

MAINE STATE LEGISLATURE

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State Government Committee

Report on Bills Considered During the Special Session of the 106th
Legislature

March 29, 1974

The Chairmen of the State Government Committee, in following a precedent established at the end of the regular session of the 106th Legislature, are providing this summary of the 73 bills considered by the committee during the Special Session. The statistical resume is:

Total bills received	73
Recommitted	1
Leave to Withdraw	12
Ought to Pass	7
Ought to Pass, amended	8
Ought to Pass, new draft	14
Referred to 107th Legislature	2
Divided Reports	15
Ought Not to Pass	14

Maine Management and Cost Survey Recommendations

The State Government Committee considered some 31 bills introduced as a result of the Maine Management and Cost Survey recommendations. Of these bills, 5 were given leave to withdraw, 11 received ought not to pass reports, 2 were referred to the 107th Legislature, 2 received ought to pass reports, and 7 were given ought to pass reports in new draft or as amended. 4 bills received divided reports: 2 of these had a majority ought to pass report; one of the 4 bills was divided into three separate bills of which 2 received ought to pass reports. 10 bills have been enacted, 1 constitutional amendment has been enacted by the Legislature and will be subject to popular referendum in the General Election, November 5, 1974. Two bills are on the Appropriations Table.

Because of the extensive volunteer work done by the members of the MMCS and the considerable interest in the initial disposition of the survey's recommendations, the Committee is providing this summary of action on those bills resulting from the Survey considered by the State Government Committee. Also included is a brief indication of the committee's basis for its action.

The original bills were not drafted in cooperation with the Maine Management and Cost Survey and in some cases the bills, as they were presented to the State Government Committee, had little relationship to the Survey's recommendations. The committee's work was made even more difficult when there frequently were no proponents for particular bills at the public hearings. However, there was much opposition shown to some MMCS bills at public hearings.

Cultural Services

Bills which appeared to have little merit were those dealing with the Department of Educational and Cultural Services, the Museum Commission, the Historic Preservation Commission, the Arts and Humanities Commission and the State Archives. The committee felt that the three commissions function well and that the service of their public members is of great value to the State by providing diversified sources of expertise. Equal importance was given to maintaining the State Archives and the State Library in their present organization and function.

State Planning

Several bills resulting from the Survey concerned State planning. Two bills which would have transferred two planning units now in the State Planning Office to other State Departments were given leave to withdraw. Given the current projects of these two units and an effective date of December 1975 on the bills, the question of what should happen to these planning units may be more properly addressed by the next Legislature. A bill creating a long range planning commission, the Commission on Maine's Future, was received by the committee and now is awaiting funding on the Appropriations Table. A bill providing for a minor change in the State Planning Office's responsibility regarding the Maine Comprehensive Plan received an ought to pass report.

State Boards

A bill dealing with examining and certifying boards received an ought not to pass report; the bill appeared to be too inclusive, lumping too many boards with different responsibilities under identical provisions.

Another bill making certain boards and commissions advisory was referred to the next Legislature.

Miscellaneous

Several bills recommended changes in governmental organization. The committee supported bills placing the Board of Pesticides Control in the Department of Agriculture and the Chief Medical Examiner in the Office of the Attorney General, and it supported other bills affecting the organization of the Departments of Transportation and Military, Civil Emergency Preparedness and Veteran Services. A bill consolidating the State Harness Racing Commission and the State Running Horse Racing Commission received an ought not to pass report; this issue had been dealt with by the committee at the regular session. Since there may be competing interests in the two Commissions, consolidation would seem unwise. There has been no appropriation to the Running Horse Racing Commission and it is presently active only in responding to inquiries made to it, but there is the possibility of Running Horse Racing being revived in the future.

A bill relating to cost-saving procedures of the Land Damage Board was given committee support. A bill relating to state telecommunications systems received an ought not to pass report when it was determined that the bill did not respond to the Survey recommendations; an order to study this subject was submitted and has been accepted.

