

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**STATE OF MAINE  
116TH LEGISLATURE**

**FIRST REGULAR SESSION**

**BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
STATE AND LOCAL GOVERNMENT**

**JULY 1993**

***Staff:***

***Roy Lenardson, Legislative Analyst  
David C. Elliott, Principal Analyst***

***Office of Policy and Legal Analysis  
Room 101, State House Station 13  
Augusta, ME 04333  
(207)287-1670***

***MEMBERS:***

***\*Sen. Georgette B. Berube  
Sen. Donald E. Esty, Jr.  
Sen. Jeffrey H. Butland***

***\*Rep. Ruth Joseph  
Rep. Marge L. Kilkelly  
Rep. Glenith C. Gray  
Rep. Lucien A. Dutremble  
Rep. Douglas J. Ahearne  
Rep. G. Steven Rowe  
Rep. Ellen W. Walker  
Rep. Theone F. Look  
Rep. Richard A. Bennett  
Rep. Paul R. Young***

***\*Denotes Chair***

MARTHA E. FREEMAN, DIRECTOR  
WILLIAM T. GLIDDEN, JR., PRINCIPAL ANALYST  
JULIE S. JONES, PRINCIPAL ANALYST  
DAVID C. ELLIOTT, PRINCIPAL ANALYST  
MARION HYLAN BARR  
JON CLARK  
LISA COPENHAVER  
DEBORAH C. FRIEDMAN  
MICHAEL D. HIGGINS  
JILL IPPOLITI



JOHN B. KNOX  
ROY W. LENARDSON  
PATRICK NORTON  
JANE ORBETON  
MARGARET J. REINSCH  
PAUL J. SAUCIER

JOHN G. KELLEY, RESEARCHER  
DARLENE A. SHORES LYNCH, RESEARCHER  
CARRIE C. McFADDEN, RESEARCHER

STATE OF MAINE  
OFFICE OF POLICY AND LEGAL ANALYSIS  
ROOM 101/107/135  
STATE HOUSE STATION 13  
AUGUSTA, MAINE 04333  
TEL: (207) 287-1670  
FAX (207) 287-1275

**ONE HUNDRED AND SIXTEENTH LEGISLATURE  
FIRST REGULAR SESSION**

**JOINT STANDING COMMITTEE  
BILL SUMMARIES**

**JULY 1993**

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees and Joint Select Committees of the Maine Legislature. The volume is organized alphabetically by committee; within each committee, the summaries are arranged by LD number. A subject index is provided at the beginning of each committee's summaries.

The committee report or reports, the prime sponsor for each bill and the lead co-sponsor in each house if one has been designated are listed below each bill title. All adopted amendments are listed, by paper number (e.g., H-584 or S-222), together with the sponsor for floor amendments. Final action on each bill is listed to the right of the title. Various types of final action are abbreviated as follows:

<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>P&amp;S XXX</i>	<i>Chapter # of enacted Private &amp; Special Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of enacted Resolve</i>
<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>CARRIED OVER</i>	<i>Bill carried over to Second Session</i>
<i>ONTP</i>	<i>Ought Not to Pass report accepted</i>
<i>ENACTMENT FAILED</i>	<i>Bill failed to get majority vote</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed</i>
<i>FAILED EMERGENCY ENACTMENT</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>DIED BETWEEN BODIES</i>	<i>House &amp; Senate disagree; bill died</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference formed but unable to agree</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>
<i>UNSIGNED</i>	<i>Not signed by Governor within 10 days</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>

These summaries were prepared by the analyst or analysts assigned to the committee. But, this document was produced by the efforts of all the office staff, including secretaries: Charlene Raymond and Valarie Parlin.

If you have any suggestions or comments on these summaries, please let us know.

4693NRG

**LD 322 An Act to Facilitate the Efforts of the Commission on Governmental Ethics and Election Practices to Provide Advisory Opinions**

ONTP

**SPONSOR(S)**  
GWADOSKY

**COMMITTEE REPORT**  
ONTP

**AMENDMENTS ADOPTED**

**SUMMARY**

This bill authorizes the commission to adopt rules to develop a procedure whereby advisory opinions could be issued by way of a conference call setup. Under existing freedom of access laws, such a conference call arrangement is not permissible. This bill allows the commission to adopt rules to set up a conference call and discuss and issue advisory opinions to a Legislator provided members of the local media have been given notice of the time and place of the conference call, there is loudspeaker capability for the call and the call takes place in a room that is adequate to allow members of the public to attend.

