

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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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).

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.

LD 529, which was carried over to the Second Regular Session, would apply to state construction projects over \$1,000,000 in value and to school construction projects over \$1,000,000 in value and for which state aid is received. On these public improvement construction projects, the bill proposes to limit the retention of contract payments to line items in the project contract and to situations in which unsatisfactory progress has been made by a contractor or subcontractor. In such cases, the bill proposes that up to 5% of the payment due under the project contract may be withheld until all contract requirements for the line item have been completed. The bill also proposes that following completion of a line item, any retained payments must be paid promptly and, at the end of a project, the value of punch list and incomplete items may be retained as well as withholding to cover good faith claims of the owner, including claims for unsatisfactory progress on the project. The bill proposes that over the course of the project, the owner makes the determination of how much of the payment due will be retained up to the 5% limit and as to whether satisfactory progress has been made on the project.

LD 533 An Act to Prohibit the State from Competing with Private Industry CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL B CIANCHETTE		

LD 533 which was carried over to the Second Regular Session proposes to prohibit the State from providing services for fee or undertaking enterprises that compete with private industry, except those services and enterprises that are determined by the Legislature to be necessary for public safety, health and welfare.

A subcommittee of the Joint Standing Committee on State and Local Government has been delegated the task of developing proposed guidelines for state agencies to follow in determining when competition with the private sector is appropriate. The subcommittee must report on its efforts to the State and Local Government Committee in the Second Regular Session of the 119th Legislature.

LD 558 An Act to Clarify the Membership of the Somerset County Budget Committee PUBLIC 49

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JONES	OTP	

LD 558 proposed to require that of the three members from each commissioner district on the Somerset County Budget Committee one must be a municipal official who is not a municipal officer.

Enacted law summary

Public Law 1999, chapter 49 amends the current law to require that one of the three members elected to the Somerset County Budget Committee from each commissioner district be a municipal official who is not an elected municipal officer.