

MAINE STATE LEGISLATURE

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STATE OF MAINE
116TH LEGISLATURE

SECOND REGULAR SESSION

BILL SUMMARIES
JOINT SELECT COMMITTEE
ON
RULES

MAY 1994

Staff:

Julie S. Jones, Principal Analyst

*Office of Policy and Legal Analysis
Room 101, State House Station 13
Augusta, ME 04333
(207)287-1670*

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Sen. John J. O'Dea
Sen. John E. Baldacci
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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
FAX (207) 287-1275

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

**JOINT STANDING COMMITTEE
BILL SUMMARIES**

MAY 1994

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, 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

P&S XXX

RESOLVE XXX

CON RES XXX

EMERGENCY

ONTP

INDEF PP

FAILED ENACTMENT

FAILED EMERGENCY ENACTMENT

FAILED MANDATE 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

Ought Not to Pass report accepted

Bill Indefinitely Postponed

Bill failed to get majority vote

Emergency bill failed to get 2/3 vote

Bill imposing local mandate failed to get 2/3 vote

House & Senate disagree; bill died

Committee of Conference unable to agree; bill died

Legislature failed 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. If you have any suggestions or comments on the summaries, please let us know.

5581LHS

Joint Select Committee on Rules

LD 1449

An Act to Make Statutory Changes to Implement the Recommendations of the Legislature's Total Quality Management Committee

PUBLIC 685

SPONSOR(S)

LARRIVEE
GWADOSKY
CAHILL

COMMITTEE REPORT

OTP-AM

AMENDMENTS ADOPTED

H-951
H-1063
H-1105

SUMMARY

This bill incorporates those recommendations of the Legislature's Total Quality Management Committee that require changes to the laws governing confirmation of judicial officers and other appointed officials.

Part A enacts changes to the laws governing confirmation of nominations. The current provisions are repealed and new provisions are enacted. A prehearing conference is established, and the background information prepared by the partisan staff assistants from both parties is shared at the conference. A two-tier review system would be created to eliminate the need for public hearings for positions identified after a review by the appropriate legislative committee and if there is a unanimous vote of the committee.

Part B makes technical corrections in other laws that are made necessary by the repeal of existing statutes and establishes a process for review of each position subject to confirmation for classification as a Tier 1 or Tier 2 position or for removal of the requirement of legislative confirmation.

COMMITTEE AMENDMENT "A" (H-951) makes the following changes from the original bill. The amendment eliminates the provisions of the original bill that establish two tiers of nominations and provide that some confirmations do not receive a public hearing. The amendment provides that prehearing conferences may be dispensed with if the committee chooses and must be public unless the committee determines that an executive session is necessary to avoid damage to the reputation of a nominee or that there are issues that should be discussed privately. The amendment extends the time for public hearings and votes on nominations because of the additional time necessary for a prehearing conference and provides that a vote may not be taken sooner than 15 minutes after the close of the public hearing unless all members agree. The amendment provides that, if the Governor posts a nomination within 30 days before statutory adjournment, the time periods for legislative action begin on the date of adjournment. The amendment provides that if a committee chooses to keep confidential information received in a prehearing conference, it must do so by a 2/3 vote. The amendment makes technical changes to clarify the intent of the original bill, adds a fiscal note and conforms existing law to current drafting standards.

HOUSE AMENDMENT "A" (H-1063) removes the emergency clause and emergency preamble from the bill.

HOUSE AMENDMENT "A" TO COMMITTEE AMENDMENT "A" (H-1105) maintains the current time period for legislative confirmations except in the 30 days preceding the statutory adjournment date for the Legislature when a committee to which a nominee has been referred for review may, by a 2/3 vote, ask the presiding officers for an extension. If an extension is approved, the time periods for legislative action begin on the date the Legislature adjourns.