

# MAINE STATE LEGISLATURE

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**STATE OF MAINE  
119TH LEGISLATURE**

**FIRST REGULAR SESSION**

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

**JULY 1999**

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Sen. Jill M. Goldthwait  
Sen. Paul T. Davis*

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**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 510**

**An Act to Favor Maine Companies in Awarding Bids**

**ONTP**

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

LD 510 proposed to allow in-state bidders on state contracts an opportunity to match the price of a nonresident bidder if the in-state bidder offers commodities or services that are otherwise equivalent to that offered by the nonresident bidder and the initial price offered by the in-state bidder is within 10% of the price offered by the nonresident bidder.

**LD 511**

**An Act to Increase the Amount Below Which Counties Do Not Need to Solicit Bids for Purchases**

**PUBLIC 14**

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

LD 511 proposed to increase the amount that county commissioners may spend for services, supplies, material and equipment before having to solicit bids.

***Enacted law summary***

Public Law 1999, chapter 14 amends current law to increase from \$1,000 to \$2,500 the amount that county commissioners may spend for services, supplies, material and equipment before having to solicit bids under a competitive bid process.

**LD 525**

**An Act to Establish Recall Provisions for Elected County and Municipal Officials**

**ONTP**

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

LD 525 proposed to provide voters with the option to petition for the recall of any elected municipal or county official.

**Committee Amendment "A" (H-223)** was the minority report and was not adopted. It proposed to amend the original bill by adding the requirement that county commissioners or city clerks notify the Secretary of State of any changes in elected officials as a result of a recall election authorized by this bill.

**LD 529**

**An Act Regarding Retainage on Major State and School Construction Projects**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING J BUMPS		

LD 529, which was carried over to the Second Regular Session, would apply 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. On these public improvement construction projects, the bill proposes to limit the retention of contract payments to line items in the project contract and to situations in which unsatisfactory progress has been made by a contractor or subcontractor. In such cases, the bill proposes that up to 5% of the payment due under the project contract may be withheld until all contract requirements for the line item have been completed. The bill also proposes that following completion of a line item, any retained payments must be paid promptly and, at the end of a project, the value of punch list and incomplete items may be retained as well as withholding to cover good faith claims of the owner, including claims for unsatisfactory progress on the project. The bill proposes that over the course of the project, the owner makes the determination of how much of the payment due will be retained up to the 5% limit and as to whether satisfactory progress has been made on the project.

**LD 533                                      An Act to Prohibit the State from Competing with Private Industry                                      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL B CIANCHETTE		

LD 533 which was carried over to the Second Regular Session proposes to prohibit the State from providing services for fee or undertaking enterprises that compete with private industry, except those services and enterprises that are determined by the Legislature to be necessary for public safety, health and welfare.

A subcommittee of the Joint Standing Committee on State and Local Government has been delegated the task of developing proposed guidelines for state agencies to follow in determining when competition with the private sector is appropriate. The subcommittee must report on its efforts to the State and Local Government Committee in the Second Regular Session of the 119th Legislature.

**LD 558                                      An Act to Clarify the Membership of the Somerset County Budget Committee                                      PUBLIC 49**

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

LD 558 proposed to require that of the three members from each commissioner district on the Somerset County Budget Committee one must be a municipal official who is not a municipal officer.

***Enacted law summary***

Public Law 1999, chapter 49 amends the current law to require that one of the three members elected to the Somerset County Budget Committee from each commissioner district be a municipal official who is not an elected municipal officer.