

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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Sen. Robert R. Gould

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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.

counties would be included with state employees whom the State would be required to reimburse when these employees successfully defended themselves against criminal charges. Hearing testimony also explained that some public employees who are acquitted of criminal charges relating to conduct of their official duties are subject to other disciplinary measures following acquittal. While there may not have been evidence to prove beyond a reasonable doubt that the employee committed a criminal violation, there may be sufficient evidence to warrant certain disciplinary measures.

The bill was amended to establish a legislative commission to study the issue relating to legal expenses incurred by state employees only who are charged with criminal violations for actions involved in the conduct of their official duties. Specifically, it was proposed that the commission look at the current process by which state employees are reimbursed or denied reimbursement of legal expenses that they incur. The commission would determine the deficiencies in the process, and make recommendations to improve the process.

LD An Act to Extend a Sunset Provision in the Civil
2410 Service Law

ND 2605

SPONSOR(S)

BUSTIN
TUTTLE
CARROLL
MURPHY T

COMMITTEE REPORT

OTP-ND

AMENDMENTS ADOPTED

SUMMARY

Replaced By LD 2605

LD An Act Relating to Conflict of Interest for Certain **PUBLIC**
2419 Governmental Officials and Employees (Reported Pursuant to a 784
Study by the Committee on State and Local Government)

SPONSOR(S)

BUSTIN
TUTTLE
CARROLL
MURPHY T

COMMITTEE REPORT

OTP-AM MAJ
ONTP MIN

AMENDMENTS ADOPTED

H-687 MAJ REP

SUMMARY

LD 2419 proposed the following:

1. That members of state boards and commissions and municipal and county officials be subject to the same conflict of interest provisions as state officials.
2. That State employees, members of boards, and municipal and county officials be required to:
 - A. abstain in proceedings in which they, their children, or their parents are involved, and
 - B. avoid all appearances of a conflict of interest.

3. That State employees, members of boards, and municipal and county officials disclose at the beginning of any proceeding:
 - A. any direct or substantial financial interest they may have in the proceeding;
 - B. any close personal friendships or blood relations with persons involved in the proceedings; and
 - C. any gifts of more than \$100 they have received from persons involved in the proceedings.
4. That State employees in major policy influencing positions, members of boards, and municipal and county officials annually disclose:
 - A. equity investments on which more than \$1,000 of income is derived;
 - B. state and municipal securities on which they derive more than \$1,000 of income;
 - C. equity investments in a business that have been transferred to a member of the reporting person's family.
5. That State employees, members of boards, and municipal and county officials not appear personally in a proceeding before the agency or board with which they previously served or previously employed.

Committee Amendment "A" completely revised LD 2419.

This amendment amplifies current law by:

1. Including members of certain state boards within the definitions of executive employees who are subject to the state conflict of interest laws. Boards which are excluded from the definition include:
 - A. Advisory boards as listed in Title 5, chapter 379; and
 - B. Boards listed in Title 5, chapter 379, the members of which are required by law to represent specific interests.
2. Prohibiting former executive employees from representing clients before agencies or appearing personally in proceedings at any time with respect to matters which had been pending before them in their official capacity within one year prior to their departure from state government;
3. Prohibiting former executive employees from representing clients or appearing personally in proceedings within one year following their departure from the agency or board with which they were employed or served with respect to matters in which they had been directly involved in their official capacity and were completed at least 12 months prior to their termination of employment;

4. Creating a general guideline for executive employees that encourages these employees to avoid all appearances of conflict of interest; and
5. Extending the "revolving door" provisions to county and municipal officials.

LD An Act Relating to the State Health Insurance Program and PUBLIC
 2470 the Bureau of State Employee Health 731

<u>SPONSOR(S)</u>	<u>COMMITTEE REPORT</u>	<u>AMENDMENTS ADOPTED</u>
BUSTIN	OTP-AM	S-403
BICKFORD		
BOUTILIER		

SUMMARY

LD 2470 proposed to reorganize the Bureau of State Employee Health by restructuring its components into 3 divisions. In addition, the bill proposed to place the Employees' Health Insurance Program within the Bureau of Employee Health. The Employee Health Insurance Program is currently administered by an executive director and a board of trustees who compose a separate program within the Department of Administration.

The Bureau of State Employee Health, according to the bill would consist of:

1. the Division of Benefits would administer the state employee group health insurance program;
2. the Division of Wellness and Health Planning to study and implement wellness and employee health programs; and
3. the Division of State Employee Assistance Program to administer the State Employee Assistance Program.

The State Employee Health Commission would be created to serve as trustees of the Group Accident, Sickness or Health Insurance Program. The commission would contain:

1. 9 representatives of labor (1 from each bargaining unit plus 1 retiree); and
2. 9 representatives of management (the bureau director, a representative from (the judicial department, and 7 others selected by the bureau director).

Both labor and management would have 1 vote each. The majority vote of the members of each group would determine the vote of each group.

Committee Amendment "A" completely revised the bill. This amendment establishes the State Employee Health Commission as the trustees of the state employee health insurance program and as the primary advisory group to the Director of State Employee Health. The commission replaces the former board