

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
113TH LEGISLATURE
SECOND REGULAR SESSION



BILL SUMMARY
JOINT STANDING COMMITTEE
ON
STATE & LOCAL GOVERNMENT
PART I - STATE GOVERNMENT

MAY 1988

MEMBERS

Sen. John L. Tuttle, Jr. *
Sen. John E. Baldacci
Sen. Robert R. Gould

Rep. Donnell P. Carroll *
Rep. Dorothy A. Rotondi
Rep. Bradford E. Boutilier
Rep. Elaine Lacroix
Rep. Robert E. Hussey, Jr.
Rep. Cushman D. Anthony
Rep. Alberta M. Wentworth
Rep. Gary Bickford
Rep. Theone F. Look
Rep. Barbara E. Strout

* Denotes Chair

Staff: Ted Potter, Legislative Analyst

Office of Policy & Legal Analysis
Room 101, State House Sta. 13
Augusta, ME 04333
(207) 289-1670

EN T. GINDER, DIRECTOR
EN WHITESIDE, DEP. DIRECTOR
ERT W. BREWER
D C. ELLIOTT
) FLATEBO
THA E. FREEMAN, SR. ATTY.
B. GAUTSCHI
LIAM T. GLIDDEN, JR.



STATE OF MAINE
OFFICE OF POLICY AND LEGAL ANALYSIS

ROOM 101/107/135
STATE HOUSE STATION 13
AUGUSTA, MAINE 04333
TEL.: (207) 289-1670

JULIE S. JONES
JOHN B. KNOX
EDWARD POTTER
MARGARET J. REINSCH
LARS H. RYDELL
JOHN R. SELSER
CAROLYN J. CHICK, PARALEGAL
ROBERT W. DUNN, RES. ASST.
HARTLEY PALLESCHI, JR. RES. ASST.

**ONE HUNDRED AND THIRTEENTH LEGISLATURE
FIRST & SECOND SPECIAL SESSIONS
SECOND REGULAR SESSION**

**JOINT STANDING COMMITTEE
BILL SUMMARIES
MAY 1988**

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 for floor amendments. Final action is listed to the right of the title. If final House and Senate action differ, both are listed. Committee Reports and Floor Action are indicated as follows::

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

Each individual summary was prepared by the analyst assigned, as noted for each committee. But, this document was produced by the efforts of all the office staff, including Secretaries: Charlene Brann, Janet Jean, Earl Knox, Valarie Parlin; Research Assistant Hartley Palleschi. Finally, Secretary Laurette Knox, Legal Assistant Carolyn Chick, and Research Assistant Robert Dunn had special responsibilities in the preparation of the overall document.

Please give us your suggestions and comments on these summaries and tell us of any inaccuracies.

**LD An Act to Require Supervisory Auditors to Obtain
2180 Professional Certification within 3 Years**

**PUBLIC
802**

<u>SPONSOR(S)</u>	<u>COMMITTEE</u>	<u>REPORT</u>	<u>AMENDMENTS ADOPTED</u>	
MAYO	OTP-AM	MAJ	H-519	GWADOSKY
	ONTP	MIN	H-559	CARTER

SUMMARY

LD 2180 proposed that the Deputy Auditor, the Director and Assistant Director of Audits, and Auditor II's in the Department of Audit be a certified public accountant, public accountant, or certified internal auditor. Any temporary person employed in these positions without the necessary qualifications would not serve more than 9 months in these positions.

The bill would become effective on July 1, 1991, and thereby give employees 3 years to obtain the necessary requirements.

The State Auditor testified that the Department of Audit would pay the costs of training, courses, and preparing the current auditors for the required examinations.

The bill was amended to provide that passage of the examinations for certified public accountant, public accountant, or certified internal auditor will qualify the auditor II's, the Director and Assistant Director of Audits, the Deputy Auditor, and the State Auditor to hold their positions. This amendment therefore, does not require the people holding these positions to possess all the qualifications for these positions including education and college degrees.

**LD An Act to Allow Disclosure of Confidential Information
2190 Relevant to Personnel and Licensure Actions**

**PUBLIC
714**

<u>SPONSOR(S)</u>	<u>COMMITTEE</u>	<u>REPORT</u>	<u>AMENDMENTS ADOPTED</u>	
DILLENBACK DELLERT DUTREMBLE L PERRY	OTP-AM		S-392	

SUMMARY

LD 2190 proposed to allow the Department of Human Services, at the discretion of the commissioner, to disclose confidential information to a state agency or licensing board. The confidential information to be disclosed would be information derived from department investigations of cases under the Adult Protective Services program, the Child and Family Services and Child Protection Program, and the Residential Facilities for Children and Adults program. The confidential information could be used by a licensing board in an adjudicatory proceeding to suspend or revoke a license of a person in a licensed occupation or profession. This information could also be used by the Bureau of Human Resources or a state agency to discipline a state employee or the information could be used in an unemployment compensation proceeding.

The bill established no guidelines or standards for the use of confidential information access to this information, release of this information or determination of the reliance of the confidential information to a particular question or issue with respect to investigation proceedings of the Department of Human Services. The process by which confidential information would be used by the department was defined.

The Committee Amendment completely rewrote the bill. The committee amendment authorizes the Director of the Bureau of Social Services and the Director of the Bureau of Medical Services to disclose confidential information to the Bureau of Human Resources, the Bureau of Employee Relations, the Commissioner of Labor or to the appropriate professional or occupational licensing board when there is sufficient grounds for an investigation. If the confidential information shows or indicates that a state employee or a licensed member of a profession or occupation has engaged in unlawful activity, professional misconduct or activities in violation of laws or rules related to a licensing board, the confidential information may be released upon the following conditions:

1. The confidential information is edited to protect the identify of the persons related to the matter at issue except for the name of the alleged violator;
2. Access to or a copy of this information is provided to the alleged violator;
3. The confidential information is provided only to those people who need the information to carry out their official duties; and
4. The confidential information in the investigation is used only for the purpose for which the information was released.

LD An Act to Require Municipal Approval of Public Land
2239 Acquired by the State

INDEF PP

<u>SPONSOR(S)</u>	<u>COMMITTEE</u>	<u>REPORT</u>	<u>AMENDMENTS ADOPTED</u>
PARADIS E	OTP-AM	MAJ	H-648 MAJ REP
HICHBORN	ONTP	MIN	
VOSE			
PERKINS			

SUMMARY

LD 2239 proposed to require municipal voter approval at public referendum of proposed state purchases of real property within the municipality. The total number of votes in the election must have equalled or exceeded 20% of the total votes cast in that municipality for Governor in the last gubernatorial election. The State Treasurer would be required to reimburse the municipality for 50% of the property tax loss to the municipality for the preceding State fiscal year. The State Tax Assessor would be required to annually estimate the municipal value of reimbursable property in each municipality, prior to August 1.