

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
117TH LEGISLATURE

FIRST REGULAR SESSION

BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
STATE AND LOCAL GOVERNMENT

AUGUST 1995

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\*Denotes Chair



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**ONE HUNDRED AND SEVENTEENTH LEGISLATURE  
FIRST REGULAR SESSION**

**SUMMARY OF LEGISLATION BEFORE  
THE JOINT STANDING COMMITTEES**

**AUGUST 1995**

This document is a compilation of the bill summaries prepared by this office for the Joint Standing 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 publication, History and Final Disposition of Legislative Documents, is helpful in determining to which committee any particular bill was referred.

In this document, 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 categories of final action are abbreviated as follows:

<b>CARRIED OVER</b>	<i>Bill carried over to Second Session</i>
<b>CON RES XXX</b>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<b>CONF CMTE UNABLE TO AGREE</b>	<i>Committee of Conference unable to agree; bill died</i>
<b>DIED BETWEEN BODIES</b>	<i>House &amp; Senate disagree; bill died</i>
<b>DIED ON ADJOURNMENT</b>	<i>Action incomplete when session ended; bill died</i>
<b>EMERGENCY</b>	<i>Enacted law takes effect sooner than 90 days</i>
<b>FAILED EMERGENCY ENACTMENT</b>	<i>Emergency bill failed to get 2/3 vote</i>
<b>FAILED ENACTMENT</b>	<i>Bill failed to get majority vote</i>
<b>FAILED MANDATE ENACTMENT</b>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<b>INDEF PP</b>	<i>Bill Indefinitely Postponed</i>
<b>ONTP</b>	<i>Ought Not to Pass report accepted</i>
<b>P&amp;S XXX</b>	<i>Chapter # of enacted Private &amp; Special Law</i>
<b>PUBLIC XXX</b>	<i>Chapter # of enacted Public Law</i>
<b>RESOLVE XXX</b>	<i>Chapter # of enacted Resolve</i>
<b>UNSIGNED</b>	<i>Not signed by Governor within 10 days</i>
<b>VETO SUSTAINED</b>	<i>Legislature failed to override Governor's Veto</i>

These summaries were prepared by the analyst or analysts assigned to the committee. If more detailed information is needed on a bill, contact the committee analyst.

5581LHS

**SUMMARY**

This bill establishes minimum qualifications for candidates for election or appointment to the office of county sheriff. These requirements are consistent with standards set by the Maine Criminal Justice Academy for certification as a law enforcement executive. Persons serving in the office of sheriff on the effective date of enactment would be "grandfathered," or deemed to meet these minimum qualifications.

**LD 1123     An Act to Ensure That Rulemaking by Agencies Does Not Exceed  
the Intent of Authorizing Legislation**

PUBLIC 463

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>		<b>AMENDMENTS ADOPTED</b>
CAMPBELL	OTP-AM	MAJ	H-584
CIANCHETTE	OTP-AM	MIN	

**SUMMARY**

This bill revises agency rule-making procedures to require legislative review and approval of each agency rule before it is finally adopted and implemented by the agency. Just prior to final adoption, each agency rule must be submitted to the appropriate legislative joint standing committee for review. Following review, the committee submits a report to the full Legislature, which must then enact authorizing legislation before final adoption and implementation by the agency may occur. The bill also defines any agency meeting held to receive public comment on a proposed agency rule as a public hearing. Any such meeting, whatever it is called by the agency, is subject to the public hearing requirements of the Maine Administrative Procedure Act.

COMMITTEE AMENDMENT "A" (H-584) replaces the bill. It amends the Administrative Procedure Act to provide for greater legislative oversight of certain new agency rules. Rules adopted pursuant to authorizing legislation enacted after January 1, 1996 are divided into 2 categories, routine technical and major substantive. Any rules authorized in the future will be assigned to a category in the authorizing legislation. Routine technical rules are subject to current rule-making requirements. The most significant or controversial type of rule, major substantive, is subject to a higher level of legislative scrutiny. Proposed major substantive rules must be reviewed by the Legislature before they may be implemented by an agency. Following review, the Legislature may enact legislation authorizing final agency adoption of all or part of the rule or overriding the proposed rule. If the Legislature fails to act, the agency may adopt and implement the rule.

COMMITTEE AMENDMENT "B" (H-585) would have replaced the bill. It amends the current legislative review of agency rules law to allow members of the public affected by certain rules to petition the Legislature for review of proposed agency rules. Upon citizen request, the legislative committee of jurisdiction would decide whether to review a proposed rule. Standards for review are set and, if a rule is found to violate those standards, legislation could be introduced to override the rule. The amendment also amends the Maine Administrative Procedure Act in several ways. It reduces the number of forms required to be filed providing notice of proposed rulemaking and increases the information provided to the Legislature at the proposal stage. The amendment requires all agencies to meet with the committee of jurisdiction to review the agency's regulatory agenda and expands the information required to be provided to the Legislature as part of the regulatory agenda. Negotiated rule-making guidelines are incorporated into the Maine Administrative Procedure Act and agencies are encouraged to use those procedures during appropriate rule-making proceedings. The amendment also adds a fiscal note to the bill.

**LD 1126     Resolve, Authorizing the Director of the Bureau of Parks  
and Recreation to Sell Land and Improvements on Hospital  
Street in Augusta, Maine Known as the Trial House**

RESOLVE 20

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
DAGGETT	OTP-AM	H-275

**SUMMARY**

This resolve authorizes the Director of the Bureau of Parks and Recreation to sell a structure and approximately .82 acres in Augusta and to use the proceeds to purchase land in Kennebec County for public recreation, conservation, scenic value, nature appreciation, historic preservation, public access or related purposes.

COMMITTEE AMENDMENT "A" (H-275) adds a fiscal note to the resolve.

**LD 1129      An Act to Amend the Bidding Process for School Construction Purposes      ONTP**

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

**SUMMARY**

This bill permits the acceptance of a bid that is not the lowest bid for school construction, major alteration or repair if the agency responsible for the project finds that the higher bid meets the needs of the agency more appropriately.

**LD 1145      An Act to Require Unanimous Approval by the Hancock County Commissioners to Change the Recommendations of the Budget Committee      PUBLIC 147**

**SPONSOR(S)**                      **COMMITTEE REPORT**                      **AMENDMENTS ADOPTED**  
GOLDTHWAIT                              OTP                                      H-206    BIGL  
POVICH

**SUMMARY**

This bill requires that any changes to the recommendations made by the Hancock County Budget Advisory Committee receive unanimous approval by the Hancock County commissioners.

HOUSE AMENDMENT "A" (H-206) requires that, in order to deviate from a specific budget recommendation made by the Hancock County Budget Advisory Committee:

1. The vote of the individual members of the budget advisory committee be recorded and submitted to the Hancock County commissioners along with the specific budget recommendation;
2. A 2/3 majority vote of the full membership of the budget advisory committee be required on a specific budget recommendation; and
3. Unanimous approval of the county commissioners be required to deviate from specific budget recommendations of the budget advisory committee.

**LD 1153      An Act to Revise the Somerset County Budget Committee      PUBLIC 359**

**SPONSOR(S)**                      **COMMITTEE REPORT**                      **AMENDMENTS ADOPTED**  
ROTONDI                                      OTP-AM                                      S-300    AMERO