State and Federal Mandates in Maine

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I. Introduction

As defined by Maine’s Constitution (Article IX Section 21, included in Appendix A), a state mandate is an action of the State (statutory or regulatory) that requires a local unit of government to expand or modify its activities in a way which necessitates the expenditure of additional local revenue. As used herein, the term “state mandate” is based on this constitutional definition and only refers to requirements placed on local government, not mandates on the general public or the private sector. Local governmental units (i.e. one or more town, city, plantation, school system, county, quasi-municipal district, etc.) are not bound by state mandate requirements unless the State provides 90% of the annual funding for such additional expenditures. The Legislature is authorized to enact a state mandate without any responsibility to provide 90% of the required local level expenditures by approving legislation properly identified as a state mandate with at least a 2/3 vote in both the House and Senate.

The statute enacted to implement the constitutional amendment is 30-A MRSA, Section 5686 (Appendix A). Important elements of that implementing statute include:

- The State cannot meet its obligation to properly fund a mandate by authorizing the municipalities to levy new taxes or fees or by using funding previously appropriated to the local governments for other purposes;
- The Legislature must expressly and knowingly override its general obligation to properly fund new state mandates. A two-thirds vote by itself, without the “mandate preamble” being part of the bill, is insufficient to override the State’s financial obligation; and
- If a mandate is enacted without the necessary two-thirds vote, there is no obligation on the local level to perform the mandated function.

It is not uncommon for a number of bills identified as state mandates to be considered during any legislative session. Of the dozens of bills identified as unfunded state mandates that are enacted by each Legislature, many are identified as mandates for technical reasons, even though the municipal fiscal impacts are truly “insignificant” in nature. Some mandates enacted in a typical legislative session, however, are more significant.

The Maine Municipal Association has conducted a review of state mandates existing in Maine statute. Some were enacted prior to the adoption of a constitutional amendment limiting unfunded state mandates which was approved by the voters in 1992. Legislation enacted since 1993 containing a mandate preamble is identified in Appendix B of this report. That list does not contain mandates of “general applicability” which are laws that place new obligations and financial burdens on local government as well as other broad elements of the private sector generally. Examples of generally applicable mandates include minimum wage increases and other elements of employment law that affect all employers, not just municipalities.
II. **Significant Unfunded State Mandates**

The following index of state-imposed mandates is organized into eight categories: Administrative; Education; Elections; Environment; Health, Welfare and Public Safety; Licensing and Permitting; Planning and Zoning, and Public Works and Transportation. See Section III for an index of federally-imposed mandates. Please note that a few mandates identified below are not explicitly required; they are included herein because the vast majority of Maine’s municipalities bear the costs of implementing them for reasons of practicality if not necessity. For example, there is no law requiring a town to have a fire department, but fire protection is a core municipal function nonetheless.

**Administrative**

- Annual meeting. 30-A MRSA § 2525.
- Annual post audit of municipal accounts. 30-A MRSA §5823.
- Annual report publication. 30-A MRSA § 2801.
- Conditional gift compliance. 30-A MRSA § 5654.
- Lost, stolen or unclaimed property management. 25 MRSA § 3501, et. seq.
- Municipal officials required by Maine law
  - Animal Control Officer. 7 MRSA § 3947.
  - Assessor. 36 MRSA § 327(3), 30-A MRSA § 2526(5).
  - Building Inspector. 25 MRSA § 2351-A.
  - Civil Emergency Preparedness Agency Director. 37-B MRSA § 782(1).
  - Clerk. 30-A MRSA § 2525(2).
  - Code Enforcement Officer. 30-A MRSA § 4451.
  - Election (Ballot) Clerks. 30-A MRSA § 2528(8) and 21-A MRSA § 503(3).
  - Excise Tax Collector. 36 MRSA § 1487(1).
  - Fence Viewers (if services requested). 30-A MRSA § 2953.
  - Fire Chief. 30-A MRSA § 3153.
  - Fire Inspector. 25 MRSA § 2391.
  - Forest Fire Warden. 12 MRSA § 8902.
  - Harbor Master (if services requested). 38 MRSA § 1.
  - Health Officer. 22 MRSA § 451.
  - Inspector of Boats. 38 MRSA § 123.
  - Local Sealer. 10 MRSA § 2451.
  - Moderator. 30-A MRSA §2525.
  - Municipal General Assistance Overseer. 22 MRSA §§ 4301 (12) - 4302.
  - Municipal Officers. 30-A MRSA § 2525.
o Plumbing Inspector. 30-A MRSA §4221.
o Registrar of Voters. 21-A MRSA §101.
o Road Commissioner. 23 MRSA § 2701 and 30-A MRSA §2526(7).
o School Officials
  ▪ Community School District Board of Trustees. 20-A MRSA §§ 1651.
  ▪ School Administrative Unit Board of Directors. 20-A MRSA § 1251.
  ▪ School Committee. 30-A MRSA § 2525 and 20-A MRSA § 2302.
  ▪ School Superintendent. 20-A MRSA § 1051.
o Selectmen. 30-A MRSA 2525.
o Shellfish Warden. Required if a municipality enacts a shellfish conservation ordinance. 12 MRSA § 6671(8).
o Tax Collector. 36 MRSA §§ 501, 751.
o Treasurer. 30-A § 5602, 36 MRSA § 751.
o Zoning Board of Appeals. 30-A MRSA § 2691(2).

▪ Record-keeping
  o Freedom of Access. 1 MRSA Chapter 13.
o Local health officer record maintenance and reporting. 22 MRSA §454-A.
o Maintenance of denials and conditional approvals for licenses, certificates, and permits. 1 MRSA §407.
o Personnel
   ▪ Maintenance of records of decisions involving dismissal or contract renewal refusals related to public officials, employees or appointees. 1 MRSA § 407.
  ▪ Maintenance of records of final employee disciplinary actions. 30-A MRSA § 2702(B)(5).
o Records preservation, generally. 5 MRSA § 95-B, Secretary of State Maine State Archives Rules Chapter 10 Sec. 45.
o Revenue receipt and disbursement records. 30-A MRSA Chapters 221 and 223.
o Vital records (birth/marriage/death) recordings and certificates. 19-A MRSA §§ 652, 654; 22 MRSA § 2702; and 30-A MRSA § 2652.

▪ Tax assessment and collection requirements.
o Property Tax assessing and collection. 36 MRSA Chapter 105.
  ▪ Management of Property Tax exemptions and “current use.”
    • Airport runways. Subchapter 4.
    • Animal waste storage facilities. Subchapter 4.
    • Benevolent and Charitable Institutions and Organizations. Subchapter 4.
    • Business Equipment. Subchapter 4-C.
    • Estates of Servicemen and Veterans. Subchapter 4.
    • Farmland and Open Space. Subchapter 10.
    • Homestead and Volunteering. Subchapter 4-B.
    • Mines and mining property. Subchapter 4.
    • Pollution control facilities. Subchapter 4.
    • Public Property. Subchapter 4.
• Tree Growth. Subchapter 2-A.
• Various personal property items. Subchapter 4.
• Water supply infrastructure. Subchapter 4.
  o Aircraft, trailer, and vehicle excise taxation. 36 MRSA Chapter 111.
  o Business Equipment Tax Exemption Program (BETE). 36 MRSA Chapter 915.

- Weights and measure equipment required for Local Sealer. 10 MRSA § 2354.

**Education**

- Provision of education.
  o Maine Const. Art. VIII § 1: “Legislature are authorized, and it shall be their duty to require, the several towns to make suitable provision, at their own expense, for the support and maintenance of public schools.”
  o 20-A MRSA §§ 2, 4501.

- Bomb threat preparedness. 20-A MRSA §§ 263(2), 1001(17-18).

- Career and Technical Education calendaring. 20-A MRSA § 4801 (2-A).

- Duplicate credentials fee. 20-A MRSA §13007.

- Essential programs and services model implementation. 20-A MRSA Chapter 606-B.

- Fencing. 20-A MRSA § 4004.

- Financial expenditure requirements.
  o School district cost sharing. 20-A MRSA §§ 1301, 1704.
  o School administrative unit minimum salary. 20-A MRSA § 13406.

- Health Requirements.
  o Appointment of a school physician. 20-A MRSA § 6402-A.
  o Hazardous chemical management. 20-A MRSA § 4003-A.
  o Immunization. 20-A MRSA §§ 6352-6359
  o Medication administration. 20-A MRSA § 254.
  o Private water supply standards. 20-A MRSA § 4003.
  o Sanitary facilities. 20-A MRSA §6501.
  o Sight and hearing screening. 20-A MRSA § 6451.
  o Ventilation. 20-A MRSA §6302.