**LD 323 An Act to Continue the Franklin County Budget Committee**

PUBLIC 449

**SPONSOR(S)**  
TRACY  
WEBSTER

**COMMITTEE REPORT**  
OTP-AM

**AMENDMENTS ADOPTED**  
S-354 PEARSON

**SUMMARY**

Under current law, the statutory sections establishing the Franklin County budget are repealed on April 30, 1994. This bill eliminates that repeal.

The Senate amendment (S-354) adds a mandate preamble and fiscal note to the bill indicating that the State is exempted from paying the additional costs as this bill is enacted by a 2/3 vote in both houses pursuant to the Constitution.

**LD 391 An Act to Repeal the Statutory Provisions Formerly Governing Unfunded State Mandates**

PUBLIC 28

**SPONSOR(S)**  
GRAY

**COMMITTEE REPORT**  
OTP

**AMENDMENTS ADOPTED**

**SUMMARY**

In November of 1992, the voters approved an amendment to the Constitution of Maine to provide for state funding of any mandate imposed on municipalities. State funding for mandated programs was previously governed by the Maine Revised Statutes, Title 30-A, section 5684. This bill repeals the statutory provisions.

**LD 396 Resolve, To Authorize the Director of the Bureau of General Services to Transfer in the Name of the State a Certain State Built Water Pipeline in the Town of Boothbay Harbor**

RESOLVE 4

**SPONSOR(S)**  
HEINO

**COMMITTEE REPORT**  
OTP-AM

**AMENDMENTS ADOPTED**  
H-56

**SUMMARY**

The State in 1989 agreed to build an underground water pipeline between Station 10+00 and Station 30+90 under McKown Point Road in Boothbay Harbor as shown on record drawings prepared by Wright-Pierce Engineers of Topsham. It was the intention that this pipeline be constructed at the expense of the State according to good engineering design acceptable to the Boothbay Harbor Water System and then be transferred to the system. The underground water pipeline has now been constructed. For the transfer to take place, a resolve is necessary to give the Director of the Bureau of General Services authority to convey ownership of state property to the Boothbay Harbor Water System.

The committee amendment (H-56) adds a fiscal note to the bill.

**LD 409      Resolve, to Increase Efficiency and Reduce Costs for State Agencies      ONTP**

**SPONSOR(S)**                      **COMMITTEE REPORT**                      **AMENDMENTS ADOPTED**  
TREAT                                      ONTP  
HARRIMAN

**SUMMARY**

This resolve requires the Department of Administrative and Financial Services to develop a program of high performance work organization. All state agencies will be required to submit a plan to the department and 2 will be selected to participate in a pilot program, one of which will be the Department of Human Services.

**LD 417      An Act to Clarify the Maine Administrative Procedure Act      PUBLIC 362**

**SPONSOR(S)**                      **COMMITTEE REPORT**                      **AMENDMENTS ADOPTED**  
JOSEPH                                      OTP-AM                                      H-526

**SUMMARY**

This bill adjusts language in the Maine Administrative Procedure Act. The bill defines "adopt" and "effective date" and provides that a designee of the agency who has responsibility over the subject area of a rule may hold a rule-making hearing. The bill also provides that a contingency affecting the adoption of a rule must be reported to the Secretary of State. In addition, the bill repeals a provision that requires the Secretary of State to publish compilations of rules using state resources. The bill enables the Secretary of State to correct minor errors in rules, specifies the filing period for the regulatory agenda and allows agencies to amend the regulatory agenda by notice to the Legislature and Secretary of State prior to rule adoption.

The committee amendment (H-526) makes clear that the Secretary of State must compile, edit, index and arrange for publication and distribution of rules only if the Secretary of State can do so within existing resources. The amendment adds a provision requiring the Secretary of State to publish an annual list of current rules of state agencies. The amendment also makes technical changes to the bill and adds a fiscal note.