

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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**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	Chapter # of enacted Public Law
P&S XXX	Chapter # of enacted Private & Special Law
RESOLVE XXX	Chapter # of enacted Resolve
CON RES XXX	Chapter # of Constitutional Resolution passed by both Houses
EMERGENCY	Enacted law takes effect sooner than 90 days
CARRIED OVER	Bill carried over to Special Session
ONTP	Ought Not to Pass report accepted
LVWD	Leave to Withdraw report accepted
INDEF PP	Bill Indefinitely Postponed
FAILED EMERGENCY ENACTMENT	Emergency bill failed to get 2/3 vote
DIED BETWEEN BODIES	House and Senate disagree; bill died
CONF CMTE UNABLE TO AGREE	Committee of Conference formed but unable to agree
VETO SUSTAINED	Legislature filed to override Governor's Veto
UNSIGNED	Not signed by Governor within 10 days
DIED ON ADJOURNMENT	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.

SPONSOR(S)**COMMITTEE REPORT****AMENDMENTS ADOPTED**

OTP-AM

S-725

S-785 BRANNIGAN

SUMMARY

This bill resulted from the recommendations of the Special Commission on Governmental Restructuring.

Part A of the bill:

1. Required the Legislature's Office of Fiscal and Program Review to include in fiscal notes on legislation an estimate of the legislation's fiscal impact over the current and following bienniums, and also required that office to develop a projected budget outline;
2. Required departments of State Government to develop 6-year, outcome-oriented plans, beginning in 1993;
3. Reformed the budget document by making the following changes or additions:
 - A. Required the document to be divided into an operating budget and a capital budget;
 - B. Required the inclusion of an estimate of total federal funds and General Fund expenditures for federally funded programs;
 - C. Required that tax exemptions be treated as appropriations to the recipients of the exemption;
 - D. Required the inclusion of provisions for contingency funds;
 - E. Required the inclusion of explanatory narratives and organizational charts;
 - F. Replaced the figures in the budget document showing estimated revenues or expenditures for the current fiscal year with figures showing actual expenditures over the preceding 12 months; and
 - G. Required the inclusion of a description of the Governor's strategic plans that underlie the budget;
4. Required the Governor to develop budgets from strategic plans and required the Director of the State Planning Office to assist the Governor in developing budgets and in setting program priorities;
5. Established a legislative task force to revise committee responsibilities and legislative operations consistent with the management requirements of the new budget process; and
6. Created the Consensus Forecasting Committee to develop short-term and long-term economic and revenue forecasts. The forecasts were to be recommended to the Governor and the Legislature and with the approval of a majority of the committee members. The bill authorized the Legislature to employ the committee's forecasts if the Governor failed to incorporate them in the Governor's budget.

Part B of the bill:

1. Repealed the present sunset review law;
2. Repealed provisions creating the Joint Standing Committee on Audit and Program Review and established a Joint Standing Committee on Audit and Management Review. The committee was charged with conducting management reviews based on information supplied by the State Auditor and conducting program and other reviews as directed by the Legislative Council; and
3. Changed the manner of election and term of office of the State Auditor, and charged the State Auditor with conducting management performance audits.

Part C of the bill authorized and directed the Treasurer of State to contract with private money managers to invest the State's money.

Part D of the bill required that criteria be established for evaluating which services currently provided by the State should continue to be provided by the State and those which would be more effectively or more efficiently accomplished by contracting with nonprofit or for-profit organizations. It also required the use of only performance-based contracts for services after June 30, 1992.

Part E of the bill eliminated the Maine-Canadian Legislative Office and the Maine-Canadian Legislative Advisory Commission and assigned their functions to the Department of Economic and Community Development. It also clarified the mission of the Department of Economic and Community Development as one of creating and retaining jobs and authorized a reorganization of the department around 3 primary functions: business attraction and retention; tourism; and research, information and advocacy. Part E also established the Economic Development Board of Directors. The Finance Authority of Maine was directed to consolidate its present loan guarantee funds to reduce administrative overhead.

Part F of the bill reduced the size of the board of directors and eliminated direct General Fund appropriations to the Maine World Trade Association. Funding through contracts with the Department of Economic and Community Development and other state agencies was encouraged.

