

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 787

H.P. 583

House of Representatives, March 15, 1989

Reference to the Committee on Appropriations and Financial Affairs suggested and ordered printed.

Ed Pert

EDWIN H. PERT, Clerk

Presented by Representative LORD of Waterboro.

Cosponsored by Senator ERWIN of Oxford, Representative ANDERSON of Woodland and Representative STROUT of Corinth.

STATE OF MAINE

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

**An Act to Require Continued Funding of any State-mandated Program
or Standard.**

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

3 **30-A MRSA §5682** is enacted to read:

5 **§5682. State mandates**

7 The State shall continue to fund, at the original percentage
9 of contribution, as long as it is law, any state mandate law
11 which at the time of its enactment contained an appropriation for
13 an amount necessary to reimburse municipal governments for all or
15 a portion of the cost of carrying out the mandate. "State
17 mandate" means constitutional or statutory action initiated by
19 the Legislature that requires a municipal government to
21 establish, expand or modify its activities in a way which
23 requires additional expenditures from local revenues, excluding
25 any order issued by a state court or any legislation necessary to
27 comply with a federal mandate.

19 Appropriations necessary to annually reimburse municipal
21 governments for mandates shall be included, individually
23 identified, in the budget submitted by the Executive Department
25 and in general or supplemental appropriation bills. The amount
27 appropriated for those purposes shall be appropriated to the
29 Department of Audit for disbursement.

27 Local governments shall submit claims for reimbursement to
29 the Department of Audit by February 1st of each year for
31 increased costs required by the mandate for the previous year
33 ending December 31st. The Department of Audit shall pay claims
35 by September 1st of the year in which submitted, provided that it
37 may audit records of any local governments to verify the actual
39 amount of the mandate cost and reduce any claim determined to be
41 excessive or unreasonable.

35 The failure of the Legislature to make the appropriation
37 necessary to fund a mandate in any given year shall relieve the
39 municipal government of the obligation to implement that mandate
41 in the future, until reimbursement has been received for the
43 unfunded year. A local government which intends not to comply
45 with an unfunded mandate shall do so by resolution, a copy of
47 which shall be transmitted within 24 hours to the Attorney
49 General and the State Auditor. All state mandate laws that are
51 passed with an appropriation to be used for reimbursement of
municipal governments shall make reference to this paragraph.

47 **STATEMENT OF FACT**

49 This bill requires the State to continue to reimburse
51 municipalities for any expenditures occasioned by action that
state law requires that they take, i.e. state mandates for which
reimbursement was provided at the time of enactment of the law.

1 Reimbursement is to be requested of the State Auditor on an
after-the-expenditure basis.

3

5 Under the terms of this bill, a municipality which has not
been reimbursed for expenditures related to a mandate law is not
required to implement the law in the future. Such a decision is
7 to be made by the municipality by resolution, with a copy
forwarded to the Attorney General and the State Auditor.