The committee reported in new draft a bill providing for the adoption of a building code for use in the design of state buildings. A bill authorizing the sale of certain state lands was given an ought not to pass report in keeping with the committee's established policy of retaining state lands, but where appropriate making them available for long term leases.

A bill relating to biweekly wages for state employees, an additional changes in period for a Governor-elect to submit his budget, the Bureau of Purchases and annual budgets was recovered from the floor when it became clear it was in danger of being defeated and reported out as three separate bills, two of which received ought to pass reports. Annual budgets cannot reasonably be required until the Constitution provides for annual sessions. The change in purchasing policy and the extra time for a new Governor to submit a budget were enacted. The controversial proposal for a biweekly pay day was defeated by the House and Senate.

A bill reorganizing executive staff functions was given considerable attention by the committee. A new draft of the bill received a majority ought to pass report and was designed to meet the Survey recommendations while allowing the newly elected Governor to have an input into executive reorganization. Various proponents of change could not agree on the method and this bill has been indefinitely postponed. A bill removing unnecessary qualifications for administrative positions was given leave to withdraw as its concern would have been met by the new draft of the bill relating to executive reorganization.

A new draft of a bill relating to the State Auditor and his functions changes the qualifications for the State Auditor and provides for a division of program review and analysis to be established in the Audit Department. This bill could provide an important resource to assist the Legislature in performing its tasks of legislative review and policy determination. The bill has been enacted.

Constitutional Amendments

Two bills required constitutional amendments. One would have provided that the Treasurer and the Attorney General would be appointed by the Governor. This bill received a divided report, with the majority signing the ought not to pass report. The issue of appointment of constitutional officers had been extensively debated during the regular session. Receiving the support of the committee was a bill providing for an amendment to the Constitution enabling Justices of the Peace and Notaries Public to have their commissions renewed by law rather than requiring the Governor to reappoint them. That Constitutional Amendment will be considered by the people in November.

Data Processing

The Survey also recommended that state data processing services be reorganized. This has been under study by the State Government Committee. With the recommendation of the committee, the Legislative Council has asked the Council of State Governments Consulting Clearinghouse to provide the State with a technical assistance team. This team would consist of data processing professionals from other states and would review the State Government's current data processing capabilities and its needs. After receiving the recommendations of this team, the State Government Committee will draw up legislation to be presented to the 107th Legislature.

Following is a summary of bills other than those resulting from the Management and Cost Survey considered by the State Government Committee in the Special Session

Finance

The committee supported a bill providing more flexibility for the investment of state funds and revenue sharing funds. A majority ought not to pass report was given a bill which would have broadened the use of Highway Funds Revenues to develop other modes of transportation.

In the assistance and development area, a bill allowing non-profit nursing homes to utilize the revenue bond program under the Health Facilities Authority Act received an ought to pass report. Other legislation corrected ambiguities relating to the Maine Guarantee Authority and municipal industrial parks, and provided greater flexibility under the Municipal Securities Approval Act. A bill providing for a new type of local development commission was given leave to withdraw.

Personnel Laws

Several bills dealt with the residency requirements of state employment and the authority of the Director of Personnel. These bills were combined into one new draft clarifying the definition of resident, eliminating a U.S. citizenship requirement on all but policy-making positions, and lowering the residency requirement from one year to six months.

Housing

The Maine State Housing Authority and a concern for quality housing in Maine continued to receive a great deal of the committee's attention. Important legislation was supported setting guidelines for the use of bond proceeds, and a majority ought to pass report was given to a bill raising the bonding limit of the Authority by \$40 million. The industrialized housing law was extensively rewritten, enabling the Authority's inspection program to get under way. A pilot program for rehabilitation of rural housing was given approval by a majority of the committee.

Public Safety, Civil Defense, and the Energy Crisis

Ought to pass reports were given to a bill providing an enforcement provision for the Police Training Law and a bill providing for the coordination of civil defense units, now renamed as civil emergency preparedness units. In relation to the energy crisis, a bill giving the Department of Business Regulation the power to require reports from petroleum product suppliers was given leave to withdraw; any need for information in this area could conceivably be met under the Governor's emergency powers. The committee did give a majority ought to pass report to a bill creating an Office of Energy Resources in the Executive Department; this Office is directed to formulate emergency and long range plans regarding Maine's energy needs.

