

# MAINE STATE LEGISLATURE

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*State Of Maine  
120th Legislature*

*Second Regular Session*

*Bill Summaries*

*Joint Standing Committee  
on  
State and Local Government*

*May 2002*

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**120th Legislature**  
**Second Regular Session**

**Summary Of Legislation Before The Joint Standing Committees**  
**May 2002**

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 arranged alphabetically by committee name 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:

<i>CON RES XXX</i> .....	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i> .....	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i> .....	<i>House &amp; Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i> .....	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i> .....	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i> .....	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i> .....	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i> .....	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i> .....	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>NOT PROPERLY BEFORE THE BODY</i> .....	<i>Ruled out of order by the presiding officers; bill died</i>
<i>INDEF PP</i> .....	<i>Bill Indefinitely Postponed</i>
<i>ONTP</i> .....	<i>Ought Not To Pass report accepted</i>
<i>OTP ND</i> .....	<i>Committee report Ought To Pass In New Draft</i>
<i>OTP ND/NT</i> .....	<i>Committee report Ought To Pass In New Draft/New Title</i>
<i>P&amp;S XXX</i> .....	<i>Chapter # of enacted Private &amp; Special Law</i>
<i>PASSED</i> .....	<i>Joint Order passed in both bodies</i>
<i>PUBLIC XXX</i> .....	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i> .....	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i> .....	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i> .....	<i>Legislature failed to override Governor's Veto</i>

Please note the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is July 25, 2002.

**Patrick T. Norton, Interim Director**  
**Offices located in Room 215 of the Cross Office Building**

## Joint Standing Committee on State and Local Government

**Committee Amendment "A" (H-1030)** proposed to add a fiscal note to the resolve.

### *Enacted law summary*

Resolve 2001, chapter 105 resulted from a committee bill from the Joint Standing Committee on State and Local Government. The resolve authorizes the Commissioner of Administrative and Financial Services to purchase land in the Machias Industrial Park in Machias for the new Downeast Correctional Facility. The resolve is repealed 3 years from its effective date.

**LD 2177**                      **An Act to Implement the Recommendations of the Joint Standing Committee on State and Local Government Pursuant to Reviews Conducted under the State Government Evaluation Act**                      **PUBLIC 597**

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 2177 proposed to implement the recommendations of the Joint Standing Committee on State and Local Government as a result of its review of agencies under the State Government Evaluation Act. The bill proposed to amend the scheduling guidelines for the committee's future reviews of State Government agencies.

### *Enacted law summary*

Public Law 2001, chapter 597 implements the recommendations of the Joint Standing Committee on State and Local Government as a result of its review of agencies under the State Government Evaluation Act. The bill amends the scheduling guidelines for the committee's future reviews of State Government agencies.

**LD 2193**                      **An Act to Create the Office of Program Evaluation and Government Accountability**                      **PUBLIC 702**

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-1039 S-595 PENDLETON
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LD 2193, which was a committee bill of the Joint Standing Committee on State and Local Government, proposed to establish both the Joint Legislative Oversight Committee and the Office of Program Evaluation and Government Accountability for the purposes of providing legislative oversight of programs of State Government and to ensure the appropriate use of public funds. The bill, as proposed, described the duties of the committee and the office. It proposed to authorize the committee to hire a director to operate the office. It also described the duties and powers of the director and the office. The bill also described the manner in which program evaluations would be conducted by the office and the manner in which reports would be released to the committee and to the public. The bill also proposed to prohibit employees of the office from organizing or joining a union. This bill also proposed to include an appropriations and allocations section and a fiscal note.

**Committee Amendment "A" (H-1039)** proposed to make the following changes to the bill.

## Joint Standing Committee on State and Local Government

1. To change the name of the Joint Legislative Oversight Committee to the "Government Oversight Committee";
2. To allow the committee to adopt rules that are not in conflict with the Joint Rules of the Legislature;
3. To allow the committee to report out legislation;
4. To prohibit a director of the Office of Program Evaluation and Government Accountability from being hired prior to April 1, 2003 and other employees of the office before July 1, 2003;
5. To provide that the office be a separate appropriation in the General Fund appropriation bill and in the event of a difference between the Governor's budget request and the office's budget request, it proposed to require the Governor to explain why the budget for the office submitted by the Governor differs from the budget submitted by the Legislative Council; and
6. To change the appropriations and allocations section and to add a fiscal note to the bill.

