

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

SECOND REGULAR SESSION-1992

Legislative Document

No. 2364

H.P. 1684

House of Representatives, February 20, 1992

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 "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative GRAY of Sedgwick.

Cosponsored by Senator BERUBE of Androscoggin, Representative LOOK of Jonesboro and Representative KERR of Old Orchard Beach.

STATE OF MAINE

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

An Act to Clarify the Funding of State Mandates.

(AFTER DEADLINE)

(EMERGENCY)



Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the breadth of the present law that requires the State to fund state mandates is having a negative impact on legislation requested by municipalities; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 20-A MRSA §2, sub-§3, as amended by PL 1991, c. 429, §1 and c. 591, Pt. III, §23, is repealed.

Sec. 2. 20-A MRSA §2-A, first ¶, enacted by PL 1991, c. 429, §2, is amended to read:

A school administrative unit may seek a waiver allowing the unit to delay compliance with a state mandate, as defined in ~~section-2,--subsection-3~~ Title 30-A, section 5684, as follows.

Sec. 3. 20-A MRSA §2-A, sub-§6, enacted by PL 1991, c. 429, §2, is amended to read:

6. Application; repeal. This section is repealed on July 1, 1992. Until that time, notwithstanding any other provision of law, this section governs the waiver or deferral of state mandates as defined in ~~section--2,--subsection--3~~ Title 30-A, section 5684.

Sec. 4. 30-A MRSA §5684, last ¶, as enacted by PL 1989, c. 922, is amended to read:

For the purposes of this section, "state mandate" means any state regulatory or statutory action that requires county or municipal government, or a unit of county or municipal government, to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues, excluding any order issued by a state or federal court or any legislation necessary to comply with a federal mandate. The State is not required to fund any state mandate that is necessary to comply with the Maine Human Rights Act; ensures due process; creates, expands or amends criminal laws or civil infractions or penalties enforced by municipalities; pertains to wages, salaries or benefits for state and local public employees;

2 results from enactment of legislation introduced at the official
3 request of a municipality or municipalities; or imposes routine
4 obligations, when the combined statewide cost of all such
5 mandates in any calendar year is less than .001 of the total
6 amount of property taxes collected in the State during the
7 previous year.

8 **Emergency clause.** In view of the emergency cited in the
9 preamble, this Act takes effect when approved.
10

12 **STATEMENT OF FACT**

14 This bill amends the current statutes requiring the State to
15 fund all state mandates by specifying exemptions to the funding
16 requirement.