

# MAINE STATE LEGISLATURE

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**STATE OF MAINE  
119TH LEGISLATURE**

**FIRST REGULAR SESSION**

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

**JULY 1999**

**MEMBERS:**

*Sen. Peggy A. Pendleton, Chair  
Sen. Jill M. Goldthwait  
Sen. Paul T. Davis*

*Rep. Douglas J. Ahearne, Chair  
Rep. Martha A. Bagley  
Rep. Benjamin L. Rines, Jr.  
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Rep. Earl E. Richardson  
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**Staff:**

*Christopher J. Spruce, Legislative Analyst  
Danielle D. Fox, Legislative 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 NINETEENTH LEGISLATURE**  
**FIRST REGULAR SESSION**

**Summary Of Legislation Before The Joint Standing and Select Committees**  
**August 1999**

We are pleased to provide this summary of all bills that were considered by the Joint Standing and Select Committees of the Maine Legislature this past session. 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 and select committees.

The document is organized for convenient reference to information on bills considered by the 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](http://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:

*CARRIED OVER*.....Bill carried over to Second Regular Session  
*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  
*ENACTMENT FAILED*..... Bill failed to get vote required for enactment or final passage  
*NOT PROPERLY BEFORE THE BODY*..... Ruled out of order by the presiding officers; bill died  
*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 First Regular Session (unless otherwise specified in a particular law) is September 18, 1999.

<u>Sponsor(s)</u> AHEARNE		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-364
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LD 1705 proposed to clarify that incorporation by reference in the rulemaking process is acceptable as long as the rule fully identifies the incorporated matter and that such matter is readily available to the public.

This bill was submitted on behalf of the Secretary of State.

**Committee Amendment "A" (H-364)** proposed to reformat the requirements in the original bill and to remove the requirement that incorporation may proceed if printing the incorporated rules within the proposed rules is unduly cumbersome, expensive or inexpedient. It also proposed to delete the requirement that the publisher and the publisher's location be included in the rule citation. The amendment proposed to remove from the bill the requirement that copies of the rule be readily available to the public and would allow the agency incorporating by reference the option of not having the rules available at cost if they are readily available elsewhere. A requirement for agencies to file incorporated material with the Secretary of State would be added by this amendment.

#### *Enacted law summary*

Public Law 1999, chapter 261 clarifies that incorporation by reference in the rulemaking process is acceptable as long as the rule fully identifies the incorporated matter and where that matter is available. An agency that incorporates material by reference must submit a copy of that material with the Secretary of State.

<u>Sponsor(s)</u> AHEARNE PENDLETON		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-269
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LD 1710 proposed to make changes to the composition of the Executive Department's Information Services Policy Board.

This bill was submitted on behalf of the Department of Administration and Financial Services.

**Committee Amendment "A" (H-269)** proposed to amend the original bill by adding several sections that contain minor changes to the Maine Revised Statutes, Title 5, sections 1887, 1888, 1890, 1891 and 1893, related to the Bureau of Data Processing and the Information Services Policy Board.

#### *Enacted law summary*

Public Law 1999, chapter 165 amends current law governing the membership of the Information Services Policy Board. The law eliminates specific executive agency or board representatives from membership on the board and replaces them with four members appointed by the Governor from any of the executive departments. It also deletes from existing law a requirement that the Governor appoint one member each representing a criminal justice agency and a natural resource agency and two members representing the remainder of state agencies. The new law requires that the Maine State Housing Authority, Maine State Retirement System, Maine Turnpike Authority and Finance Authority of Maine appoint

representatives as advisory members of the Information Services Policy Board. Public Law 1999, chapter 165 also makes a number of technical corrections to existing statutes governing the Bureau of Data Processing.

**LD 1713**

**Resolve, Authorizing the Commissioner of Administrative and Financial Services to Sell or Lease the Interests of the State in the Maine Criminal Justice Academy in Waterville; Part of the Kennebec Arsenal in Augusta; Part of the Maine Youth Center in South Portland; and 2 parcels in Gray near the Pineland Center and to Purchase Land for Wetland Mitigation Purposes in Connection with the Construction of the Maine State Prison at Warren**

**RESOLVE 56**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
AHEARNE PENDLETON	OTP-AM MAJ ONTP MIN	H-413 H-516 GERRY

LD 1713 proposed to give the Commissioner of Administrative and Financial Services the authority to sell or lease the Maine Criminal Justice Academy in Waterville; a portion of the Kennebec Arsenal property in Augusta; a portion of the Maine Youth Center property located in South Portland; two parcels of land on Collyer's Brook in the Town of Gray; and a parcel of land in Fayette no longer needed by the Department of Public Safety. It also proposed to authorize the Commissioner to purchase a parcel of land in Warren, the acquisition of which is needed to provide mitigation for wetland impacts related to the corrections construction project in Warren.

This bill was submitted on behalf of the Department of Administration and Financial Services.

**Committee Amendment "A" (H-413)** proposed to change the title of the resolve and to make several changes that authorize the purchase of property in the Town of Warren for wetland mitigation purposes in connection with the construction of the new state prison.

**House Amendment "A" to Committee Amendment "A" (H-516)** proposed to amend the resolve by adding requirements that the Commissioner of Administrative and Financial Services investigate the feasibility and desirability of transferring all or portions of the Maine Criminal Justice Academy property in Waterville to the City of Waterville for recreational use. It also proposed to require that the Maine Historic Preservation Commission review any transfer of property known as the Kennebec Arsenal property to ensure that the State's interests in its historic values are protected.

***Enacted law summary***

Resolve 1999, chapter 56 authorizes the Commissioner of Administrative and Financial Services to sell or lease certain State-owned properties and to purchase property in the Town of Warren for wetland mitigation in connection with the construction of the new state prison. Authorized to be sold or leased are: a portion of the property located at the Maine Youth Center in South Portland, the Maine Criminal Justice Academy in Waterville, a portion of the Kennebec Arsenal in Augusta, two parcels of land on Collyer's Brook in Gray; and a parcel of land in Fayetteville formerly used by the Department of Public Safety. The resolve also requires the Commissioner of the Department of Administrative and Financial Services to investigate and to consider transferring all or portions of the Maine Criminal Justice Academy property to the City of Waterville. The resolve also requires that any proposed transfer of the Kennebec Arsenal property be reviewed by the Maine Historic Preservation Commission to ensure that the State's interests in the Arsenal's historic values are protected.