**Senate Amendment "A" to Committee Amendment "A" (S-570)**, which was not adopted, proposed to provide for the establishment of the Office of Program Evaluation and Government Accountability as included in the bill, but that the Government Oversight Committee, the committee that would oversee the work of the office, be a joint committee of the Legislature established under Joint Rules of the Legislature. The joint rules would establish the membership of the committee and the manner in which the chairs would be selected. This amendment also proposed to make technical changes to carry out those changes. It also proposed to provide that the Director of the Office of Program Evaluation and Government Accountability be appointed by the committee, but that the Legislative Council recommend a list of 5 candidates from which the committee would select the director. The amendment also proposed to set the term of appointment for the director at 5 years.

This amendment also proposed to correct the title of the office in the appropriation and allocation section of the amendment.

**Senate Amendment "B" to Committee Amendment "A" (S-591)**, which was not adopted, proposed to strike the committee amendment and to make changes to the bill. It proposed to establish the Office of Program Evaluation and Government Accountability as a nonpartisan office under the control of the Legislative Council. It proposed to authorize the creation of the Joint Select Committee on Oversight. The membership of the committee and selection of the chairs would be determined pursuant to the Joint Rules of the Legislature.

It proposed to authorize the Attorney General, the State Auditor, the State Controller, the Commissioner of Administrative and Financial Services, the Director of the Office of Fiscal and Program Review and the Director of the Office of Policy and Legal Analysis to assist the Office of Program Evaluation and Government Accountability and the Joint Select Committee on Oversight. It proposed to require the committee to establish an annual schedule of state agencies to review, in collaboration with the joint standing committees of the Legislature and the Commission on Performance Budgeting. It proposed to require the office to submit an annual report to the Legislative Council.

It proposed to create 2 positions within the Office of Program Evaluation and Government Accountability, including the director. The director would be hired by and report to the Legislative Council. Finally, it proposed to appropriate funds for both staff positions beginning January 1, 2003.

## Joint Standing Committee on State and Local Government

**Senate Amendment "C" to Committee Amendment "A" (S-595)** proposed to incorporate the changes made by Senate Amendment "A" to Committee Amendment "A" and to make the following changes:

1. That the Legislative Council appoint by an affirmative vote of 8 members the Director of the Office of Program Evaluation and Government Accountability;
2. That the legislative committee that oversees the work of the office evaluates the director and makes a recommendation in writing to the Legislative Council before the director is reappointed;
3. That money appropriated or allocated to the office must be expended in the discretion of the director and the legislative committee that oversees the work of the office only; and
4. That prior to the release of a program evaluation report or the point at which a program evaluation is no longer being actively pursued, all papers, physical and electronic records and correspondence and other supporting materials comprising the working papers in the possession of the director or other entity charged with the preparation of a program evaluation report remain confidential and may not be released or disclosed by the director to the Legislative Council or an agent or representative of the Legislative Council.

### *Enacted law summary*

Public Law 2001, chapter 702 establishes the Office of Program Evaluation and Government Accountability for the purposes of providing legislative oversight of programs of State Government and to ensure the appropriate use of public funds by public and private entities in the State. The bill describes the duties of the Government Oversight Committee, which will be established in Legislative rules, and of the office. It authorizes the Government Oversight Committee to oversee the operations of the office. It describes the duties and powers of the director and the office. The law also describes the manner in which program evaluations are to be conducted by the office and the manner in which reports are to be released to the committee and to the public. The law authorizes the committee to report out legislation based on evaluation reports submitted to it by the office. Under chapter 702 of Public Law 2001, the director would be hired on or after April 1, 2003 and other employees of the office would be hired on or after July 1, 2003.

Under the law, the Legislative Council appoints by an affirmative vote of at least 8 members the Director of the Office of Program Evaluation and Government Accountability. The Government Oversight Committee that oversees the work of the office evaluates the director and makes a recommendation in writing to the Legislative Council before the director is reappointed. The law requires that money appropriated or allocated to the office must be expended in the discretion of the director and the Government Oversight Committee that oversees the work of the office only.

Finally, the law provides that prior to the release of a program evaluation report or the point at which a program evaluation is no longer being actively pursued, all papers, physical and electronic records and correspondence and other supporting materials comprising the working papers in the possession of the director or other entity charged with the preparation of a program evaluation report are confidential and may not be released or disclosed by the director to the Legislative Council or an agent or representative of the Legislative Council.