

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Fifteenth Legislature

OF THE

State Of Maine

VOLUME VI

SECOND REGULAR SESSION

House of Representatives
March 10, 1992 to March 31, 1992

Senate
January 8, 1992 to March 9, 1992

Yes, 112; No, 26; Absent, 13; Paired, 0; Excused, 0.

112 having voted in the affirmative and 26 in the negative with 13 being absent, the bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act to Facilitate Self-insurance and Group Self-insurance under the Maine Workers' Compensation Act (S.P. 877) (L.D. 2238) (S. "A" S-638; S. "B" S-701; and H. "B" H-1287 to C. "A" S-633)

WAS reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

The following items appearing on Supplement No. 8 were taken up out of order by unanimous consent:

FINALLY PASSED

Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide State Funding of any Mandate Imposed on Municipalities (S.P. 42) (L.D. 66) (H. "D" H-1237 to C. "B" S-527 and S. "B" S-555)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

The SPEAKER: The Chair recognizes the Representative from Wiscasset, Representative Kilkelly.

Representative KILKELLY: Mr. Speaker, Ladies and Gentlemen of the House: Due to the history of this legislation, there may be some confusion regarding the meaning of the phrase "legislation implementing this section" which appears at the beginning of the second sentence of the bill.

Originally, L.D. 66 as amended by Committee Amendment "B" was presented as proposed Constitutional Amendment that set forth a basic prohibition on mandates and listed several exception where the legislature could act without providing funding. This earlier version depended upon a companion implementing statute, L.D. 1963, to give definition to these exceptions.

L.D. 66 as it appears before us today does not include a list of exceptions and is not dependent upon a companion bill. Instead, it is a simple statement of a requirement to fund future mandates. Exceptions to the general no mandate without funding rule may be determined on a case-by-case basis by a two-thirds vote of both Houses. In this new context, the phrase "legislation implementing this section" does not mean that the legislature may in the future use implementation legislation to further define or water down the basic concept of L.D. 66 to require funding for state mandates or in any way create new exceptions. Implementing legislation may be necessary to deal with such issues as how funding will be distributed to local units and how the amount required to be funded will be determined.

Further, appropriations to provide state funds to meet the annual 90 percent funding requirement do not require a two-thirds vote.

This being a Constitutional Amendment, and a two-thirds vote of the House being necessary, a total was taken. 109 voted in favor of same and 20 against, and accordingly the Resolution was finally passed, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act Concerning the Bureau of Intergovernmental Drug Enforcement (H.P. 1629) (L.D. 2292) (H. "A" H-1186 to C. "A" H-1106 and H. "A" H-1282)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. A two-thirds vote being necessary, a total was taken. 109 having voted in the affirmative and 9 in the negative, the bill was passed to be enacted, signed by the Speaker and sent to the Senate.

(Off Record Remarks)

On motion of the Representative Morrison of Bangor,

Adjourned at 7:28 p.m. until Saturday, March 28, 1992 at twelve o'clock noon.