

MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 2090

H.P. 1536 House of Representatives, January 19, 1988
Reported by Representative CARROLL from the Committee on
State and Local Government. Sent up for concurrence and
ordered printed. Approved by the Legislative Council on June
19, 1987.

Reference to the Committee on State and Local Government
suggested and printing ordered under Joint Rule 19.

EDWIN H. PERT, Clerk

STATE OF MAINE

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

AN ACT Concerning State Mandates to Local
Governments.

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

Sec. 1. 3 MRSA §165, sub-§7, as amended by PL
1985, c. 377, § 1, is further amended to read:

7. Other subpoenas, etc. When the duties

1 assigned to a committee so require, the Legislature
2 may grant to it the power to administer oaths, issue
3 subpoenas, compel the attendance of witnesses and the
4 production of any papers, books, accounts, documents
5 and testimony, and to cause the deposition of
6 witnesses, whether residing within or without the
7 State to be taken in the manner prescribed by law for
8 taking depositions in civil actions in the Superior
9 Court. When the Legislature grants this power to a
10 joint standing committee or joint select committee,
11 such committee shall function as an investigating
12 committee and shall be subject to the provisions of
13 chapter 21. No appropriation or allocation may be made
14 for a specific study unless the Legislative Council
15 has first approved a budget adopted by the joint
16 standing committee which is to conduct the study. No
17 appropriation or allocation may be made for the
18 operation of any joint select committee unless the
19 Legislative Council has first approved a budget
20 adopted by the joint select committee. In case of
21 disobedience on the part of any person to comply with
22 any subpoena issued in behalf of a committee, or on
23 the refusal of any witness to testify to any matters
24 regarding which he may be lawfully interrogated, it
25 shall be the duty of the Superior Court of any county,
26 on application of a member of a committee, to compel
27 obedience by proceedings for contempt, as in the case
28 of disobedience of the requirements of a subpoena
29 issued from such court or a refusal to testify
30 therein. Each witness, other than a state officer or
31 employee, who appears before a committee by its order
32 or subpoena shall receive for his attendance the fees
33 and mileage provided for witnesses in civil cases in
34 courts of record, which shall be audited and paid upon
35 the presentation of proper vouchers sworn to by such
36 witness and approved by the chairman of the committee;
37 and

38 Sec. 2. 3 MRSA §165, sub-§9 is enacted to read:

39 9. State mandate. Any bill passed to be
40 engrossed by the Legislature which may create or
41 enlarge a state mandate to a local government shall be
42 referred by the Secretary of the Senate or the Clerk
43 of the House, as appropriate, to the joint standing

1 committee of the Legislature having jurisdiction over
2 state and local government, unless that referral is
3 dispensed with for that specific bill by at least a
4 2/3 vote of the Legislature. Any bill amended by the
5 Legislature in such a manner as to create or enlarge a
6 state mandate shall be referred to the committee,
7 unless such referral is dispensed with by a 2/3 vote
8 of the Legislature. "State mandate" means any state
9 initiated constitutional or statutory action that
10 requires a local government to establish, expand or
11 modify its activities in such a way as to necessitate
12 additional expenditures from local revenues, excluding
13 any order issued by a state court or any legislation
14 necessary to comply with a federal mandate. "Local
15 government" means a county or municipality. The joint
16 standing committee of the Legislature having
17 jurisdiction over state and local government shall
18 report out each state mandated bill referred to it on
19 a majority "ought to pass" or "ought not to pass" vote.

20 Sec. 3. 5 MRSA Pt. 24 is enacted to read:

21 PART 24

22 OFFICE OF INTERGOVERNMENTAL AFFAIRS

23 CHAPTER 551

24 OFFICE OF INTERGOVERNMENTAL AFFAIRS

25 19301. Office established

26 There is established an Office of
27 Intergovernmental Affairs in the Executive Department
28 which shall be directly responsible to the Governor.
29 This office shall improve the communication,
30 interaction and sense of partnership between State
31 Government and county and local governments, and
32 establish one state agency to coordinate the
33 development of policies and programs relating to
34 county and local governments to which these
35 governments may turn for information and assistance.

36 §19302. Duties and responsibilities of office

1 The office shall have the following duties and
2 responsibilities:

3 1. Governmental relationships. Managing and
4 improving relations with county and municipal
5 governments;

6 2. Provide staff. Providing administrative staff
7 support for the Governor's Municipal Advisory Council,
8 the Commission on Intergovernmental Relations, and
9 other related boards and commissions;

10 3. Coordinate programs. Coordinating program
11 development and long-range planning generated by state
12 agencies which directly affect local governments;

13 4. Review mandates. Reviewing present and future
14 agency rules that require additional expenditures from
15 local or county revenues and make recommendations,
16 including possible reimbursement to these governments;

17 5. Revenue sharing. Making recommendations on
18 the State's contribution to revenue sharing and the
19 formula for allocation among the various
20 municipalities;

21 6. Serve as ombudsman. Serving as ombudsman for
22 local and county problems relating to state agencies;
23 and

24 7. Federal policies and relations. Monitoring
25 and evaluating federal policies and activities which
26 affect county and local governments and manage
27 relationships concerning these issues with the Federal
28 Government and the congressional delegation.

29 §19303. Research functions

30 Research functions of the office shall be provided
31 by existing agencies of the State.

32 Sec. 4. Appropriation. The following funds are
33 appropriated from the General Fund to carry out the
34 purposes of this Act.

1		1988-89
2	<u>EXECUTIVE DEPARTMENT</u>	
3	Office of Intergovernmental Affairs	
4	Positions	(1 1/2)
5	Personal Services	\$62,037
6	All Other	10,000
7	Total	\$72,037

8 STATEMENT OF FACT

9 This bill requires that all bills which mandate
10 that county or local governments take action that will
11 result in a cost to them must be submitted after
12 engrossment to the mandate table of the Joint Standing
13 Committee on State and Local Government for its
14 recommendation relative to the cumulative impact of
15 such legislation. This requirement can be waived on
16 an individual bill basis by a 2/3 vote of the
17 Legislature.

18 This bill also establishes an Office of
19 Intergovernmental Affairs in the Executive
20 Department. Its purpose is to coordinate the various
21 state and local relationships and to provide a focal
22 point for requested information and assistance to
23 local governments. It is suggested that this office
24 have a full-time director and one half-time
25 professional staff person. Needed research is to be
26 provided by existing government agencies.

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