

MAINE STATE LEGISLATURE

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STATE OF MAINE
118TH LEGISLATURE

SECOND REGULAR SESSION
AND
SECOND SPECIAL SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
STATE AND LOCAL GOVERNMENT

MAY 1998

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**ONE HUNDRED EIGHTEENTH LEGISLATURE
SECOND REGULAR AND SECOND SPECIAL SESSIONS**

**Summary Of Legislation Before The Joint Standing Committees
May 1998**

We are pleased to provide this summary of bills that were considered by the Joint Standing Committees of the Maine Legislature. The document is a compilation of bill summaries which describe each bill and relevant amendments, as well as the final action taken. 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 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:

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

Please note the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is June 30, 1998 and July 9, 1998 for the Second Special Session. Second Special Session laws include Public Laws beginning with Chapter 718, Private and Special Laws beginning with Chapter 82 and Resolves beginning with Chapter 117.

LD 2085

**An Act to Provide for the Continuation of Town Government
Despite a Failed Budget Referendum**

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WRIGHT	ONTP	

LD 2085 proposed to provide that if a municipal budget is not approved in three consecutive referenda, a municipality may continue to operate on 1/12 of the previous year's budget until a budget is approved.

LD 2098

An Act to Improve the Integrity of Notaries Public

PUBLIC 712

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING	OTP-AM MAJ ONTP MIN	S-590

LD 2098 proposed to amend the notary public laws by establishing guidelines for the Secretary of State to use when a complaint is brought against a notary public.

Committee Amendment "A" (S-590) proposed to provide that the Secretary of State may adopt rules regarding the commission of a notary public after that notary public has been convicted of a crime. These rules must provide that a conviction for perjury, false swearing, bribery, corrupt practices or forgery or related offenses may be a basis for the Secretary of State to suspend, revoke or refuse to renew the commission of a notary public.

Enacted law summary

Public Law 1997, chapter 712 establishes guidelines for the Secretary of State to use when addressing a complaint brought against a notary public and defines the grounds under which the Secretary of State may revoke or refuse to renew the commission of a notary public.

LD 2108

**An Act to Have a Referendum on Whether or Not an Independent
Public Commission Should be Established to Set Legislative Pay**

**DIED BETWEEN
BODIES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAWRENCE	OTP-AM A ONTP B OTP-AM C	

LD 2108 proposed to establish a Legislative Compensation Commission to review the current levels of compensation provided to Maine Legislators. The bill provides that the five members of the commission be appointed by the Governor, with at least one from each of the two major political parties. The bill specifies that no member of the commission may be a former Legislator or a Legislator, lobbyist or lobbyist employer at the time of the appointment. Under the bill, the commission's recommendations would be binding and automatically take effect

for the next legislative session. The establishment of the Legislative Compensation Commission proposed by this bill would need to be approved by the voters of Maine via referendum vote in order to be established.

Committee Amendment "A" (S-630), the majority report of the Joint Standing Committee on State and Local Government, was not adopted. The amendment proposed to remove the provision that gives the Legislative Compensation Commission's recommendations on compensation the force of law unless the Legislature specifically overrides them. Instead, the amendment would require the commission to report its recommendations to the Legislative Council and the Joint Standing Committee on State and Local Government. The Chair of the Legislative Council would introduce a joint order adopting the recommendation and directing the Joint Standing Committee on Appropriations and Financial Affairs to describe and fund those levels in the budget for the next legislative biennium. A public hearing on the joint order would be held by the Joint Standing Committee on State and Local Government, which would then vote on the order and report its vote to the Senate and the House of Representatives. A new compensation level would take effect if the joint order is approved by both bodies and budget legislation including the new compensation would take effect. Until a new level of compensation is established pursuant to the proposed law, the current level of compensation would remain in effect. The amendment would change the date of the first report from November 30, 1999 to March 1, 2000 and requires the commission to report every four years rather than every two years.

