

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
118TH LEGISLATURE

SECOND REGULAR SESSION  
AND  
SECOND SPECIAL SESSION

BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
APPROPRIATIONS AND FINANCIAL AFFAIRS

MAY 1998

**MEMBERS:**

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*Sen. John J. Cleveland*

*Sen. Richard A. Bennett*

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**Staff:**

*Jim Clair, Deputy Director*

*Office of Fiscal and Program Review*

*Room 225, 5 State House Station*

*Augusta, ME 04333*

*(207)287-1635*



**Maine State Legislature  
OFFICE OF POLICY AND LEGAL ANALYSIS**

13 State House Station, Augusta, Maine 04333-0013  
Telephone: (207) 287-1670  
Fax: (207) 287-1275

**ONE HUNDRED EIGHTEENTH LEGISLATURE  
SECOND REGULAR AND SECOND SPECIAL SESSIONS**

**Summary Of Legislation Before The Joint Standing Committees  
May 1998**

We are pleased to provide this summary of bills that were considered by the Joint Standing Committees of the Maine Legislature. The document is a compilation of bill summaries which describe each bill and relevant amendments, as well as the final action taken. Also included are statistical summaries of bill activity this Session for the Legislature and each of its joint standing committees.

The document is organized for convenient reference to information on bills handled by the joint standing committees. It is organized by committees and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet ([www.state.me.us/legis/opla](http://www.state.me.us/legis/opla)).

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

*CON RES XXX*..... Chapter # of Constitutional Resolution passed by both Houses  
*CONF CMTE UNABLE TO AGREE*.....Committee of Conference unable to agree; bill died  
*DIED BETWEEN BODIES*.....House & Senate disagree; bill died  
*DIED IN CONCURRENCE*.....One body accepts ONTP report; the other indefinitely postpones the bill  
*DIED ON ADJOURNMENT*.....Action incomplete when session ended; bill died  
*EMERGENCY*.....Enacted law takes effect sooner than 90 days  
*FAILED EMERGENCY ENACTMENT/FINAL PASSAGE*.....Emergency bill failed to get 2/3 vote  
*FAILED ENACTMENT/FINAL PASSAGE*.....Bill failed to get majority vote  
*FAILED MANDATE ENACTMENT*.....Bill imposing local mandate failed to get 2/3 vote  
*INDEF PP*.....Bill Indefinitely Postponed  
*ONTP*..... Ought Not To Pass report accepted  
*OTP ND*..... Committee report Ought To Pass In New Draft  
*OTP ND/NT*..... Committee report Ought To Pass In New Draft/New Title  
*P&S XXX*..... Chapter # of enacted Private & Special Law  
*PUBLIC XXX*..... Chapter # of enacted Public Law  
*RESOLVE XXX*..... Chapter # of finally passed Resolve  
*UNSIGNED*.....Bill held by Governor  
*VETO SUSTAINED*.....Legislature failed to override Governor's Veto

Please note the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is June 30, 1998 and July 9, 1998 for the Second Special Session. Second Special Session laws include Public Laws beginning with Chapter 718, Private and Special Laws beginning with Chapter 82 and Resolves beginning with Chapter 117.

LD 2000 proposed to provide a \$1,300,000 General Fund appropriation for the Department of Mental Health, Mental Retardation and Substance Abuse Services to provide day services to people with mental retardation who are not class members.

**LD 2002**

**An Act to Delay the Implementation of Performance Budgeting for State Government**

**PUBLIC 764  
EMERGENCY**

<u>Sponsor(s)</u> OTT		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-1089
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LD 2002 proposed to delay the strategic planning and performance budgeting initiative as enacted by Public Law 1995, chapter 705 and Public Law 1997, chapter 184. The delay would allow the departments and agencies of State Government to further refine their strategic plans and to solicit additional input from the Legislature. Development of policy areas and development of joint strategic plans would be delayed for 2 years. The establishment of policy areas would be the responsibility of the Legislature. Full implementation of performance budgeting would be delayed 4 years to coincide with the 2004-2005 biennium.

It proposed to require the Commission on Performance Budgeting to recommend the most cost-effective method to validate measurable objectives and to audit the completed performance budget. The commission would also be authorized to submit legislation as necessary.

Finally, it required the State Budget Officer to submit a recommendation to the Legislature and the Governor concerning the specific level at which resources would be appropriated or allocated in the performance budget milieu.

**Committee Amendment "A" (H-1089)** proposed the following:

1. Clarified that the legislative and judicial branches may elect to participate or to not participate in the strategic planning and performance budgeting initiative;
2. Eliminated all reference to "policy area" planning or budgeting;
3. Added or clarified certain definitions related to strategic planning and performance budgeting;
4. Reduced the size of the Commission on Performance Budgeting to 13 members, called on the President of the Senate and the Speaker of the House to appoint the chair from the legislative members and called on the commission to be staffed primarily by Legislative Council staff;
5. Called on state agencies to submit updated draft strategic plans by December 1, 1998, submit final strategic plans by December 1, 1999 and submit biennial strategic plan revisions by December 1, 2000 and December 1st of each even-numbered year thereafter to the joint standing committee of the Legislature having jurisdiction over that agency's matters for its review and comment;
6. Called on state agencies to identify programs within their agency having the same or similar goals and objectives as one or more other state agencies, consult and coordinate their strategies toward common goals and objectives and submit any revised strategic plans by September 1, 2001 to the joint standing committee of the Legislature having jurisdiction over that agency's matters, as well as to the State Planning Office, the Bureau of

the Budget, the Office of Fiscal and Program Review and the Office of Policy and Legal Analysis, for their review and comment;

7. Required the Governor to present a prototype budget bill and budget document to the Second Regular Session of the 119th Legislature for the Legislature's review and recommendation; and
8. Required the 2002-2003 biennial budget to be prepared and presented to the First Regular Session of the 120th Legislature in a performance budget format by state agencies consistent with each agency's strategic plan.

***Enacted law summary***

Public Law 1997, chapter 764 does the following:

1. Clarifies that the legislative and judicial branches may elect to participate or to not participate in the strategic planning and performance budgeting initiative;
2. Eliminates all reference to "policy area" planning or budgeting;
3. Adds or clarifies certain definitions related to strategic planning and performance budgeting;
4. Reduces the size of the Commission on Performance Budgeting to 13 members, calls on the President of the Senate and the Speaker of the House to appoint the chair from the legislative members and calls on the commission to be staffed primarily by Legislative Council staff;
5. Calls on state agencies to submit updated draft strategic plans by December 1, 1998, submit final strategic plans by December 1, 1999 and submit biennial strategic plan revisions by December 1, 2000 and December 1st of each even-numbered year thereafter to the joint standing committee of the Legislature having jurisdiction over that agency's matters for its review and comment;
6. Calls on state agencies to identify programs within their agency having the same or similar goals and objectives as one or more other state agencies, consult and coordinate their strategies toward common goals and objectives and submit any revised strategic plans by September 1, 2001 to the joint standing committee of the Legislature having jurisdiction over that agency's matters, as well as to the State Planning Office, the Bureau of the Budget, the Office of Fiscal and Program Review and the Office of Policy and Legal Analysis, for their review and comment;
7. Requires the Governor to present a prototype budget bill and budget document to the Second Regular Session of the 119th Legislature for the Legislature's review and recommendation; and
8. Requires the 2002-2003 biennial budget to be prepared and presented to the First Regular Session of the 120th Legislature in a performance budget format by state agencies consistent with each agency's strategic plan.

This bill was enacted as an emergency measure effective on April 16, 1998.