

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)

STATE OF MAINE
ONE HUNDRED AND TWELFTH LEGISLATURE
FIRST REGULAR SESSION

JOINT STANDING COMMITTEE ON
STATE GOVERNMENT
BILL SUMMARY



JULY, 1985

Prepared by:

Ted Potter, Legislative Assistant
Office of Legislative Assistants
State House, Station 13 Augusta, Maine 04333
(207) 289-1670



STATE LAW LIBRARY
1000 STATE HOUSE STATION
AUGUSTA, MAINE 04333

HELEN T. GINDER, DIRECTOR
HAVEN WHITESIDE, ASST. DIRECTOR
GILBERT W. BREWER
DAVID ELLIOTT
MARTHA FREEMAN
CHRISTOS GIANOPOULOS
WILLIAM T. GLIDDEN, JR.

STATE OF MAINE
OFFICE OF LEGISLATIVE ASSISTANTS
ROOM 101
STATE HOUSE, STATION 13
AUGUSTA, MAINE 04333
TEL.: (207) 289-2486

SARAH HOOKE
JULIE S. JONES
JOHN B. KNOX
EDWARD POTTER
MARGARET J. REINSCH
LARS RYDELL
JOHN SELSER
ANDREA COLNES, RES. ASST.

ONE HUNDRED AND TWELFTH LEGISLATURE
FIRST REGULAR SESSION

JOINT STANDING COMMITTEE
BILL SUMMARIES
JULY 1985

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees of the Maine Legislature, covering the First Regular Session of the 112th Legislature. The summaries are arranged by LD number and indexed separately by committee.

legislation that established the celebration of Memorial Day in Maine on May 30 beginning in 1985. In the event that the federal government reverted to the former May 30 date prior to 1985, the State's celebration would occur at the same time.

LD 1098 also provided consistency among various branches and agencies of State Government with respect to the celebration of Memorial Day.

LD:	1117	AN ACT TO PROVIDE FOR LEGISLATIVE OVERSIGHT PRIOR TO THE IMPLEMENTATION OF DEPARTMENTAL RULES	LEBOWITZ GWADOSKY KIMBALL BROWN L
OTP-AM		HOUSE Enacted SENATE Enacted GOV SIGNED	PUBLIC CH # 270
H-196	CA		H S

SUMMARY:

LD 1117 in its original form proposed a procedure by which departmental and agency rules would be reviewed by the appropriate legislative committee prior to adoption of the rules. While the legislative committees would not be provided with veto power (unconstitutional-violates separation of powers, etc.), the committees would be provided with the opportunity to inform the departments/agencies of their views.

How does the procedure work?

Under the original bill, the department/agency proposing a rule for adoption would submit the proposed rule to the Legislative Administrative Director and provide:

- 1) the reasons for the rule
- 2) an analysis of the rule, and
- 3) the estimated fiscal impact of the rule.

The Legislative Administrative Director would submit the rule and other information to the appropriate Legislative committee.

The legislative committee would have 60 days to review the rule and respond. If the committee does not respond, the agency may assume that the committee has no criticisms of the rule.

If the Legislature was not in session when the rule was referred to the Legislative Administrative Director (LAD), the LAD would send the rule with the accompanying information and an evaluation form to each member of the appropriate committee.

1) Each member may fill out the form and return it to the LAD or the designee of the LAD.

2) The legislative committee could convene to evaluate the rule, or, in lieu of a committee meeting, the LAD or designee of the LAD may prepare a committee report for the committee.

What is the purpose of the bill?

There is considerable sentiment that rule making authority should not circumvent or violate legislative intent with respect to laws and programs approved by the Legislature. Thus, rule-making authority, according to this theory, offers the opportunity for non-elected state officials to render decisions that have as significant an impact as the enactment of laws. In addition, the effect of a rule could, in some cases, have the effect of nullifying a law passed by the Legislature. It should be noted, however, that a rule which, in effect, nullifies or dramatically changes the intended effect of a law would not comply with the law, and the rule could be declared null and void.

The Committee, in order to avoid the costs and procedure associated with the bill, amended LD 1117 (Committee Amendment "A" - H-196) to require only that copies of proposed rules accompanied with an explanation of the purpose and need for the rule as well as costs associated with the rule, be sent to the appropriate joint standing committees of the Legislature. If legislators are concerned about a specific rule, the "aggrieved" legislator can himself contact the agency about his/her concern.

LD:	1118	AN ACT PROVIDING FOR THE 1985 AMENDMENTS TO THE FINANCE AUTHORITY OF MAINE ACT				GWADOSKY CLARK N DILLENBACK HAYDEN
	OTP-AM	HOUSE	Enacted			PUBLIC
		SENATE	Enacted			CH # 344
		GOV	SIGNED			
	H-231	CA		H	S	
	S-179	CA	VIOLETTE	H	S	

SUMMARY:

The purpose of LD 1118 is to consolidate and make consistent the provisions of the Finance Authority of Maine in order to implement the law more efficiently and