

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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Staff:

Deborah C. Friedman, Legislative Analyst

Danielle D. Tetreau, 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
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.

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.

Enacted law summary

Public Law 1997, chapter 713 creates 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 17-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. The InforME board must approve premium services and is prohibited from approving as a premium service any service that provides access to records or data in the form maintained by the data custodian. The board also must approve premium service fees. Fees must cover all costs of operating the system; General Fund appropriations are not provided for operation of the system.

The InforME board is required to make an annual 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.

LD 2114

An Act Relating to the Qualifications of the Director of the Bureau of Human Resources

PUBLIC 632

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING	OTP MAJ	
AHEARNE	ONTP MIN	

LD 2114 proposed to change the qualifications for the Director of the Bureau of Human Resources in the Department of Administrative and Financial Services by eliminating the requirement that the director meet specific enumerated factors.

Enacted law summary

Public Law 1997, chapter 632 changed the qualifications for the Director of the Bureau of Human Resources in the Department of Administrative and Financial Services by eliminating the requirement that the director meet specific enumerated factors.