- Sharing of investigative records. 20-A MRSA § 6101(3).

- Learning results assessment. 20-A MRSA Chapter 222.
- Pesticide management on school grounds. 7 MRSA Chapter 103, Subchapter 2-A and 22 MRSA Chapter 258-A.

- School Board Duties. 20-A MRSA § 1001.

- School Budget Validation Referendum related to Reorganization. 20-A MRSA § 1461.

- School committee election. 20-A MRSA §2302.

- Special education and disabled students.
  - Generally, 20-A MRSA Chapter 301.
  - Opportunities, facilities, and achievements. 20-A MRSA §§ 7201-7202.
  - Student transportation. 20-A MRSA § 5401.

- Student records management. 20-A MRSA § 6001.
  - Records transfer. 20-A MRSA § 6001-B.

- Suicide Awareness and Prevention. 20-A MRSA § 4502 (5-B), 34-B MRSA § 3007.

- Teacher certification and employment requirements. 20-A MRSA Chapters 501-502.

- Transportation. 20-A MRSA §§ 2303, 5401-5402.

- Truancy prevention. 20-A MRSA § 5151.

**Elections**

- Announcement and notice. 21-A MRSA §§ 125, 621-A, 622-A.

- Appeals and registration appeals board. 21-A MRSA §§ 103, 163.

- Ballot and voter list management. 21-A MRSA § 196-A, 313, 739.

- Ballot question petition verification. 21-A MRSA § 902.

- Campaign reporting. 21-A MRSA § 1011.

- Clerk appointment and duties. 21-A MRSA § 505, 851, and 30-A MRSA § 2528(8).

- Coverage of expenses. 21-A MRSA § 633.

- Disabled voter registration assistance. 21-A MRSA § 153-A.

- Municipal election duties and procedures. 30-A MRSA §§ 2526-2533, 2551-2556.

- National Voter Registration Act compliance. 21-A MRSA § 180-182.

- Party petition management. 21-A MRSA § 303.


**Environment** (See also “Planning and Zoning” category below)

- Sand and Salt Storage Facilities. 23 MRSA §§ 1851-1852.

- Solid Waste management. 38 MRSA §§ 1304-1305, DEP Rules Chapters 401 and 402.
  - Landfill closure. 38 MRSA §§ 1310-1310(H).
  - Municipal Solid Waste reporting. 38 MRSA §§ 1304-C.
  - Recycling
    - Recycling goal attainment. 38 MRSA §§ 2132-2133.
    - Recycled goods procurement. 30-A MRSA §5656(1).
  - Universal Waste 38 MRSA § 1319 (O), DEP Rules Chapter 850 (Sec. 3 Sub. A (13)).
    - Waste discharge biological monitoring. DEP Rules Chapter 579.
  - Wastewater Management
    - Wastewater treatment. 38 MRSA § 414-B.
    - Malfunctioning domestic waste water disposal unit nuisance abatement. 30-A MRSA §3428.
    - Septage management and disposal. 38 MRSA §1305.
  - Water quality monitoring. DEP Rules Chapter 405.

- Stormwater management. 38 MRSA § 420-D.

**Health, Welfare, and Public Safety**

- Animal control. 7 MRSA Chapter 725.
  - Animal control officer. 7 MRSA § 3947.
  - Dog and kennel licensing. 7 MRSA §§ 3921, et. seq., 3931-A, et. seq., and § 3942.
    - Accounting for license fees. 7 MRSA § 3945.
  - Dog and other domesticated or undomesticated animal control. 7 MRSA § 3948.
  - Issue municipal warrants. 7 MRSA § 3943.
  - Posting of law concerning dog licenses and municipal duties. 7 MRSA § 3941.
  - Rabid animal management. 7 MRSA §§ 3916, 3922. Department of Human Services Rules Chapter 251.
- Boiler Inspection. 32 MRSA §§ 15117-15118, Department of Professional and Financial Regulation, Board of Boiler Rules Chapter 12.

- Building
  - Codes and ordinances. 30-A MRSA §§ 4103-4104.
  - Electrical inspection certification. 30-A MRSA §§ 4172.
  - Inspection. 25 MRSA § 2351.
  - Maine Uniform Building and Energy Code. 10 MRSA §§ 9721-9725
  - Permitting. 5 MRSA § 4582(B).

- Code Enforcement Officer training. 30-A MRSA § 4451.

- Emergency management and planning services. 32 MRSA Chapter 2-B, 37-B MRSA §§ 781-786, Office of Emergency Medical Services Rules Chapter 451.
  - E-911 database maintenance. 25 MRSA § 2923-A, Department of Public Safety Emergency Services Communication Bureau Rules Chapter 1.
  - EMS Background checks. 32 MRSA § 85.

- Fire protection. 30-A MRSA Chapter 153. (*Not explicitly required but provided as a matter of public safety).
  - Firefighter training and certification. 26 MRSA §§ 2102, Department of Labor Bureau of Labor Standards Chapter 4.
  - Fire Ward/Inspector requirement. 25 MRSA § 2391.
  - Forest fire control and costs responsibility. 12 MRSA §§ 9201, 9202, 9204, 9206.
  - Minimum safety equipment and maintenance. 26 MRSA § 2103.
  - Workers Compensation
    - Communicable Diseases 39-A MRSA §328-A.
    - Presumption of Cancer 39-A MRSA §328-B. (*Limited to municipalities providing fire protection).

- General Assistance. 22 MRSA Chapters 1161 & 1251.

- Health officer appointment and disease reporting. 22 MRSA §§ 451, 454-A.

- Law enforcement and police protection. 30-A MRSA Chapter 123, Subchapter 4. (*Not explicitly required but provided as a matter of public safety).
  - Examples:
    - Concealed weapons permitting. 25 MRSA Chapter 252.
    - Police officers training. 25 MRSA § 2804-C.

- Marine Safety
  - Harbor Master appointment. 38 MRSA § 1.
  - Port Warden election. 38 MRSA § 41.
  - Stone, sand, and gravel transportation inspection. 38 MRSA §§ 121, 123.

- Pesticide ordinance notification. 22 MRSA § 1471-U.
- Plumbing regulation
  - Compliance. 30-A MRSA Chapter 185, Subchapter 3.
  - Enforcement. 30-A MRSA §4211.
  - Plumbing inspector.
    - Appointment. 30-A MRSA § 4221.
    - Permitting. 30-A MRSA § 4215.

- Public Safety Answering Point (PSAP) Quality Assurance. 25 MRSA Chapters 192-B and 352.

**Licensing and Permitting**

- Accounting of municipal license fees. 7 MRSA § 3945.

- Alcohol licensing. 28-A MRSA § 653.
  - Bottle clubs. 28-A MRSA § 161-B.
  - Live music, dancing and entertainment at licensed establishments. 28-A MRSA § 1054.

- Amusement permitting.
  - Beano and Bingo. 17 MRSA § 313.
  - Bowling alleys, shooting galleries, pool, and bagatelle and billiard rooms. 8 MRSA §§ 1-2.
  - Games of Chance. 17 MRSA § 333.
  - Off-track betting approval. 8 MRSA § 275(D)(5).
  - Pinball machine operator licensing. 8 MRSA § 441.
  - Public exhibitions licensing. 8 MRSA §§ 501-502.
  - Roller skating rink licensing. 8 MRSA § 601, et. seq.

- Cable TV franchise contract issuance and compliance. 30-A MRSA §§ 3008, 3010.

- Closing-out sale licensing. 30-A MRSA § 3781, et. seq.

- Fishing/hunting/trapping permitting. 12 MRSA § 7072.

- Food vehicle licensing. 30-A MRSA § 3931.

- Installation of stationary engines. 17 MRSA § 2795.

- Junkyard, automobile recycling/graveyard operation licensing. 30-A MRSA §3751, et. seq.

- Pawnbroker licensing. 30-A MRSA §3961.

- Transportation-related permitting: See below.

- Wharf, fish weir, and trap application hearing and licensing. 38 MRSA §§ 1021-1022.
Planning and Zoning

- Comprehensive planning compliance. 30-A MRSA §4346.
- Shoreland zoning and land use controls. 38 MRSA § 438-A.
  - Shoreland zoning code enforcement officers. 38 MRSA § 441.
  - Permitting for conversion of seasonal dwelling to year-round/principal. 30-A MRSA § 4215.
- Subdivision review. 30-A MRSA § 4401.
- Zoning appeals board requirement. 30-A MRSA § 4353.
- Zoning change notice. 30-A MRSA § 4352.

