

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 electronic originals
(may include minor formatting differences from printed original)

**STATE OF MAINE
118TH LEGISLATURE**

**FIRST REGULAR SESSION
AND
FIRST SPECIAL SESSION**

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

JULY 1997

MEMBERS:

Sen. John M. Nutting, Chair

Sen. Jill M. Goldthwait

Sen. James D. Libby

Rep. Douglas J. Ahearne, Chair

Rep. William Lemke

Rep. Lucien A. Dutremble

Rep. Martha A. Bagley

Rep. Laura Sanborn

Rep. F. Thomas Gieringer, Jr.

Rep. Randall L. Bumps

Rep. Robert F. Fisk, Jr.

Rep. Susan Kasprzak

Rep. Belinda A. Gerry

Staff:

Roy W. Lenardson, Legislative Analyst

Deborah C. Friedman, Legislative Analyst

David C. Elliott, Principal Analyst

Office of Policy and Legal Analysis

Room 101/107/135, 13 State House Station

Augusta, ME 04333

(207)287-1670



Maine State Legislature
OFFICE OF POLICY AND LEGAL ANALYSIS

13 State House Station, Augusta, Maine 04333-0013
 Telephone: (207) 287-1670
 Fax: (207) 287-1275

ONE HUNDRED EIGHTEENTH LEGISLATURE
FIRST REGULAR AND FIRST SPECIAL SESSIONS

Summary Of Legislation Before The Joint Standing Committees
August 1997

We are pleased to provide this summary of bills that were considered by the 15 Joint Standing Committees of the Maine Legislature staffed by this office. The document is a compilation of bill summaries which describe each bill, committee amendments and other relevant amendments, as well as the final action taken on the bill. Also included are statistical summaries of bill activity this Session for the Legislature and each of its joint standing committees.

The document is organized for convenient reference to information on bills handled by the joint standing committees. It is organized alphabetically by committees and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet (www.state.me.us/legis/opla).

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

<i>CARRIED OVER</i>	<i>Bill carried over to Second Regular Session</i>
<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i>	<i>House & Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i>	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i>	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed</i>
<i>ONTP</i>	<i>Ought Not To Pass report accepted</i>
<i>OTP ND</i>	<i>Committee report Ought To Pass In New Draft</i>
<i>OTP ND/NT</i>	<i>Committee report Ought To Pass In New Draft/New Title</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i>	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>

Please note the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is June 26, 1997 and September 19, 1997 for the First Special Session.

David E. Boulter, Director
 Offices Located in the State House, Rooms 101/107/135

Advisory Council was directed to examine the issue and to report to the Legislature by February 1, 1998. This amendment also added a fiscal note to the resolve.

Enacted law summary

Resolve 1997, chapter 49 responds to the needs of municipalities and other local and regional government agencies and programs that will ultimately feel the impact of federal cutbacks, downsizing and devolution activities. The resolve establishes a mechanism to study the nature of the changes being imposed from higher levels of government and the opportunities and obligations accompanying those changes so that local governments will be best positioned to respond. The existing Governor's Municipal Advisory Council is directed to examine the issue and to report to the Legislature by February 1, 1998. Resolve chapter 49 was passed as an emergency measure effective on June 9, 1997.

LD 1591

An Act to Amend the Washington County Budget Process

**PUBLIC 279
EMERGENCY**

<u>Sponsor(s)</u> BUNKER		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-385
-----------------------------	--	-----------------------------------	--	------------------------------------

LD 1591 proposed several changes to the current budget approval process for Washington County. The bill proposed the following.

1. It limited municipalities to one officer serving at a time on the budget advisory committee.
2. It required the county commissioners to publish the prior year's budget and make copies available to the budget advisory committee and the public.
3. It required the county commissioners to meet with the budget advisory committee to negotiate a budget if one is not finalized by the commissioners before December 15th.
4. It bill authorized the budget advisory committee to petition the Washington County legislative delegation to arbitrate and decide specific budget issues in dispute if the budget is not finalized by December 15th. The legislative delegation must act before January 1st and resolve disputed budget issues by a majority vote of the full delegation. If the budget advisory committee fails to request arbitration by the legislative delegation or if the delegation fails to act in time, the county commissioners shall approve the final county budget.

Committee Amendment "A" (H-385) proposed to expand the requirement in the bill that the Washington County Commissioners publish the prior year's budget and make copies available to the Washington County Budget Advisory Committee and the public by requiring that a comprehensive financial statement for the preceding year be published and made available. The amendment also removed the involvement of the Washington County legislative delegation in arbitrating budget disagreements between the county commissioners and the budget advisory committee. The amendment authorized the budget advisory committee to adopt and submit a final budget to the county commissioners if the commissioners do not approve a budget acceptable to the budget committee by December 15th. The county commissioners could then change the budget committee's budget by a majority vote. If the county commissioners change the budget committee's budget, the committee may reject the change by a two-thirds vote of the full committee. The amendment also added a fiscal note to the bill.

Enacted law summary

Public Law 1997, chapter 279 makes several changes in the budget approval process for Washington County. Chapter 279 does the following:

1. It limits municipalities to one officer serving at a time on the budget committee.
2. It requires the county commissioners to publish a comprehensive financial statement for the preceding year and to make copies available to the budget committee and the public.
3. It requires the county commissioners to meet with the budget committee before December 15 if the commissioners wish to make changes in the budget recommended by the committee.
4. It provides that between December 15 and December 30 the budget committee may adopt and transmit a budget to the county commissioners if the commissioners have not adopted a budget acceptable to the budget committee. By majority vote, the commissioners may change the committee's budget. If they do, the budget committee may reject the change or changes by a two-thirds vote of its membership.

Chapter 229 was enacted as an emergency measure effective May 27, 1997.

LD 1602

An Act Regarding the Division of Safety and Environmental Services in the Bureau of General Services

PUBLIC 499

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAGGETT GAGNON	OTP-AM	S-288 S-424 MICHAUD

LD 1602 proposed that the Department of Administrative and Financial Services, through the Bureau of General Services, Division of Safety and Environmental Services provide asbestos, lead and indoor air quality assessment and mitigation services for public schools and state facilities. The bill provided funding for the division and allowed the division to charge a fee for its services. The bill established the Special Revenue Fund in the Division of Safety and Environmental Services, into which fees collected by the division and money received by the State in connection with claims relating to asbestos were to be deposited. Revenue in the fund must be used to provide necessary training and licensing of division employees, to purchase necessary equipment and to sample and test asbestos, lead and other indoor air contaminants.

Committee Amendment "A" (S-288) proposed to the following changes in the bill. It clarified that the services provided by the Division of Safety and Environmental Services for schools and state facilities are for air quality assessment and mitigation oversight. It removed the authorization for the division to assess fees for its services and the requirement that those fees be deposited in the Special Revenue Fund. It removed the appropriation section that provided funds for new positions in the division and for contractual services to be provided by consultants.

Senate Amendment "A" to Committee Amendment "A" (S-424) proposed to eliminate the provision establishing the Special Revenue Fund and the provision dedicating money received in connection with claims relating to asbestos.