

MAINE STATE LEGISLATURE

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*State Of Maine
121st Legislature*

First Regular Session

Bill Summaries

*Joint Standing Committee
on
State and Local Government*

July 2003

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 First Regular 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).

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 PURSUANT TO HP 1212</i>	<i>Bills carried over to the 2nd 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>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>PASSED</i>	<i>Joint Order passed in both bodies</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 that the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is September 13, 2003.

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

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Financial Services to conduct at the State's expense an appraisal of the Realewood Estates North subdivision with the easement and without the easement on the property. It also requires the commissioner to determine, based on the value of the property without the easement, the terms under which the State may release the easement.

LD 1393 **An Act To Provide for Meaningful Public Input in the Maine Administrative Procedure Act** **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCLAUGHLIN NASS		

LD 1393 proposes to amend the rule-making process to clarify the intent of the Legislature to require agencies to consider the full impact of the rules, both substantively and financially, on the State, agencies, providers of services through state contracts and consumers of those services. This bill also proposes to require a detailed analysis prior to consideration and adoption of any proposed rule.

LD 1412 **Resolve, Authorizing the Commissioner of Administrative and Financial Services To Increase the Ground Lease Term at the Long Creek Youth Development Center from 50 to 90 Years** **RESOLVE 53**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCLAUGHLIN BROMLEY	OTP-AM MAJ ONTP MIN	H-387

LD 1412 proposed to extend the ground lease term from 50 to 90 years for property leased by the State at the Long Creek Youth Development Center in the City of South Portland.

Committee Amendment "A" (H-387), which was the majority report, proposed to require the lessee of the leased property at the Long Creek Youth Development Center to take responsibility for the administration building. The proposed amendment requires the lessee to make every effort to redevelop the administration building and, if redevelopment is not viable, demolish the building at the lessee's expense. The proposed amendment requires the lessee to make the decision to redevelop or demolish the administration building within 7 years after signing the lease.

House Amendment "A" to Committee Amendment "A" (H-405) proposed to define affordable housing as having the same meaning as in the Maine Revised Statutes, Title 30-A, section 4301, subsection 1. The amendment also proposed to make the execution of the lease for 90 years contingent upon there being affordable housing in place. This amendment also proposed to correct a punctuation error. This amendment was not adopted.

Enacted Law Summary

Resolve 2003, chapter 53 extends the ground lease term from 50 to 90 years for property leased by the State at the Long Creek Youth Development Center in the City of South Portland. It requires the lessee of the leased property at the Long Creek Youth Development Center to take responsibility for the administration building. The lessee must make every effort to redevelop the administration building. If redevelopment is not viable, the building must

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be demolished at the lessee's expense. The decision to redevelop or demolish the administration building must be made within 7 years after signing the lease.

LD 1429 **An Act To Authorize the Department of Audit To Perform Other Audits and Reviews** **PUBLIC 450**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCLAUGHLIN	OTP-AM	H-369 S-246 ROTUNDO

LD 1429 proposed to do the following:

1. Eliminate outdated language referring to county estimates;
2. Change the duties of the Department of Audit by requiring the department to conduct inquiries, management analysis, inspections of operations of state programs or other research; and
3. Clarify that the State Auditor does not perform accounting functions for the State and the type of improper accounting actions that must be reported to the Governor and Legislature by the State Auditor.

Committee Amendment "A" (H-369) proposed to remove language from the bill that authorizes the Department of Audit to conduct inquiries, management analyses and inspections of operations and other research and replaces it with language authorizing the Department of Audit to conduct reviews. The amendment also proposed to add a sunset clause set for January 30, 2006.

Senate Amendment "A" (S-234), which was not adopted, proposed to require the State Auditor to report any significant discrepancy found in the financial records of a state department or agency, within 60 days of the finding, to the joint standing committee of the Legislature that has jurisdiction over that department or agency.

Senate Amendment "B" (S-246) proposed to require the State Auditor to report any significant discrepancy found in the financial records of a state department or agency, within 60 days of the finding, to the joint standing committee of the Legislature that has jurisdiction over that department or agency and the joint standing committees of the Legislature having jurisdiction over appropriations and financial affairs and state and local government matters.

This amendment also proposed to require the State Auditor to meet annually with various joint standing committees of the Legislature for the purpose of presenting certain findings and recommendations included in the most recently completed annual state audit. Under the proposed amendment, the State Auditor would be required to schedule the meetings by September 15th of each year.

Enacted Law Summary

Public Law 2003, chapter 450:

1. Eliminates outdated language referring to county estimates;