Public Works and Transportation

- Burial ground maintenance. 13 MRSA § 1101, 30-A MRSA § 2901.
  - Veteran Grave Maintenance. 13 MRSA §1101.
- Conduit, pipeline, pole and wire permitting. 23 MRSA § 754, 35-A MRSA § 2501, et. seq.
- Drain maintenance. 30-A MRSA § 3403.
- Licensing and Permitting
  - ATV registration. 12 MRSA § 7854.
  - Automobile excise tax collection. 12 MRSA § 13002, 29-A MRSA §§ 102, 201, and 36 MRSA § 1487.
    - Aircraft excise tax collection. 36 MRSA § 1484.
  - Mobile home and over-limit vehicle travel permitting. 29-A MRSA §§ 1001-2, 2382.
  - Property ingress and egress authorization in urban compact municipalities on state highways and state-aid highways. 23 MRSA § 704.
  - Snowmobile registration. 12 MRSA § 7824.
  - Watercraft salvage and abandonment permitting in harbors. 38 MRSA § 9.
- Municipal water departments and PUC regulation
  - Rate filing. 35-A MRSA § 304.
  - Water utility suspension, investigation, hearing and rate substitution. Title 35-A MRSA § 6104.
- Maintenance of public roads for safety and convenience. 23 MRSA § 3651.
  - Debris removal. 23 MRSA § 2702.
  - Damage prevention. 23 MRSA § 3659.
Drains, ditches, and culverts. 23 MRSA § 705 and §3251, 30-A MRSA § 3401, et. seq.
Excavation notice. 23 MRSA § 3351 et. seq.
Highway defect correction. 14 MRSA § 8104-A.
Roads in urban compact municipalities. 23 MRSA § 754.
Winter maintenance of state aid roads. 23 MRSA § 1003.

Professional engineer required for public works projects exceeding $100,000.00. 32 MRSA § 1254.
III. Federally-Imposed Mandates

Federal law sometimes requires state, local, or tribal governments to spend money to achieve certain goals. In some cases, a requirement is imposed as a condition for receiving federal aid; in others, requirements can be imposed through the exercise of the federal government’s sovereign power. The Unfunded Mandates Reform Act of 1995 (UMRA) focuses attention on requirements that are not conditions of aid.

Congress determined that some types of legislation should not be subject to UMRA’s requirements. UMRA therefore excludes legislation from review for possible mandates if it:

- Costs below a certain nationwide threshold (originally set at $50 million, the threshold was increased to $69 million in 2009 and is adjusted annually for inflation);
- Enforces the constitutional rights of individuals;
- Establishes or enforces statutory rights that prohibit discrimination;
- Provides emergency aid at the request of another level of government;
- Requires compliance with accounting and auditing procedures for grants;
- Is designated as emergency legislation;
- Is necessary for national security or the ratification of a treaty; or
- Relates to Title II of the Social Security Act (Old-Age, Survivors, and Disability Insurance benefits).

The two most significant unfunded federal mandates falling upon local governments are in the area of environmental regulation and education. Specifically, the federal requirements under the Clean Water Act regarding the management of drinking water, wastewater and stormwater, and the Individuals with Disabilities in Education Act (IDEA), also referred to as “special education.” Compliance with these two mandates alone places a burden on Maine’s property taxpayers and utility rate payers valued at hundreds of millions of dollars annually.

The following intergovernmental mandate statutes have been imposed since UMRA’s implementation:

- Asbestos management on school grounds. 15 USC § 2641.
- Automotive fire equipment purchased with public money must comply with National Fire Protection Pamphlet 1901 standards.
- Elimination of federal matching funds for administrative expenses funded by incentive payments to states related to the child support enforcement program (PL 109-171, 2006);
- Emergency Medical Treatment and Active Labor Act. 42 USC § 1395dd.
- Minimum wage increases (PL 104-188 [1996] and PL 110-28 [2007]);
- National Voter Registration Act compliance. 42 USC Chapter 20.
- Preemption of state authority to tax certain internet services and transactions (PL 108-435 [2004] and PL 110-108 [2007]);
• REAL ID Act (PL 109-13) (although below UMRA’s mandate threshold amount);
• Reduction in federal funding to administer the Food Stamps program (PL 105-185 [1998]);
• Required programs for students with special needs (20 USC Ch. 33)
• Requirement that all government entities, including state and local governments, withhold 3 percent on certain, non-essential government payments for property or services (PL 109-222 [2006]);
• Requirements imposed on rail and transit owners and operators:
  o Requirement that all public transit and rail carriers implement worker training programs and submit reports to the Department of Homeland Security (PL 110-53 [2007]).
  o Requirement that railroads install train control technology (PL 110-432 [2008]).
• Requirement that state and local governments meet certain standards for issuing vital-statistics documents (PL 108-458 [2004], with funding authorized to help governments comply);
• Requirement that students be assessed annually under No Child Left Behind law (PL 106-113 [2000]).
• Spill Prevention Control. 33 USC § 1251.
• Storm water management. 33 USC § 1313.
  o Runoff and drainage 33 USC § 1342.
• Uniformed Services Employment and Reemployment Act compliance. 38 USC §§ 4301-4333.
• Water quality monitoring related to landfills. 42 USC § 6294(p).

The following 11 federal rules promulgated between 1995-2011 met UMRA’s definition of a state, local, or tribal government mandate:

• EPA’s Standards of Performance for New Stationary Sources and Guidelines for Control of Existing Sources: Municipal Solid Waste Landfills (1996), with estimated costs of $110 million annually;
• EPA’s National Primary Drinking Water Regulations: Disinfectants and Disinfection Byproducts (1998), with estimated costs of $700 million annually;
• EPA’s National Primary Drinking Water Regulations: Interim Enhanced Surface Water Treatment (1998), with estimated costs of $300 million annually;
• EPA’s National Pollutant Discharge Elimination: System B Regulations for Revision of the Water Pollution Control Program Addressing Storm Water Discharges (1999), with estimated costs of $803.1 million annually;
• EPA’s National Primary Drinking Water Regulations; Arsenic and Clarifications to Compliance and New Source Contaminants Monitoring (2001), with estimated costs of $206 million annually;
• EPA’s National Primary Drinking Water Regulations: Long Term 2 Enhanced Surface Water Treatment (2005), with estimated costs between $60 million and $170 million per year;
• EPA’s National Primary Drinking Water Regulations: Stage 2 Disinfection Byproducts Rule (2006), with estimated costs of at least $100 million annually;
• Health Insurance Reform; Modifications to the Health Insurance Portability and Accountability Act (HIPAA) Electronic Transaction Standards (2009), with estimated costs of $1.1 billion per year;
• EPA’s National Emission Standards for Hazardous Air Pollutants from Coal- and Oil-Fired Electric Utility Steam Generating Units and Standards for Performance for Electric Utility Steam Generating Units (2011), with estimated costs of $8.2 billion annually; and
• U.S. Department of Agriculture’s Nutrition Standards in the National School Lunch and School Breakfast Programs (2012), with estimated costs of $479 million annually.
Appendix A

Maine Mandate Law

Maine Constitution Article IX Section 21. State mandates. For the purpose of more fairly apportioning the cost of government and providing local property tax relief, the State may not require a local unit of government to expand or modify that unit's activities so as to necessitate additional expenditures from local revenues unless the State provides annually 90% of the funding for these expenditures from State funds not previously appropriated to that local unit of government. Legislation implementing this section or requiring a specific expenditure as an exception to this requirement may be enacted upon the vote of 2/3 of all members elected to each House. This section must be liberally construed.

30-A MRSA §5685. Funding for required activities.

1. Definitions. As used in this section and in the Constitution of Maine, Article IX, Section 21, unless the context otherwise indicates, the following terms have the following meanings.

A. "Local revenues" means revenues generated by local units of government, including property taxes, other locally levied taxes and user fees and other revenues, such as excise taxes collected and retained by local units of government pursuant to statutory authority.

B. "Local unit of government" or "local unit" means a municipality, as defined in this Title; a plantation, as governed by chapter 301; a county; a school administrative unit, as defined in Title 20-A, section 1; or a governmental entity that is:
   (1) Created or authorized by special act of the Legislature or authorized to be created by a general purpose unit of government under a general act of the Legislature;
   (2) Established to provide public services;
   (3) Funded by local revenues;
   (4) Governed by a locally elected body or a body appointed by a municipality or county; and
   (5) Not an agency of State Government or other entity having statewide authority, jurisdiction or purpose.

