

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

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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).

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.

Resolve 1999, chapter 40 requires the Director of the Maine State Museum to include the portraits of outstanding Indians for public display in the State House. By December 31, 1999 the director must present a plan to the State House and Capitol Park Commission to include outstanding Maine Indians in the collection of State House portraits. The plan must include proposals for commissioning or acquiring the portraits.

LD 1906

An Act to Amend the Maine Administrative Procedure Act Pertaining to Major Substantive Rules Review

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FULLER PENDLETON	ONTP MAJ OTP-AM MIN	

LD 1906 proposed to amend the Maine Administrative Procedure Act to allow a major substantive rule that has been provisionally adopted by an agency to be enforced by the agency pending review by the Legislature. If at least six members of the public request that the agency not enforce the rule until legislative review is complete then the provisional rule would not be enforced.

Committee Amendment "A" (H-290), which was not adopted, proposed changes to the bill to require an agency with a provisionally adopted rule to notify the Secretary of State when a rule is adopted provisionally and when six or more people have not objected in writing. It also made clear that a provisionally adopted rule remains in effect until changes made as a result of a legislative review are in effect.

LD 1920

An Act to Prevent Conflicts of Interest

PUBLIC 242

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TOWNSEND KILKELLY	OTP-AM MAJ ONTP MIN	H-288

LD 1920 proposed to prohibit executive employees from taking part in activities that relate to pending legislation or rulemaking or preparing or presenting testimony before a legislative or governing body or board if an actual or potential conflict of interest exists. It also proposed to require an employee to immediately notify the employee's direct supervisor in the event that a potential conflict of interest arises.

Committee Amendment "A" (H-288) replaced the original bill. It proposed to define "participates in the legislative process." It also proposed to require an executive employee to disclose to the employee's direct supervisor any direct and substantial financial interest in any legislation in which that employee participated in an official capacity. Failure to disclose would be a civil violation.

Enacted law summary

Public Law 1999, chapter 242 prohibits executive employees from participating in the legislative process in the employee's official capacity concerning any legislation in which the employee or person described in 5 MRSA §18, sub-§2, has a direct and financial interest unless the employee discloses that interest at the time of the employee's participation. The law also defines "participates in the legislative process" as providing any information concerning pending legislation to a legislative committee, subcommittee or study or working group. It also requires that an executive employee immediately disclose any conflict of interest to that employee's direct supervisor. It is a civil violation for an executive employee to fail to disclose a conflict of interest under this law.