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).

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 PURSUANT TO HP 1212 ..... *Bills carried over to the 2nd 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*
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 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

LD 1226 **An Act To Clarify the Division of the Positions of Town Assessor and Selectman** **PUBLIC 234**

Sponsor(s)	Committee Report	Amendments Adopted
MCKEE BRYANT	OTP-AM	H-280

LD 1226 proposed to clarify that a selectman who resigns the position of local tax assessor may continue to serve as a selectman and concurrently as a member of the State Legislature.

Committee Amendment "A" (H-280) proposed to clarify that a person who serves as both a selectman and a tax assessor may resign the position of assessor without resigning the office of selectman. It also clarifies that if a person who is serving in the State Legislature or in another office incompatible with the position of an assessor resigns the position of assessor before performing any duties as an assessor, that person may not be deemed to have vacated the position of State legislator or other office that is incompatible with the office of assessor.

Enacted Law Summary

Public Law 2003, chapter 234 clarifies that a person who serves as both a selectman and a tax assessor may resign the position of assessor without resigning the office of selectman. It also clarifies that if a person who is serving in the State Legislature or in another office incompatible with the position of an assessor resigns the position of assessor before performing any duties as an assessor, that person may not be deemed to have vacated the position of State legislator or other office that is incompatible with the office of assessor.

LD 1285 **An Act To Promote and Protect Private Enterprise** **PUBLIC 238**

Sponsor(s)	Committee Report	Amendments Adopted
MITCHELL TARDY	OTP-AM	S-100

LD 1285 proposed to require that, before a state agency may provide goods or services to the public, the matter must be reviewed and approved by the Advisory Committee on Fair Competition with Private Enterprise.

Committee Amendment "A" (S-100) proposed to clarify that the prohibition on sales by a state agency does not apply if the sale of the goods or services by the state agency is specifically authorized by law. The amendment also proposed to permit state agencies to sell goods or services immediately in the case of an emergency. The amendment also proposed to clarify that this legislation applies only when a state agency sells new or additional goods or services as of January 15, 2004.

Enacted Law Summary

Public Law 2003, chapter 238 requires that, before a state agency may provide goods or services to the public, it must comply with certain provisions of law including the review and approval by the Advisory Committee on Fair Competition with Private Enterprise of providing these goods or services. The restriction on sales by a state agency does not apply if the sale of the goods or services is specifically authorized by law. It also permits state agencies to