C. "Mandate" means any law, rule or executive order of this State enacted, adopted or issued after November 23, 1992 that requires a local unit of government to expand or modify that unit's activity so as to necessitate additional expenditures from that unit's local revenues. "Mandate" includes laws, rules or executive orders that primarily affect the performance of a local unit's governmental activities.

D. "Mandate payment distribution schedule" means a schedule for distribution of state payments required by the Constitution of Maine, Article IX, Section 21, to be made to local units of government during the state fiscal year.

E. "Required state mandate funds" means those state funds required to be paid to local units of government under the Constitution of Maine, Article IX, Section 21.

2. Requirement for state funding. The State may not impose a mandate on a local unit of government unless the State provides annually at least 90% of the funding for those expenditures.
from state funds not previously appropriated, allocated or otherwise designated for payment to that local unit of government. The Legislature may impose a mandate on a local unit of government without providing 90% funding as an exception to the provisions of the Constitution of Maine, Article IX, Section 21 if enacted upon the votes of 2/3 of all members elected to the Senate and the House of Representatives.

3. Implementation. In implementing this section and the provisions of the Constitution of Maine, Article IX, Section 21, the following provisions apply.

   A. The State may not meet its obligation to provide required state mandate funds by authorizing a local unit of government to levy fees or taxes not previously levied by that local unit of government.

   B. The State may not meet its obligation to provide required state mandate funds by requiring a local unit of government to spend funds previously appropriated to that local unit of government.

   C. Reduction of state funds that are the State's share of the cost of mandates that have been suspended or reduced does not preclude imposition of a new mandate if the required state mandate funds are provided for that new mandate.

   D. Required state mandate funds do not include the costs incurred by local units of government to comply with a federal law or regulation or to become eligible for the receipt of federal funds, except to the extent that the State imposes requirements or conditions that exceed the federal requirements.

   E. Required state mandate funds do not include for the costs to local units of government of implementing laws, rules, executive orders or judicial decisions or orders that are required to comply with the following provisions of the Constitution of Maine:

      (1) The reappportionment requirements of Article IV, Part First, Section 2 and Article IV, Part Second, Section 2;
      (2) The constitutional referenda provisions of Article X, Section 4;
      (3) The people's veto of legislation provisions of Article IV, Part Third, Section 17; and
      (4) The direct initiative of legislation provisions of Article IV, Part Third, Section 18.

   F. Legislation, even though enacted by a 2/3 vote of each House of the Legislature, may not be construed to override the funding requirements of the Constitution of Maine, Article IX, Section 21, unless the legislation contains specific language indicating that it is the intent of the Legislature to create an exception to the Constitution of Maine.

4. Local units of government not bound. A local unit of government is not bound by any mandate unless funded or exempted from state funding in accordance with this section and the Constitution of Maine, Article IX, Section 21.

5. Appropriation and payment of state funds. The State must appropriate, allocate or otherwise designate for payment in each state fiscal year a sum sufficient to meet at least 90% of the cost of each mandate imposed on local units of government.

   A. The state agency to which state funds are appropriated, allocated or otherwise designated for payment to fund a mandate, referred to in this subsection as the "agency," shall pay to each local unit of government in each state fiscal year the required state mandate funds. The agency need not pay to local units of government the entire amount at the beginning of each
fiscal year. However, the agency must make payments to local units of government in accordance with the mandate payment distribution schedule.

B. A mandate payment distribution schedule describes the number of annual payments, the time of each payment and the amount of each payment to be made during the state fiscal year to ensure that the State pays local units of government the required state mandate funds prior to the local units of government having to make expenditures required by a mandate.

C. A mandate payment distribution schedule must be established for each mandate that requires state funding under this section. The agency shall establish a mandate payment distribution schedule for a mandate by consulting with the affected local unit or units of government or with a representative sample of affected local units of government. If necessary, different mandate payment distribution schedules may be established for a single mandate.

D. Following public hearing and in accordance with the Maine Administrative Procedure Act, the State Controller shall adopt rules necessary to implement this subsection. At a minimum, those rules must include a process for establishing mandate payment distribution schedules for distribution of payments under this subsection, including the provision of public notice and an opportunity for comment on the schedules by local units of government and other affected persons.

E. Following public hearing and in accordance with the Maine Administrative Procedure Act, the State Auditor shall adopt rules establishing a process for oversight of local unit of government compliance with mandates and use of state funds provided under this subsection.

F. In accordance with the Maine Administrative Procedure Act, a local unit of government may appeal the number, amount and timing of payments under this section to the agency making payments. Decisions on appeals from the number, amount and timing of payments awarded under the schedule constitute final agency action.

6. Collection of data; report. A state agency making payments to local units of government under this section shall submit a report to the Department of Administrative and Financial Services by September 1st each year. The report must identify specific mandates administered by the agency during the previous fiscal year, describe the payment schedule developed by the agency for each mandate and contain any other information requested by the department. The Department of Administrative and Financial Services shall compile that information and shall issue a report annually not later than January 15th to the Governor and the Legislature summarizing state agency activities under this section.
Appendix B

Legislation Enacted As Mandates: 1993-2013

The following index includes all legislation enacted with a mandate preamble since the mandate law was adopted by the voters in 1992, broken down into the following general categories: Budgeting and Taxation, County, Education and School Mandates, Election Administration, Environment, Health and Public Safety, Information Sharing, Insurance, Legislation Dealing with Mandates, Licensing and Training, Miscellaneous, Municipal and Quasi-Municipal District Technical Organizational Mandates, State Budgets with Mandates, Unlabeled Mandates and Veteran Mandates.

<table>
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<tr>
<th>Leg. Session</th>
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<td>116th</td>
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<td>126th</td>
<td>2013-2014</td>
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Budgeting and Taxation Mandates

Across the broad range of tax and budget related subjects in this category, an example can be teased out that demonstrates how an unfunded state mandate can grow incrementally over several biennia to become an issue of significance. That example is in the area of managing the Tree Growth tax program, particularly with respect to landowners’ compliance with the timber harvest and management plan requirements. See LD 736 in the 123rd, LD 1635 in the 124th and LD 1138 in the 125th.

- **117th**
  - L.D. 1790 An Act to Implement Performance Budgeting in State Government
  - L.D. 1797 An Act to Implement the Recommendations of the Task Force on Tax Increment Financing

- **118th**
  - L.D. 430 An Act to Clarify the Provisions that Implement Performance Budgeting in State Government
  - L.D. 2002 An Act to Delay the Implementation of Performance Budgeting for State Government

- **119th**
  - L.D. 897 An Act to Extend the Management Plan Requirement for Forest Owners under the Maine Tree Growth Tax Law
• L.D. 1524 An Act to Include the Income of a Lessee for the Purpose of Determining Eligibility in Farm and Open Space Tax Laws

• 120th
  • L.D. 483 An Act to Revise the Sewer Lien Laws

• 121st
  • L.D. 1794 An Act To Expand Maine's Homestead Exemption for the Blind

• 122nd
  • L.D. 1 An Act To Increase the State Share of Education Costs, Reduce Property Taxes and Reduce Government Spending at All Levels
  • L.D. 1552 An Act To Make Owners of Cooperative Housing Eligible for the Homestead Exemption
  • L.D. 1799 An Act To Exempt Trail-grooming Equipment from the Personal Property Tax

• 123rd
  • L.D. 736 An Act To Require Notification before Withdrawal of Land from Classification under the Maine Tree Growth Tax Law for Failure To File Certain Statements
  • L.D. 1144 An Act To Provide Information to Property Tax Payers

• 124th
  • L.D. 51 An Act To Allow Military Personnel Living in Maine To Benefit under the Maine Resident Homestead Property Tax Exemption
  • L.D. 1635 An Act To Avoid Unnecessary Removal of Land from the Maine Tree Growth Tax Law Program (*significant)

• 125th
  • L.D. 1138 An Act To Amend the Maine Tree Growth Tax Law and the Open Space Tax Law (*significant)

• 126th
  • L.D. 719 An Act To Ensure Access to Information in the Property Tax Abatement Process
  • L.D. 1164 An Act To Allow Cooperative Housing Owners Who Are Blind To Qualify for the Property Tax Exemption

County Mandates

A general observation might be made that the number of mandates affecting county government during the 1990s was substantially reduced beginning in the early 2000s. The primary reason for that reduction is the Legislature relinquishing its county budget adoption duties and finally giving that authority over to the counties and the county budget committees.

