

MAINE STATE LEGISLATURE

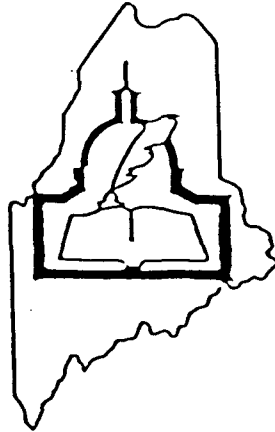
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STATE OF MAINE
ONE HUNDRED AND TWELFTH LEGISLATURE
SECOND REGULAR SESSION

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

Sponsor: HICKEY, Manning, Gwadosky, Gill
Committee Report: LVWD

SUMMARY: LD 2227 proposed to establish the Bureau of State Employee Health (BSEH) within the Department of Finance and Administration. The BSHE would be responsible for

- a. the administration of the accident and sickness or Health Insurance Program
- b. the State Employee Assistance Program (Expanded last year-LD 1362-Passed by State Government Committee-Counseling of state employees)
- c. the administration of the first aid and health service in the State House complex.

The bureau would be directed by a director who is appointed by and serves at the pleasure of the Governor. The director is advised by a 10 member advisory board, including the director, appointed by the Governor to 2 fiscal year terms of service. Of the 9 members (excluding the director of BSEH), 5 are members of different collective bargaining units and 4 are management employees excluded from representation in collective bargaining.

The director is responsible for developing and implementing policies and programs that are aimed to reduce injury and illness among state employees. The director is also responsible for developing an annual report for the commissioner relating to the objectives, programs, and performance of the Bureau.

The BSEH and its programs will be funded by agency user fees as finally determined by the Governor. The agency user fees are based on per employee fees which are paid by the agency but are similar to state employee health insurance premiums. These fees are deposited in a dedicated account entitled the Bureau of State Employee Health Internal Service Fund Account.

In addition, there is a reserve fund to reimburse or compensate the State for "self-insured" losses. Up to 5% of the reserve fund may be used for loss prevention programs.

The bill was incorporated in LD 2392. The Bureau of State Employee Health will be a part of the Department of Administration. The Bureau will administer the Employee Assistance Program and a health program for state employees.

LD 2228 RESOLUTION, PROPOSING AN AMENDMENT TO THE
CONSTITUTION OF MAINE TO ESTABLISH A
LEGISLATIVE VETO OVER AGENCY RULES

FAILED IN THE
SENATE

Sponsor: CARTER, Martin, J., Pray, Gwadosky
Committee Report: OTP-AM, ONTP

H-664 CA H

SUMMARY: LD 2228 proposed to amend the Maine Constitution to allow the Legislature or a committee of the Legislature to veto state agency rules. The purpose of the bill is to allow the Legislature or Legislative Committees to approve and disapprove rules of state agencies without violating the Separation of Powers Principle of the Maine Constitution.

A majority of the Committee (10) approved a committee amendment removing authorization for a committee of the Legislature to disapprove state agency rules. The procedure for disapproval of rules would be established by statute. This procedure as intended by the State Government Committee would authorize a Legislative Committee to suspend a rule but not "disapprove or veto" a rule which could only be accomplished by the Legislature.

There was considerable debate about this issue, particularly in the Senate. A Conference Committee could not resolve the differences, and the contents of the bill will be studied by the Committee on State Government.

Proponents of the bill argued that only the Legislature can establish policy which is implemented by the executive branch. The proponents argued that executive agencies, on occasion, develop rules that conflict with Legislative intent. The result is the implementation of a different policy that the Legislature never intended.

Opponents argued that executive agency rules cannot conflict with state law or exceed the provisions established by law. In addition, legislative approval-disapproval of agency rules exists now because the Legislature may pass a law to nullify the effect of a rule.