

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 1322

S.P. 488

In Senate, April 13, 1995

**Resolve, Directing the Attorney General to Sue the Federal Government
to Prohibit 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: BEGLEY of Lincoln, BENOIT of Franklin, BUTLAND of
Cumberland, FERGUSON of Oxford, HALL of Piscataquis, HANLEY of Oxford, KIEFFER
of Aroostook, STEVENS of Androscoggin, Representatives: AULT of Wayne, BUCK of
Yarmouth, JOYNER of Hollis, REED of Falmouth.

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 to
review all unfunded mandates and bring suit against the Federal
20 Government to challenge unfunded mandates; and

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

28
30 **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
32 necessary for the preservation of the public peace, health and
safety; now, therefore, be it

34
36 **Sec. 1. Challenge of unfunded federal mandates. Resolved:** That
the Attorney General of the State of Maine shall challenge by
38 legal action the imposition of unfunded federal mandates,
including, but not limited to, unfunded mandates contained in
federal legislation concerning air emissions, voter registration,
40 water pollution control, safe drinking water, family and medical
leave and persons with disabilities, to the extent that those
42 mandates infringe on a state's sovereignty or authority over
issues that affect its citizens.

44
46 **Emergency clause.** In view of the emergency cited in the
preamble, this resolve takes effect when approved.

STATEMENT OF FACT

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This resolve directs the Attorney General to bring suit against the Federal Government regarding the issue of unfunded federal mandates.