

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 1499

H. P. 1285

House of Representatives, March 27, 1981

On Motion of Representative LaPlante of Sabattus, referred to the Committee on Local and County Government. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative McHenry of Madawaska.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

AN ACT to Require Certain State Mandated Programs be Funded by the Municipality Involved.

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

5 MRSA § 1512 is enacted to read:

§ 1512. State mandates; reimbursement

1. **Definitions.** As used in this section, unless the context indicates otherwise, the following terms have the following meanings.

A. "Benefit" means to receive the advantage of a net improvement in condition; and

B. "Local unit" means any municipality, school administrative unit or county.

2. **Determination.** When a proposed statutory measure mandates a new obligation, requirement or program on local units, the joint standing committee to whom the measure is referred and the Legislative Finance Office shall determine what percentage of local units affected in the State will benefit by the measure.

A. If the measure would benefit more than 50% of the local units affected, no state funds may be used to implement the measure.

B. If the measure would benefit 50% or less of the local units affected, the Legislature shall appropriate an amount sufficient to reimburse all local units affected for 100% of the additional cost resulting from implementation of the measure.

STATEMENT OF FACT

This bill creates a system for determining when so-called state mandated programs should be essentially financed by the Legislature. Frequently, although a measure may be mandated in the sense that it is imposed on local government by the State, the measure is supported by municipalities and agencies representing municipalities because some municipalities would be actually benefited by the measure. This bill establishes that if a measure would benefit more than 50% of the local units affected, the State will provide no funding. If the measure would benefit 50% or less of the local units affected, the State would provide 100% reimbursement to local units affected but not benefiting.