

# 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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Sen. Jill M. Goldthwait  
Sen. Paul T. Davis*

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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](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>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT	OTP-AM    MAJ ONTP       MIN	S-181

LD 2131 proposed to make the following changes to the Maine Administrative Procedure Act:

1. Require that all state agencies that engage in stakeholder processes adopt procedural rules governing the process;.
2. Specify what an agency that engages in stakeholder processes resulting in rulemaking must include in the record of rulemaking;
3. Specify that an agency's failure to follow its procedural rules for stakeholder processes may be grounds for appeal; and
4. Require the Division of Administrative Hearings within the Department of Labor to develop model procedural rules to govern stakeholder processes.

**Committee Amendment "A" (S-181)** was the majority report. It proposed to replace the bill. The amendment proposed to define "consensus-based rule development process" and to set forth a basic structure for agency use of the process. The amendment proposed to give agencies the authority to voluntarily engage in consensus-based rule development processes and it proposed specific items that must be addressed by the agency, including establishing a representative group of participants, developing ground rules, disclosing funding and time constraints, giving notice of meetings, selecting a chair or facilitator and distributing summaries and materials. The amendment proposed that if a draft rule developed through a consensus-based process becomes a proposed rule, the agency must maintain a record regarding the consensus-based rule development process, including the extent to which consensus was reached. The amendment also would require an agency to include anticipated consensus-based rule development process in its regulatory agenda. The amendment would require the Department of Labor to convene a working group to develop best practices guidelines to assist agencies in the use of consensus-based rule development processes.

#### *Enacted law summary*

Public Law 1999, chapter 307 establishes a consensus-based rules development process that is available for use by state agencies on a voluntary basis. The law defines "consensus-based rule development process" and it sets forth a basic structure for agency use of the process. The law identifies specific items that must be addressed by the agency, including establishing a representative group of participants, developing ground rules, disclosing funding and time constraints, giving notice of meetings, selecting a chair or facilitator and distributing summaries and materials. Under the law, if a draft rule developed through a consensus-based process becomes a proposed rule, the agency must maintain a record regarding the consensus-based rule development process, including the extent to which consensus was reached. The law also requires an agency to include anticipated consensus-based rule development process in its regulatory agenda and require the Department of Labor to convene by April 15, 2000 a working group to develop best practices guidelines to assist agencies in the use of consensus-based rule development processes.