• 116th
  • L.D. 323 An Act to Continue the Franklin County Budget Committee
  • L.D. 468 Resolve, Creating the Kennebec County Law Enforcement Examination Commission
  • L.D. 1531 Resolve, for Laying of the County Taxes and Authorizing Expenditures of Androscoggin County for the Year 1993
  • L.D. 1532 Resolve, for Laying of the County Taxes and Authorizing Expenditures of Kennebec County for the Year 1993
o L.D. 1533 Resolve, for Laying of the County Taxes and Authorizing Expenditures of Penobscot County for the Year 1993
o L.D. 1534 Resolve, for Laying of the County Taxes and Authorizing Expenditures of Piscataquis County for the Year 1993
o L.D. 1537 An Act to Establish a Development Authority for Loring Air Force Base
o L.D. 1544 Resolve, for Laying of the County Taxes and Authorizing Expenditures of Somerset County for the Year 1993
o L.D. 1557 Resolve, for Laying of the County Taxes and Authorizing Expenditures of York County for the Year 1993
o L.D. 1558 An Act to Revise the Salaries of Certain County Officers
o L.D. 1788 An Act to Reduce the Property Tax Burden in Androscoggin County
o L.D. 1814 An Act to Extend the Sagadahoc County Budget Advisory Committee
o L.D. 1817 An Act Creating the York County Budget Committee
o L.D. 1887 Resolve, for Laying of the County Taxes and Authorizing Expenditures of Piscataquis County for the Year 1994
o L.D. 1915 An Act to Establish the Somerset County Budget Committee
o L.D. 1970 Resolve, for Laying of the County Taxes and Authorizing Expenditures of Penobscot County for the Year 1994
o L.D. 1988 Resolve, for Laying of the County Taxes and Authorizing Expenditures of Somerset County for the Year 1994
o L.D. 2004 An Act to Revise the Salaries of Certain County Officers

• 117th

o L.D. 418 An Act to Amend the Governmental Structure and Budget Approval Process for Cumberland County
o L.D. 1541 Resolve, for Laying of the County Taxes and Authorizing Expenditures of Piscataquis County for the Year 1995
o L.D. 1542 Resolve, for Laying of the County Taxes and Authorizing Expenditures of Penobscot County for the Year 1995
o L.D. 1579 Resolve, for Laying of the County Taxes and Authorizing Expenditures of Androscoggin County for the Year 1995
o L.D. 1580 Resolve, for Laying of the County Taxes and Authorizing Expenditures of Kennebec County for the Year 1995
o L.D. 1586 An Act to Revise the Salaries of Certain County Officers
o L.D. 1595 An Act to Increase the Number of Washington County Commissioners from 3 to 5
o L.D. 1792 An Act Concerning the Number of Washington County Commissioners
o L.D. 1840 Resolve, for Laying the County Taxes and Authorizing Expenditures of Piscataquis County for the Year 1996
o L.D. 1845 Resolve, for Laying of the County Taxes and Authorizing Expenditures of Penobscot County for the Year 1996
o L.D. 1881 Resolve, for Laying of the County Taxes and Authorizing Expenditures of Kennebec County for the Year 1996
o L.D. 1883 Resolve, for Laying of the County Taxes and Authorizing Expenditures of Androscoggin County for the Year 1996
o L.D. 1887 An Act to Revise the Salaries of Certain County Officers
• 118th

- L.D. 65 An Act to Amend the Laws Regarding Reimbursement to the Counties for Community Corrections
- L.D. 1408 An Act to Redistrict Knox County and Provide for 5 County Commissioners
- L.D. 1591 An Act to Amend the Washington County Budget Process
- L.D. 1880 Resolve, for Laying of the County Taxes and Authorizing Expenditures of Androscoggin County for the Year 1997
- L.D. 1884 Resolve, for Laying of the County Taxes and Authorizing Expenditures of Kennebec County for the Year 1997
- L.D. 1890 An Act to Revise the Salaries of Certain County Officers
- L.D. 2290 Resolve, for Laying of the County Taxes and Authorizing Expenditures of Kennebec County for the Year 1998
- L.D. 2292 An Act to Revise the Salaries of Certain County Officers

• 119th

- L.D. 54 Resolve, to Authorize the Knox County Commissioners to Hold a Referendum Election in November 1999 to Borrow Not More than $500,000 to Construct the Knox County Communications Center
- L.D. 923 An Act to Extend the Penobscot County Budget Committee
- L.D. 970 Resolve, Authorizing the Knox County Commissioners to Borrow Not More than $1,000,000 for Construction or Renovation of a District Court and Office Areas in Knox County
- L.D. 1048 An Act to Amend the Androscoggin County Budget Process
- L.D. 2186 An Act to Authorize York County to Hold Bond Referenda for New County Facilities
- L.D. 2197 Resolve, for Laying of the County Taxes and Authorizing Expenditures of Kennebec County for the Year 1999
- L.D. 2249 Resolve, for Laying of the County Taxes and Authorizing Expenditures of Androscoggin County for the Year 1999
- L.D. 2240 An Act to Revise the Salaries of Certain Kennebec County Officers
- L.D. 2569 Resolve, to Authorize the Waldo County Commissioners to Borrow not more than $600,000 to Build a Waldo County Communications and 9-1-1 Center
- L.D. 2677 An Act to Revise the Salaries of Certain Kennebec County Officers
- L.D. 2678 Resolve, for Laying of the County Taxes and Authorizing Expenditures of Kennebec County for the Year 2000

• 120th

- L.D. 92 An Act to Establish the Washington County Emergency Medical Services Authority
- L.D. 241 An Act to Change the Fiscal Year of Sagadahoc County
- L.D. 1772 Resolve, for Laying of the County Taxes and Authorizing Expenditures of Kennebec County for the Year 2001
- L.D. 1773 An Act to Revise the Salaries of Certain Kennebec County Officers
- L.D. 1967 An Act to Assist Municipalities of Sagadahoc County with the Change in the County Budget Year
Education and School Mandates

The stream of local government mandates flows very strong in the area of education, not only in terms of quantity but also significance. In fact, a majority of local dollars are spent in the area of K-12 public education each year. LD 1791 in the 117th, LD 1760 in the 120th, LD 1577 in the 121st, LD 1 in the 122nd, LD 1742 in the 125th, and LD 609 in the 126th are all examples of education-related mandates imposing significant local costs.

- 116th
  - L.D. 922 An Act to Clarify the Definition of Teacher under the Laws of the Maine State Retirement System
  - L.D. 1263 An Act to Amend and Improve the Laws Related to Education
  - L.D. 1560 An Act Requiring Public Schools to Purchase Insurance through a Competitive Bidding Process

- 117th
  - L.D. 874 Resolve, to Establish Tuition Policy for the Town of Dennysville and Edmunds Township
  - L.D. 1535 An Act Regarding School Construction in School Administrative District No. 49
  - L.D. 1581 Resolve, to Establish an Education Plan for the Towns of Mechanic Falls, Minot and Poland
  - L.D. 1705 An Act to Establish Educational Services for Grades 7 to 12 in the Towns of Mechanic Falls, Minot and Poland
  - L.D. 1791 An Act to Initiate Education Reform in Maine (*significant)
  - L.D. 1818 An Act to Require that Public Schools Permit Participation in Curricular, Cocurricular and Extracurricular Activities for Students Enrolled in Approved Equivalent Instruction Programs

- 118th
  - L.D. 1542 An Act Concerning Time-out Areas
  - L.D. 2252 An Act to Implement the Recommendations of the Governor's Commission on School Facilities

- 119th
  - L.D. 232 An Act to Restrict the Posting on the Internet of Personal Information About Public School Students
  - L.D. 624 An Act to Require Public Hearings for School Administrative District Referenda
  - L.D. 1348 An Act to Ensure Support Services for Teachers Serving Under a Certification Waiver
- L.D. 1798 An Act to Implement the Recommendations of the Commission to Study Providing Educators with More Authority to Remove Violent Students from Educational Settings

120th
- L.D. 269 An Act to Implement the Recommendations Relating to Education Made by the Joint Study Committee to Study Bomb Threats in Maine Schools
- L.D. 291 An Act to Require Teaching of Maine Native American History and Culture in Maine’s Schools
- L.D. 1760 An Act to Implement Maine’s System of Learning Results
- L.D. 1975 An Act Concerning Student Threats
- L.D. 2124 Resolve, Regarding Legislative Review of Portions of Chapter 126: Immunization Requirements for School Children, a Rule of the Department of Human Services, and Portions of Chapter 261: Immunization Requirements for School Children, a Rule of the Department of Education, Major Substantive Rules Jointly Adopted by the Department of Human Services and the Department of Education
- L.D. 2136 Resolve, Regarding Legislative Review of the Amendments to Chapter 127, Instructional Program, Assessment and Diploma Requirements, a Major Substantive Rule of the Department of Education

