

# 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  
119TH LEGISLATURE**

**FIRST REGULAR SESSION**

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

**JULY 1999**

**MEMBERS:**

*Sen. Peggy A. Pendleton, Chair  
Sen. Jill M. Goldthwait  
Sen. Paul T. Davis*

*Rep. Douglas J. Ahearne, Chair  
Rep. Martha A. Bagley  
Rep. Benjamin L. Rines, Jr.  
Rep. John F. McDonough  
Rep. Joanne T. Twomey  
Rep. Randall L. Bumps  
Rep. Susan Kasprzak  
Rep. Arlan R. Jodrey  
Rep. Earl E. Richardson  
Rep. Belinda A. Gerry  
Rep. Donald G. Soctomah*

**Staff:**

*Christopher J. Spruce, Legislative Analyst  
Danielle D. Fox, Legislative Analyst*

*Office of Policy and Legal Analysis  
Room 101/107/135, 13 State House Station  
Augusta, ME 04333  
(207)287-1670*



**Maine State Legislature**  
**OFFICE OF POLICY AND LEGAL ANALYSIS**

13 State House Station, Augusta, Maine 04333-0013  
Telephone: (207) 287-1670  
Fax: (207) 287-1275

**ONE HUNDRED NINETEENTH LEGISLATURE**  
**FIRST REGULAR SESSION**

**Summary Of Legislation Before The Joint Standing and Select Committees**  
**August 1999**

We are pleased to provide this summary of all bills that were considered by the Joint Standing and 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 and select 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. 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](http://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  
*ENACTMENT FAILED*..... Bill failed to get vote required for enactment or final passage  
*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 September 18, 1999.

**LD 391**

**An Act to Develop a Department of Children**

**CARRIED OVER**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| O'BRIEN L         |                         |                           |

LD 391, which was carried over to the Second Regular Session, is a concept draft pursuant to Joint Rule 208. This bill seeks to consolidate all services to children provided by the State in one department.

**LD 411**

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

**ONTP**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| MUSE              | ONTP                    |                           |

LD 411 would have applied to state construction projects over \$1,000,000 in value and to school construction projects over \$1,000,000 in value and for which state aid is received. The bill proposed to limit the retention of contract payments on those public improvement construction projects to line items in the project contract and to situations in which unsatisfactory progress has been made by a contractor or subcontractor. In those cases, up to 5% of the payment due under the project contract would be withheld until all contract requirements for the line item had been completed. Following completion of a line item, any retained payments would be paid promptly. At the end of a project, the value of punch list and incomplete items would be retained as well as withholding to cover good faith claims of the owner, including claims for unsatisfactory progress on the project. Over the course of the project, the owner would make the determination of how much of the payment due will be retained up to the 5% limit and as to whether satisfactory progress had been made on the project. The bill duplicated the provisions of LD 529.

**LD 429**

**An Act to Require Voter Approval for Bonded Indebtedness of \$2,000,000 or More for Municipalities in Local and Regional Cooperation**

**ONTP**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| GLYNN             | ONTP MAJ<br>OTP MIN     |                           |

LD 429 proposed to prohibit interlocal cooperations, councils of governments and regional associations from incurring bonded indebtedness of \$2,000,000 or more without ratification by the voters of the affected municipalities through a municipal-level referendum. Current law does not prohibit such borrowing by local and regional cooperatives, although state government, county and municipal governments, and school districts are subject to restrictions on borrowing without prior approval by the voters.

**LD 439**

**An Act to Amend the Laws Governing the Hancock County Budget Process**

**PUBLIC 83**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| PERKINS           | OTP-AM                  | H-69                      |

LD 439 proposed to eliminate the requirement that the county budget needs to be reviewed by the Hancock County legislative delegation.

**Committee Amendment "A" (H-69)** proposed to address the original bill's objective of eliminating the requirement that the Hancock County legislative delegation formally review the annual Hancock County budget. The amendment also proposed to reconfirm the statutory requirement that the county commissioners notify the legislative delegation of the informational meeting on the budget estimates and that they provide members of the legislative delegation with a copy of the final budget estimates prior to the informational meeting.

*Enacted law summary*

Public Law 1999, chapter 83 eliminates from current law the requirement that the Hancock County legislative delegation formally review the annual county budget. Public Law 1999, chapter 83 does, however, retain the requirement that county commissioners provide members of the legislative delegation with a copy of final budget estimates prior to the annual informational meeting on the county budget.

**LD 448                      An Act Regarding the Maintenance of Private Roads                      CARRIED OVER**

| <u>Sponsor(s)</u>     | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-----------------------|-------------------------|---------------------------|
| TOWNSEND<br>NUTTING J |                         |                           |

LD 448, which was carried over to the Second Regular Session, proposes that members of private road associations not be required to pay for major improvements to the road, such as paving. Under current law, a majority of the members of private road associations may determine what repairs need to be made to the road and may require all its members to pay for those repairs.

**LD 469                      An Act Concerning the Requirement for Surety Bonds for County                      PUBLIC 22**  
**Treasurers, Sheriffs and Chief Deputies**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| JABAR<br>LIBBY    | OTP                     |                           |

LD 469 proposed to allow for surety and fidelity insurance coverage provided by a public sector self-funded risk pool organized pursuant to the Maine Revised Statutes, Title 30-A, section 2253, in sums equal to or exceeding those required by law to be substituted for a bond in meeting the statutory bond requirements for county treasurers, sheriffs and chief deputies. It also removes the requirement that the bond be filed with the State Auditor.

*Enacted law summary*

Public Law 1999, chapter 22 amends current law that requires county treasurers, sheriffs and chief deputies to each provide a bond to the county for faithful discharge of their duties. Public Law 1999, chapter 22 allows a public self-funded risk pool organized under section 2253 of 30-A MRSA to be used to provide surety and fidelity insurance coverage in the place of the bond. The law thus removes duplication of bonding. Public Law 1999, chapter 22 also removes the requirement that a copy of the sheriff's bond be filed with the State Auditor. It also eliminates a requirement that the county clerk report to the State Auditor the findings of the county commissioners annual review of the sufficiency of the sheriff's bond.