

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 1963

S.P. 767

In Senate, June 26, 1991

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.
Reference to the Committee on State and Local Government suggested and ordered printed.

A handwritten signature in cursive script, reading "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator CLARK of Cumberland

Cosponsored by Senator CLEVELAND of Androscoggin and Representative GWADOSKY
of Fairfield.

STATE OF MAINE

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

**An Act to Implement Constitutional Provisions Restricting the
Imposition of Unfunded State Mandates.**

(AFTER DEADLINE)

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

2
4 Sec. 1. 30-A MRSA §5684, as enacted by PL 1989, c. 922, is repealed.

6 Sec. 2. 30-A MRSA §5685 is enacted to read:

8 §5685. Funding for state-mandated programs

10 1. Definitions. As used in this section and in Article IX,
12 Section 21 of the Constitution of Maine, unless the context
14 otherwise indicates, the following terms have the following
16 meanings.

18 A. "Local revenue" means revenues generated by local units
20 of government, including property taxes, other locally
22 levied taxes and user fees, and revenues, such as excise
24 taxes, collected and retained by local government pursuant
26 to statutory authority.

28 B. "Local units of government" means municipalities, school
30 districts, counties and special districts.

32 C. A law that "promotes equal justice" means the Maine
34 Human Rights Act.

36 D. "Routine obligation" means administrative activities
38 performed as a normal function of government, the aggregate
40 cost of which for all local units of government is less than
42 \$100,000 per year.

44 2. Scope of mandates. Mandates imposed on local units of
46 government include but are not limited to statutes or rules that:

48 A. Reduce a local unit of government's ability to generate
50 taxes or revenues;

B. Are enacted or adopted to comply with a federal
 requirement, to the extent that the statute or rule exceeds
 the requirements of the federal law; or

C. Reduce any state aid program and necessitate the
 expenditure of additional local revenues by local units of
 government unless the Legislature suspends or modifies other
 specific mandates at the same time and the suspension or
 modification results in a savings at least equal to the
 additional local expenditures, except that this paragraph
 does not require the State to pay more than the amount
 provided in Article IV, Part Third, Section 23 for property
 tax exemptions.

2 and requires that if local units of government sell property
purchased with funds provided from the State to meet a mandate,
the proceeds from the sale must be returned to the State.

4
6 The proposed constitutional amendment prohibits the
Legislature from amending the statutory provisions of this bill
except by a 2/3 vote of all members elected to each House.

8
10 The provisions of this bill will take effect only if the
voters approve the proposed constitutional amendment.