

MAINE STATE LEGISLATURE

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**STATE OF MAINE
119TH LEGISLATURE**

SECOND REGULAR SESSION

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

JULY 2000

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ONE HUNDRED NINETEENTH LEGISLATURE
SECOND REGULAR SESSION

Summary Of Legislation Before The Joint Standing Committees
July 2000

We are pleased to provide this summary of 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).

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..... 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 Second Regular Session (unless otherwise specified in a particular law) is August 11, 2000.

David E. Boulter, Director
Offices Located in the State House, Rooms 101 & 107

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TOWNSEND	OTP-AM MAJ	H-793
NUTTING J	ONTP MIN	

LD 448 proposed to amend Maine Revised Statutes Annotated, Title 23, section 3101, which requires members of private road associations to determine what repairs need to be made to the road and to share the cost of those repairs. This bill proposed that members of private road associations could not be required by their association to pay for major improvements to the road, such as paving. LD 448 was introduced in the First Regular Session of the 119th Legislature, but was carried over the Second Regular Session.

Committee Amendment "A" (H-793) was the majority report. It proposed to further define the meaning of "repairs" to private ways and to limit to 1% of an individual property owner's property valuation in any calendar year the amount that the road commissioner of a local road association could assess individual property owners for annual road repairs.

Enacted law summary

Public Law 1999, chapter 552 further defines the meaning of "repairs" to private way in Maine Revised Statutes Title 23, section 3101. Specifically, the law prohibits repairs to include paving unless the paving undertaken is to repair existing pavement or to fix an erosion problem. The law also limits to 1% of an individual owner's property valuation the amount that a road commissioner may assess that individual property owner for road repairs in any calendar year.

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

LD 529 proposed to amend Chapter 153 of Title 5 of the Maine Revised Statutes Annotated with regard to the manner in which retainage would be withheld for state construction projects over \$1,000,000 in value and for 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 had been made by a contractor or subcontractor. In those cases, up to 5% of the payment due under the project contract could be withheld until all contract requirements for the line item have been completed. Following completion of a line item, any retained payments could be paid promptly. At the end of a project, the value of punch list and incomplete items could be retained as well as withholding to cover good faith claims of the owner, including claims for unsatisfactory progress on the project. The bill proposed that over the course of the project, the owner would make the determination of how much of the payment due would be retained up to the 5% limit and as to whether satisfactory progress had been made on the project. LD 529 was introduced in the First Regular Session of the 119th Legislature, but was carried over to the Second Regular Session.

Committee Amendment "A" (S-555), which was not adopted, was the minority report. It proposed to make several changes to the original bill. Among other things, the amendment proposed to change the title of the bill and to strike from the bill any reference to state-owned public improvement projects. The amendment proposed to retain the bill's application to school construction projects in excess of \$1,000,000. It also proposed to add new definitions to section 2 of the bill and to further define how contract line items were to be divided in calculating retainage. The amendment also proposed to change the application date of the bill to January 1, 2001.

LD 533

An Act Concerning State Government Competition with Private Enterprise

PUBLIC 566

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL B	OTP-AM A	H-824 AHEARNE
CIANCHETTE	OTP-AM B	S-478
	ONTP C	

LD 533 proposed to prohibit the State from providing services for fees or undertaking enterprises that would compete with private industry. It was introduced in the First Regular Session of the 119th Legislature, but was carried over the Second Regular Session.

Committee Amendment "A" (S-478), was the majority report. It proposed to establish a 9-member advisory committee to handle complaints and issues regarding potentially unfair competition practices by the State with private enterprise. The amendment directed the advisory committee to meet at least once a year and to submit an annual report by January 15th of each year to the Governor and the joint standing committee of the Legislature having jurisdiction over state and local government matters.

Committee Amendment "B" (S-479), which was not adopted, was the minority report. It proposed to establish a 9-member advisory committee to handle complaints and issues regarding potentially unfair competition practices by the State with private enterprise. The amendment also directed the advisory committee to meet at least once quarterly and to submit an annual report by January 15th of each year to the Governor and the joint standing committee of the Legislature having jurisdiction over state and local government matters. The amendment also proposed to require the Department of Administrative and Financial Services, which would provide staff services to the committee, to provide minutes of the committee's meetings to the joint standing committee of the Legislature having jurisdiction over state and local government matters.

House Amendment "A" to Committee Amendment "A" (H-824), proposed to clarify the membership and initial terms of the advisory committee.

Enacted law summary

Public Law 1999, chapter 566 establishes a 9-member advisory committee to handle complaints and issues regarding potentially unfair competition practices by the State with private enterprise. The advisory committee is directed to meet at least once a year and to submit an annual report by January 15th of each year to the Governor and the joint standing committee of the Legislature having jurisdiction over state and local government matters.