

STATE OF MAINE 114TH LEGISLATURE FIRST REGULAR SESSION



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

JULY 1989

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Staff: Ted Potter, Legislative Analyst

Office of Policy & Legal Analysis Room 101, State House Sta. 13 Augusta, ME 04333 (207) 289-1670 1ARTHA E. FREEMAN, DIRECTOR VILLIAM T. GLIDDEN, PRINCIPAL ANALYST ULIE S. JONES, PRINCIPAL ANALYST)AVID C. ELLIOTT, PRINCIPAL ANALYST)ILBERT W. BREWER ODD R. BURROWES)RO FLATEBO)EBORAH C. FRIEDMAN OHN B. KNOX



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STATE OF MAINE OFFICE OF POLICY AND LEGAL ANALYSIS ROOM 101/107/135 STATE HOUSE STATION 13 AUGUSTA, MAINE 04333 TEL: (207) 289-1670

ONE HUNDRED AND FOURTEENTH LEGISLATURE FIRST REGULAR SESSION

JOINT STANDING COMMITTEE BILL SUMMARIES AUGUST 1989

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 for 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 abbreviated 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 Research Assistant Barbara McGinn, and secretaries: Charlene Brann, and Valarie Parlin, and especially Laurette Knox who coordinated preparation of the overall document.

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

LD 483	An Act to Change the Process of Selecting the Commissioner
	of Educational and Cultural Services

DIED BETWEEN HOUSES

SPONSOR(S)	<u>COMMITTEE</u>	REPORT
ESTES	ONTP	MAJ
HANDY	OTP	MIN
PARADIS J		

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<u>SUMMARY</u>

LD 483 proposed to reverse the current appointment procedure with respect to the Commissioner of the Department of Educational and Cultural Services. The appointing authority would have been transferred from the Governor to the State Board of Education. The purpose of the bill was to remove education from politics. Currently, the Commissioner of Education is appointed by State boards of education in 23 states. In 7 states, the commissioner's appointment is made by the Governor, with Maine being the only New England state to use this procedure. In 16 states, the Commissioner of Education is elected by the people.

AMENDMENTS ADOPTED

LD 509	An Act to Authorize the Maine Court Facilities Authority to	PUBLIC 221
	Accept Gifts and Contributions	

<u>SPONSOR(S)</u>	COMMITTEE REPORT	AMENDMENTS ADOPTED
FOSTER	OTP-AM	H–208
BUSTIN		
DAGGETT		

SUMMARY

LD 509 proposes to authorize the 15 member Supreme Judicial Court Plan and Design Commission to accept federal funds and gifts including furnishings and artifacts. The purpose of the resolve was to encourage people to bequeath furnishings to a new Supreme Court Building.

The Commission, however, has no authority to construct, furnish, or reconstruct a Supreme Court building.

Since the Commission is composed of members from different branches of State government, the Commission would be in violation of the Separation of Powers principle if it were empowered to award money and gifts.

The bill was amended to empower the Maine Court Facilities Authority to accept federal funds, gifts, and contributions.

<mark>LD 546</mark>	Resolve, Concerning a Right-of-way Across the Elizabeth	ONTP
	Levinson Center in Bangor	

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
GARLAND	ONTP	
BALDACCI		

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LD 546 proposed:

A. To increase by 25 feet the width of an easement across the property of the Elizabeth Levinson Center in Bangor provided by the State in 1983 to John Burke; and

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B. To allow use of the wider easement for tenant access to a multifamily residence.

The bill failed to receive committee approval because Mr. Burke had not presented his proposed change of use to the Bangor Zoning Board or to the Department of Mental Health and Mental Retardation. The Committee was concerned about the impact of the proposed use on the safety of the residents.

LD 559	An Act to Amend the General Relocation Assistance Provisions	PUBLIC 40
	to Achieve Compliance with Certain Federal Laws	EMERGENCY

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
BERUBE	ОТР	
TWITCHELL		
HICHBORN		
WENTWORTH		
HICHBORN		

SUMMARY

LD 559 amended State law to make it consistent with the Federal Uniform Relocation Act. Unless the changes were made, Maine would lose federal funds.

This law applies to any state agency and any federally funded project in which people are dislocated or need to be relocated (road construction, infrastructure improvements, housing, urban renewal, etc.). Private organizations involved in the dislocation or relocation of people are subject to the federal law if the project is federally funded.

LD 575	An Act to Amend the	Records Management Laws		PUBLIC 235
<u>SPONSOR(S)</u>		COMMITTEE REPORT	AMENDMENTS ADOPTED	
CLARK N		OTP-AM	S-113	
MAHANY				
CAHILL P				
COLES				

SUMMARY LD 575 proposed to:

- A. Provide the Maine State Archives with the sole authority to approve all media storage acquisition and media conversion equipment; and
- B. Provide the Maine State Archives with authority to establish schedules for the transfer of legislative documents to the Archives. The schedules would be developed in consultation with the Executive Director of the Legislative Council.

The bill was amended to provide that the Maine State Archives, the Bureau of Purchases, and the Office of Information Services will jointly review and determine the requirements for the disposition of automated media records. The review will analyze the functions of the three agencies as well as the process by which automated media records are retained and disposed.