

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

*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.*

Staff:

*Christopher J. Spruce, Legislative Analyst
David C. Elliott, Principal Analyst*

*Office of Policy and Legal Analysis
13 State House Station
Augusta, ME 04333
(207) 287-1670*



Maine State Legislature
OFFICE OF POLICY AND LEGAL ANALYSIS

13 State House Station, Augusta, Maine 04333-0013
 Telephone: (207) 287-1670
 Fax: (207) 287-1275

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.

Joint Standing Committee on State and Local Government

The amendment also proposed to add a fiscal note to the bill. This amendment was not adopted.

Senate Amendment "A" to Committee Amendment "A" (S-267) proposed to clarify that the payment of retainage for punch list work is to be made in accordance with the contract schedule. It also proposed to require that these provisions apply to contracts entered into on or after the effective date of this legislation. This amendment was not adopted.

LD 1667 **Resolve, to Approve Conceptual Elements of the Augusta State Facilities Master Plan** **RESOLVE 34**

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

LD 1667 proposed legislative approval of the Augusta State Facilities Master Plan developed by the Capitol Planning Commission as the official master plan for the Capitol Area and to require that any necessary modifications in the plan be submitted to the Legislature for approval every 2 years.

Enacted law summary

Resolve 2001, chapter 34 adopts the Augusta State Facilities Master Plan developed by the Capitol Planning Commission as the official master plan for the development of state buildings and grounds in the Capitol Area. Future construction projects in the Capitol Area must be consistent with the master plan. The commission must report to the Legislature every 2 years on recommendations for changes in the master plan.

LD 1673 **An Act to Restructure the Kennebec County Advisory Budget Committee** **PUBLIC 172**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL C	OTP MAJ	
	ONTP MIN	

LD 1673 proposed to amend the structure of the Kennebec County Advisory Budget Committee. The bill proposed to allow non-elected municipal officials to be members of the budget committee. Existing law only allows municipal officers, or elected town officials, to serve on the county budget advisory committee.

Enacted law summary

Public Law 2001, chapter 172 amends the structure of the Kennebec County Budget Committee. The law allows nonelected municipal officials to be elected members of the county budget committee.