

OPLA~Notes

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Joint Select Committee on Regionalization and Community Cooperation

The Regionalization and Community Cooperation Committee (RCC Committee) was created during the 121st Legislature, Second Special Session through Joint Order (S.P. 689) to explore opportunities to improve efficiency in the delivery of public services as a means of reducing the tax burden and improving service delivery. The RCC committee consisted of 16 legislative members representing 10 different joint standing legislative committees.

The RCC Committee met throughout February and March of 2004. The first phase of the committee process focused on gathering information. The Committee heard presentations from educators, public officials, citizens and nonprofit representatives. Those presentations allowed members to gain a better understanding of some of the key ideas and perspectives on the issues, as well as the possible solutions to better, more cost effective public service delivery.

As a part of the fact-finding phase, the Committee held a statewide public hearing to gather testimony and comments from individuals throughout the state. Using the Department of Education's ATM system, the Committee held a public hearing linking the interactive TV sites in Lewiston, Bangor, Farmington and Caribou. The public hearing was attended by close to 100 people and provided the Committee with information from a diverse group of participants. In addition to this public hearing, the Committee was invited and held a public hearing in the Town of Gorham.

The predominant message heard throughout committee meetings and public hearings was that the most important role the state can play is to remove barriers for regional and cooperative efforts, and help facilitate com-

Newsletter Greetings

Welcome to the second edition of OPLA~Notes for 2004. This edition includes an article on the work of the Legislature's Joint Select Committee on Regionalization and Community Cooperation and an article on legislation dealing with the adoption of a statewide building code. This newsletter also includes a listing of Legislative studies being conducted during the interim between the Second Special Session of the 121st Legislature and the First Regular Session of the 122nd Legislature. Lastly, this edition of the newsletter includes bill statistics from the 121st Legislature, Second Regular and Second Special Sessions, useful Internet sites and a listing of recent publications by OPLA.

munication and information sharing among the different levels of government. The Committee heard a great deal of testimony indicating that many towns and counties are already successfully working together to make the most of their resources. During deliberations, several committee members expressed hope that providing a forum for communication would foster trust between units and levels of government, which, in turn, would create an environment that would allow cooperative relationships to develop naturally.

Based on information presented and ideas discussed during Committee meetings and public hearings, the Committee developed several basic principles and general goals for achieving cost savings through regional solutions. These included the following:

- Address barriers and incentives for towns to work together cooperatively;
- Utilize county government as an instrument to encourage regional efforts;
- Utilize other entities, such as councils of government, to provide regional services;
- Encourage better region-wide land use planning, such as transportation infrastructure development; and
- Create regionalization pilot projects to test ideas for wider application in the state.

After a preliminary discussion of ideas, the RCC Committee developed a bill, LD 1930, "An Act To Promote Intergovernmental Cooperation, Cost Savings and Efficiencies," a concept draft which was referred to the Committee for public hearing and further deliberation. The final version of LD 1930 that was reported out of the Committee and passed into law as Public Law 2003, chapter 696 included a number of changes to begin to implement the Committee's principles and goals. The key elements of the law include:

- Creating the Intergovernmental Advisory Group to improve efficiencies and communication within all 3 branches of government and to provide state assistance to encourage regionalization and cost-effective service delivery;
- Removing the requirement for county residents to vote to create a charter commission. A county charter commission may now be initiated by either the county commissioners or by citizen petition;

- Removing statutory references to county commissioner meeting requirements, salaries for county officials and legislative delegation involvement in the county budget estimate process;
- Allowing county charters to include provisions for the county budget committee process; and
- Clarifying in Title 30-A, chapter 115 that inter-local cooperative agreements may be established among all public agencies.

As a part of their mission to explore regional solutions, the RCC Committee also considered LD 1921, "An Act to Encourage Voluntary Efficiency in Maine's School Systems and Related Costs Savings," which was a Governor's bill. The goal of this bill was to provide incentives for schools to voluntarily work together in order to reduce costs while also ensuring that academic performance is not compromised. The bill proposed to establish three new entities: a regional school district, a regional school cooperative, and an efficient school unit. The three entities were developed with the goal of maximizing the number of governance opportunities available to schools.

As proposed in LD 1921, the primary incentives to be provided by the state would take the form of increased GPA funding and financial assistance in reducing school capital construction debt. Incentive funds would be derived by earmarking a small percentage of GPA; the fund would be administered by the Department of Education. After a number of changes to the bill by committee members, the bill was voted out of committee with a majority Ought To Pass as Amended report and a minority Ought Not To Pass report. The bill died in non-concurrence on the floor of the House and Senate.

After the close of the 2nd Special Session, the work of fostering government efficiencies through regionalization will fall primarily to the Intergovernmental Advisory Group.



