

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.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LEMKE RUHLIN	OTP-AM	H-945

LD 2147 proposed to amend the laws relating to governmental archives and the retention and admissibility of governmental electronic records. It clarifies language relating to records by deleting language differentiating “current”, “semicurrent” and “noncurrent” records; it consolidates two conflicting definitions of “record” and defines “electronic record”. It amends the law requiring local governments to provide fireproof safes or vaults for non-current records to say that the requirement applies only to records that must be retained permanently but that are not required for business purposes.

The bill provides that electronic records may not be denied legal effect solely because they are in electronic form. It establishes methods of determining accuracy and integrity of the records, specifies how the jury or judge must weigh electronic evidence, and establishes standards for government agencies to follow in retaining electronic records to meet legal requirements.

Committee Amendment "A" (H-945) deletes a segment of the bill relating to admission of electronic records to legal proceedings and assessing the evidential weight of electronic records.

Enacted law summary

Public Law 1997, chapter 636 amends the laws relating to governmental archives and the retention and admissibility of governmental electronic records. It makes technical changes to language defining and categorizing types of records and it defines “electronic record”. It amends the law requiring local governments to provide fireproof safes or vaults for non-current records to say that the requirement applies only to records that must be retained permanently but that are not required for business purposes. It also provides that records may not be denied legal effect in court proceedings solely because they are in electronic form. It establishes methods of determining accuracy and integrity of the records and establishes standards for government agencies to follow in retaining electronic records to meet legal requirements.

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

LD 2148 proposed to transfer the authority to review nominations of the Commissioner of Public Safety and the Chief of the State Police from the Joint Standing Committee on State and Local Government to the Joint Standing Committee on Criminal Justice.