

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)

LAWS

OF THE

STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FOURTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 7, 1988 to July 1, 1989

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
SEPTEMBER 30, 1989

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1989

RESOLVES
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND FOURTEENTH LEGISLATURE

1989

2035 - Soil Conservation Contractual Services	15,500
2045 - Program Grants Contractual Services	88,100
2050 - Insurance Contractual Services	146,200
2075 - Capital Reserve Contractual Services	35,000
TOTAL GENERAL FUND	<u>\$2,021,293</u>

; and be it further

Sec. 3. Summary. Resolved: That the figures appearing in this resolve represent the total amount of taxes and the total specific expenditures authorized for the calendar year 1989. The following is a summary of revenues and appropriations:

Total Appropriations	\$2,021,293
Available Credits:	
Estimated Revenue	\$200,000
Transfer from Surplus	<u>175,000</u>
Total Available Credits	<u>\$375,000</u>
Amount to be Raised by Taxation	<u>\$1,646,293</u>

PART B

Franklin County Commissioners; expenditures from surplus ratified and authorized. Resolved: That the Franklin County Commissioners' expenditures from unappropriated surplus in 1988 in the amount of \$34,469 within the sheriff's department are ratified and authorized.

Emergency clause. In view of the emergency cited in the preamble, this resolve shall take effect when approved.

Effective April 28, 1989.

CHAPTER 15

H.P. 770 - L.D. 1081

Resolve, to Study the Structure and Operations of the Legislature

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

Whereas, a study of the structure and operation of the legislative process in Maine has not been conducted since 1976; and

Whereas, substantial changes have occurred with respect to legislative responsibilities, the complexity of issues and legislation processing technology; and

Whereas, these significant changes require an immediate, comprehensive examination of the structure and operation of the Legislature in order to effectively address the impact of these changes; and

Whereas, it is necessary that the results and recommendations of this study be reported to the 114th Legislature for consideration and implementation; and

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

Definitions. Resolved: That, as used in this resolve, unless the context otherwise indicates, the following terms have the following meanings:

1. "Consultant" means the person, firm or organization which is awarded the contract for conducting the study of the structure and operation of the Legislature.
2. "Executive Director" means the Executive Director of the Legislative Council.
3. "Legislative Council" means the Legislative Council as established in the Maine Revised Statutes, Title 3, section 161.
4. "Legislative staff" means the nonpartisan legislative staff offices of the Legislature, including the Office of the Executive Director, and the partisan legislative staff offices; and be it further

Advisory committee established; membership. Resolved: That the Advisory Committee on Legislative Structure and Operation is established to monitor and facilitate a study of the structure and operation of the Legislature. For the purpose of this resolve, "advisory committee" means the Advisory Committee on Legislative Structure and Operation.

1. The advisory committee shall consist of 8 members appointed as follows:

A. Four members appointed jointly by the Speaker of the House of Representatives and the President of the Senate. Two of the 4 members shall be members of the 114th Legislature and 2 members may not be Legislators; and

B. Four members appointed jointly by the Speaker of the House of Representatives and the President of the Senate, upon the recommendations of the minority leader of the House of Representatives and the minority leader of the Senate. Two of the 4 members shall be members of the 114th Legislature and 2 members may not be Legislators.

The 8-member advisory committee shall be appointed within 30 days following the effective date of this resolve.

2. There shall be 2 chairs of the advisory committee who shall be selected by the Legislative Council from among the members of the advisory committee. The 2 chairs shall be subject to unanimous approval by the Legislative Council.

3. The advisory committee shall:

A. Review and make recommendations with respect to the request for proposals developed by the Executive Director;

B. Review responses to the request for proposals concerning the study to be conducted under this resolve;

C. Recommend to the Legislative Council the person, firm or organization to conduct the study defined in this resolve;

D. Monitor and oversee the study and serve as a resource to the consultant; and

E. Review the interim and final reports prepared by the consultant.

4. The legislative members of the advisory committee shall be compensated at the legislative per diem rate when the Legislature is not in session. Members who are not Legislators shall be compensated at the legislative per diem rate in accordance with the standards set forth in the Maine Revised Statutes, Title 5, chapter 379.

