MAINE STATE LEGISLATURE

The following document is provided by the

LAW AND LEGISLATIVE DIGITAL LIBRARY

at the Maine State Law and Legislative Reference Library

http://legislature.maine.gov/lawlib



Reproduced from scanned originals with text recognition applied (searchable text may contain some errors and/or omissions)

STATE OF MAINE 116TH LEGISLATURE

FIRST REGULAR SESSION

BILL SUMMARIES JOINT STANDING COMMITTEE ON STATE AND LOCAL GOVERNMENT

JULY 1993

MEMBERS:

*Sen. Georgette B. Berube Sen. Donald E. Esty, Jr. Sen. Jeffrey H. Butland

*Rep. Ruth Joseph Rep. Marge L. Kilkelly Rep. Glenith C. Gray Rep. Lucien A. Dutremble Rep. Douglas J. Ahearne Rep. G. Steven Rowe Rep. Ellen W. Walker Rep. Theone F. Look Rep. Richard A. Bennett Rep. Paul R. Young

*Denotes Chair

Staff:

Roy Lenardson, Legislative Analyst David C. Elliott, Principal Analyst

Office of Policy and Legal Analysis Room 101, State House Station 13 Augusta, ME 04333 (207)287-1670 MARTHA E. FREEMAN, DIRECTOR
WILLIAM T. GLIDDEN, JR., PRINCIPAL ANALYST
JULIE S. JONES, PRINCIPAL ANALYST
DAVID C. ELLIOTT, PRINCIPAL ANALYST
MARION HYLAN BARR
JON CLARK
LISA COPENHAVER
DEBORAH C. FRIEDMAN
MICHAEL D. HIGGINS

JILL IPPOLITI



JOHN B. KNOX
ROY W. LENARDSON
PATRICK NORTON
JANE ORBETON
MARGARET J. REINSCH
PAUL J. SAUCIER
JOHN G. KELLEY, RESEARCHER
DARLENE A. SHORES LYNCH, RESEARCHER
CARRIE C. McFADDEN, RESEARCHER

STATE OF MAINE
OFFICE OF POLICY AND LEGAL ANALYSIS

ROOM 101/107/135 STATE HOUSE STATION 13 AUGUSTA, MAINE 04333 TEL: (207) 287-1670

TEL: (207) 287-1670 FAX (207) 287-1275

ONE HUNDRED AND SIXTEENTH LEGISLATURE FIRST REGULAR SESSION

JOINT STANDING COMMITTEE BILL SUMMARIES

JULY 1993

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.

The committee report or reports, the prime sponsor for each bill and the lead co-sponsor in each house if one has been designated are listed below each bill title. 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 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 Chapter # of Constitutional Resolution passed by both Houses CON RES XXX Enacted law takes effect sooner than 90 days **EMERGENCY** CARRIED OVER Bill carried over to Second Session Ought Not to Pass report accepted ONTP ENACTMENT FAILED Bill failed to get majority vote INDEF PP Bill Indefinitely Postponed FAILED EMERGENCY ENACTMENT Emergency bill failed to get 2/3 vote FAILED MANDATE ENACTMENT Bill imposing local mandate failed to get 2/3 vote **DIED BETWEEN BODIES** House & Senate disagree; bill died CONF CMTE UNABLE TO AGREE Committee of Conference formed but unable to agree **VETO SUSTAINED** Legislature failed 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.

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

4693NRG

SUMMARY

This bill repeals that portion of the Maine Administrative Procedure Act that allows state agencies to adopt rules. In its place is enacted a prohibition on state agencies adopting judicially enforceable standards, criteria or requirements or further interpreting the law administered by the agency. State agencies are allowed to adopt internal operating policies and guidelines, issue advisory rulings and make adjudicatory decisions. A violation of the prohibition is judicially reviewable. Rules currently adopted by state agencies are declared void on July 1, 1994. The Legislature shall review these rules and may adopt and amend them.

The committee amendment (H-557) replaces the bill and establishes a procedure for joint standing committees of the Legislature to exercise review authority over rules proposed and adopted by administrative agencies. At the time a rule is proposed or an adopted rule is filed with the Secretary of State, the committee of jurisdiction may choose to review the rule on the approval of 1/3 of the committee members. Specific criteria and a schedule are established for the review, and a public hearing must be held. After reviewing the rule the committee is authorized to submit legislation to override or clarify the rule upon the vote of a majority of the committee. A similar process is established to review rules currently in effect.

The House amendment (H-670), which was not adopted by the Senate, retains the intent of the committee amendment while clarifying language describing the process by which agency rules will be reviewed by legislative committees.

LD 1081 An Act to Promote Stronger Interdepartmental Cooperation

ONTP

SPONSOR(S)

COMMITTEE REPORT

AMENDMENTS ADOPTED

JOSEPH

ONTP

SUMMARY

This bill abolishes the existing Interdepartmental Council and creates a new Interdepartmental Council within the Executive Department. The goals of the council include promoting a statewide system of coordinated and accessible services that are responsive to the needs of children and their families and to promote collaboration among private and public agencies providing such services. The new council is chaired by a member of the Governor's staff who has authority to make decisions when the council can not come to agreement.

LD 1096

An Act Repealing Advisory Boards on State and Local Government Matters

PUBLIC 361

SPONSOR(S)

COMMITTEE REPORT

AMENDMENTS ADOPTED

OTP-AM

H-483

H-550 JOSEPH

SUMMARY

This bill is submitted in compliance with Public Law 1991, chapter 844, section 8, which requires the Secretary of State to submit legislation repealing all advisory boards and commissions listed in the Maine Revised Statutes, Title 5, sections 12004—I and 12004—J as well as other advisory boards and commissions with similar functions.

Pursuant to that law, the boards and commissions have been grouped by the subject areas within the jurisdiction of each joint standing committee and each special select committee. This bill repeals certain boards and commissions identified within the jurisdiction of the Joint Standing Committee on State and Local Government.

The Committee amendment (H-483) removes Parts A,B,C, D, E, G, H and L of the bill, Adds necessary language amending cross-references to the State Capitol Commission; and amends Parts I and J of the bill to amend cross-references to the State Compensation Commission, the Advisory Committee on State Telecommunication and Maine-New Hampshire Boundary Commission and to repeal elements of the laws relating to those entities

The House amendment (H-550) amends the law governing the Bureau of Capital Security to clarify authority over the State House facility.

LD 1106 Resolve, to Promote Joint Purchasing by Nonprofit Organizations

ONTP

SPONSOR(S)

COMMITTEE REPORT

AMENDMENTS ADOPTED

BRENNAN

ONTP

SUMMARY

This resolve directs the Director of the State Planning Office to establish 3 joint purchasing demonstration projects for nonprofit organizations.

LD 1111 Resolve, to Create the Commission to Establish Criteria and Qualifications for Certain State Officers

CARRIED OVER

SPONSOR(S)

COMMITTEE REPORT

AMENDMENTS ADOPTED

LIBBY J D

SUMMARY

This resolve creates the Commission to Establish the Criteria and Qualifications for Certain State Officers. The responsibilities and duties of the Secretary of State, the Treasurer of State, the Attorney General and the State Auditor will be reviewed for the purpose of establishing criteria and qualifications for the individuals holding those positions.

LD 1140 An Act to Require Renegotiation of State Leases for Real

CARRIED OVER

Property

JOSEPH

SPONSOR(S)

COMMITTEE REPORT

AMENDMENTS ADOPTED

SUMMARY

This bill requires that, wherever legally possible, all real property leases with the State be renegotiated and all surplus properties with no recreational value be put up for sale.