

MAINE STATE LEGISLATURE

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STATE OF MAINE
123RD LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills and adopted amendments and laws enacted or finally passed during the First Regular Session of the 123rd Maine Legislature coming from the

**JOINT STANDING COMMITTEE ON STATE AND LOCAL
GOVERNMENT**

July 2007

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STATE OF MAINE

123RD LEGISLATURE

FIRST REGULAR SESSION

LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS



This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all bills and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 123rd Maine Legislature, which was in session from December 6, 2006 to June 21, 2007.

The *Digest* is arranged alphabetically by committee, and within each committee by LD number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. The appendices include a summary of relevant session statistics, an index of all bills by LD number and an index of enacted laws by law type and chapter number.

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:

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 (or Accepted ONTP report).....	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 non-emergency legislation enacted in the First Regular Session is **September 20, 2007**. The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills.

Joint Standing Committee on State and Local Government

LD 785 requires that by January 1, 2010 all electricity consumed in state-owned or state-leased buildings be supplied by renewable resources. It requires the chair of the Energy Resources Council to develop a plan to achieve this requirement and to submit that plan to the Joint Standing Committee on Utilities and Energy and the Joint Standing Committee on State and Local Government by April 1, 2008.

Committee Amendment "A" (H-41)

This amendment removes the requirement that state-leased buildings must consume electricity from renewable resources by 2010. The chair of the Energy Resources Council and the Director of the Bureau of General Services within the Department of Administrative and Financial Services must develop a plan to increase the use of electricity from renewable resources in state-leased buildings. The plan must include a specific goal, strategies to increase the use of electricity from renewable resources and a requirement for newly leased space to be supplied with power from renewable resources. In addition, the plan must examine the extent to which state-owned and state-leased buildings are heated using renewable resources and strategies to increase that. The plan must be submitted to the Joint Standing Committee on Utilities and Energy and the Joint Standing Committee on State and Local Government by December 15, 2007. The Joint Standing Committee on State and Local Government is authorized to submit legislation.

Enacted Law Summary

Public Law 2007, chapter 52 requires that by January 1, 2010 all electricity consumed in state-owned buildings be supplied by renewable resources. The chair of the Energy Resources Council and the Director of the Bureau of General Services within the Department of Administrative and Financial Services must develop a plan to increase the use of electricity from renewable resources in state-leased buildings. The plan must include a specific goal, strategies to increase the use of electricity from renewable resources and a requirement for newly leased space to be supplied with power from renewable resources. In addition, the plan must examine the extent to which state-owned and state-leased buildings are heated using renewable resources and strategies to increase that. The plan must be submitted to the Joint Standing Committee on Utilities and Energy and the Joint Standing Committee on State and Local Government by December 15, 2007. The Joint Standing Committee on State and Local Government is authorized to submit legislation.

LD 905 An Act To Amend the Maine Administrative Procedure Act To Strengthen Safeguards for Small Businesses

PUBLIC 181

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RECTOR RAYE	OTP-AM	H-202

LD 905 requires an agency adopting a rule to develop and make available to the public an economic impact statement on small businesses prior to adoption of the rule. The contents of the notice must include where the economic impact statement can be obtained. If the economic impact statement is not prepared, the rule may not go into effect.

Committee Amendment "A" (H-202)

This amendment clarifies the language of the bill that requires agencies to prepare economic impact statements of proposed rules on small businesses. The statement must identify the types of small businesses subject to the rule, include a brief statement of probable impacts, and describe reasonable alternatives to the rule rather than all alternatives. It also repeals a similar but voluntary requirement in current law to prevent two parallel processes.

Enacted Law Summary

Joint Standing Committee on State and Local Government

Public Law 2007, chapter 181 requires an agency adopting a rule to develop and make available to the public an economic impact statement on small businesses prior to adoption of the rule. The contents of the notice must include where the economic impact statement can be obtained. If the economic impact statement is not prepared, the rule may not go into effect.

LD 917 RESOLUTION, Proposing an Amendment to the Constitution of Maine ONTP
To Reduce the Size of the Legislature to 132 Members

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PENDLETON SAVAGE C	ONTP	

LD 917 is a constitutional amendment to reduce the size of the House of Representatives from 151 members to 99 members and the size of the Senate from no more than 35 members to 33 members. The redistricting will be done in 2008 during the Second Regular Session of the 123rd Legislature and the reduction in the size of each legislative body takes effect in 2009.

LD 953 An Act To Provide for Nonpartisan Elections for Sheriffs ONTP

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

LD 953 allows for sheriffs to be elected on a nonpartisan basis. A candidate for sheriff would not be allowed to file as a candidate during the primaries.

LD 1007 An Act To Promote County-based Economic and Community PUBLIC 321
Development

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RAYE	OTP-AM MAJ ONTP MIN	S-160

LD 1007 allows counties in the State to adopt a statute conferring countywide economic powers to raise, appropriate, borrow and expend money for the purposes of county economic development through a countywide referendum. It makes a one-time General Fund appropriation of \$1,600,000 in fiscal year 2007-08 for the Department of Economic and Community Development to provide support to Maine's 16 counties of up to \$100,000 in state funding per county subject to a 1:1 match.

LD 1007 was co-referred to the Committee on State and Local Government and to the Committee on Business, Research and Economic Development.

Committee Amendment "A" (S-160)

This amendment requires any bonds or salary expenses to be approved by a majority of the county budget committee, whether advisory or not. It also requires a 50% turnout by the voters for a bond approval, as is the current law, rather than changing it to 40% as in the bill. It strikes out the appropriations and allocations section of the bill but allows for the possibility of funding in the future. It broadens county development efforts to include community development as well as economic development.

Enacted Law Summary