

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 1586

An Act to Separate Territory from the Town of Falmouth and Annex it to the City of Portland

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ABROMSON DAVIS G		

LD 1586 proposed to separate a parcel of property from the Town of Falmouth and annex it to the City of Portland. The property proposed for annexation is located on the southerly side of the Maine Turnpike spur that connects the turnpike with Route 1 in the Town of Falmouth. The property abuts other property under the same ownership in the City of Portland. The turnpike spur represents a substantial barrier to the provision of municipal services such as sewer, water and roads by the Town of Falmouth. The Joint Standing Committee on State and Local Government voted to carry over the bill until the Second Regular Session pending the outcome of negotiations among the parties involved in the annexation.

LD 1633

An Act to Clarify Rights of Retainage in Public Construction Contracts

ONTP

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

LD 1633 proposed to replace the current law authorizing retention of part of the contract price (retainage) for any public improvement contract. Under the change proposed in this bill, the process allows a 5% retainage until substantial completion of the work, at which time the public owner and the contractor develop a punch list of incomplete and unsatisfactory work. After that, 1 1/2 times the value of the punch list work may be retained by the owner and must be reduced proportionately as punch list work is completed.

The Senate initially adopted the Committee Amendment and the Senate Amendment to the Committee Amendment but later receded and concurred with the House, which adopted the majority ONTP report.

Committee Amendment "A" (S-245) was the minority report of the committee and proposed to alter the system of retainage of funds on public construction projects established in the bill by:

1. Adding the architect to the list of those who inspect the project at the substantial compliance stage and prepare the punch list of unsatisfactory work;
2. Increasing the amount of retainage that may be held after substantial compliance to 3 times the value of the punch list items; and
3. Establishing a limit of 60 days after creation of the punch list during which the contractor must make the changes on the list. After that time, the owner may keep the retainage if the punch list items are not completed while the contractor is still obligated to complete the punch list.