

# MAINE STATE LEGISLATURE

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*State Of Maine  
121st Legislature*

*First Regular Session*

*Bill Summaries*

*Joint Standing Committee  
on  
State and Local Government*

*July 2003*

**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:**

*Lisa M. Baldwin, Legislative Analyst*

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*13 State House Station*

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# Maine State Legislature



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

### 121st Maine Legislature First Regular 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](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>CARRIED OVER PURSUANT TO HP 1212</i> .....         | <i>Bills carried over to the 2<sup>nd</sup> Regular Session</i>                |
| <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>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 that the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is September 13, 2003.

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

*Joint Standing Committee on State and Local Government*

LD 51

**An Act to Amend Certain Provisions of the Program Evaluation  
and Government Accountability Laws**

**PUBLIC 463**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| TRAHAN<br>HALL    | OTP-AM                  | H-361                     |

LD 51 proposed to change the annual reporting date of the Office of Program Evaluation and Government Accountability to ensure that the Legislature has adequate time during a regular session to review the contents of the report.

**Committee Amendment "A" (H-361)** proposed to require all financial audits and post-audits to be performed by the Department of Audit. If the department is unable to conduct the audit within the time frame established by the joint legislative committee established to oversee program evaluation and government accountability matters, a qualified auditor must perform the financial audit or post-audit. The amendment also proposed to require the committee to develop a mission statement by January 1, 2005.

**House Amendment "A" (H-558)** proposed to ensure that the Director of the Office of Program Evaluation and Government Accountability is selected on the basis of ability and without consideration of political party affiliation. This amendment was not adopted.

*Enacted Law Summary*

Public Law 2003, chapter 463 changes the annual reporting date of the Office of Program Evaluation and Government Accountability to ensure that the Legislature has adequate time during a regular session to review the contents of the report. It requires all financial audits and post-audits to be performed by the Department of Audit. If the department is unable to conduct the audit within the time frame established by the joint legislative committee established to oversee program evaluation and government accountability matters, a qualified auditor must perform the financial audit or post-audit. It also requires the committee to develop a mission statement by January 1, 2005.

**LD 66**

**An Act to Repeal the Mandate to Perambulate the Municipal  
Boundary Lines when there is No Boundary Dispute**

**PUBLIC 7**

| <u>Sponsor(s)</u>     | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-----------------------|-------------------------|---------------------------|
| HEIDRICH<br>BENNETT R | OTP                     |                           |

LD 66 proposed to repeal the requirement that boundary lines between municipalities be perambulated once every 5 years. The bill also proposed to require a municipality to perambulate the municipal boundaries only if there is a dispute concerning the municipal boundary line. Perambulation is not necessary to resolve the dispute if the boundary lines are well marked and a survey of the boundaries is recorded in the registry of deeds.

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

### *Enacted Law Summary*

Public Law 2003, chapter 7 repeals the requirement that boundary lines between municipalities be perambulated once every 5 years. It requires a municipality to perambulate the municipal boundaries only if there is a dispute concerning the municipal boundary line. Perambulation is not necessary to resolve the dispute if the boundary lines are well marked and a survey of the boundaries is recorded in the registry of deeds.

**LD 78**                      **RESOLUTION, Proposing an Amendment to the Constitution of**                      **ONTP**  
**Maine to Provide for the Direct Election of the Secretary of State**

|                              |  |                                 |  |                           |
|------------------------------|--|---------------------------------|--|---------------------------|
| <u>Sponsor(s)</u><br>DAVIS P |  | <u>Committee Report</u><br>ONTP |  | <u>Amendments Adopted</u> |
|------------------------------|--|---------------------------------|--|---------------------------|

LD 78 proposed to provide for direct popular election and for filling vacancies in the office of the Secretary of State in the same manner as provided for the election of the Governor.

**LD 86**                      **An Act To Amend the Charter of the Eastport Port Authority**                      **P & S 4**

|                              |  |                                |  |                           |
|------------------------------|--|--------------------------------|--|---------------------------|
| <u>Sponsor(s)</u><br>GOODWIN |  | <u>Committee Report</u><br>OTP |  | <u>Amendments Adopted</u> |
|------------------------------|--|--------------------------------|--|---------------------------|

LD 86 proposed to further define the residency requirement for the Eastport Port Authority board of directors as being that established by state statute for legal voting at an election and certified by the registrar of voters. The bill also proposed to maintain the intent of the original charter requiring staggered terms.

### *Enacted Law Summary*

Private and Special Law 2003, chapter 4 further defines the residency requirement for the Eastport Port Authority board as being that established by state statute for legal voting at an election and certified by the registrar of voters. It also maintains the intent of the original charter requiring staggered terms.

**LD 91**                      **Resolve, to Create the Department of Fisheries and Wildlife**                      **CARRIED OVER**

|                              |  |                         |  |                           |
|------------------------------|--|-------------------------|--|---------------------------|
| <u>Sponsor(s)</u><br>GOODWIN |  | <u>Committee Report</u> |  | <u>Amendments Adopted</u> |
|------------------------------|--|-------------------------|--|---------------------------|

LD 91 proposes to do the following:

1. Abolish the Department of Inland Fisheries and Wildlife, the Department of Marine Resources and the Atlantic Salmon Commission 90 days after the adjournment of the Second Regular Session of the 121st Legislature; and
2. Require the Commissioner of Administrative and Financial Services, in consultation with the Department of Inland Fisheries and Wildlife, the Department of Marine Resources and the Atlantic Salmon Commission, to