121st
- L.D. 1577 An Act To Amend and Improve the Education Laws (*significant)
- L.D. 1768 An Act To Authorize Certain School Children To Carry Emergency Medication on Their Persons
- L.D. 1946 An Act To Promote the Coordination of School Calendars for Career and Technical Education Students

122nd
- L.D. 1 An Act To Increase the State Share of Education Costs, Reduce Property Taxes and Reduce Government Spending at All Levels (Part C - municipal property tax levy limit)
- L.D. 564 An Act To Amend the Laws Governing the Student Code of Conduct
- L.D. 796 An Act To Implement the Recommendations of the Commission To Study Public Health That Concern Schools, Children and Nutrition
- L.D. 1952 An Act To Prevent the Use of Performance-enhancing Substances by Maine Student Athletes

123rd
- L.D. 222 An Act to Ensure the Integrity of School Crisis Response Plans
- L.D. 468 An Act To Amend the Laws Governing Compulsory School Attendance
- L.D. 1040 An Act to Increase College Attainment
- L.D. 1860 An Act to Implement the Recommendations of the Task Force To Engage Maine’s Youth Regarding Successful School Completion

125th
- L.D. 978 An Act To Provide for School Enrollment and an Appeal Process in Specific Cases in Which Students Do Not Reside with Parents
- L.D. 1237 An Act To Prohibit Bullying and Cyberbullying in Schools
- L.D. 1742 An Act To Amend Education Laws (*significant)
- L.D. 1779 An Act To Update the Career and Technical Education Laws
L.D. 1865 An Act To Enhance Career and Technical Education
L.D. 1873 An Act To Direct the Commissioner of Education To Adopt a Model Policy Regarding Management of Head Injuries in School Activities and Athletics

126th
L.D. 61 An Act To Amend Standards for Participation in Certain Public School Services by Students Who Are Homeschooled
L.D. 92 An Act Relating to Private School Student Participation in Public School Cocurricular, Interscholastic and Extracurricular Activities
L.D. 609 An Act To Increase Suicide Awareness and Prevention in Maine Public Schools (*significant)

Election Administration Mandates
The management of state elections is constantly being scrutinized, amended, and redesigned by state and federal lawmakers. The biannual bills carrying election-related mandates tend to sweep through Title 21-A making numerous detailed changes in elections practice. Sweeping changes of this type require constant vigilance on the part of municipal election officials in order to keep up with the amended procedures. LD 87 in the 119th is an example of a significant election-related mandate.

116th
L.D. 805 An Act to Clarify Maine Election Laws
L.D. 938 An Act Regarding Visually Impaired Voters

117th
L.D. 1444 An Act to Strengthen the Governmental Ethics and Campaign Reports and Finances Laws

118th
L.D. 1390 An Act to Protect the Voting Rights of Stalking Victims

119th
L.D. 87 An Act to Require All Voting Places to be Accessible (*significant)
L.D. 2412 An Act to Clarify the Process for a County Bond Referendum Election

120th
L.D. 623 An Act to Require Election Law Training to Voter Registrars and Clerks

122nd
L.D. 1115 An Act To Facilitate Voting by Participants in the Address Confidentiality Program
L.D. 1889 An Act To Amend the Election Laws

123rd
L.D. 27 An Act to Clarify Election Laws Concerning Election Clerks’ Qualifications
Environment Mandates

The major environment-related mandates were enacted in the decades prior to the mandate-limiting law’s adoption in 1992. Shoreland zoning, subdivision, junkyard management and solid waste laws are examples of long-standing environmental mandates impacting local government. The environmental mandates enacted since then have generally been less significant than the earlier legislation.

- 116th
  - L.D. 334 An Act to Establish an Automobile Recycling Permit (*significant)
  - L.D. 709 An Act to Encourage the Implementation of the Solid Waste Management Hierarchy
- 117th
  - L.D. 646 An Act to Create a Process for Identifying New Owners for Dams or Releasing Current Owners from Water Level Maintenance Obligations
  - L.D. 819 An Act to Require Notification to the Landowner When Land Is Being Considered for Placement in a Resource Protection Zone
  - L.D. 1726 An Act to Implement the Recommendations of the Task Force to Study the Operations of the Department of Inland Fisheries and Wildlife
- 118th
  - L.D. 2 An Act to Clarify Municipal Review and Enforcement of Sludge Spreading and Storage Permits
  - L.D. 866 An Act to Amend the Law Concerning Municipal Review and Regulation of Subdivisions
  - L.D. 2233 Resolve, Regarding Legislative Review of Chapter 231: Rules Relating to Drinking Water, a Major Substantive Rule of the Department of Human Services
- 119th
  - L.D. 2253 An Act to Authorize a General Fund Bond Issue in the Amount of $50,000,000 to Finance the Acquisition of Lands and Interests in Lands for Conservation, Water Access, Outdoor Recreation, Wildlife and Fish Habitat and Farmland Preservation and to Access $25,000,000 in Matching Contributions from Public and Private Sources
  - L.D. 2278 An Act to Amend the Low-emission Vehicle Program
  - L.D. 2597 An Act to Improve Public Water Supply Protection
- 122nd
  - L.D. 2015 Resolve, Authorizing Certain Land Transactions by the Department of Conservation, Bureau of Parks and Lands
- 123rd
  - L.D. 1431 An Act To Provide for the Protection of Communities That Host a Solid Waste Disposal Facility
  - L.D. 2160 An Act To Protect Shellfish Waters and Shellfish Resources from Coastal Pollution
- 125th
  - L.D. 1623 An Act To Simplify Toll Discounts and Amend Certain Powers and Procedures of the Maine Turnpike Authority
  - L.D. 1649 An Act To Authorize the Registration of Farmland
Health and Public Safety Mandates

Many of this category’s enacted mandates are related to police procedures and practices. The management of the sex offender registry system, for example, is an issue that is affected by legislation in almost every biennium. Despite the focus on police activity, other public health and safety issues crop up from time to time as significant unfunded state mandates. LD 1040 in the 116th, which significantly expanded the municipal obligation to manage undomesticated animals posing a threat to public safety (i.e., rabid wild animals), was enacted the first year after the voters amended the constitution to limit state mandates.

- **116th**
  - L.D. 544 An Act Regarding Missing Children
  - L.D. 569 An Act to Clarify the Days During Which Prisoners May Be Delivered to the Custody of the Department of Corrections
  - L.D. 1040 An Act to Provide Consistency in the Animal Welfare Laws (*significant)
  - L.D. 1108 An Act to Amend the Child Labor Laws

- **117th**
  - L.D. 986 An Act to Regulate Hybrid Wolves
  - L.D. 1221 An Act to Establish Responsibility for the Investigation of the Use of Deadly Force by Law Enforcement Officers
  - L.D. 1344 An Act to Make Certain Changes to Postconviction Review
  - L.D. 1471 An Act to Protect the Rights of Children Who Have Been Victims of Sexual Abuse
  - L.D. 1510 An Act to Make Comprehensive Changes to the Sex Offender Laws

- **118th**
  - L.D. 1069 An Act to Require Prisoners to Pay Court Fines and Family Support
  - L.D. 1679 An Act to Assist the Law Enforcement Community in Locating Missing Children
  - L.D. 1919 An Act to Inform Crime Victims about the Disposition of Charges
  - L.D. 2027 An Act to Ensure Collection of Essential Data by the Department of Public Safety

- **119th**
  - L.D. 2246 An Act to Amend the Nutrient Management Laws
  - L.D. 1400 An Act to Amend Juvenile Corrections Laws and to Establish a Juvenile Records Repository
  - L.D. 1721 An Act to Create the Sex Offender Registration and Notification Act of 1999
  - L.D. 1936 An Act to Modify the Juvenile Code with Regard to the Service of Juvenile Summonses

- **120th**
  - L.D. 1306 An Act to Implement the Recommendations of the Task Force on Educational Programming at Juvenile Correctional Facilities

- **121st**
  - L.D. 249 An Act to Aid Law Enforcement in Complying with Maine's Freedom of Access Laws
  - L.D. 475 An Act To Improve Conditions for Inmates with Mental Illness
  - L.D. 808 An Act To Control County Jail Health Care Expenses
L.D. 1199 An Act To Establish the Lincoln and Sagadahoc Multicounty Jail Authority
L.D. 1224 An Act To Increase Requirements for Notification of Release to Victims of Stalkers
L.D. 1434 An Act To Ensure Basic Standards for Death Investigations by Law Enforcement Agencies
L.D. 1514 An Act To Amend the Sex Offender Registration and Notification Laws
L.D. 1567 An Act To Implement Recommendations of the MCJUSTIS Policy Board Concerning the Drafting of Crimes and Civil Violations Pursuant to Resolve 1997, Chapter 105, as Amended
L.D. 1573 An Act To Make Minor Changes to the Required Law Enforcement Policies
L.D. 1803 An Act Requiring Blood Testing of All Drivers Involved in Fatal Accidents
L.D. 1847 An Act To Implement the Recommendations of the Commission To Improve Community Safety and Sex Offender Accountability Regarding Public Notification by Law Enforcement

123rd
L.D. 2220 An Act To Aid Victims of Identity Theft in Securing a Police Report
L.D. 2279 An Act To Ensure Equitable Payment for E-9-1-1 Services

124th
L.D. 1592 An Act To Update the Laws Affecting the Maine Center for Disease Control and Prevention

125th
L.D. 1177 An Act To Make Minor Changes to Municipal Health Inspection Activities
L.D. 1711 An Act To Adopt the Use of Standardized Risk Assessment in the Management of Domestic Violence Crimes

Information Sharing Mandates

There has been a steady biennial focus on Maine’s Freedom of Access, or “Right to Know”, laws since they were enacted throughout America in the post-Watergate mid-1970s. LD 1465 in the 125th provides an example of a significant new mandate in this area.

