

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 1227

H.P. 870

House of Representatives, February 11, 1999

**Resolve, Regarding State Mandates Imposed Before Approval of the
Constitutional Amendment Governing State Mandates.**

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

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative PERKINS of Penobscot.
Cosponsored by Representatives: BUCK of Yarmouth, GOOLEY of Farmington,
SNOWE-MELLO of Poland, TOBIN of Windham, TRUE of Fryeburg, WHEELER of
Bridgewater.

Sec. 1. Identification and funding of prior unfunded state mandates.

2 **Resolved:** That the Legislative Council of the 119th Legislature
shall identify mandates as defined in the Maine Revised Statutes,
4 Title 30-A, section 5685, subsection 1 that were imposed by the
State on a local unit or units of government during the biennium
6 of the 115th Legislature and for which at least 90% of the
additional local expenditures necessary to comply with the
8 mandate were not provided by the State. If no unfunded mandates
were imposed during that biennium, the Legislative Council shall
10 review previous biennia until an unfunded mandate or mandates
are identified. The council shall report its findings to the
12 Joint Standing Committee on Appropriations and Financial Affairs
by November 15, 1999. The committee shall include funding in the
14 supplemental budget for the year 2000 to provide to the affected
local units of government at least 90% of the cost of
16 implementing the unfunded mandate or mandates or shall introduce
legislation in the Second Regular Session of the 119th
18 Legislature to reauthorize each unfunded mandate by at least a
2/3 vote of the members present and voting in each body or to
20 repeal the unfunded mandate or mandates. The Legislative Council
of the 120th Legislature shall identify the next previous
22 unfunded mandate imposed on a local unit or units of government.

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SUMMARY

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The voters approved an amendment to the Constitution of
Maine, effective November 23, 1992, that prohibited the
30 imposition of mandates on local units of government unless
enacted by a 2/3 vote of the Legislature or unless at least 90%
32 funding is provided by the State. This resolve directs the
Legislative Council to identify any unfunded mandates passed in
34 the biennium before the Constitutional Amendment went into effect
and to apply the provisions of the amendment to those mandates as
36 well.