Maine Adopts a Voluntary Statewide Building Code

Marking the end of a decades-long debate over adoption of a statewide building code, on March 30, 2004, P.L. 2003, chapter 580 was signed into law, paving the way for the Maine Model Building Code to begin taking effect in municipalities throughout the State as of July 30, 2004.

The new law creates the Maine Model Building Code (“MMBC”), which is composed of the International Residential Code and International Building Code, both of which are part of the International Codes Council (“ICC”) family of codes. The law does not mandate that any municipality adopt the MMBC, but requires that, if a municipality does voluntarily choose to adopt a new residential or non-residential building code, it must adopt the MMBC. The law allows municipalities the flexibility of adopting only portions of the MMBC and of amending the MMBC locally if it wishes to do so.

Passage of the MMBC began with consideration of LD 1025 (“An Act to Ensure Uniform Code Compliance and Efficient Oversight of Construction in the State”) by the Legislature’s Joint Standing Committee on Business, Research and Economic Development in the Spring of 2003. That Committee learned during the course of its deliberations on the bill that a “working group” had been formed to consider the issue of development and adoption of a statewide building code. The effort was spearheaded by the Maine Building Officials and Inspectors Association, with the aid of a professional facilitator hired by the Maine State Planning Office. The “Building Code Working Group,” as it came to be known, counted among its members representatives of over 50 organizations, ranging from the Associated Constructors of Maine and Maine Home Builders and Remodelers Association to the American Institute of Architects to the State Fire Marshal’s Office to the Maine Municipal Association.

After gaining assurances from members of the working group that a substantial effort was underway to forge a consensus on issues that had confounded and divided the building and contracting community and state officials for years, such as choice of a family of codes to adopt statewide, the Committee carried over two bills into the Second Regular Session of the 121st Legislature: LD 1025, and LD 1551 (“An Act to License Home Building and Improvement Contractors”).

The Building Code Working Group met throughout the summer of 2003 and into the fall, and on October 8th issued a report representing consensus on a choice of a residential and a commercial building code and recommended steps for implementation of those codes. The measure ultimately passed by the Legislature and signed into law closely tracks these recommendations. LD 1551, which would have created a system of licensing for contractors who perform home construction or home improvement services, was not enacted.

Adoption of the MMBC also paved the way for enactment of P.L. 2003, chapter 605 (LD 1663), which directs the State Planning Office to provide assistance to any

municipality that adopts a rehabilitation building code that is consistent with the MMBC.

Internet Intersection



Policy and Government

The Congressional Institute: The Congressional Institute is a private, not-for-profit organization that conducts research on current public policy issues, provides briefings on emerging legislative matters to Congress and congressional staff and provides strategic planning sessions for Congress and Congressional staff. The website includes a Legislative Resources Page, an orientation guide to Washington, D.C. for new Congressional members, staffers and interns, and information about on-going research projects.

www.conginst.org

Resource Central-Maine Law: This website provides links to various law related websites in Maine, including Maine police departments, statutes and session laws of Maine, the University of Maine Law School, judicial records, Maine state and local governments, the Maine Criminal Justice Academy, the Women Lawyers Directory, the Maine Department of Public Safety and the United States District Court.

www.resourcehelp.com/me_law.htm

Law and Legislative Reference Library: Provides access to the URSUS catalog, collections information, reference information, legislative history instructions, interlibrary loan information and lists of Justices for the Maine Supreme Judicial Court and Maine Attorneys General.

www.state.me.us/legis/lawlib



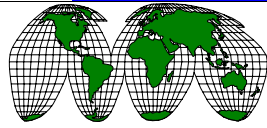
News and Technology

Google News: This website presents information from approximately 4,500 news sources worldwide and automatically arranges the information to present the most relevant news first. Topics are updated continuously throughout the day.

news.google.com

FedNet: This website offers live webcast of Congressional hearings, floor debates, White House briefings, regulatory hearings and press conferences.

www.fednet.net



Reference

Internet Public Library: This website provides library services to Internet users. The site includes a reference center, a catalog of books and publications, subject-based collections and resources for kids.

www.ipl.com

Soople: This search engine allows the user to search a site based on file type, images, definitions, numbers, specific domains and languages. The site also allows the user to search multiple sites at once. In addition to web searches, the site also contains an advanced calculator feature, a language translation feature, a phone and location feature and a superfilter feature.

www.soople.com



General Interest

WebNovice: This website offers the user tutorials on how to use Internet services and resources; “How to Instructions” on items including purging a browser’s cache, protecting email against spyware; a glossary of Internet terms and words; articles on the Internet; and a “Tips ‘N Tricks” section to help make using the Internet faster and easier.