118th
L.D. 753 An Act to Require Law Enforcement Agencies to Collect Data Regarding Public Intoxication
L.D. 1867 An Act to Protect Victims of Domestic Violence

120th
L.D. 1681 An Act Relating to Personal Privacy and Governmental Information Practices
L.D. 2209 An Act to Implement the Recommendations of the Secretary of State and the University of Maine System to Develop a Comprehensive Plan for Preserving and Protecting Historical Records and Access to Those Records
Insurance Mandates

Municipalities have faced a significant expansion in workers’ compensation law pertaining to their employees, while the State has managed to avoid such a broad widening of scope with respect to its employees. A very significant mandate in this area was enacted in the 124\textsuperscript{th} (LD 621), but it is not considered a mandate by the Legislature because it did not include the “mandate preamble”. Like other municipally-related workers’ compensation expansion bills (see LD1746 in the 120\textsuperscript{th}), LD 621 creates the “rebuttable presumption” that firefighters who get cancer contracted the disease as a workplace injury. LD 621 supporters told the Legislature that the bill would not significantly impact the municipalities but it turns out that the mandate has created very significant impacts on local government insurance costs.

- 116\textsuperscript{th}
  - L.D. 1246 An Act to Amend Laws Administered by the Maine State Retirement System
  - L.D. 1307 An Act to Clarify Responsibility for Workers' Compensation Coverage for Town Forest Fire Wardens and Laborers Hired for Forest Fire-fighting Activities

- 117\textsuperscript{th}
  - L.D. 556 An Act Concerning the Participation of Teachers of Adult Education in the Maine State Retirement System
  - L.D. 1531 Resolve, Establishing a Moratorium on Implementation of the Law Requiring Public Employers to Pay the Costs of Early Retirement Incentives

- 118\textsuperscript{th}
  - L.D. 988 An Act to Exclude Coaches from Participation in the Maine State Retirement System
  - L.D. 1605 An Act to Prohibit Towns from Cancelling Health Insurance Provided to Retired Employees
  - L.D. 2190 An Act to Implement the Recommendations of the Blue Ribbon Commission to Study the Effects of Government Regulation and Health Insurance Costs on Small Businesses in Maine

- 120\textsuperscript{th}
  - L.D. 1970 An Act to Clarify the Status of Retirees Who Return to Service Under the Maine State Retirement System
L.D. 2084 An Act Regarding Workers' Compensation and Liability Immunity Coverage for Emergency Management Forces

Legislation Dealing with Mandates

The following three bills are not mandates in themselves, but are included because they address the topic of mandates.

- 116th - L.D. 779 An Act to Implement the Constitutional Requirement for State Funding of Mandates Imposed on Local Units of Government
- 121st - L.D. 66 An Act to Repeal the Mandate to Perambulate the Municipal Boundary Lines when there is No Boundary Dispute
- 122nd - L.D. 1369 Resolve, Directing the Intergovernmental Advisory Group to Review Unfunded Mandates

Licensing and Training Mandates

Some training-related mandates are very targeted and establish training programs conducted by the state. In those cases, the only direct compliance expenses to the municipality are the softer costs of transportation to the training programs and the time investment. Other training mandates, however, are much more cost intensive. LD 1789 in the 121st is an example of the more costly approach.

- 116th
  - L.D. 1114 An Act to Amend the Laws Governing the Training and Certification of Law Enforcement Officers
  - L.D. 1631 An Act Concerning Level I and Level II Educational Technicians
- 117th
  - L.D. 1230 An Act Concerning Educational Technicians
- 119th
  - L.D. 757 An Act Concerning Recreational Clam Harvesting Licenses
  - L.D. 1261 An Act to Require the Training of School Personnel Who Administer Medications
- 120th
  - L.D. 623 An Act to Require Election Law Training to Voter Registrars and Clerks
- 121st
  - L.D. 1789 An Act To Revise the Minimum Firefighter Safety Standards (*significant)
- 125th
  - L.D. 1858 An Act To Ensure Effective Teaching and School Leadership

Miscellaneous Mandates

- 116th
  - L.D. 397 An Act to Ensure Equitable Treatment of Manufactured Home Owners
  - L.D. 746 An Act to Increase Tenant Representation on Housing Authorities
  - L.D. 1424 An Act to Ensure Prompt and Equitable Payment for Construction Services
  - L.D. 1616 An Act to Make Changes to the Public Utilities Commission Laws
- 117th
o L.D. 439 An Act Requiring That Disbursement Warrants Receive an Affirmative Vote by Municipal Officers
o L.D. 1206 An Act to Amend the Medical Examiner Act
o L.D. 1245 An Act Limiting the Types of Municipal Investments
o L.D. 1348 An Act to Reform the Process of Periodic Review of Programs and Agencies
o L.D. 1842 An Act to Recodify and Revise the Maine Revised Statutes, Title 19

• 118th
  o L.D. 408 An Act to Include Operation and Maintenance in the Life-cycle Costs Analysis Required for Public Improvements
  o L.D. 429 An Act to Protect the Potato Industry from the Spread of Serious Disease
  o L.D. 1393 An Act Amending the Compensation for Members of the Panel of Mediators
  o L.D. 1860 An Act to Authorize Hancock County to Hold a Referendum Election in November 1997 on a Bond Issue of $6,000,000 to Construct a New Jail and to Provide Necessary Renovations to the Courthouse to Comply with State Mandates
  o L.D. 2125 An Act to Improve Public Sector Labor Relations
  o L.D. 2237 Resolve, Regarding Legislative Review of Chapter 820: Requirements for Non-Core Utility Activities and Transactions Between Affiliates, a Major Substantive Rule of the Public Utilities Commission

• 119th
  o L.D. 2022 An Act to Improve the Marketability of Real Estate Titles

• 120th
  o L.D. 1626 An Act to Make the Laws Affecting Certain Bridges Consistent with Federal Law

• 122nd
  o L.D. 1203 An Act To Amend the Laws Concerning Eminent Domain
  o L.D. 1909 An Act To Make Minor Technical Changes to Maine's Spending Growth Benchmarks
  o L.D. 1965 An Act To Ensure the Ability of Municipalities To Provide Assistance to Their Citizens

Municipal and Quasi-Municipal District Technical Organizational Mandates

Unlike municipalities, water and sewer districts and other quasi-municipal organizations must go to the Legislature to have their charters amended. Because there are typically some administrative acts associated with implementing charter changes, these bills affecting the organization of local utility districts are tagged as mandates, creating a long list in this category of mandates that are mainly technical in nature and do not impose significant financial costs.

