

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 498

H.P. 377 House of Representatives, February 23, 1987
Reference to the Committee on State and Local Government
suggested and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative ROTONDI of Athens.

Cosponsored by Representatives HOGLUND of Portland, RAND
of Portland and Senator BUSTIN of Kennebec.

STATE OF MAINE

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

1 AN ACT to Require Reimbursement to the
2 Counties When County Funds are
3 Expended.
4

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

7 30 MRSA ç. 15 is enacted to read:

8 CHAPTER 15

9 PROHIBITION OF STATE MANDATES

10 §1871. Prohibition of state mandates

11 The State may not repeal, amend or enact any law
12 or rule which would impose a new or expanded require-
13 ment on any county if that requirement would cause an

1 expenditure by any county, unless sufficient funds
2 are appropriated to cover the anticipated expenditure
3 by all counties and unless all counties are reim-
4 bursed for any costs above the appropriated amounts.

5 §1872. Enforcement

6 Any rule which is adopted, repealed or amended in
7 violation of this chapter shall be void. The deter-
8 mination of whether any rule is in violation of this
9 chapter shall be made during any rule-making proceed-
10 ing pursuant to Title 5, chapter 375, subchapter II.

11 Any Act of the Legislature repealing, amending or
12 enacting any law shall be void if it is in violation
13 of this chapter, unless that Act clearly states with-
14 out ambiguity that this chapter does not apply to the
15 Act. Any county aggrieved by an Act which is in vio-
16 lation of this chapter may commence an action for de-
17 claratory judgment in the Superior Court, pursuant to
18 Title 14, section 5951, for a determination of wheth-
19 er or not the Act is in violation of this chapter
20 and, if so found, the court shall declare the Act
21 void.

22 The State Controller shall generally administer
23 this chapter and make all necessary determinations.

24 STATEMENT OF FACT

25 This bill prohibits future state actions that
26 would increase county expenditures. The State is
27 prevented from requiring counties to finance from
28 their existing revenue base any new or expanded pro-
29 gram or function.

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