5. The first meeting of the advisory committee shall be called by the chair of the Legislative Council within 5 working days following the appointment of the advisory committee; and be it further

Consultation. Resolved: That the consultant conducting the study shall consult with Legislators, former Legislators, legislative staff persons and other persons or groups determined necessary by the consultant; and be it further

Confidentiality. Resolved: Notwithstanding any other provision of law, all testimony, including written and oral information provided to the consultant, and all documents, records and materials containing information provided by legislative staff persons to the consultant are confidential until the completion of the study. Following completion of the study, notwithstanding any other provision of law, no information may be made available or disclosed that in any way identifies any legislative staff person who provided information for the study or the legislative staff office where that staff person is employed; and be it further

Enter into agreements; request for proposal.

Resolved: That the Legislative Council enter into agreements and contracts for the implementation of the study required in this resolve.

1. Within 30 days following the effective date of this resolve, the Executive Director shall prepare requests for proposals for the implementation of the study of the structure and operation of the Legislature.

2. The advisory committee shall review the proposed request for proposals and make recommendations concerning this request.

3. Following review and agreement by the advisory committee, the Executive Director shall issue the request for proposals in the same manner the Legislature issues a request for proposals for similar contracts.

4. The advisory committee shall review all responses to the request for proposals and recommend to the Legislative Council the proposal that the advisory committee unanimously supports.

5. The Legislative Council shall adopt the proposal that receives the unanimous approval of the Legislative Council. The Legislative Council shall enter into a contract as provided in this resolve no later than June 1, 1989; and be it further

Study guidelines. Resolved: That the study of the structure and operations of the Legislature include, but not be limited to, the following:

1. The degree of efficiency of the current legislative process, including the structure and operation of the legislative staff offices and the Legislative Council. This part of the study shall include, but not be limited to:

A. An analysis of legislative staffing patterns and operations and their impact on the legislative process;

B. An analysis of the operating policies of the legislative staff offices and their impact on the legislative process;

C. An analysis of the process by which a bill becomes law; and

D. A review of the costs of accessibility of the legislative process to Maine citizens;

2. The degree and quality of responsiveness of the current legislative process, including the Legislative Council, to the needs and problems of the citizens of this State;

3. The degree and quality of responsiveness of the Legislative Council and the legislative staff and support offices to the problems and needs of the Legislature and Legislators;

4. An analysis of the legislative budget process to include:

A. The costs of operating the Legislature and recommendations to control the costs;

B. The development of an annual planning process to ensure adequate and timely expense planning for the Legislature;

C. The impact of legislative expenditures on the operation of the Legislature; and

D. A process for the payment of legislative bills and expenses; and

5. The extent to which the quality and nature of the work of the Legislature will change within the next decade based on reasonable evidence. The analysis will include the changes that may be necessary to enable a part-time Legislature to address effectively the increased demands and changing nature of legislative work; and be it further

Report. Resolved: That the consultant conducting the study shall issue to the Legislative Council and the advisory committee the following:

1. An interim report by December 1, 1989 with any recommendations, including any necessary implementing legislation, that could be implemented immediately; and

2. A final report by April 1, 1990 with recommendations and necessary implementing legislation.

The advisory committee may review the reports and make comments to the Legislative Council concerning these reports; and be it further

Budget; staff. Resolved: That the Legislative Council shall provide for the budget and staffing necessary to implement this resolve; and be it further

Appropriation. Resolved: That the following funds are appropriated from the General Fund to carry out the purposes of this resolve.

1988-89

LEGISLATURE

Advisory Committee on Legislative Structure and Operation

Personal Services	\$8,800
All Other	11,600

Provides funds for the per diem, meeting and related expenses of the Advisory Committee on Legislative Structure and Operation. These funds shall carry forward to June 30, 1990.

LEGISLATURE

TOTAL	\$20,400
-------	----------

Emergency clause. In view of the emergency cited in the preamble, this resolve shall take effect when approved.

Effective April 28, 1989.

CHAPTER 16

H.P. 871 - L.D. 1214

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Sagadahoc County for the Year 1989

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

Whereas, Sagadahoc County has certain expenses and liabilities which must be met as they become due; and

Whereas, it is necessary that the taxes for the year 1989 hereinafter mentioned be immediately assessed in order to provide the required revenue for the county; and

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

Sec. 1. Sagadahoc County; taxes apportioned. Resolved: That the following sum is hereby granted as a tax on Sagadahoc County to be apportioned, assessed, collected and applied to the purposes of paying debts and necessary expenses of the county as authorized herein, and for other purposes of law, for the calendar year 1989:

1989 TAX

\$1,522,324

; and be it further

Sec. 2. General Fund expenditures authorized. Resolved: That the following sums, based on the county