

MAINE STATE LEGISLATURE

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STATE OF MAINE
113TH LEGISLATURE
SECOND REGULAR SESSION



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

MAY 1988

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* Denotes Chair

Staff: Ted Potter, Legislative Analyst

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**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.

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 2239 An Act to Require Municipal Approval of Public Land 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.

The Committee Amendment rewrote the bill and removed the provision requiring voter approval prior to the state purchase of real property within a municipality. In addition, the amount of reimbursement paid by the State Treasurer would be the lower of either the amount by which tax loss within a municipality exceeds 5% of the most recent state valuation for the municipality or \$200,000. The Amendment also required that the Commissioner of Administration, rather than the State Tax Assessor, annually estimate the municipal value of reimbursable property in each municipality, prior to August 1. This amendment carried a fiscal note of \$5,500,000.

LD 2246 An Act to Require State-Leased Buildings to Meet Certain Air Quality Standards PUBLIC 733

Table with 3 columns: SPONSOR(S), COMMITTEE REPORT, AMENDMENTS ADOPTED. Row 1: TUTTLE, OTP-AM, S-429. Row 2: PRAY. Row 3: WEBSTER C. Row 4: CARROLL.

SUMMARY

LD 2246 proposed that state owned buildings and buildings leased to the State meet ASHRAE (American Society of Heating, Refrigeration, and Air-conditioning Engineers) air quality standards. Within 90 days following the effective date of the proposed law, all state owned buildings and buildings leased to the State would be required to meet the air ventilation standards. Upon receiving evidence of a landlord's non-compliance with the air quality standards, the State would be required to immediately give 30 days notice to the landlord that the State will vacate the premises if the conditions of noncompliance were not corrected within the 30 day period.

The Division of Health Engineering within the Department of Human Services would establish an air quality monitoring program to periodically check indoor air quality and ventilation.

Revenues from fines levied for violations would be dedicated to the Bureau of State Employee Health Internal Service Fund Account.

The Committee found some constitutional problems with the bill particularly with respect to the impairment of contract provision of the Maine Constitution. In addition, testimony ws received that the requirement that the state vacate premises leased by the State following leaseholder failure to make the necessary corrections in 30 days following notice of the deficiencies to the owner would be difficult for the agency because in most cases, suitable alternatives could not be located in the 30 day period.

The committee amendment completely revised the bill. The amendment requires the Bureau of Public Improvements, beginning September 1, 1988, to apply to State owned buildings and buildings leased to the State the ANSI-ASHRAE Indoor Air Quality and Ventilation Standards contained in the proposed revision, 1981R, July 15, 1986.