

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

*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*

*Office of Policy and Legal Analysis*

*13 State House Station*

*Augusta, ME 04333*

*(207) 287-1670*

# 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*

**Senate Amendment "B" to Committee Amendment "A" (S-272)**, which was not adopted, proposed to provide that the limitation on the ability of a citizen initiative or referendum to retroactively alter final municipal approval does not apply if the petition for a citizen initiative or referendum is filed with the municipality, along with the requisite number of signatures, not more than 90 days after final approval or the issuance of the permit.

**Senate Amendment "C" to Committee Amendment "A" (S-282)**, which was not adopted, which is identical to House Amendment "D", proposed to provide that the limitation on the ability of a citizen initiative or referendum to retroactively alter final municipal approval does not apply if the petition for a citizen initiative or referendum is filed with the municipality, along with the requisite number of signatures, not more than 3 weeks after final approval or the issuance of the permit.

**Senate Amendment "D" to Committee Amendment "A" (S-304)**, which was not adopted, proposed to provide that the limitation on the ability of a citizen initiative or referendum to retroactively alter final municipal approval does not apply if the petition for a citizen initiative or referendum is filed with the municipality, along with the requisite number of signatures, not more than 30 days after final approval or the issuance of the permit.

**Senate Amendment "E" to Committee Amendment "A" (S-313)**, which was not adopted, proposed to remove the exemption of sludge and septage ordinances specified in Committee Amendment "A" from the limitation.

**LD 399**

**An Act To Increase Civil Process Fees**

**PUBLIC 86**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVAGE	OTP-AM	S-17

LD 399 proposed to authorize the county commissioners of each county to increase the fee collected for service of civil processes, disclosure subpoenas, complaints for divorce, attachments of personal property, writs of replevin, tax summonses and warrants, sales or use tax warrants, income tax warrants and search for persons to serve from \$1 to \$5.

**Committee Amendment "A" (S-17)** proposed to add that collected fees may only be increased by \$1 for any state agency or department.

### *Enacted Law Summary*

Public Law 2003, chapter 86 authorizes the county commissioners of each county to increase the fee collected for service of civil processes, disclosure subpoenas, complaints for divorce, attachments of personal property, writs of replevin, tax summonses and warrants, sales or use tax warrants, income tax warrants and search for persons to serve from \$1 to \$5, except that the fee paid by any state agency or department may only be increased by \$1.

**LD 416**

**An Act To Amend the County Contingent Fund**

**PUBLIC 241**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCLAUGHLIN	OTP-AM MAJ ONTP MIN	H-237

*Joint Standing Committee on State and Local Government*

LD 416 proposed to permit counties to establish contingent accounts, not to exceed the lesser of 4% of the county budget or \$1,000,000, which may be used for emergency purposes only.

**Committee Amendment "A" (H-237)**, which was the majority report, proposed to change the cap on the contingent fund from \$50,000 to the greater of 1.5% of the annual county budget or \$100,000. The amendment proposed to retain the exception to this cap for Sagadahoc County, which remains 4% of the annual budget.

***Enacted Law Summary***

Public Law 2003, chapter 241 changes the cap on the contingent fund from \$50,000 to the greater of 1.5% of the annual county budget or \$100,000. It retains the exception to this cap for Sagadahoc County, which remains 4% of the annual budget.

**LD 417**                      **An Act To Provide Cumberland County Budget Advisory Committee with Final Budget Approval Authority**                      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCLAUGHLIN GILMAN	ONTP	

LD 417 proposed to give final authority for approving the Cumberland County budget to the Cumberland County Budget Advisory Committee.

**LD 418**                      **An Act To Limit the Undesignated Surplus of Counties to 15% of the Annual Operating Budget**                      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCLAUGHLIN	ONTP      MAJ OTP      MIN	

LD 418 proposed to limit the amount of surplus funds a county may retain for purposes other than reducing the amount of tax levy in a fiscal year to 15% of the annual operating budget.

**LD 419**                      **An Act To Repeal Outdated and Unfunded Municipal and Educational Mandates**                      **CARRIED OVER**

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

LD 419 is a concept draft pursuant to Joint Rule 208. It proposes to repeal outdated and unfunded mandates located in the Maine Revised Statutes, Title 5, Title 20-A and Title 30-A that pertain to municipalities or school systems, the cost of which are now borne by local property taxes.