

MAINE STATE LEGISLATURE

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**STATE OF MAINE
118TH LEGISLATURE**

**FIRST REGULAR SESSION
AND
FIRST SPECIAL SESSION**

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

JULY 1997

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Sen. James D. Libby

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Maine State Legislature

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**ONE HUNDRED EIGHTEENTH LEGISLATURE
FIRST REGULAR AND FIRST SPECIAL SESSIONS**

**Summary Of Legislation Before The Joint Standing Committees
August 1997**

We are pleased to provide this summary of bills that were considered by the 15 Joint Standing Committees of the Maine Legislature staffed by this office. The document is a compilation of bill summaries which describe each bill, committee amendments and other relevant amendments, as well as the final action taken on the bill. 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 handled by the joint standing committees. It is organized alphabetically 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. 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*.....*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*
- 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 26, 1997 and September 19, 1997 for the First Special Session.

David E. Boulter, Director

Offices Located in the State House, Rooms 101/107/135

LD 1537

An Act to Amend the Laws Relating to Notaries Public

DIED BETWEEN BODIES

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
AHEARNE	OTP-AM A ONTP B OTP-AM C	

LD 1537 proposed to require notaries public to maintain records of all notarial acts performed.

Committee Amendment "A" (H-498), the majority report of the committee, proposed to specify what information must be recorded for each notarial act performed and to require that the record be kept in a separate, permanently bound book.

LD 1551

An Act to Amend the Amount of Retainage on Public Building Contracts

CARRIED OVER

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

LD 1551 proposes that, in the case of a contract awarded for any public improvement construction project, the State may not withhold money due the contractor pending acceptance of the project under the contract by or for the State. This bill was carried over to the Second Regular Session and the Department of Administrative and Financial Services charged with the task of convening a working group representing interested parties to work out solutions to the retainage and other public construction contract issues.

LD 1561

Resolve, to Examine the Impact of Federal Devolution Decisions on Municipalities and Other Local Agencies

RESOLVE 49 EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JENKINS	OTP-AM MAJ ONTP MIN	S-278

LD 1561 proposed to establish a task force for the purpose of examining the impact of federal downsizing on state programs including the following: the ability of the State to increase the efficiency with which programs are managed to make reduced funds go further; shifting funds from other parts of the state budget to maintain service levels; shifting responsibilities from the State to lower levels of government; and raising new state revenue to substitute for the withdrawal of federal funds. The task force was to report its findings and any necessary legislation by December 15, 1997.

Committee Amendment "A" (S-278) replaced the bill and proposed to establish a mechanism to study the nature of the changes being imposed from higher levels of government and the opportunities and obligations accompanying those changes so that local governments will be best positioned to respond. The existing Governor's Municipal

Advisory Council was directed to examine the issue and to report to the Legislature by February 1, 1998. This amendment also added a fiscal note to the resolve.

Enacted law summary

Resolve 1997, chapter 49 responds to the needs of municipalities and other local and regional government agencies and programs that will ultimately feel the impact of federal cutbacks, downsizing and devolution activities. The resolve establishes a mechanism to study the nature of the changes being imposed from higher levels of government and the opportunities and obligations accompanying those changes so that local governments will be best positioned to respond. The existing Governor's Municipal Advisory Council is directed to examine the issue and to report to the Legislature by February 1, 1998. Resolve chapter 49 was passed as an emergency measure effective on June 9, 1997.

LD 1591

An Act to Amend the Washington County Budget Process

**PUBLIC 279
EMERGENCY**

<u>Sponsor(s)</u> BUNKER	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-385
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LD 1591 proposed several changes to the current budget approval process for Washington County. The bill proposed the following.

1. It limited municipalities to one officer serving at a time on the budget advisory committee.
2. It required the county commissioners to publish the prior year's budget and make copies available to the budget advisory committee and the public.
3. It required the county commissioners to meet with the budget advisory committee to negotiate a budget if one is not finalized by the commissioners before December 15th.
4. It bill authorized the budget advisory committee to petition the Washington County legislative delegation to arbitrate and decide specific budget issues in dispute if the budget is not finalized by December 15th. The legislative delegation must act before January 1st and resolve disputed budget issues by a majority vote of the full delegation. If the budget advisory committee fails to request arbitration by the legislative delegation or if the delegation fails to act in time, the county commissioners shall approve the final county budget.

Committee Amendment "A" (H-385) proposed to expand the requirement in the bill that the Washington County Commissioners publish the prior year's budget and make copies available to the Washington County Budget Advisory Committee and the public by requiring that a comprehensive financial statement for the preceding year be published and made available. The amendment also removed the involvement of the Washington County legislative delegation in arbitrating budget disagreements between the county commissioners and the budget advisory committee. The amendment authorized the budget advisory committee to adopt and submit a final budget to the county commissioners if the commissioners do not approve a budget acceptable to the budget committee by December 15th. The county commissioners could then change the budget committee's budget by a majority vote. If the county commissioners change the budget committee's budget, the committee may reject the change by a two-thirds vote of the full committee. The amendment also added a fiscal note to the bill.