• 116th
  o L.D. 92 An Act to Provide for Water Rights to the Town of New Gloucester
  o L.D. 353 An Act to Amend the Charter of the North Berwick Water District
  o L.D. 431 An Act to Amend the Charter of the Northern Maine Regional Planning Commission
  o L.D. 669 An Act to Reapportion Maine School Administrative District No. 72
  o L.D. 724 An Act to Amend the Mars Hill Utility District
- L.D. 801 An Act to Amend the Charter of the Lewiston-Auburn Water Pollution Control Authority
- L.D. 948 An Act Relating to the Portland Harbor Commission and Portland Harbor
- L.D. 976 An Act to Deorganize the Town of Greenfield
- L.D. 1012 An Act to Amend the Waldo County Utility District Charter
- L.D. 1342 An Act Related to the State Valuation of the Town of Mexico
- L.D. 1438 An Act to Reapportion Maine School Administrative District Number 30
- L.D. 1441 An Act to Amend the Laws Governing the Knox County Budget Committee
- L.D. 1526 An Act to Amend the Charter of the Oxford Water District
- L.D. 1606 An Act to Amend the Charter of the Portland Water District
- L.D. 1639 An Act to Authorize the Towns of Appleton, Camden, Hope, Lincolnville and Rockport to Form a Community School District
- L.D. 1664 An Act to Increase the Debt Limit for the Richmond Utilities District
- L.D. 1684 An Act to Amend the Charter of the Brewer Water District
- L.D. 1695 An Act to Amend the Waldoboro Utility District Charter
- L.D. 1696 An Act to Create the Mount Desert Water District
- L.D. 1797 An Act to Amend the Charter of the Madison Water District
- L.D. 1799 An Act to Expand the Powers of the Great Salt Bay Sanitary District

117th
- L.D. 23 An Act to Increase the Debt Limit of the West Paris Water District
- L.D. 38 An Act to Amend the Charter of the Sewer District of the Town of Kennebunk by Expanding Its Territorial Limits
- L.D. 71 An Act to Amend the Charter of the Port Clyde Water District
- L.D. 284 An Act Amending the Charter of the Department of Electric Works within the Town of Madison
- L.D. 337 An Act to Increase the Debt Limit of the Richmond Utilities District
- L.D. 362 An Act to Expand the Boundaries of the Presque Isle Water District and the Presque Isle Sewer District
- L.D. 415 An Act to Amend the Charter of the Bangor Water District
- L.D. 562 An Act to Increase Compensation of Trustees of the Gray Water District
- L.D. 627 An Act to Amend the Kennebec Water District Charter by Allowing the Town of Vassalboro and the Town of Benton to have a Permanent Member on the Board of Trustees
- L.D. 694 An Act to Create the Franklin Utility District
- L.D. 983 An Act to Authorize the Towns of Mechanic Falls, Minot and Poland to Form a Community School District
- L.D. 1099 An Act to Combine the Sabattus Water District and the Sabattus Sanitary District
- L.D. 1326 An Act Concerning the Kennebec Water District
- L.D. 1572 An Act to Amend the Charter of the Corinna Water District
- L.D. 1638 An Act to Revise the Charter of the Boothbay Harbor Water System
- L.D. 1640 An Act to Amend the Laws Regarding the Apportionment of Costs of the Mount Desert Island Regional School District among Member Towns
- L.D. 1828 An Act to Transfer Land from the Town of Brownfield to the Town of Hiram

118th
- L.D. 71 An Act to Return a Certain Parcel of Land to Hartland from Pittsfield
- L.D. 317 An Act Relating to the State Valuation of the Town of Corinna
- L.D. 805 An Act to Create the Oquossoc Standard Water District
- L.D. 863 An Act to Amend the North Yarmouth-Cumberland Town Line
- L.D. 935 An Act to Increase the Debt Limit of the Waldoboro Utility District
- L.D. 1073 An Act to Create the Tenants Harbor Standard Water District
- L.D. 1216 An Act to Allow the Separation of Frye Island from the Town of Standish
- L.D. 1850 An Act to Allow the Town of Chester to Annex a Certain Parcel of Land
- L.D. 1990 An Act to Amend the Charter of the Bingham Water District
- L.D. 2221 An Act to Amend the Charter of the Ogunquit Sewer District

119th
- L.D. 368 Resolve, Naming the Beach Next to the Lincolnville Ferry Terminal French Beach
- L.D. 2046 An Act to Amend the Powers of Hospital Administrative District No. 1
- L.D. 2136 An Act to Create the Capital Riverfront Improvement District
- L.D. 2219 An Act Relating to the Kennebec Regional Development Authority
- L.D. 2311 An Act to Authorize School Administrative Units to Utilize Alternative Delivery Methods for a Limited Range and Number of School Construction Projects, Including the use of an Owner's Representative for Certain School Construction Projects
- L.D. 2620 An Act to Amend the Farmington Falls Standard Water District

120th
- L.D. 1301 An Act to Implement Changes in Cost-sharing Agreements in School Districts
- L.D. 1661 An Act to Amend the Charter of the Portland Water District to Permit the Extension of Water and Wastewater Service to the Town of Raymond
- L.D. 1820 An Act to Amend the Charter of the Limestone Water and Sewer District
- L.D. 2205 Resolve, to Adjust the Valuation of St. John Plantation as a Result of a Fire

121st
- L.D. 541 An Act To Ensure Timely Responses to Requests for School Administrative District Reapportionments
- L.D. 1925 An Act To Change the Names of Certain Townships in the Unorganized Territory

122nd
- L.D. 1626 Resolve, Regarding the Town of Cooper
- L.D. 1735 An Act To Authorize Chebeague Island To Secede from the Town of Cumberland
- L.D. 1736 An Act To Amend the Charter of the Boothbay Harbor Sewer District
- L.D. 2115 An Act To Amend the Boundaries between the City of Saco and the Town of Old Orchard Beach
• 123rd
  o L.D. 1965 An Act To Amend the Lucerne-in-Maine Village Corporation Charter
• 124th
  o L.D. 33 An Act To Change the Name of Township 16, Range 4, WELS, to Madawaska Lake
• 125th
  o L.D. 81 An Act To Change the Name of Township 3, Range 9, NWP, to Cedar Lake Township

State Budgets Labeled As Mandates

It is often the case that state budgets need to receive a two-thirds “super majority” vote in both the House and Senate to be enacted as emergency legislation. It is not uncommon, therefore, for state budgets to include a “mandate preamble”, sometimes as a precautionary measure just in case the budget includes some mandatory elements. In other cases, the mandate impacts within a state budget are very significant, even to the point of being the budget’s centerpiece. The school consolidation law enacted as part of the 2007-2008 state budget (LD 499 in the 123rd) is an example.

• 116th
  o L.D. 283 Biennial State Budget – Fiscal Years 1994 and 1995
  o L.D. 284 Supplemental State Budget – Fiscal Years 1994 and 1995
• 117th
  o L.D. 706 Biennial State Budget – Fiscal Years 1996 and 1997
  o L.D. 958 Supplemental State Budget – Fiscal Years 1996 and 1997
• 121st
  o L.D. 1574 Supplemental State Budget – Fiscal Years 2003 and 2004
  o L.D. 1614 Supplemental State Budget – Fiscal Years 2003 and 2004
    ▪ Part SS – Land Use Planning Assessment
    ▪ Subchapter 3 – Pine Tree Development Zone Exemptions
• 122nd
  o L.D. 1968 Supplemental State Budget – Fiscal Years 2005 and 2006
    ▪ Part AAAA – Essential Programs and Services Adjustments
• 123rd
  o L.D. 499 Biennial State Budget – Fiscal Years 2007 and 2008 (*significant)
    ▪ Part D – Regionalization, Consolidation and Efficiency Assistance Adjustment
• 124th
  o L.D. 353 Biennial State Budget – Fiscal Years 2009 and 2010
Unlabeled Mandates

Two bills were enacted in the 2009-2010 biennium that have turned out to be unfunded state mandates even though they were not recognized as such by the Legislature when they were enacted. As discussed above under Insurance-related Mandates, the impacts of LD 621 are very significant.

- 124th
  - L.D. 621 An Act Allowing Workers' Compensation Benefits for Firefighters Who Contract Cancer

Veteran Mandates

Municipal officials understand why the Legislature enacts laws that are beneficial to the state’s veterans. When the expense of providing those benefits fall entirely on local government, however, it is less clear why the state doesn’t also financially participate, at least to some degree. LD 274, enacted in 2013, is an example.

- 119th
  - L.D. 873 An Act to Clarify Responsibilities for the Maintenance of Veterans' Grave Sites
  - L.D. 1938 An Act to Provide Equity for Veterans of the Vietnam War and the Persian Gulf Conflict

- 121st
  - L.D. 1746 An Act To Provide Equity in Veterans' Property Tax Exemptions

- 122nd
  - L.D. 791 An Act Concerning the Taxation of Property Owned by Certain Veterans' Organizations (*significant)

- 123rd
  - L.D. 313 An Act To Extend the Property Tax Exemption for Veterans to Persons Living in Cooperative Housing

- 126th
  - L.D. 274 An Act To Preserve and Protect Ancient Burial Grounds and Burial Grounds in Which Veterans are Buried (*significant)
  - L.D. 973 An Act To Make Veterans' Property Tax Exemption Applications Confidential