates require a consistent course of action from local units of government or whether they require contradictory courses of action;

3. Practicability. Whether compliance with these mandates, considered as a whole, is practicable and convenient for local units of government, or whether compliance is impractical and difficult;

4. Responsiveness to local conditions. Whether or not any or all of these mandates are imposed in a manner responsive to varying local conditions; and

5. Necessity. Whether any or all of these mandates should be required not by the State, but rather by local units of government acting in response to local decisions.

The commission shall, after conducting this review, fashion standards for state imposition of mandates on local units of government, which standards shall ensure that these mandates are clear, consistent with one another, practical, responsive to local conditions, and, above all, necessary.

The commission shall further fashion a statutory mechanism for implementing these standards, and shall make all modifications and repeals of provisions of the Maine Revised Statutes, unallocated public laws, and private and special laws which are necessary to implement this statutory mechanism.

The commission shall employ such counsel as it deems necessary to perform the research and drafting needed to carry out this section.

The commission may hold such public hearings as it deems necessary to carry out this Act and to acquaint the public with its research, findings and recommendations.

The commission shall report its research, findings and recommendations, including complete and final drafts of any recommended legislation, to the Legislature no later than January 15, 1981.

Sec. 2. Membership. The membership of the commission shall consist of 22 persons. The Governor shall appoint 3 members who shall represent state agencies dealing with municipalities, and 7 members who shall represent municipalities and who the Governor shall choose from a list furnished him by the Maine Municipal Association. The President of the Senate and the Speaker of the House of Representatives shall jointly appoint 8 members, who shall represent local units of government; the President of the Senate shall appoint 2 members who are State Senators, and the Speaker of the House shall appoint 2 members who are Members of the House of Representatives. A vacancy occurring in any membership shall be filled in the same manner as the original appointment. Members shall be appointed to serve the lifetime of the commission.

Sec. 3. Contractual services and assistance. The commission may hire on a contractual basis, and within the limits of available funds, such staff as it deems necessary to carry out this Act.

The Commissioner of Finance and Administration shall, from within the staff and funding available to him, supply the commission with all reasonable secretarial and staff assistance and clerical supplies which are required by the commission to carry out this Act.

Sec. 4. Other funding. The commission is authorized to apply for, accept and expend to carry out this Act, all federal and private funds which may be available to it.

Sec. 5. Appropriation. The following funds shall be appropriated from the General Fund to carry out the purposes of this Act.

1979-80

COMMISSION ON STATE MANDATED LOCAL
POLICY

All Other

\$20,000

The funds appropriated by this Act shall not lapse on June 30, 1980, but shall be carried forward from year to year to carry out the purposes of this Act.

STATEMENT OF FACT

This bill establishes a study commission to conduct a comprehensive review of all state statutes, rules, policies and programs which require local units of government to undertake specific programs. The commission will review these programs to find out if, taken as a whole, they set forth a clear policy, require a consistent course of action, are simple to comply with, are applied to take into account local situations and are necessary.

After this review, the commission will fashion standards for state imposition of mandates on local government and shall present legislation to the Legislature to embody those recommendations.