

MAINE STATE LEGISLATURE

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*State Of Maine
121st Legislature*

*Second Regular Session and
Second Special Session*

Bill Summaries

*Joint Standing Committee
on
State and Local Government*

May 2004

Members:

Sen. Margaret Rotundo, Chair

Sen. Lloyd P. LaFountain III

Sen. Carolyn M. Gilman

Rep. Janet L. McLaughlin, Chair

Rep. George H. Bunker, Jr.

Rep. Christopher R. Barstow

Rep. Susanne P. Ketterer

Rep. Edward J. Suslovic

Rep. Anita Peavey-Haskell

Rep. Robert H. Crosthwaite

Rep. Stephen Bowen

Rep. Oscar C. Stone

Rep. Gary E. Sukeforth

Staff:

Lisa M. Baldwin, Legislative Analyst

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Maine State Legislature



*Office Of Policy And Legal Analysis
Office Of Fiscal And Program Review*

*121st Maine Legislature
Second Regular Session and
Second Special Session*

Summary Of Legislation Before The Joint Standing Committees

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing and joint 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 arranged alphabetically by committee name 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/billsumm.htm).

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:

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
P&S XXX.....	Chapter # of enacted Private & Special Law
PASSED.....	Joint Order passed in both bodies
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 that the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is April 30, 2004; and non-emergency legislation enacted in the Second Special Session is July 30, 2004. Four bills (LD's 1572, 1629, 1636 and 1637) that were considered at the First Special Session in August 2003 are also included in these summaries.

David C. Elliott, Director
Offices located in Room 215 of the Cross Office Building

Joint Standing Committee on State and Local Government

LD 91 **Resolve, to Create the Department of Fisheries and Wildlife** **ONTP**

<u>Sponsor(s)</u> GOODWIN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 91 proposed to accomplish the following:

1. Abolish the Department of Inland Fisheries and Wildlife, the Department of Marine Resources and the Atlantic Salmon Commission 90 days after the adjournment of the Second Regular Session of the 121st Legislature; and
2. Require the Commissioner of Administrative and Financial Services, in consultation with the Department of Inland Fisheries and Wildlife, the Department of Marine Resources and the Atlantic Salmon Commission, to develop and submit to the Legislature by November 1, 2003 legislation that reorganizes the 3 agencies into a new Department of Fisheries and Wildlife.

LD 103 **An Act to Establish the Regional County Corrections Construction Authority** **ONTP**

<u>Sponsor(s)</u> SNOWE-MELLO MAYO		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 103, a concept draft pursuant to Joint Rule 208, proposed to establish the Regional County Corrections Construction Authority, a state entity that would be authorized to issue bonds for the construction of regional county corrections facilities. As proposed, the Regional County Corrections Construction Authority would be governed by a board of directors consisting of county, state and municipal representatives appointed by the Governor. In addition, the bill proposed to require the board to establish financial incentives for counties that demonstrate a need for new correctional facilities and that also demonstrate that they have made full use of nonincarceration alternatives such as electronic monitoring and other community-based programs.

LD 419 **Resolve, To Establish the Municipal and Educational Mandate Audit Commission** **DIED IN CONCURRENCE**

<u>Sponsor(s)</u> MILLETT		<u>Committee Report</u> ONTP MAJ OTP-AM MIN		<u>Amendments Adopted</u> H-631
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LD 419, a concept draft pursuant to Joint Rule 208, proposed to repeal outdated and unfunded mandates located in the Maine Revised Statutes, Title 5, Title 20-A and Title 30-A that pertain to municipalities or school systems, the cost of which are now borne by local property taxes.

Joint Standing Committee on State and Local Government

Committee Amendment "A" (H-631) was the minority report of the committee and proposed to replace the concept draft. It proposed to create the Municipal and Educational Mandate Audit Commission. As proposed, the 12-member commission consisted of members of the Legislature, representatives from the Department of Administrative and Financial Services, the Department of Education, the Department of Environmental Protection and the Department of Public Safety and representatives of municipal and county government, school administrative units and quasi-municipal special purpose districts. It proposed to charge the commission with identifying the state and federal mandates placed on local and regional governmental entities and recommending legislation for reducing the burden of those mandates.

LD 608 **An Act to Support Domestic Businesses in Publicly Funded Construction Projects** **INDEF PP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROTUNDO WALCOTT	OTP-AM MAJ ONTP MIN	S-386

LD 608 proposed to allow the Department of Administrative and Financial Services in awarding public improvement construction project contracts to give preference to domestic suppliers whose bids are within 15% of a bid of a foreign supplier. As proposed, this preference applied only to the extent permitted under federal law and international treaties signed by the United States.

Committee Amendment "A" (S-386) was the majority report of the committee. It proposed to limit the scope of the preference for domestic supplies to structural and miscellaneous steel fabrication products. The amendment proposed to clarify that the 15% price preference applies to projects involving state funding and to remove language regarding source disclosure. It also proposed to authorize the Department of Administrative and Financial Services to adopt routine technical rules defining "substantially fabricated" and establishing a process for certifying where the steel fabrication is done.

LD 942 **An Act To Create Guidelines To Promote Good Science in Rulemaking** **INDEF PP**

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

LD 942 proposed to require state agencies to establish standards of objectivity, utility and integrity for information used and relied upon in conducting rule-making proceedings under the Maine Administrative Procedure Act.

Committee Amendment "A" (H-767) was the majority report and proposed to replace the bill. It proposed to require state agencies to make available to the public the primary sources of information that support the primary provisions in proposed rules.

It also proposed to require that at least 20 days prior to a public hearing on a proposed rule, the agency must provide a list of primary sources of information to an individual upon request. This amendment was not adopted.