

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
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Rep. Richard D. Blanchard
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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.

Joint Standing Committee on State and Local Government

LD 696

An Act To Amend the Requirements for Publishing Municipal Legal Notices

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NASS R	ONTP MAJ OTP-AM MIN	

LD 696 proposed to allow municipalities to publish legal notices in a newspaper medium distributed as 3rd-class mail if the municipal officers adopt a publication policy. The policy must contain 5 requirements: the newspaper of general circulation must have a subscription rate of less than 30% of the residents in the municipality; all households in the municipality must receive the alternative newspaper; the alternative newspaper must cost less than the newspaper of general circulation; the municipality must retain a record of all notices published in the alternative newspaper; and the publisher of the alternative newspaper must have a system of archiving past editions.

Committee Amendment "A" (S-90), which is the minority report, proposed to require a municipality that publishes its municipal legal notices in an alternative newspaper medium and not a newspaper of general circulation to include in its publication policy a requirement to report that fact to the Executive Department, State Planning Office. The amendment proposed that the bill would be repealed October 15, 2007.

LD 717

An Act To Clarify State Auditor Qualifications

DIED BETWEEN HOUSES

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHIELDS SNOWE-MELLO	OTP MAJ ONTP MIN	

LD 717 proposed to require that the State Auditor after the current term must be a certified public accountant or qualified to be certified as a public accountant licensed pursuant to the Maine Revised Statutes, Title 32, section 12228. The bill also removes obsolete language and gender-specific references.

LD 727

An Act To Amend the Knox County Budget Process

PUBLIC 105

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BOWEN SAVAGE	OTP-AM	H-148

LD 727 proposed to amend the Knox County budget process by providing that a vacancy on the budget committee must be filled by a person from the same district rather than the same municipality. It proposed to prohibit a member of the budget committee from holding any other municipal or county elective office while a member of the budget committee. This bill would also require a 2/3 vote of the budget committee and a 2/3 vote of the county commissioners for final action and approval of the budget.

Joint Standing Committee on State and Local Government

Committee Amendment "A" (H-148) proposed to remove the prohibition on members of the Knox County budget committee holding municipal or county elective office. It also proposed to remove the requirement that the county budget be approved by 2/3 of the budget committee and 2/3 of the county commissioners.

Enacted law summary

Public Law 2005, chapter 105 amends the Knox County budget process by providing that a vacancy on the budget committee must be filled by a person from the same district rather than the same municipality.

LD 744 **An Act To Make Technical Changes to the Laws Establishing the Lincoln and Sagadahoc Multicounty Jail Authority** **PUBLIC 47
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAYO RINES	OTP-AM	S-31

LD 744 proposed to provide for the establishment of the Lincoln and Sagadahoc Multicounty Jail Authority as a public body corporate and politic and a public instrumentality of the counties.

Committee Amendment "A" (S-31) proposed to add a new section that clarifies that the liability of the jail authority and its personnel is governed by the Maine Tort Claims Act and that members and employees of the jail authority are not personally liable for actions taken within the course and scope of their respective duties on behalf of the authority.

Enacted law summary

Public Law 2005, chapter 47 provides for the establishment of the Lincoln and Sagadahoc Multicounty Jail Authority as a public body corporate and politic and a public instrumentality of the counties. This law clarifies that the liability of the jail authority and its personnel is governed by the Maine Tort Claims Act and that members and employees of the jail authority are not personally liable for actions taken within the course and scope of their respective duties on behalf of the authority.

Public Law 2005, chapter 47 was enacted as an emergency measure effective April 8, 2005.

LD 773 **An Act To Allow Municipalities To Collect Debts through the Placement of Liens on Property** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACOBSEN COURTNEY	ONTP	

LD 773 proposed to give the treasurer of a municipality the power to place a lien on a property within the municipality for a debt lawfully owed to the municipality by the owner of that property.