

MAINE STATE LEGISLATURE

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To: The Honorable Troy D. Jackson, President of the Senate
Members of the 131st Senate
The Honorable Rachel Talbot Ross, Speaker of the House
Members of the 131st House of Representatives

From: Darryl Stewart, Deputy State Budget Officer 

Date: January 25, 2023

Subject: Federal Mandates

Title 5, section 1670 requires the State Budget Officer to submit, to all members of the Legislature, a list of any new laws, regulations or other actions that may require the State to comply with any new federal mandate in the current or next biennium.

Federal mandates are programs/activities that the federal government requires an agency or state to participate in whether funded or not. The United States Congressional Budget Office defines a federal mandate as:

- Any provision in legislation that, when enacted, would do one of the following:
 - Impose an enforceable duty on state, local, or tribal governments or on private-sector entities;
 - Reduce or eliminate an authorization of appropriations to cover the costs of complying with existing mandates;
 - Increase the stringency of conditions that apply to the provision of funds to state, local, or tribal governments through certain large mandatory programs or make cuts in federal funding for those mandatory programs if the affected governments lack the flexibility to alter the programs.
- “Enforceable duty” is interpreted to mean actions by public and private entities that would be either required or prohibited. Duties that arise from conditions of federal assistance or that are tied to participating in voluntary federal programs are not considered mandates unless they are one of the large mandatory programs as noted above.

The State Budget Officer has reviewed the new federal requirements submitted by state agencies and departments in accordance with Title 5, section 1670 and finds that none of them meet the above definition. Hence, there are no new laws, regulations or other actions resulting in new federal mandates to report at this time.

cc: Christopher Nolan, Director, OFPR
Kirsten LC Figueroa, Commissioner, DAFS
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Darek M Grant, Secretary of the Senate
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