

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

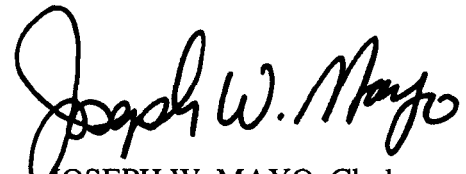
No. 247

H.P. 188

House of Representatives, January 27, 1995

**An Act to Ensure Full Agency Review of Municipal Impacts Caused by
Agency Actions.**

Reference to the Committee on State and Local Government suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative KONTOS of Windham.
Cosponsored by Representatives: ROBICHAUD of Caribou, SAXL of Bangor, Senator:
PARADIS of Aroostook.

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

4 **Sec. 1. 5 MRSA §8063,** as enacted by PL 1991, c. 233, is
amended to read:

6 **§8063. Fiscal impact**

8 Every rule proposed by an agency must contain a fiscal
10 impact note at the end of the rule. The note must be placed on
the rule prior to any public hearing and, in the case of rules
12 adopted without a hearing, prior to the sending of notice under
section 8053. The fiscal impact note must describe the estimated
14 cost to municipalities and counties for implementing or complying
with the proposed rule. If the proposed rule will not impose any
16 cost on municipalities or counties, the fiscal impact note must
state that fact.

18 ~~This section does not apply to emergency rules.~~

20 A rule that constitutes a municipal mandate under Title
22 30-A, section 5685 may not be adopted except in accordance with
that section. Any rule that, if adopted, would foreseeably
24 result in any cost to a municipality but would not constitute a
mandate under Title 30-A, section 5685 must be reviewed by the
26 proposing agency to determine whether the potential costs can be
mitigated or avoided. If the cost can not be avoided or
28 mitigated, the agency must make specific written findings to
justify the necessity of the municipal fiscal impact.

30 **STATEMENT OF FACT**

32 This bill requires that rules that, if adopted, would
34 potentially result in costs for a municipality but, because of
the indirectness of the impact or other factor, do not rise to
36 the level of state mandates must be reviewed to determine whether
the costs can be mitigated or avoided. If the costs can not be
38 mitigated or avoided, the agency proposing the rule must make
specific findings to justify the fiscal impact.