

MAINE STATE LEGISLATURE

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STATE OF MAINE
ONE HUNDRED AND TWELFTH LEGISLATURE
FIRST REGULAR SESSION

JOINT STANDING COMMITTEE ON
STATE GOVERNMENT
BILL SUMMARY



JULY, 1985

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ONE HUNDRED AND TWELFTH LEGISLATURE
FIRST REGULAR SESSION

JOINT STANDING COMMITTEE
BILL SUMMARIES
JULY 1985

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees of the Maine Legislature, covering the First Regular Session of the 112th Legislature. The summaries are arranged by LD number and indexed separately by committee.

running for public office, to run for nonpartisan public office. This privilege is currently enjoyed by all other law enforcement officers except the State Police;

2. Prohibits any law enforcement officer from soliciting funds from any campaign for public office while dressed in uniform or wearing a law enforcement officer's badge;

3. Prohibits a law enforcement officer from personally soliciting funds for any campaign for nonpartisan office but allows any other person to solicit funds for the officer's campaign; and

Prohibits a law enforcement officer from coercing contributions for any nonpartisan or partisan campaign.

Law enforcement officers are prohibited from using their official position to influence or interfere with an election. The penalty for violation of these provisions is a Class E crime.

LD:

628

RESOLUTION, PROPOSING AN AMENDMENT TO THE CONSTITUTION OF MAINE TO REQUIRE THAT LOCAL UNITS OF GOVERNMENT BE REIMBURSED FOR THE COSTS INCURRED IN EXECUTING STATE-MANDATED PROGRAMS

WEBSTER M
JACKSON
BELL

HOUSE Ref'd to Committee
SENATE Ref'd to Committee
GOV

SUMMARY:

LD 628 proposes to prohibit the Legislature and the Executive branch from enacting any law or adopting or amending any rule that would impose a new or expanded requirement on any municipality or local governing unit that requires a new or increased municipal or local unit expenditure unless the State reimburses the municipality or local governing unit. If the total sum of all the proposed new or required expenditures do not exceed \$100,000, the State is not required to reimburse the municipalities or local governing units.

The Committee voted to hold the bill to the Second Regular Session in 1986. The bill raises a number of issues and questions that could not be readily resolved.

A. Local units of government.

The phrase, "local units of government," is not defined. Unlike the term "municipality" which is defined in 30 MRSA §1901, sub-§6, "local units of government" can be interpreted to include school administrative districts, utility districts, etc. Since the resolution proposes to amend the Maine Constitution and to produce a substantial

impact on the State, the specific units of government should be clearly defined.

B. Delegation of Authority

This issue relates specifically to the liability of the Legislature to appropriate monies for rules adopted by executive agencies. The committee may wish to request an opinion from the Attorney General with respect to this particular activity.

The Constitution prohibits the surrender of or suspension of the Legislative power of taxation (See Article IX, Section 9). Thus, the Legislature affirms the expenditure of state revenues in accordance with programs approved and revenues raised by the Legislature.

If an executive agency adopts a rule that increases a cost to a municipality(ies) and the State is required to fund the cost which requires an increase in taxes, this situation may violate Section 9 of Article 9.

C. New or expanded requirement.

It would be prudent to establish a definition of "new or expanded requirement." While the phrase may appear obvious in intent and meaning, there may be cases or interpretations for which solutions may not be as obvious. For example, stricter enforcement of the current criminal code could increase costs to county and municipal law enforcement agencies. Is this a "new or expanded requirement"?

LD: 671 AN ACT CREATING A DEPARTMENT OF MAINE'S
FUTURE

KANY
GWADOSKY
CROWLEY
ANDREWS

LU-WD HOUSE Accepted Committee Report
SENATE Accepted Committee Report
GOV

SUMMARY:

LD 671 proposed to create a new department entitled the Department of Maine's Economic Future. The department would consist of:

- 1) the State Development Office,
- 2) the Bureau of Vocational-Technical Institutes (currently within the Department of Education),
- 3) the Bureau of Community Development to include the: