

# MAINE STATE LEGISLATURE

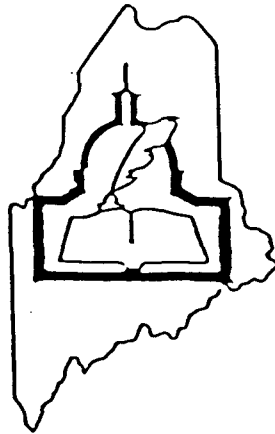
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STATE OF MAINE  
ONE HUNDRED AND TWELFTH LEGISLATURE  
SECOND REGULAR SESSION

JOINT STANDING COMMITTEE ON  
STATE GOVERNMENT  
BILL SUMMARY



MAY 1986

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ONE HUNDRED AND TWELFTH LEGISLATURE  
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JOINT STANDING COMMITTEE  
BILL SUMMARIES  
MAY 1986

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

All Amendments are listed, by paper number (e.g., H-584 or S-222), together with the sponsor if it is a floor amendment or the designation "CA" if it is a committee amendment. If the amendment was adopted in the House, the letter H appears after the sponsor. If it was adopted in the Senate, the letter S appears.

Final action for each bill is listed to the right of the title. If final House action and Senate action differ, both are listed.

Key to Committee Reports and Floor Action:

OTP	Ought to Pass
OTP-ND	Ought to Pass in New Draft
OTP-ND-NT	Ought to Pass in New Draft, New Title
OTP-AM	Ought to Pass as Amended
ONTP	Ought Not to Pass
LVWD	Leave to Withdraw
INDEF PP	Indefinitely Postponed

Sections 5 and 6 of the bill limit the procedural grounds that automatically invalidate a rule. Violation of those procedures affecting public participation in the rule-making process, or the specific time limits for rulemaking, will still void a rule. The Maine Administrative Procedure Act, Title 5, chapter 375, requirements concerning the effective date of a rule, the basis statements, the agency's response to representative public comments and reference to underlying laws would provide grounds for invalidating a rule only if it is found that the error had a substantial potential to affect the rule in a significant way.

Sections 8 and 9 of LD 2841 clarify the original intention of the Maine Administrative Procedure Act, Title 5, chapter 375, for judicial review of those decisions where no administrative hearing is required by the relevant statute. Section 8 makes clear that written decisions are required and must be made only on the basis of relevant evidence. For most of these decisions, a written decision is already required by the Maine Revised Statutes, Title 1, section 407.

Section 9 carries out the basic premise of the Maine Revised Statutes, Title 5, section 11006, by having judicial review of licensing decisions on the basis of an administrative record. Where no reviewable record is available to the court, for any reason, judicial review cannot proceed. The method of recreating a record is left to the parties and the court, but the existing law's reference to an administrative hearing is deleted, since by definition licensing decisions are ones that the Legislature has authorized to be made without hearing.

**LD** AN ACT TO PROVIDE FOR THE ALLOCATION OF THE PL 1985  
**2189** STATE CEILING ON BONDS FOR NONGOVERNMENTAL c. 594  
PURPOSES

Sponsor: MARTIN, J., Clark, N., Perkins, Gwadosky  
Committee Report: OTP-AM

H-592 CA H S

SUMMARY: LD 2189, in its original form, proposed to allow the Governor to determine the distribution of tax-exempt bond financing among various uses of these bond proceeds. The Governor could allocate portions of the state ceiling to the Maine State Housing Authority, Treasurer of State, Finance Authority of Maine and Maine Municipal Bond Bank, each of which may further allocate portions of the state ceiling to specific issuers for bonds requiring an allocation in order to be tax exempt.

The State Government Committee amended the bill to provide for legislative participation in the allocation of tax exempt bonds for various uses.

The amendment authorizes the Governor to allocate the state ceiling on the issuance of tax-exempt bonds by Executive Order for the year 1986 only. Beginning in 1987, the allocation of the state ceiling requires the approval of the Legislature with respect to the formula for making the allocations and the uses to which the tax-exempt bonds will be put.

In the event that the Tax Reform Act establishes the effective date for the 1987 allocation prior to the enactment of legislation by the Governor and Legislature providing for the 1987 allocation, the Governor, with the approval of the Legislature, shall provide an emergency temporary allocation effective until the Legislature enacts the allocation as provided by law.

The amendment also provides for the joint standing committee of the Legislature having jurisdiction over State Government to establish a procedure by which emergency allocations may be made for the period between January 1, 1987, and the date on which the allocation of the state ceiling becomes effective.

LD RESOLVE, AUTHORIZING THE LEASE OF LITTLE  
2206 JEWELL ISLAND

RESOLVE 1985  
c. 65

Sponsor: CLARK, N.  
Committee Report: New Draft of LD 1539

SUMMARY: Please refer to LD 1539.

LD AN ACT CONCERNING THE ALLOCATION OF CERTAIN  
2211 OPERATING COSTS OF THE ADMINISTRATION OF THE  
MAINE CHILDREN'S TRUST FUND

PL 1985  
c. 667

Sponsor: DIAMOND, J., Murray, Cote, Swazey, M.  
Committee Report: New Draft of LD 2000

H-585	BOST	H	S
S-432	VIOLETTE	H	S
S-437	ANDREWS	H	S

SUMMARY: Please refer to LD 2000.