

MAINE STATE LEGISLATURE

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STATE OF MAINE
ONE HUNDRED AND THIRTEENTH LEGISLATURE
FIRST REGULAR SESSION

JOINT STANDING COMMITTEE ON
STATE AND LOCAL GOVERNMENT
Part I State Government

BILL SUMMARY



JUNE 1987

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ONE HUNDRED AND THIRTEENTH LEGISLATURE
FIRST REGULAR SESSION

JOINT STANDING COMMITTEE
BILL SUMMARIES
JUNE 1987

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. The summaries are arranged by LD number under each committee.

All Adopted 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 "COMMITTEE" if it is a committee amendment.

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

Please let us know if you would prefer a different format or additional information and if the summaries are helpful.

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-A	Ought to Pass as Amended
ONTP	Ought Not to Pass
LVWD	Leave to Withdraw
INDEF PP	Indefinitely Postponed

LD AN ACT TO CHANGE THE NAME OF THE BUREAU OF
1626 CIVIL EMERGENCY PREPAREDNESS TO THE MAINE
EMERGENCY MANAGEMENT AGENCY

PL 1987
c. 370

Sponsor: BICKFORD, Baldacci, Gould, R. R., Strout, B.
Committee Report: OTP (Majority)
ONTP (Minority)

Amendments Adopted:
S-135 USHER

SUMMARY: LD 1626 changes the name of the Bureau of Civil
Emergency Preparedness to the Maine Emergency Management
Agency. The new name more accurately reflects the present
and future activities of this organization.

LD 1626 was amended to reflect the enactment of the Maine
Revised Statutes, Title 35-A, by Public Law 1987, chapter
141.

LD RESOLVE, TO CREATE DISPERSED RECREATIONAL
1650 OPPORTUNITIES ON PUBLIC LANDS AT PINELAND

RESOLVE 1987
c. 24

Sponsor: CARROLL, Mitchell, Clark, N. Whitmore
Committee Report: New Draft of LD 1125

SUMMARY: LD 1650, a new draft of LD 1125, provides that
the Department of Conservation, in cooperation with other
governmental and private agencies, manage state-owned lands
around the Pineland Center for recreational purposes and to
preserve open space in southern Maine.

LD 1125 proposed that the Department of Conservation devise
a recreational lands plan to include specific recreational
activities and facilities for the development of the lands
around Pineland Center. LD 1650 replaces the requirements
for specific activities and facilities with the provision
that these lands be managed as multiple use lands.

LD AN ACT TO ESTABLISH GREATER COMMUNICATION IN
1651 THE RULE-MAKING PROCESS AND TO PROVIDE BETTER
STANDARDS FOR THE ADOPTION OF RULES (REPORTED
PURSUANT TO A STUDY BY THE STATE AND LOCAL
GOVERNMENT COMMITTEE

CARRY OVER

Sponsor:
Committee Report: New Draft of LD 161
Amendments Adopted:
S-256 PEARSON

SUMMARY: LD 1651 is a new draft of LDs 161, 665, and
1123. The bill is the result, in part, of a study
conducted by the Joint Standing Committee on State
Government during the Second Regular Session of the 112th

Legislature. During the Second Regular Session of the 112th Legislature, a bill was submitted to the Legislature providing for a Constitutional amendment to authorize the Legislature or a committee of the Legislature to veto agency rules. The State Government Committee report removed authorization for a committee veto; however, the bill was subject to disagreement between Houses. A conference committee was convened but was unable to reach agreement and this study was requested.

LD 161 proposed that:

- A. all rules, to the maximum feasible extent, be written in plain and clear English which can be readily understood by the general public;
- B. agencies provide detailed, written responses to comments made by the general public in writing or at public hearings with respect to proposed rules;
- C. the Executive Order establishing the requirement that each agency formulate regulatory agenda be enacted into statute;
- D. each agency meet twice a year with the appropriate substantive committee of the Legislature to discuss rules that the agency plans to propose;
- E. each agency be required to determine the fiscal impact of each rule that it proposes or adopts;
- F. the Secretary of State monitor rule-making of each agency and provide technical assistance to agencies requesting help to draft rules, and that the Secretary of State report to the Governor and the Legislature with respect to the degree of compliance of each agency with the law;
- G. the Secretary investigate the cost of publishing and indexing an official code of rules of state agencies.

