

To: Legislative Policy Committee

From: Rebecca Lambert, Municipal Issues Specialist
Amanda Campbell, Legislative Advocate

Date: September 18, 2024

Re: Unfunded Mandates Working Group Update

Attending Members: Roberta Boczkiewicz, Castine; Rick Bronson, Lincoln; James Kossuth, Rockport; Richard LaBelle, Norridgewock; Danielle Loring, Minot; David Nadeau, Windham; Jon Whitcomb, Sidney; and, Anthony Wilson, Winthrop.

Staff: Rebecca Lambert; Amanda Campbell

Summary: The Unfunded Mandates Working Group met on September 10, 2024, to brainstorm possible legislative solutions. Based on the LPC feedback received during the September 26 meeting, the ideas that follow will be fully vetted at the working group's October meeting.

Two main approaches were presented to the group. The first approach looked to repeal, amend or somehow modify in some way an unfunded mandate that has currently been passed. The second approach was to look at how the LPC could tackle the manner in which the legislature views unfunded mandates and bring the mandate conversation back into the State House with a goal of a more balanced relationship.

Discussion ranged from potentially suing the legislature to amending minor bills while keeping steadfast with an eye on the future bills that come out. Ultimately, it was determined that four prevailing themes have floated to the top and are being presented to the full LPC for discussion.

Recommendations:

- 1) Amend the Constitution to clarify that if a measure is not funded, compliance by a municipality is voluntary.
- 2) Create a presumption that all that all legislation passed with an impact to local government would be presumed to be a mandate unless proven otherwise, therefore requiring either the funding or the 2/3 vote to not fund.
- 3) Investigate educational opportunities to engage legislators in state-local partnerships.
- 4) Investigate any possible changes to the procedure used to identify bills that may or may not qualify as a mandate (committee, analyst and others).

Next Meeting

- October TBD, Looking for availability the week of September 30.