

# MAINE STATE LEGISLATURE

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*State Of Maine  
122nd Legislature*

*First Regular Session and  
First Special Session*

*Bill Summaries*

*Joint Standing Committee  
on  
State and Local Government*

*August 2005*

**Members:**

*Sen. Elizabeth M. Schneider, Chair  
Sen. Margaret Rotundo  
Sen. Mary Black Andrews*

*Rep. Christopher R. Barstow, Chair  
Rep. Sonya G. Sampson  
Rep. Richard D. Blanchard  
Rep. Charles William Harlow  
Rep. James M. Schatz  
Rep. Robert H. Crosthwaite  
Rep. George R. Bishop, Jr.  
Rep. Howard E. McFadden  
Rep. Bradley S. Moulton  
Rep. Roberta M. Muse*

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Maine State Legislature

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122nd Legislature
First Regular Session and First Special Session

Summary of Legislation Considered by the Joint Standing Committees
August 2005

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing 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 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. A subject index for each committee is included immediately before the bill summaries for that committee, and a numerical index by LD number is included 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
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
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 June 29, 2005; and for non-emergency legislation enacted in the First Special Session is September 17, 2005.

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**Committee Amendment "A" (H-266)**, which is the minority report, proposed to add an appropriations and allocations section to the bill.

**LD 222**                      **An Act To Undedicate County Fees for Recording Deeds**                      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY J BARSTOW	ONTP	

LD 222 proposed to allow counties to use the \$3 surcharge on the recording of deeds as general revenue for the county.

**LD 223**                      **An Act To Create a Family Reunion Day in August**                      **PUBLIC 8**

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

LD 223 proposed to designate the Monday after the first full weekend of August as Family Reunion Day.

### *Enacted law summary*

Public Law 2005, chapter 8 designates the Monday after the first full weekend of August as Family Reunion Day.

**LD 240**                      **An Act To Update Certain Provisions Pertaining to County Government**                      **PUBLIC 79**

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

LD 240 proposed to define the term "county official" in order to make the distinction between this category of county personnel, which includes both appointed and elected county offices, and the narrower category of "county officer," which refers only to elected offices. These definitions make the same distinction as those in municipal laws. The bill proposed to allow a county treasurer to pay clerical help either weekly or biweekly, at the discretion of the commissioners, consistent with recent changes to Maine's hour and wage laws. It also proposed to remove references to the Legislature in provisions governing adoption of a county budget because those provisions have been obsolete in all counties for a number of years.

### *Enacted law summary*

Public Law 2005, chapter 79 defines the term "county official" in order to make the distinction between this category of county personnel, which includes both appointed and elected county offices, and the narrower category of "county officer," which refers only to elected offices. These definitions make the same distinction as

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those in municipal laws. This law allows a county treasurer to pay clerical help either weekly or biweekly, at the discretion of the commissioners, consistent with recent changes to Maine's hour and wage laws. It also removes references to the Legislature in provisions governing adoption of a county budget because those provisions have been obsolete in all counties for a number of years.

**LD 245**                      **An Act To Enact an Immediate Review System in the Office of**                      **PUBLIC 104**  
**Program Evaluation and Government Accountability**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CROSTHWAITE NASS R	OTP-AM	H-135

LD 245 proposed to establish within the Office of Program Evaluation and Government Accountability an immediate review system to provide immediate review of a program or function of a state agency or other entity in the event that there is a suspicion of a major auditing problem or major fraud or major mismanagement of public funds.

**Committee Amendment "A" (H-135)** proposed to strike the text "major auditing problem or major fraud" leaving major mismanagement as the cause for immediate review. The amendment also proposed to allow for an immediate review when there is a suspected mismanagement of public funds or functions. It would require the Director of the Office of Program Evaluation and Government Accountability to coordinate with the Attorney General, State Auditor, State Controller and others considered appropriate by the director.

### *Enacted law summary*

Public Law 2005, chapter 104 establishes within the Office of Program Evaluation and Government Accountability an immediate review system to provide immediate review of a program or function of a state agency or other entity in the event that there is a suspicion of a major mismanagement of public funds or functions. It requires the Director of the Office of Program Evaluation and Government Accountability to coordinate with the Attorney General, State Auditor, State Controller and others considered appropriate by the director.

**LD 249**                      **An Act To Amend the Calculation for Annual County Tax**                      **ONTP**  
**Assessments**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BARSTOW BARTLETT	ONTP	

LD 249 proposed to require county commissioners to calculate the budgeted cost of noncontracted rural sheriff patrol services in proportion to which those services are provided to municipalities and unorganized territories in their counties.