

# MAINE STATE LEGISLATURE

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*State Of Maine  
121st Legislature*

*Second Regular Session and  
Second Special Session*

*Bill Summaries*

*Joint Standing Committee  
on  
State and Local Government*

*May 2004*

**Members:**

*Sen. Margaret Rotundo, Chair*

*Sen. Lloyd P. LaFountain III*

*Sen. Carolyn M. Gilman*

*Rep. Janet L. McLaughlin, Chair*

*Rep. George H. Bunker, Jr.*

*Rep. Christopher R. Barstow*

*Rep. Susanne P. Ketterer*

*Rep. Edward J. Suslovic*

*Rep. Anita Peavey-Haskell*

*Rep. Robert H. Crosthwaite*

*Rep. Stephen Bowen*

*Rep. Oscar C. Stone*

*Rep. Gary E. Sukeforth*

**Staff:**

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*Maine State Legislature*



*Office Of Policy And Legal Analysis  
Office Of Fiscal And Program Review*

*121st Maine Legislature  
Second Regular Session and  
Second Special Session*

*Summary Of Legislation Before The Joint Standing Committees*

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing and joint 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/billsumm.htm](http://www.state.me.us/legis/opla/billsumm.htm)).

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:

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
P&S XXX.....	Chapter # of enacted Private & Special Law
PASSED.....	Joint Order passed in both bodies
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 that the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is April 30, 2004; and non-emergency legislation enacted in the Second Special Session is July 30, 2004. Four bills (LD's 1572, 1629, 1636 and 1637) that were considered at the First Special Session in August 2003 are also included in these summaries.

*David C. Elliott, Director*  
**Offices located in Room 215 of the Cross Office Building**

*Joint Standing Committee on State and Local Government*

**LD 1686**

**An Act To Encourage Cost Savings by State Employees**

**PUBLIC 692**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAGGETT	OTP-AM MAJ	H-765 SAMPSON
MOODY	OTP-AM MIN	S-409

LD 1686 proposed to establish the Employee Suggestion System, whereby state employees in classified service are eligible for cash or honorary awards for suggestions that would result in substantial savings or improvements or efficiencies in state operations. A cash award would be limited to 10% of the first year's estimated saving, up to a cap of \$2,000. This legislation is modeled on law that was repealed in 1995.

**Committee Amendment "A" (S-409)** was the majority report and proposed to clarify that the Employee Suggestion System Board has exclusive authority to make awards and all decisions are final. It proposed to require the board to forward all suggestions to the Office of Program Evaluation and Government Accountability a minimum of 2 times per year. It proposed to permit the board to establish administrative fees through the rule-making process. The amendment also proposed to add an effective date of January 1, 2005.

**Committee Amendment "B" (S-410)** proposed to replace the bill and was the minority report. It proposed to direct the Office of Program Evaluation and Government Accountability to review a proposal to create the Employee Suggestion System and report back to the joint standing committee of the Legislature having jurisdiction over state and local government matters with recommendations on development and implementation of this program. This amendment was not adopted.

**House Amendment "A" (H-765)** proposed to add a provision that prohibits discrimination against an employee who suggests savings or efficiencies in good faith under the Employee Suggestion System and, if discrimination occurs, provides remedies available under the Whistleblowers' Protection Act.

**House Amendment "B" (H-803)** proposed to make the following changes to the statutes governing the Office of Program Evaluation and Government Accountability, or OPEGA:

1. Authorize the legislative oversight committee to direct OPEGA to conduct evaluations of local government, quasi-municipal entities and municipal or nonprofit corporations when determined necessary by the committee and to examine expenditures of private money by public officials or employees.
2. Remove language concerning the Department of Audit from the subsection that defines program evaluation and instead enact language under the duties of the committee to give the committee the discretion to request that the department conduct an examination or, if the department is unable to perform the examination in a timely manner, to direct OPEGA to obtain the services of a qualified auditor.
3. Clarify what information is made available to the committee and to OPEGA.
4. Require the director and employees of OPEGA to be nonpartisan.

This amendment was not adopted.

## *Joint Standing Committee on State and Local Government*

**Senate Amendment "A" (S-505)** proposed to make the following changes to the statutes governing the Office of Program Evaluation and Government Accountability, or OPEGA:

1. Authorize the legislative oversight committee to direct OPEGA to conduct evaluations of local government, quasi-municipal entities and municipal or nonprofit corporations when determined necessary by the committee and to examine expenditures of private money by public officials or employees.
2. Remove language concerning the Department of Audit from the subsection that defines program evaluation and instead enact language under the duties of the committee to give the committee the discretion to request that the department conduct an examination or, if the department is unable to perform the examination in a timely manner, to direct OPEGA to obtain the services of a qualified auditor.
3. Clarify what information is made available to the committee and to OPEGA.
5. Require the director and employees of OPEGA to be nonpartisan.

This amendment was not adopted.

### *Enacted Law Summary*

Public Law 2003, chapter 692 establishes the Employee Suggestion System, whereby state employees in classified service are eligible for cash or honorary awards for suggestions that would result in substantial savings or improvements or efficiencies in state operations. A cash award would be limited to 10% of the first year's estimated savings, up to a cap of \$2,000. The law also requires the board to forward all employee suggestions to the Office of Program Evaluation and Government Accountability a minimum of 2 times per year. This legislation is modeled on law that was repealed in 1995.

**LD 1725**

**Resolve, To Commission a Portrait of the Honorable George J. Mitchell To Hang in the State House**

**RESOLVE 142**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAGGETT	OTP-AM MAJ	S-365
COLWELL	ONTP MIN	S-577 CATHCART

LD 1725 proposed to commission a portrait of the Honorable George J. Mitchell to hang in the State House. It also proposed to add an appropriations section to the resolve and change the punctuation accordingly.

**Committee Amendment "A" (S-365)**

**Senate Amendment "A" to Committee Amendment "A" (S-577)** proposed to authorize the State House and Capitol Park Commission to seek and accept outside sources of funding to commission a portrait of the Honorable George J. Mitchell.

### *Enacted Law Summary*