

# 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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*Deborah C. Friedman, Legislative Analyst*

*Danielle D. Tetreau, Legislative Analyst*

*David C. Elliott, Principal Analyst*

*Office of Policy and Legal Analysis*

*Room 101/107/135, 13 State House Station*

*Augusta, ME 04333*

*(207)287-1670*



**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 2147**

**An Act to Amend the Laws Relating to Archives and the Retention and Admissibility of Electronic Records**

**PUBLIC 636**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LEMKE RUHLIN	OTP-AM	H-945

LD 2147 proposed to amend the laws relating to governmental archives and the retention and admissibility of governmental electronic records. It clarifies language relating to records by deleting language differentiating “current”, “semicurrent” and “noncurrent” records; it consolidates two conflicting definitions of “record” and defines “electronic record”. It amends the law requiring local governments to provide fireproof safes or vaults for non-current records to say that the requirement applies only to records that must be retained permanently but that are not required for business purposes.

The bill provides that electronic records may not be denied legal effect solely because they are in electronic form. It establishes methods of determining accuracy and integrity of the records, specifies how the jury or judge must weigh electronic evidence, and establishes standards for government agencies to follow in retaining electronic records to meet legal requirements.

**Committee Amendment "A" (H-945)** deletes a segment of the bill relating to admission of electronic records to legal proceedings and assessing the evidential weight of electronic records.

***Enacted law summary***

Public Law 1997, chapter 636 amends the laws relating to governmental archives and the retention and admissibility of governmental electronic records. It makes technical changes to language defining and categorizing types of records and it defines “electronic record”. It amends the law requiring local governments to provide fireproof safes or vaults for non-current records to say that the requirement applies only to records that must be retained permanently but that are not required for business purposes. It also provides that records may not be denied legal effect in court proceedings solely because they are in electronic form. It establishes methods of determining accuracy and integrity of the records and establishes standards for government agencies to follow in retaining electronic records to meet legal requirements.

**LD 2148**

**An Act to Grant the Joint Standing Committee Having Jurisdiction over Criminal Matters the Authority to Review the Appointments of the Commissioner of Public Safety and the Chief of the State Police**

**PUBLIC 657**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POVICH MURRAY	OTP-AM    A OTP        B ONTP       C	

LD 2148 proposed to transfer the authority to review nominations of the Commissioner of Public Safety and the Chief of the State Police from the Joint Standing Committee on State and Local Government to the Joint Standing Committee on Criminal Justice.

***Enacted law summary***

Public Law 1997, chapter 657 transfers authority to review the nominations for Commissioner of Public Safety and the Chief of the State Police from the Joint Standing Committee on State and Local Government to the Joint Standing Committee on Criminal Justice.

**LD 2154**

**An Act to Improve State House Utilization**

**PUBLIC 671**

Sponsor(s)  
RAND

Committee Report  
OTP-AM

Amendments Adopted  
S-533

LD 2154 proposed to limit the excepted space to those offices occupied by the Governor or the Governor's staff in the west wing of the State House. Current law gives the Legislative Council control over all of the State House except for those offices occupied by the Governor or the Governor's staff on January 1, 1982.

**Committee Amendment "A" (S-533)** proposed to add language requiring the Legislative Council to ensure that the Governor and the Governor's staff have sufficient and appropriate office space in the State House. It also strikes language in current law specifying the uses the Legislative Council may make of the State House space.

***Enacted law summary***

Public Law 1997, chapter 671 amends the law setting forth authority over use of space in the State House. Current law gives the Legislative Council control over all of the State House except for those offices occupied by the Governor or the Governor's staff on January 1, 1982. Chapter 671 limits the excepted space to those offices occupied by the Governor or the Governor's staff in the west wing of the State House. It requires the Legislative Council to ensure that the Governor and the Governor's staff have sufficient and appropriate office space in the State House. It also strikes language in current law specifying the uses the Legislative Council may make of the State House space.

**LD 2181**

**An Act Concerning Reporting Deadlines of Studies Authorized by Law**

**PUBLIC 582  
EMERGENCY**

Sponsor(s)  
MITCHELL E  
RAND

Committee Report  
OTP

Amendments Adopted

LD 2181 proposed to extend the reporting deadlines of certain studies required in legislation enacted in the First Regular or First Special Session of the 118th Legislature.

***Enacted law summary***

Public Law 1997, chapter 582 extended the reporting deadlines for studies involving the following entities: the Task Force to Study the Cost-effectiveness of the Child Development Services System; the Maine Commission on