www.webnovice.com

Study	Staff	Reporting Date
Committee to Study Compliance with the Freedom of Access Laws (P.L. 2003, c. 709)	OPLA	November 3, 2004
Health Care System and Health Security Board (P.L. 2003, c. 492)	OPLA	November 1, 2004
Health and Human Services Committee Oversight of the Reorganization of the Department of Human Services and the Department of Behavioral and Developmental Services (P.L. 2003, c. 689)	OPLA	No report due
Intergovernmental Advisory Group (P.L. 2003, c. 696)	State Planning Office	Annually in January
Maine Drug Return Implementation Group (P.L. 2003, c. 679)	OPLA and a statewide association of medical professionals	January 31, 2005
Recodification of MRSA Title 7 (Joint Order SP586, 2003)	OPLA and ROS	January 15, 2005
Task Force to Study Parity and Portability of Retirement Benefits for State Law Enforcement Officers, Municipal and County Law Enforcement Officers and Firefighters (Resolve 2003, c. 1343)	OPLA	November 3, 2004



Legislative Studies

The following is a listing of legislative studies that are authorized to be conducted during the interim between the 121st Legislature’s Second Special Session and First Regular Session of the 122nd Legislature. For more information on a particular study, please contact OPLA at 287-1670 or the agency listed as staff.

Study	Staff	Reporting Date
Citizen Trade Policy Commission (P.L. 2003, c. 696)	OPLA	Annually
Commission to Study Public Health (P.L. 2003, c. 95)	OPLA	November 3, 2004



OPLA Publications

- **Enacted Law Digest:** A brief summary of all public laws, private and special laws, resolves and certain joint orders enacted or passed by the 121st Legislature, Second Regular and Second Special Sessions. The summary of each enacted or passed legislative document includes the chapter number, title, LD number or House or Senate Paper number, a summary of the enacted bill, resolve or order and the

effective date of any emergency legislation. The digest is produced in conjunction with the Office of Fiscal and Program Review.

- **Bill Summaries of the 121st Legislature, Second Regular and Second Special Sessions:** Describes bills, committee amendments, other relevant amendments and the final action taken on each bill for all legislation considered by Joint Standing Committees of the Legislature that are staffed by OPLA. There are copies of bill summaries for each individual joint standing committee available. Bill summaries can also be found on the OPLA website at the following address:

www.state.me.us/legis/opla/billsumm.htm

For bill summaries of the Appropriations and Financial Affairs Committee and the Taxation Committee, please contact the Office of Fiscal and Program Review (OFPR) at 287-1635 or visit the OFPR website at the following address:

www.state.me.us/legis/ofpr/billsumm.htm

- **Study Reports** - A listing of study reports of legislative committees and commissions categorized by year beginning in 1973 is available from OPLA. For printed copies of any of these reports, please contact the Office of Policy and Legal Analysis. The first copy of a report is free; additional copies are available at a nominal cost. In addition, many of the recent legislative studies staffed by OPLA are available on the OPLA website at the following address:

<http://www.state.me.us/legis/opla/reports2.htm>

Committee Actions

	Number of Bills	Percent of Total
Total bills reported out of committee	476	98.8%
Unanimous Committee Reports	342	70.9%
■ Ought to Pass	48	9.9%
■ Ought to Pass as Amended	153	31.7%
■ Ought to Pass in New Draft	1	0.2%
■ Ought Not to Pass	140	29.4%
Divided Reports	134	27.8%
Major Substantive Rules Reviewed	14	100%
■ Authorized Without Changes	5	35.7%
■ Authorized With Changes	9	64.3%
■ Not Authorized	2	0.0%



121st Legislature, Second Regular and Second Special Sessions Bill Statistics

A total of 493 bills, including 162 carry overs, were considered in the Second Regular and Second Special Sessions of the 121st Legislature. The table below summarizes statistical information about the bills.

	Number of Bills	Percent of Total
Bills Considered	493	100%
Bills Enacted or Finally Passed	273	55.4%
■ Public Laws	204	41.4%
■ Private & Special Laws	20	4.1%
■ Resolves	49	9.9%

A Word About OPLA

The Office of Policy and Legal Analysis (OPLA) is one of several nonpartisan offices of the Maine State Legislature. It operates under the auspices of the Legislative Council. The office provides professional staff assistance to the joint standing and select committees and study commissions, including providing policy and legal research and analysis, coordinating the committee process, drafting bills and amendments, analyzing budget bills in cooperation with the Office of Fiscal and Program Review and preparing legislative proposals, reports and recommendations.

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We welcome your comments and suggestions. Contact the Office of Policy and Legal Analysis by writing to 13 State House Station, Augusta, Maine 04333; calling 287-1670; or stopping by Room 215 of the Cross Office Building. The newsletter is available on the Internet at:
www.state.me.us/legis/opla/newslet.htm

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