

MAINE STATE LEGISLATURE

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**STATE OF MAINE
115TH LEGISLATURE**

SECOND REGULAR SESSION

**BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
STATE AND LOCAL GOVERNMENT**

MAY 1992

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Sen. Jerome A. Emerson**

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**ONE HUNDRED AND FIFTEENTH LEGISLATURE
SECOND REGULAR SESSION**

**JOINT STANDING COMMITTEE
BILL SUMMARIES**

MAY 1992

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 volume is organized alphabetically by committee; within each committee, the summaries are arranged by LD number. A subject index is provided at the beginning of each committee's summaries.

All adopted amendments are listed, by paper number (e.g., H-584 or S-222), together with the sponsor for floor amendments. Final action on each bill is listed to the far right of the title. Various types of final action are abbreviated as follows:

PUBLIC XXX
P&S XXX
RESOLVE XXX
CON RES XXX
EMERGENCY
CARRIED OVER
ONTP
LVWD
INDEF PP

FAILED EMERGENCY ENACTMENT
DIED BETWEEN BODIES
CONF CMTE UNABLE TO AGREE
VETO SUSTAINED
UNSIGNED
DIED ON ADJOURNMENT

Chapter # of enacted Public Law
Chapter # of enacted Private & Special Law
Chapter # of enacted Resolve
Chapter # of Constitutional Resolution passed by both Houses
Enacted law takes effect sooner than 90 days
Bill carried over to Special Session
Ought Not to Pass report accepted
Leave to Withdraw report accepted
Bill Indefinitely Postponed
Emergency bill failed to get 2/3 vote
House and Senate disagree; bill died
Committee of Conference formed but unable to agree
Legislature filed to override Governor's Veto
Not signed by Governor within 10 days
Action incomplete when session ended; bill died

These summaries were prepared by the analyst or analysts assigned to the committee. But, this document was produced by the efforts of all the office staff, including secretaries: Charlene Raymond and Valarie Parlin, especially Laurette Knox who coordinated preparation of the overall document.

If you have any suggestions or comments on these summaries, please let us know.

Joint Standing Committee on State & Local Government

LD 66

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide State Funding of any Mandate Imposed on Municipalities

CON RES 2

SPONSOR(S)

CLARK N
CLEVELAND
MAYO
GWADOSKY

COMMITTEE REPORT

OTP-AM MAJ
ONTP MIN

AMENDMENTS ADOPTED

H-1237 GRAY
S-527 MAJ REP
S-555 BUSTIN

SUMMARY

This resolution, which was carried over from the first regular session, proposed a referendum to amend the Constitution of Maine to require the State to fund state mandates. It also provided that a municipality was not obligated to implement a state mandate imposed by statute, by executive order or by rule unless the Legislature appropriated the amount necessary to reimburse the municipality the cost of the mandate.

Committee amendment B (S-527) replaced the bill and required that the state fund at least 90% of the cost of future State mandates passed after January 1, 1993. The amendment defined the terms "state mandates" and "local units of government" and specified mandates excluded from the proposed constitutional amendment. The committee amendment retained the provision that municipalities were not obligated to implement unfunded mandates and clarified that current local aid programs could not be modified to fund state mandates. Cuts in local aid programs were permitted only in cases of fiscal emergencies. Finally the amendment provided that implementation legislation could only be amended by a 2/3 vote and prohibited amendments that created additional exclusions. The amendment also added a fiscal note to the bill.

Senate amendment B (S-555) corrected the language for setting up the referendum procedure to occur during the general election in 1992.

House amendment D (H-1237) replaced and simplified the constitutional language in the committee amendment. The language substituted by this amendment did not contain the definitions and specifications regarding mandates, and provided that implementing legislation establishing specific exceptions to the requirement must be enacted with a 2/3 vote.

LD 586

An Act to Improve the State's Fiscal Forecasting Capabilities

UNSIGNED

SPONSOR(S)

PRAY
BRANNIGAN
CHONKO
MAYO

COMMITTEE REPORT

OTP-AM

AMENDMENTS ADOPTED

S-733 MAJ REP
S-777 BRANNIGAN

SUMMARY

This bill established a revenue forecasting capability within the nonpartisan staff offices of the Legislature. The bill provided a mechanism by which discrepancies between executive branch and legislative branch revenue projections could be remedied. Originally referred to the Appropriations Committee, this bill was carried over from the first session and rereferred to the State and Local Government Committee as part of its restructuring work.

Committee amendment B (S-733) expanded both the original bill and committee amendment A which was drafted but not presented by the Appropriations Committee. It incorporated ideas from the omnibus restructuring bill, LD 2330, including the development of short and intermediate term revenue and economic forecasts, and long term economic trend forecasts. The amendment's proposed commission membership included two members selected by the Governor, one member selected by the President of the Senate, one member selected by the Speaker of the House and a fifth member selected by the other four appointed members. The commission was responsible for making and altering all projections and forecasts. The commission was required to meet and make reports regularly. The State Budget Officer was required to consider the commission's forecasts when preparing revenue estimates and, if the revenue estimates were not based on the commission's projections and forecasts, to prepare a written report explaining why they were not used. The amendment also added an appropriation section and a fiscal note to the bill to cover the expenses of the commission, which were authorized for reimbursement.

Senate amendment A (S-777) removed the amendment's provision to provide expenses to the commission, and deleted the appropriation section and the fiscal note.

LD 825 An Act to Clarify the Definition of State Employee in the ONTP
State Employee Labor Relations Laws

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
JOSEPH	ONTP	
BUSTIN		

SUMMARY

This bill would have clarified the procedure that a public employer must follow in order to exempt a new position from the definition of "state employee" under the Maine Revised Statutes, Title 26, chapter 9-B. This bill would also have permitted the State to file a petition for unit clarification after a new position is established to avoid any delay in filling new positions.

**LD 1377 An Act to Create a State Municipalities Investment Pool DIED BETWEEN
BODIES**

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
PRAY	OTP-AM MAJ	
GWADOSKY	ONTP MIN	
BUSTIN		
GOODRIDGE		

SUMMARY

This bill, which was carried over from the first regular session, would have authorized the Maine Municipal Bond Bank to create a combined investment fund for use by municipalities within the State. The fund would have allowed municipalities to obtain short-term investments, provide enhanced ease of access to investments that meet all state statutory requirements for municipal investments and, simultaneously, provide a competitive rate of return.

The bill would have clarified the definition of municipality, and in addition, would have enhanced the efficiency of the bank's already existing power to borrow for short-term and long-term municipal capital needs by authorizing the bank to borrow, on behalf of municipalities, using security instruments other than a formal municipal bond.

The bill also would have clarified that the goals of the pool may be achieved by creating a separate, registered pool of funds or that funds may be pooled and then invested in other already existing