

# 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*

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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](http://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*

**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.

*Joint Standing Committee on State and Local Government*

**Senate Amendment "A" to Committee Amendment "A" (S-456)** proposed to decrease from 20 days to 10 days the time by which an agency must provide a list of the primary sources of information relied on by the agency in establishing the primary provisions of a proposed rule. This amendment also proposed to clarify that the primary sources of information required to be provided by the agency are determined by the agency. This amendment was not adopted.

**LD 962**                      **An Act to Consolidate the Advocacies of the Various State Agencies into an Executive Department and Establish the Office of Inspector General**                      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BUNKER DAGGETT	ONTP	

LD 962, a concept draft pursuant to Joint Rule 208, proposed to consolidate the advocacies of the various state agencies into an executive department. As proposed, the executive department would have assumed any public advocacy responsibilities currently assigned to other agencies of State Government.

The bill also proposed to establish the Office of Inspector General to investigate governmental abuse of funds, written policy and procedures and violation of the law within the various state departments. As proposed, the executive advocacy department would have overseen the operations and personnel of the Office of the Inspector General.

**LD 965**                      **Resolve, to Create a Task Force to Implement the 1991 Report of the President's and Speaker's Blue Ribbon Commission on Children and Families**                      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'BRIEN J	ONTP	

LD 965 proposed to create the Task Force to Implement the 1991 Report of the President's and Speaker's Blue Ribbon Commission on Children and Families. Under the proposed bill, the task force's membership would consist of the Speaker of the House, the President of the Senate and the House and Senate majority and minority leaders. As proposed, the task force would be required to report to the joint standing committee of the Legislature having jurisdiction over state and local government matters by November 3, 2003.