LD 665 proposed to amend the rule-making process under the APA, specifically the provisions of the law relating to information to be considered by the agency proposing the rule, the impact of the rule on regulated people and activities, and the relationship of the regulating agency with the regulated entity.

The bill established guidelines for the adoption of rules by requiring:

- A. that agency decisions on rules be based on sufficient information concerning the need for and consequences of rulemaking;

- B. that the benefits of regulation outweigh the costs of regulation and that an agency adopt the alternative with the least net cost to society;
- C. the agencies to establish objectives to maximize net benefits to society; and
- D. the agencies to reduce the effect of rulemaking on small businesses.

Further, the bill restricted agencies in the adoption of rules, to the terms of the proposed rules unless comments provided to the agency show the need to change the terms of the proposed rules.

LD 665 also required a regulatory impact analysis for each rule which would be prepared and made available to interested persons at the time notice of rulemaking is published. The regulatory impact analysis is required to describe:

- A. the objective of the rule;
- B. the potential benefits of the rule;
- C. the potential costs of the rule, including non-monetary costs;
- D. alternative regulatory approaches and the reasons for not adopting the alternatives; and
- E. the types of businesses that will be affected by the rule.

Finally, the bill also required state agencies to meet, at least annually, with the regulated interests to discuss the problems, degree of effectiveness, efficiency, and intended impact of rulemaking.

LD 1123 proposed to repeal the current requirement that members of the several joint standing committees of the Legislature be given copies of proposed rules. LD 1123 proposed that the agencies send fact sheets, instead of rules, to committee members. The fact sheets would clearly and succinctly describe the proposed rules and the purpose of each proposed rule.

LD 1651 incorporated provisions of LDs 161, 665, and 1123; and the suggestions of the Joint Select Committee on Economic Development with respect to agency adoption of performance standards and the publication of an index to agency rules. While LD 1651 did not incorporate all the provisions of LD 665, the new bill adopted the most significant measures of this bill and incorporated them in a section of the Administrative Procedures Act that is not

subject to the procedural mandates of the law. In other words, in the event that an agency fails to follow precisely every requirement of the proposed procedure, the rule is not declared to be void.

LD AN ACT TO AMEND THE CIVIL SERVICE LAW
1652

PL 1987
c. 240
EMERGENCY

Sponsor: BUSTIN, Lacroix
Committee Report: New Draft of LD 889

SUMMARY: LD 1652, a new draft of LD 889 requires the Policy Review Board to study the feasibility of appropriate alternatives, including the use of an administrative support services pool to the use of temporary service contracts for employment with state agencies. In addition, this new draft requires probationary employees to be reviewed, at least once, at the end of their 3rd month of employment with the State. The new draft also removes the sunset provision on recruitment and retention stipends which are necessary to attract and retain employees in certain positions.

LD RESOLUTION, PROPOSING AN AMENDMENT TO THE
1665 CONSTITUTION OF MAINE TO INCREASE THE AGGREGATE
LIMIT ON INSURED MORTGAGE LOANS TO \$95,000,000

LVWD

Sponsor: MURPHY, E., Estes, Dillenback
Committee Report: LVWD

SUMMARY: This resolution to the Constitution of Maine, Article IX, Section 14-A, would have increased the maximum aggregate liability authorized to be outstanding at any time for insured mortgage loans from \$90,000,000 to \$95,000,000, and clarified that the Legislature may provide for insurance for mortgage loans for commercial as well as industrial, manufacturing, fishing, agricultural and recreational enterprises. Further, the resolution explicitly recognized the State's interest in promoting the retention, growth and vitality of business.

The resolution was proposed because other legislation authorizes the Finance Authority of Maine to insure up to an aggregate outstanding balance of \$5,000,000 in loans to businesses for removal and replacement of underground oil storage facilities. The resolution would have allowed such loans to be insured without cutting into the availability of insured loans for other businesses.