

MAINE STATE LEGISLATURE

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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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Sen. Donald E. Esty, Jr.
Sen. David L. Carpenter

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* Denotes Chair

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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.

The penalty for failure to submit a report would be liability of the Legislator or staff person to pay for the total costs for attendance at the conference. Following receipt of a late report, the penalty would no longer apply.

The bill failed to receive committee approval because the Legislative Council, without legislation can require Legislators and legislative staff people to issue reports concerning conferences they attend. Furthermore, a statutory requirement would not be effective because one Legislature cannot bind future Legislatures.

LD 1014 An Act Concerning the Number of Terms Which a Legislator May Serve Consecutively in Either Chamber ONTP

| <u>SPONSOR(S)</u> | <u>COMMITTEE REPORT</u> | <u>AMENDMENTS ADOPTED</u> |
|-------------------|-------------------------|---------------------------|
| HANLEY | ONTP | |
| HEPBURN | | |
| WEBSTER C | | |
| GARLAND | | |

SUMMARY

LD 1014 proposed that Legislators in the Maine Legislature be limited to 5 consecutive terms in each house.

The bill failed approval because it was unconstitutional. Since the Maine Constitution is the only basis for qualifications for public office, the proposal in LD 1014 must be in the form of a Constitutional Amendment. In addition, no other states limit the number of terms to which a legislator may be elected.

Currently, 40.4% of House members and 48.6% of Senate members are serving their first or second term in office. The problem of "incumbency" does not appear to be a substantial problem in the State Legislature.

LD 1015 An Act Relating to the Director of the Bureau of Health PUBLIC 507

| <u>SPONSOR(S)</u> | <u>COMMITTEE REPORT</u> | <u>AMENDMENTS ADOPTED</u> |
|-------------------|-------------------------|---------------------------|
| GAUVREAU | OTP-AM MAJ | H-407 JOSEPH |
| RYDELL | ONTP MIN | S-146 MAJ REP |
| BERUBE | | |
| MANNING | | |

SUMMARY

LD 1015 proposed that the Director of the Bureau of Health:

- A. be appointed by the Commissioner of Human Services;
- B. be subject to legislative review and confirmation;
- C. serve in the unclassified service; and
- D. serve at the pleasure of the Commissioner.

The purpose of the bill was to ensure that qualified people are appointed as director of the Bureau of

Health. The Committee amended the bill to require that a licensed physician or a person eligible for licensure as a physician be appointed as the director.

The bill was amended in the House to include in the eligibility requirements for director, persons with a post-secondary degree in public health.

**LD 1036 Resolve, to Direct the Executive Branch to Develop a Special
Review Process to Monitor Personal Services Contracts**

RESOLVE 31

SPONSOR(S)

BUSTIN
JOSEPH
WEBSTER C
NORTON

COMMITTEE REPORT

OTP-AM

AMENDMENTS ADOPTED

S-220

SUMMARY

LD 1036 proposed a procedure which state agencies would be required to follow prior to any award of a personal services contract to a private sector firm. The procedure:

- A. Required the state agency to show that the state will incur cost savings as a result of contracting for personal services with private sector firms.
- B. Required that proposals to contract with a private firm must show that the firm's wages are at the industry level and do not undercut state pay rates.
- C. Required that the proposed contract would not displace state employees or adversely affect the State's affirmative action program.
- D. Specified that a contractor's hiring practices conform to affirmative action and anti-discriminatory standards.

Personal services contracts would be permissible when:

- A. State employees could not perform the service.
- B. It is necessary to:
 - 1) avoid a conflict of interest;
 - 2) obtain an outside perspective;
 - 3) assure independent and unbiased findings.
- C. A contractor could provide equipment, materials, and facilities that the State cannot provide.
- D. Delay in the implementation of services would occur under the State and the services are urgently required.

The bill was amended to completely change it. The amendment requires the Department of Administration, working jointly with employee organizations, to study the efficiency and effectiveness of personal service contracts. The Commissioner will report his findings, including necessary implementing legislation to the Second Regular Session of the 114th Legislature, no later than March 1, 1990.