

MAINE STATE LEGISLATURE

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*State Of Maine
120th Legislature*

First Regular Session

Bill Summaries

*Joint Standing Committee
on
State and Local Government*

August 2001

Members:

*Sen. Peggy A. Pendleton, Chair
Sen. Edward M. Youngblood
Sen. Margaret Rotundo*

*Rep. Martha A. Bagley, Chair
Rep. John F. McDonough
Rep. Paul R. Hatch
Rep. Paul J. Lessard
Rep. Janet L. McLaughlin
Rep. Susan Kasprzak
Rep. Eleanor M. Murphy
Rep. Peter D. Chase
Rep. Anita P. Haskell
Rep. Philip Cressey, Jr.*

Staff:

*Christopher J. Spruce, Legislative Analyst
David C. Elliott, Principal Analyst*

*Office of Policy and Legal Analysis
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

**120th Legislature
First Regular Session**

**Summary Of Legislation Before The Joint Standing Committees
August 2001**

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing 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 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*
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*
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 21, 2001**.

David E. Boulter, Director
Offices Located in the State House, Rooms 101/107/135

Joint Standing Committee on State and Local Government

LD 1678 **RESOLUTION, Proposing an Amendment to the Constitution of Maine to Establish the Legislative Compensation Commission** **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAXL MARTIN		

LD 1678 proposed to amend the Constitution of Maine to establish the Legislative Compensation Commission to review the current levels of compensation provided to Maine Legislators. The constitutional resolution proposed that the 5 members of the commission – none of whom could be legislators, lobbyists or lobbyist employers at the time of the appointment -- be appointed by the Governor with at least one from each of the 2 major political parties. The resolution proposed that the commission’s recommendations automatically take effect for the next legislative session unless the Legislature enacts legislation specifically overriding the commission’s recommendations.

This resolution has been carried over to the Second Regular session of the 120th Legislature.

LD 1748 **An Act to Implement Recommendations of the Commission to Study Economically and Socially Just Policies for Foreign Investments and Foreign Purchasing by the State** **DIED ON ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ ONTP MIN	H-501

LD 1748 represents the recommendations of the Commission to Study Economically and Socially Just Policies for Foreign Investments and Foreign Purchasing by the State. This bill proposed to require suppliers of goods and services for the State to sign an affidavit that they have complied with the state purchasing code of conduct in order to be considered in the competitive bidding process. It would have required the State Purchasing Agent to provide resources to bidders to assist them with compliance with the code of conduct. The proposed code of conduct consisted of a statement of the State’s belief in the importance of doing business with companies that follow economically and socially just practices, a list of required business practices and a list of required employment practices for suppliers. The bill proposed that the State Purchasing Agent adopt rules governing the award of bids and to report annually to the joint standing committee having jurisdiction over state and local government matters. It also proposed to amend the commission's implementing legislation to require the commission to meet in September and October 2002 to assess the implementation of its recommendations and to create a new commission to study and establish economically and socially just policies for foreign investment by the State.

Committee Amendment "A" (H-501) was the majority report of the Joint Standing Committee on State and Local Government. It proposed clarifications to the application of the state purchasing code of conduct established in the bill. As amended, the code would have covered purchases by the State Purchasing Agent on behalf of state agencies only for footwear, apparel and textiles valued at over \$2,500 under the state competitive bidding law. The amendment also proposed to revise the statement of belief that is the basis for the purchasing code and that is part of the affidavit required from bidders in the bill. The amended statement of belief would have more clearly stated to potential bidders on covered state contracts the harm to Maine businesses and workers caused by competition from

Joint Standing Committee on State and Local Government

vendors and suppliers who fail to meet the basic tenets of ethical business and employment practices. The amendment also clarified that the code applies only to vendors wishing to contract with the State for covered goods. It would have required those businesses to sign an affidavit that they and, to the best of their knowledge, their suppliers at the point of assembly comply with local laws and with any applicable treaty obligations in the production of goods being offered for sale to the State. Should the State Purchasing Agent based on reliable information determine that a violation of the code has occurred, the amendment proposed that the agent continue the contract but to work cooperatively with the vendor to cure the vendor's or a supplier's violations. The amendment would have provided an ongoing exemption from the requirements of the bill if the State Purchasing Agent finds that needed goods covered by the law are available only from a vendor who is not in compliance with the code.

The amendment also proposed changes in the membership of the commission established in the bill to study ethical foreign investment practices by the State and added an appropriation section and fiscal note to the bill.

The bill, as amended, died on the Appropriations Table but was included without the report back by the old commission and the study of foreign investment in the Part II Budget, Public law 2001, Chapter 439, Part NNNN.

LD 1759

An Act to Define the Responsibilities of the Chief Information Officer and to Make Membership Changes on Technical Boards

PUBLIC 388

<u>Sponsor(s)</u> PENDLETON		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-232
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LD 1759 proposed to establish in statute the position of Chief Information Officer and the Office of Chief Information Officer. The CIO holds the lead information technology position in the executive branch and is responsible for directing, coordinating and overseeing information technology planning, policy-making, architecture and standardization for State Government. Specifically the bill proposed to:

1. Add the CIO to the membership list of several existing boards and commissions usually replacing the Commissioner of DAFS;
2. Amend current DAFS law to account for the existence of the new CIO position;
3. Repeal several functions previously performed by the Bureau of Information Services;
4. Define the responsibilities of the CIO, including responsibilities formerly assigned to BIS; and
5. Repeal current conformance and misuse of State Government computer system laws and reenact them under the new CIO law.

Committee Amendment "A" (S-232) proposed to clarify the title of the bill and spell out that the responsibilities of the chief information officer with respect to information technology advocacy do not extend to the legislative and judicial branches of State Government. The chief information officer acts as a liaison to the judicial and legislative branches for information technology purposes.

Enacted law summary