

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 169

S.P. 81

In Senate, January 20, 1995

Resolve, Establishing the Maine Council on Privatization.

(EMERGENCY)

Reference to the Committee on State and Local Government suggested and ordered printed.

A handwritten signature in cursive script that reads "May M. Ross".

MAY M. ROSS
Secretary of the Senate

Presented by Senator KIEFFER of Aroostook.
Cosponsored by Representative JOY of Crystal and
Senators: ABROMSON of Cumberland, AMERO of Cumberland, BEGLEY of Lincoln,
CAREY of Kennebec, CASSIDY of Washington, CIANCHETTE of Somerset, FERGUSON
of Oxford, HALL of Piscataquis, HANLEY of Oxford, HARRIMAN of Cumberland,
Representatives: AIKMAN of Poland, BAILEY of Township 27, BIRNEY of Paris,
CAMPBELL of Holden, CLUKEY of Houlton, DONNELLY of Presque Isle, JONES of
Pittsfield, JOYNER of Hollis, KNEELAND of Easton, LANE of Enfield, LIBBY of Buxton,
LUMBRA of Bangor, MARSHALL of Eliot, POIRIER of Saco, REED of Falmouth,
ROBICHAUD of Caribou, SIMONEAU of Thomaston, STEDMAN of Hartland,
UNDERWOOD of Oxford, VIGUE of Winslow, WATERHOUSE of Bridgton.

2 **Emergency preamble.** Whereas, Acts and resolves of the
Legislature do not become effective until 90 days after
adjournment unless enacted as emergencies; and

4
6 **Whereas,** the private sector should be encouraged to provide
goods and services, traditionally provided by State Government,
when they can do so at a comparable quality and lower cost; and

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10 **Whereas,** the use of private contracts can potentially save
tax dollars and improve the efficiency and effectiveness of
services to the public; and

12
14 **Whereas,** the State of Maine and many other states, as well
as the federal government, have undertaken initiatives with the
goal of "reinventing government" and increasing the privatization
of public services; and

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18 **Whereas,** the Governor and the Legislature are in need of
specific recommendations that will increase the efficiency and
effectiveness of State Government, strengthen the role of the
private sector, lead to cost savings and reduce the tax burden of
Maine citizens; and

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22 **Whereas,** in the judgment of the Legislature, these facts
create an emergency within the meaning of the Constitution of
Maine and require the following legislation as immediately
necessary for the preservation of the public peace, health and
safety; now, therefore, be it

24
26 **Sec. 1. Maine Council on Privatization. Resolved:** That there is
established the Maine Council on Privatization, referred to in
this resolve as the "council"; and be it further

28
30 **Sec. 2. Membership. Resolved:** That the council consists of
11 members chosen in the following manner.

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34 1. The Governor shall appoint 2 members: a member of the
Governor's cabinet and a classified employee of the State.

36
38 2. The Legislative Council shall appoint 7 members as
follows:

40 A. A member of the Maine Chamber of Commerce;

42 B. A person who has been distinguished as a leader of the
business community in the State and represents small
business;

44 C. A representative of a taxpayers association;

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- 2 D. A certified public accountant with experience in
governmental auditing, accounting and budgeting;
- 4 E. An attorney who is a member of the Maine Bar Association;
- 6 F. A member of the state public employees' union; and
- 8 G. A member from the private sector.

10 3. The Board of Trustees of the University of Maine System
shall appoint a faculty member of the University of Maine System
12 with experience in state government and a record of research in
public administration.

14 4. The Maine Municipal Association shall appoint an
16 official from a municipality in the State.

18 The council shall elect a chair from among its members.

20 Appointments must be made within 30 days of enactment of
this resolve; and be it further

22 **Sec. 3. Responsibilities. Resolved:** That the council has the
24 following responsibilities:

26 1. Identify and study state governmental activities that
may be in competition with the private sector;

28 2. Study the desirability and feasibility of contracting
30 for private sector performance of governmental services;

32 3. Identify methods by which members of the public and
private sectors can work together to accomplish desirable public
34 policy objectives;

36 4. Identify barriers to making public sector operations
more competitive;

38 5. Recommend administrative changes and prepare legislation
40 that will eliminate barriers to privatization and modify state
statutes and regulations that impede the private contracting of
42 public services;

44 6. Study the possible impact of privatization on state
employees;

46 7. Prepare legislation to establish an ongoing process and
48 entity that will ensure maximum use of privatization and private
contracting by State Government, including, but not limited to, a
50 private enterprise review board that can receive petitions of

2 interest from private businesses desiring to provide public
services, and petitions from the private sector alleging
4 competition from the public sector; and

6 8. Provide the citizens of the State and members of the
private sector an opportunity to give comments on these subjects
8 through the conduct of public hearings; and be it further

10 **Sec. 4. Appointments. Resolved:** That all appointments must be
made no later than 30 days following the effective date of this
12 resolve. The appointing authorities shall notify the Executive
Director of the Legislative Council upon making their
14 appointments. When the appointment of all members is complete,
the chair of the Legislative Council shall call and convene the
16 first meeting of the council no later than June 1, 1995; and be
it further

18 **Sec. 5. State government cooperation. Resolved:** That agencies
of State Government shall fully cooperate with the council and
20 its staff in the provision of information and data as may be
requested and required to accomplish the council's
22 responsibilities; and be it further

24 **Sec. 6. Staff support. Resolved:** That, subject to
appropriation, the council must be provided staff support as
26 needed; and be it further

28 **Sec. 7. Reimbursement. Resolved:** That the council members
who are Legislators are entitled to receive the legislative per
30 diem, as defined in the Maine Revised Statutes, Title 3, section
2, for each day's attendance at meetings of the council. All
32 members of the council are entitled to reimbursement for travel
and other necessary expenses upon application to the Legislative
34 Council. The Executive Director of the Legislative Council shall
administer the council's budget; and be it further

36 **Sec. 8. Report. Resolved:** That the council shall issue a final
written report to the Governor, the President of the Senate and
38 the Speaker of the House of Representatives and report its
findings, including any necessary implementing legislation, to
40 the joint standing committee of the Legislature having
jurisdiction over state and local government matters no later
42 than February 1, 1996.

44 **Emergency clause.** In view of the emergency cited in the
46 preamble, this resolve takes effect when approved.

STATEMENT OF FACT

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4 This resolve creates the Maine Council on Privatization,
6 which is charged with examining ways in which State Government
8 can use the private sector to deliver certain services currently
10 being provided by the State. The council must submit its final
 report to the Governor, the President of the Senate and the
 Speaker of the House of Representatives and report its findings,
 including any necessary legislation, to the Joint Standing
 Committee on State and Local Government no later than February 1,
 1996.