Part G of the bill eliminated the Public Utility Commission's part in rate setting for water utility companies that are publicly owned.

Part H of the bill required the State Planning Office to develop the capacity to provide in-depth economic analysis and technological information for the purposes of developing a strategic economic development plan.

Part I of the bill:

1. Authorized the state to make broader use of electronic transfers of funds and required that electronic transfers of funds be expanded in the State's cash assistance programs, for the State employee payroll, for payments to the State's vendors and for state retirement benefits;
2. Directed the Department of Human Services to take advantage of federal matching funds to improve automation of Medicaid claims and eligibility for income maintenance programs; and
3. Directed the State Tax Assessor to encourage individuals to file income taxes electronically and to require corporations to file electronically by January 1, 1993.

Part J of the bill implemented the recommendations of the majority of the Special Commission on Governmental Restructuring regarding the creation of an Office of Advocacy to replace several existing advocacy organizations. The commission's report contained a minority view on this issue.

Part K of the bill abolished the existing Interdepartmental Council and created a new Interdepartmental Council within the Executive Department. The new council was chaired by a member of the Governor's staff who had authority to make decisions when the council can not come to agreement.

Part L of the bill established the 8-member Public Education Strategic Planning Council. The members of the council were the Chancellor of the University of Maine System, the President of the Maine Technical College System, the President of the Maine Maritime Academy, the Commissioner of Education, one person from each higher education institution's board of trustees and one person who is a member of the State Board of Education. The purpose of the council was to create and maintain a long-term strategic plan for Maine public education and make related funding and policy recommendations to the Legislature.

Part M of the bill reorganized the Department of Environmental Protection along functional lines, reduced the size of the Board of Environmental Protection from 10 members to 3 members and limited the board's authority to hearing appeals of the license decisions of the Commissioner of Environmental Protection. All other duties formerly vested in the board, including all rule-making activities, all licensing functions and the authority to modify, revoke or suspend licenses were assumed by the commissioner. Part M made an appeal to the board a prerequisite for the filing of a judicial appeal. Appeals of board decisions could be taken to Superior Court.

Part N of the bill moved the Critical Areas Program, the Maine Natural Heritage Program and the Endangered and Nongame Species Program into the Department of Conservation. The Maine Critical Areas Advisory Board was abolished and the Maine Conservation Advisory Board was established to assist the Commissioner of Conservation in administering these programs.

Part O of the bill amended the enabling legislation of the Office of Information Services to require the deputy commissioner to ensure that standards for the acquisition of data processing and telecommunications equipment by state agencies optimize the electronic exchange of information and promote interagency telecommunications. Part O also directed the Bureau of General Services, within the Department of Administrative and Financial Services, to develop a plan for the cost-effective consolidation of state-owned facilities using a model that incorporates assessment of cost advantages of owning versus leasing.

Part P of the bill required the Governor, when preparing budget bills for submission to the Legislature, to include the full budget requests made by the judicial and legislative branches of government as well as the Governor's budget recommendations for each branch.

Part Q of the bill placed all administrative personnel in the Judicial Department under the supervision of the State Court Administrator and required the State Court Administrator to make recommendations to the Chief Justice of the Supreme Judicial Court for the improvement of the administration and management of the court system. The State Court Administrator was also required to develop and recommend to the Chief Justice a long-range plan for the Judicial Department and the operation of the courts.

Part R of the bill repealed the Maine Revised Statutes, Title 4, section 26 that requires the Judicial Department to use executive branch central office services, such as expenditure controls, to permit the Judicial Department to maintain control over its own expenditures.

Part S of the bill provided state funding for the Maine Criminal Justice Commission and required the commission to make recommendations regarding the use of intensive supervision and to develop a spectrum of sentencing alternatives. The bill transferred to the Maine Criminal Justice Commission the duties of the Criminal Law Advisory Commission regarding the relationship between the Maine Criminal Code and mandatory sentencing, and abolished the Criminal Law Advisory Commission.

Part T of the bill established the Maine Cultural Foundation as a nonprofit corporation for the purpose of supporting and financing Maine's cultural heritage.

