

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 1265

S.P. 469

In Senate, April 11, 1995

Resolve, to Allow the Attorney General to Enter into Consortiums with Other States for the Purpose of Bringing Suit Against the Federal Government Regarding the Issue of Unfunded Federal Mandates.

(EMERGENCY)

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "May M. Ross".

MAY M. ROSS
Secretary of the Senate

Presented by Senator HATHAWAY of York.
Cosponsored by Senators: AMERO of Cumberland, BEGLEY of Lincoln, BENOIT of Franklin, CARPENTER of York, CASSIDY of Washington, FERGUSON of Oxford, HALL of Piscataquis, HANLEY of Oxford, LORD of York, PENDEXTER of Cumberland, SMALL of Sagadahoc, STEVENS of Androscoggin, Representatives: AIKMAN of Poland, AULT of Wayne, GREENLAW of Standish, HARTNETT of Freeport, JOYCE of Biddeford.

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

4
6 **Whereas,** with increasing frequency, important decisions
affecting the lives of the citizens of this State are being made
by the Federal Government in the form of unfunded mandates
8 imposed on the states; and

10 **Whereas,** Congress fails to provide adequate means to
implement many of the federal mandates directed to the states; and

12
14 **Whereas,** imposition of unfunded federal mandates requires
states to fund the federal requirements with diminishing state
revenue in order to maintain eligibility for certain federal
16 funds; and

18 **Whereas,** this legislation requires the Attorney General, in
conjunction with other states' attorneys general, to review all
20 current federal mandates and bring civil actions against the
Federal Government to challenge unfunded mandates; and

22
24 **Whereas,** legal action challenging the constitutionality of
unfunded mandates, the court rulings that hinder state management
of state issues and the authority of the Federal Government to
26 mandate state action is necessary to restore, maintain and
advance the State's sovereignty and authority over issues that
28 affect this State and the well-being of its citizens; and

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

36 **Sec. 1. Authorization for consortium; challenge of unfunded federal**
mandates. Resolved: That the Attorney General of the State of
38 Maine shall contact the attorneys general of the New England
states and other interested states for the purpose of forming a
40 consortium to challenge by legal action the imposition of
unfunded federal mandates, including, but not limited to,
42 unfunded mandates contained in federal legislation concerning air
emissions, voter registration, water pollution control, safe
44 drinking water, family and medical leave and persons with
disabilities to the extent that those mandates infringe on a
46 state's sovereignty or authority over issues that affect its
citizens; and be it further

2 **Sec. 2. Cooperation with other states. Resolved:** That the
3 Attorney General shall cooperate with other states in any legal
4 action outlined in section 1 of this resolve that includes issues
5 of joint concern.

6 **Emergency clause.** In view of the emergency cited in the
7 preamble, this resolve takes effect when approved.
8

10 **STATEMENT OF FACT**

12 This resolve authorizes the Attorney General to enter into a
13 consortium with other states for the purpose of bringing suit
14 against the Federal Government regarding the issue of unfunded
 federal mandates.