The amendment would also change the term of office for members of the commission from four years to three years and add a requirement that one member of the commission be a person who is not enrolled in any party. The amendment would also remove the requirement that the proposal be put out to referendum.

Committee Amendment "B" (S-631), a minority report of the Joint Standing Committee on State and Local Government, was not adopted. The amendment proposed to amend the bill in the same manner as Committee Amendment "A" with some additional changes. The amendment proposed to require the commission to hold four public hearings throughout the state to solicit information from the public about barriers to running for the Legislature and proposals to eliminate them. A requirement that one commission member have professional experience in administration of compensation and retirement benefits was proposed by this amendment. With the amendment the Legislature would not be able to increase the level of compensation recommended by the commission and the commission would be repealed on March 1, 2002.

The amendment requires the commission to hold four public hearings around the State to solicit information from the public about barriers to running for the Legislature and to solicit recommendations for eliminating those barriers. The amendment also repeals the commission on March 1, 2002 and provides that compensation remains at the level in effect prior to the repeal.

The amendment also changes the term of office for members of the commission from four years to three years and adds a requirement that one member of the commission be a person who is not enrolled in any party. The amendment requires that one commission member be a person with professional experience in compensation and retirement benefits. The amendment also removes the requirement that the proposal be put out to referendum.

Senate Amendment "A" (S-694), which was not adopted, proposed to clarify that the Legislative Compensation Commission be required to address health care and federal tax benefits in its recommendations.

Committee of Conference Amendment "A" (S-781), which was not adopted, was the report of the committee of conference. This report proposed to amend the bill in the same way as Committee Amendment "A" with some additional changes. It would remove the Joint Standing Committee having jurisdiction over matters of state and local government from the process outlined to establish compensation. Instead, the commission after holding work

meetings and public hearing would issue its report to the Legislative Council who would issue the recommendations to the Legislature as a Joint Order. The report proposed to specify that recommendations must be made based on work in and out of session and outlined a specific timeline by which meetings and hearings of the commission should be held. The amendment also proposed to change the date the commission would report to January 15, 2000.

LD 2112

**An Act Creating the InforME Public Information Act to Ensure
Access to Electronic Public Records**

PUBLIC 713

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAWRENCE	OTP-AM A	S-624
MITCHELL E	ONTP B	
	OTP-AM C	

LD 2112 proposed to create a system to provide electronic access to public information from the executive, judicial and legislative branches of state government. The system, known as the Information Resource of Maine, or "InforME," is governed by a 15-member board composed of representatives of the public and private sectors. The InforME board will establish policies for the system and will enter into a contract with a private entity to serve as network manager. The network manager will establish an internet site through which the information will be provided and will administer the system under direction of the InforME board. Each agency and branch of government will decide what information will be made available through InforME. A service level agreement between the network manager and the agency or branch that provides the information, referred to as the data custodian, will govern the provision of information and services. Most information will be available without charge, but the network manager is allowed to create premium services and to charge a fee for those additional services.

Committee Amendment "A" (S-624) adds to the InforME Board two voting public members, appointed by the President of the Senate and the Speaker of the House of Representatives. It clarifies that provision of information through InforME does not diminish an agency's duty to provide access to public information under the freedom of access laws. The amendment prohibits the InforME board from approving as a premium service any service that provides access to records or data in the form maintained by the data custodian. The amendment allows the network manager to receive a portion of the agency fee for information or a service in return for making the information or service available electronically, but prohibits the electronic access fee from being higher than the fee for providing the information or service in the usual form.

The amendment specifies that the service level agreement between the data custodian and the network manager determines the extent to which confidential information is made available to the network manager. The amendment provides that free services provided to libraries must be made available through the depository library system and may be provided through other libraries as well.

The amendment requires the InforME Board to annually report to the Legislature, including a list of services provided, fees charged and the criteria for determining premium services. In the first report delivered on January 1, 1999, the board must include an analysis of the feasibility of offering premium services at no charge to depository libraries or other libraries in the State.