

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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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).

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.

Committee Amendment "A" (H-408), which was not adopted, would have added a fiscal note to the resolution.

LD 621 **An Act to Allow Towns to Sand and Plow Private Ways** **ONTP**

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

LD 621 proposed to allow a municipality to sand and plow private ways if the voters of that municipality have voted at a public meeting to sand and plow designated private roads.

LD 627 **An Act to Require the Legislature to Examine Executive Orders for Violations of Separation of Powers** **DIED BETWEEN BODIES**

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

LD 627 proposed to establish a mechanism for the Legislature and the Supreme Judicial Court to review the constitutionality of executive orders issued by the Governor. The bill also proposed to require the Governor to document the emergency that gave rise to the executive order and limit the effect of the executive order to the duration of the emergency.

Committee Amendment "A" (H-143), which was adopted by the House, but not by the Senate, proposed to require the Governor to disseminate executive orders to each member of the relevant joint standing committee of the Legislature. The amendment proposed to change title of the bill to reflect this requirement.

LD 648 **An Act Related to Legislator Intervention in Actions Before a State Agency or Authority** **ONTP**

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

LD 648 proposed to make it a conflict of interest for a Legislator to intervene in an action before a state agency or authority whose members are appointed by the legislative committee on which the Legislator serves.

LD 660 **An Act to Include Counties in the Definition of Local Government in the Archives and Records Management Law** **PUBLIC 12**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOLDTHWAIT SAXL J	OTP	

LD 660 proposed to bring the law into compliance with the assumption that counties continue to be covered by current state law governing recordkeeping. When the Municipal Records Board and the County Records Board were both

abolished and their functions assumed by the existing Archives Advisory Board, the word "county" was inadvertently omitted from the definition of "local government." Practice and administrative rules have assumed that counties continued to be covered under the law's requirements.

This bill was submitted on behalf of the Secretary of State.

Enacted law summary

Public Law 1999, chapter 12 amends current law by adding a definition of "local government" to the law concerning the recordkeeping duties of the State Archivist. The definition includes "county" as a unit of local government and thus covers county records under the law's requirements.

**LD 669 An Act to Change Certified Public Accountant Experience Requirements PUBLIC 224
for Employees of the Department of Audit**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAGGETT MADORE	OTP-AM	S-136

LD 669 proposed to make the experience requirements for certified public accountants who are employees of the Department of Audit consistent with that of accountants who are employees of the Bureau of Insurance.

Committee Amendment "A" (S-136) proposed to replace the original bill and to remove any reference to the Department of Audit in a provision of law that discounts experience towards becoming a certified public accountant on a two to one basis.

Enacted law summary

Public Law 1999, chapter 224 removes any reference to the Department of Audit in a provision of law that discounts experience of certain state employees towards becoming a certified public accountant. The discount is on a two to one basis.

**LD 683 An Act to Allow the Revocation of Certain Licenses and Automobile ONTP
Registrations for Payment by an Insufficient Funds Check**

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

LD 683 proposed to direct municipalities to notify all persons issuing bad checks for hunting or fishing licenses or automobile registrations that the license or registration will be revoked unless payment is made within 30 days on the insufficient funds.