

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:

<i>CARRIED OVER</i>	<i>Bill Carried Over to Second Regular Session</i>
<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i>	<i>House & Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i>	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i>	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>NOT PROPERLY BEFORE THE BODY</i>	<i>Ruled out of order by the presiding officers; bill died</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed</i>
<i>ONTP</i>	<i>Ought Not To Pass report accepted</i>
<i>OTP ND</i>	<i>Committee report Ought To Pass In New Draft</i>
<i>OTP ND/NT</i>	<i>Committee report Ought To Pass In New Draft/New Title</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i>	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>

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

Public Law 2001, chapter 2, which was enacted without reference to a standing committee, changes the composition of the Revenue Forecasting Committee by removing the member who is an analyst from the Office of Fiscal and Program Review and replacing that member with another member of the Legislature’s nonpartisan staff familiar with revenue estimating issues. Under the law, this new member is to be appointed by the Legislative Council.

Public Law 2001, chapter 2 was enacted as emergency legislation effective February 22, 2001.

LD 1153 **An Act to Increase Certain Civil Process Fees** **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BUNKER MCALEVEY	OTP-A ONTP	

LD 1153 proposed to increase the fee paid to sheriffs and deputy sheriffs by the State for service of certain civil process papers. Under the bill, the fee would increase from \$4 to \$8 for regular service and from \$8 to \$16 for service in hand.

Committee Amendment “A” (H-428), the majority report of the committee, retained the provisions of the bill and additionally proposed to increase from \$1 to \$2 the fee county commissioners are authorized to charge for administrative costs related to service of civil process papers. The amendment also added a fiscal note.

The bill has been carried over to the Second Regular Session of the 120th Legislature by the Appropriations Committee.

LD 1165 **An Act to Authorize the Bureau of General Services to Utilize Alternative Delivery Methods for Public Improvements and to Amend the Provisions Pertaining to Prebid Qualifications of Contractors** **PUBLIC 271**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PENDLETON MCDONOUGH	OTP-AM MAJ ONTP MIN	S-205

LD 1165 proposed to amend the existing competitive bid system of construction procurement for public improvement projects (except public schools, municipal and county government buildings and DOT projects) to allow the following alternative selection methods—design-build, construction-manager-at-risk and construction-manager-advisor. The bill also proposed to expand the requirements for the prebid qualification of contractors.

Committee Amendment "A" (S-205) proposed several clarifications of the alternative methods to the competitive bid process for delivery for public improvement projects provided in the bill. The amendment established the process for selection of state projects that may be considered for alternative methods of delivery and the requirements for requesting proposals, evaluating the qualifications of bidders and bids under the various

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alternative methods and conducting appeals from decisions of the Department of Administrative and Financial Services, Bureau of General Services. The amendment proposed creation of the Alternative Delivery System Review Panel to advise the bureau on policy making and project selection. The amendment also clarified provisions of the bill regarding qualification of contractors to bid on public improvement projects. As proposed in the amendment, the Bureau of General Services would be permitted to require additional financial information from bidders and qualification to bid could be denied based on a contractor's safety record, material misrepresentation, suspension or default on another contract. It also added a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 271 amends the existing competitive-bid system of construction delivery for public construction projects (not including public schools, municipal and county government buildings and DOT projects) to allow alternative delivery methods. The bill permits the Bureau of General Services to use design-build, construction-manager-at-risk and construction-manager-advisor delivery methods. The bureau is also empowered to hire an owner's representative under the competitive bid or any of the alternative delivery methods. Chapter 271 establishes the process for selection of public improvement projects that may be considered for alternative methods of delivery and the requirements for requesting proposals, evaluating the qualifications of bidders and bids under the various alternative methods and conducting appeals from decisions of the Department of Administrative and Financial Services, Bureau of General Services. An Alternative Delivery System Review Panel is established to advise the bureau on policy making and project selection. The law also expands the requirements for prospective bidders to provide information in order to qualify to submit bids on public construction projects.

LD 1176

An Act to Require the State to Purchase the Initial Flags That are Required for Veterans' Grave Sites

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HATCH PENDLETON	OTP-AM	H-146 H-265 HATCH

LD 1176 proposed to require the State to distribute flags to municipalities for use on veterans' graves. The proposed distribution of a flag for each grave would be a one-time occurrence. The bill, as amended by Committee Amendment "A" and House Amendment "A," was not removed by the Senate from its Special Appropriations Table and died on adjournment of the First Regular Session.

Committee Amendment "A" (H-146) proposed to add an appropriation section and a fiscal note to the bill.

House Amendment "A" to Committee Amendment "A" (H-265) proposed that distribution of the flags be undertaken by the Department of Defense, Veterans and Emergency Management through its armories for pick up by the municipalities.