

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
STATE AND LOCAL GOVERNMENT

MAY 1998

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Sen. James D. Libby

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**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).

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.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
AHEARNE	OTP-AM MAJ ONTP MIN	H-1032

LD 2136 proposed to allow the Department of Audit to access information in the files of a department, commission or agency of the State, including confidential information, during the course of an audit or investigation. It also proposed to classify certain audit working papers as confidential and to specify the circumstances in which audit working papers may be disclosed.

Committee Amendment "A" (H-1032) replaced the bill. It proposed to authorize the State Auditor to access confidential or privileged information in the files of departments, commissions and agencies that are the subject of an audit or investigation. It requires the State Auditor to meet with the department, commission or agency to discuss methods of identifying and protecting confidential or privileged information and requires the department, commission or agency to inform the State Auditor of department standards and procedures for handling information it considers confidential or privileged. The amendment allows departments, commissions and agencies to remove from the files information that identifies persons or institutions if necessary to protect confidential or privileged information, provided other unique identifiers are inserted in their place. It makes clear that provisions of law, including penalties applicable to department, commission or agency staff for handling or disclosure of confidential or privileged information, apply to the State Auditor and staff. Confidential or privileged information may be disclosed only if allowed by law and if agreed to by the department, commission or agency. The amendment also provides that audit working papers are confidential, but may be disclosed under certain specified situations.

Enacted law summary

Public Law 1997, chapter 703 authorizes the State Auditor to access confidential or privileged information in the files of departments, commissions and agencies that are the subject of an audit or investigation. It requires the State Auditor to meet with the department, commission or agency to discuss methods of identifying and protecting confidential or privileged information and requires the department, commission or agency to inform the State Auditor of department standards and procedures for handling information it considers confidential or privileged. Chapter 703 allows departments, commissions and agencies to remove from the files information that identifies persons or institutions if necessary to protect confidential or privileged information, provided other unique identifiers are inserted in their place. It makes clear that provisions of law, including penalties applicable to department, commission or agency staff for handling or disclosure of confidential or privileged information, apply to the State Auditor and staff. Confidential or privileged information may be disclosed only if allowed by law and if agreed to by the department, commission or agency. The law also provides that audit working papers are confidential, but may be disclosed under certain specified situations.