Governmental Operations

Legislation affecting the membership of the Bicentennial Commission and the Land Use Regulation Commission received committee support along

with a bill transferring Institutional Resident Representatives to the Human Rights Commission. Bills making the term of the Director of the State Planning Office coterminous with that of the Governor and providing that the members of the Public Utilities Commission serve in a full time capacity were given ought to pass reports.

A bill creating a Division of Youth Services within the Bureau of Corrections was referred to the 107th Legislature. While it was felt that such a division is necessary to coordinate and provide for youth services, placing such a division with the correctional system would not be desirable and other alternatives should be proposed. The question of youth services is being studied by various parties and legislation should be forthcoming to the 107th.

A bill removing possible legal problems involved in the State's role as the public guardian for incapacitated adults received a unanimous ought to pass report.

Given leave to withdraw were bills transferring certain divisions within the Department of Business Regulation and providing for the registration of recreation professionals.

A bill creating a Small Claims Tax Commission was referred to the 107th Legislature, while bills creating the Maine Archaeological Survey Program and providing for legislative review of administrative rules and procedures received ought not to pass reports.

Two bills given ought to pass reports related to leasing State land to the Society for the Protection of Animals and granting a sanitary easement across State land.

A bill clarifying conflicts of interest in relation to municipal and county officials and officials of quasi-municipal corporations was given an ought to pass report. This bill prevents abuse of office while not restricting the ability of local government to perform its functions.

Finally, a major bill clarifying the authorization of the Office of Maine's Elderly and the Office of Resource Development received an ought to pass report.

Equal Rights

The committee gave majority ought to pass reports to the ratification of the Equal Rights Amendment and a bill providing for a permanent Governor's Council on the Status of Women.

A resolve providing for an Equal Rights Amendment to the State Constitution was supported in a new draft providing that equal protection of the laws shall not be denied or abridged on account of sex.

The Legislature

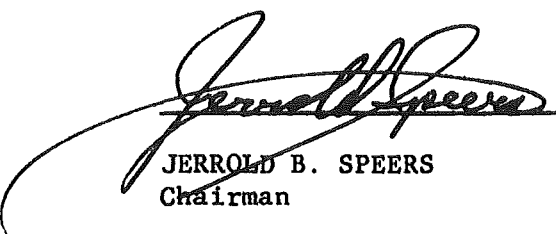
The committee gave approval to two bills affecting Legislative Ethics. One would alter the membership of the Ethics Committee, providing for equal representation of both parties and providing that Legislators other than Legislative Leadership could be members of the committee. The other bill allowed the Ethics Committee to give advisory opinions on its own motion, improved the procedures the committee is to follow, provided a more detailed definition of conflict of interest, and provided for Legislators to disclose their sources of income by category.

The committee also gave a majority ought to pass report to a bill providing for a Legislative Compensation Commission to make recommendations to the Legislature on a regular basis.

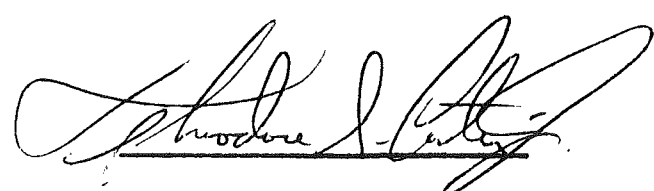
Also given a majority ought to pass report was a resolve providing for required Constitutional changes related to Legislative Reform.

Given an ought not to pass report was a bill preventing municipal officers from being members of the Legislature.

This report was prepared by the chairmen of the committee. We appreciate the diligence and assistance of the other members of the Joint Committee on State Government, but this report does not necessarily reflect the opinions of our colleagues.



JERROLD B. SPEERS
Chairman



THEODORE S. CURTIS, JR.
House Chairman