

MAINE STATE LEGISLATURE

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*State Of Maine
120th Legislature*

First Regular Session

Bill Summaries

*Joint Standing Committee
on
State and Local Government*

August 2001

Members:

*Sen. Peggy A. Pendleton, Chair
Sen. Edward M. Youngblood
Sen. Margaret Rotundo*

*Rep. Martha A. Bagley, Chair
Rep. John F. McDonough
Rep. Paul R. Hatch
Rep. Paul J. Lessard
Rep. Janet L. McLaughlin
Rep. Susan Kasprzak
Rep. Eleanor M. Murphy
Rep. Peter D. Chase
Rep. Anita P. Haskell
Rep. Philip Cressey, Jr.*

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Maine State Legislature
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120th Legislature
First Regular Session

Summary Of Legislation Before The Joint Standing Committees
August 2001

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing 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 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*
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 First Regular Session (unless otherwise specified in a particular law) is **September 21, 2001**.

David E. Boulter, Director
 Offices Located in the State House, Rooms 101/107/135

Joint Standing Committee on State and Local Government

LD 421

An Act to Require the Department of Audit to Conduct Random Audits of State Programs

PUBLIC 104

<u>Sponsor(s)</u> TRAHAN KNEELAND	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-101
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LD 421 proposed to require the Department of Audit to conduct random audits of state departments and agencies.

Committee Amendment "A" (H-101) proposed to amend the original bill by changing its title and by requiring the Department of Audit to conduct random audits of state programs, rather than state departments and agencies. It also proposed to change the date by which the department must report its findings to the Legislature.

This amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 104 requires the Department of Audit to conduct random audits of programs existing within state departments and agencies. The law requires the department to report its findings to the Joint Standing Committee on State and Local Government by January 15, 2002 and no later than January 15th of each year thereafter.

LD 434

Resolve, Regarding the Expansion of a Right-of-way Across the Elizabeth Levinson Center in Bangor

ONTP

<u>Sponsor(s)</u> PERRY	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 434 proposed to amend Resolve 1983, chapter 23, as amended by Resolve 1999, chapter 57, that authorized the conveyance of a right-of-way across the Elizabeth Levinson Center on the Hogan Road in Bangor to abutting landowner John Burke. LD 434 proposed to widen the easement granted to Mr. Burke across the Levinson Center property from 50 feet to 100 feet.

LD 444

An Act to Allow Washington County to Elect Its Own District Attorney

DIED BETWEEN BODIES

<u>Sponsor(s)</u> BUNKER SHOREY	<u>Committee Report</u> OTP-AM MAJ ONTP MIN	<u>Amendments Adopted</u>
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LD 444 proposed to enable the residents of Washington County to elect their own district attorney, creating a new prosecutorial district, Prosecutorial District Number 9. Creating this new district would result in the residents of

Joint Standing Committee on State and Local Government

Hancock County electing their own district attorney in Prosecutorial District 7. LD 444 also proposed that the district attorneys for Districts 7 and 9 be residents of either Washington or Hancock counties.

Committee Amendment "A" (H-77) was the majority report of the committee. It proposed to add a mandate preamble, to insert an appropriation section and to add a fiscal note to the original bill.

House Amendment "A" (H-111) was presented on behalf of the Committee on Bills in the Second Reading to correct an amending clause in the original bill.

House Amendment "A" to Committee Amendment "A" (H-151) proposed to remove the mandate preamble and appropriation section from the committee amendment. It also proposed to add a new appropriation section and to provide that the provisions of the bill apply to elections beginning in calendar year 2002.

Senate Amendment "A" to Committee Amendment "A" (S-85), which was identical to House Amendment "A," proposed to remove the mandate preamble and appropriation section from the committee amendment. It also proposed to add a new appropriation section and to provide that the provisions of the bill apply to elections beginning in calendar year 2002.

None of the amendments were adopted.

LD 446 **An Act to Prohibit State Expenditures on International Treaties not Ratified by the United States Senate** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SNOWE-MELLO DAVIS P	ONTP MAJ OTP-AM MIN	

LD 446 proposed to prohibit a state department or agency from expending or awarding funds to implement an international treaty that has not been ratified by the United States Senate and to define the term "implement."

LD 471 **An Act to Provide a Local Option on Display of the United States and State Flags** **PUBLIC 162**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROOKS LONGLEY	OTP-AM MAJ ONTP MIN	H-145

LD 471 proposed to amend the Uniform Flag Law to allow the Governor, the county commissioners, the governing body of a municipality and the Maine Land Use Regulation Commission to authorize the flying of the state flag at half-mast in those areas over which those entities have authority.

Committee Amendment "A" (H-145), which was the majority report, proposed to amend the original bill by adding the United States flag to the title and by striking the text of the original bill and replacing it with changes to