

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:

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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

Senate Amendment "A" (S-505) proposed to make the following changes to the statutes governing the Office of Program Evaluation and Government Accountability, or OPEGA:

1. Authorize the legislative oversight committee to direct OPEGA to conduct evaluations of local government, quasi-municipal entities and municipal or nonprofit corporations when determined necessary by the committee and to examine expenditures of private money by public officials or employees.
2. Remove language concerning the Department of Audit from the subsection that defines program evaluation and instead enact language under the duties of the committee to give the committee the discretion to request that the department conduct an examination or, if the department is unable to perform the examination in a timely manner, to direct OPEGA to obtain the services of a qualified auditor.
3. Clarify what information is made available to the committee and to OPEGA.
5. Require the director and employees of OPEGA to be nonpartisan.

This amendment was not adopted.

Enacted Law Summary

Public Law 2003, chapter 692 establishes the Employee Suggestion System, whereby state employees in classified service are eligible for cash or honorary awards for suggestions that would result in substantial savings or improvements or efficiencies in state operations. A cash award would be limited to 10% of the first year's estimated savings, up to a cap of \$2,000. The law also requires the board to forward all employee suggestions to the Office of Program Evaluation and Government Accountability a minimum of 2 times per year. This legislation is modeled on law that was repealed in 1995.

LD 1725

Resolve, To Commission a Portrait of the Honorable George J. Mitchell To Hang in the State House

RESOLVE 142

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAGGETT	OTP-AM MAJ	S-365
COLWELL	ONTP MIN	S-577 CATHCART

LD 1725 proposed to commission a portrait of the Honorable George J. Mitchell to hang in the State House. It also proposed to add an appropriations section to the resolve and change the punctuation accordingly.

Committee Amendment "A" (S-365)

Senate Amendment "A" to Committee Amendment "A" (S-577) proposed to authorize the State House and Capitol Park Commission to seek and accept outside sources of funding to commission a portrait of the Honorable George J. Mitchell.

Enacted Law Summary

Joint Standing Committee on State and Local Government

Resolve 2003, chapter 142 commissions a portrait of the Honorable George J. Mitchell to hang in the State House. This resolve also authorizes the State House and Capitol Park Commission to seek and accept outside sources of funding to commission a portrait of the Honorable George J. Mitchell.

LD 1777

**An Act To Authorize the Commissioner of Administrative and
Financial Services To Execute Easements**

PUBLIC 539

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCLAUGHLIN	OTP-AM	H-668 H-716 MCLAUGHLIN

LD 1777 proposed to authorize the Commissioner of Administrative and Financial Services to execute easement deeds, such as routine and technical utility easements, as these are needed on a regular basis. Pursuant to Resolve 1999, chapter 97, the commissioner held this authority from August 11, 2000 to August 11, 2003. This bill proposed to reinstate that authority until August 1, 2006.

Committee Amendment "A" (H-668) proposed to clarify that the Commissioner of Administrative and Financial Services is authorized to execute easement deeds in property held by state agencies over which the Department of Administrative and Financial Services has jurisdiction, such as routine and technical utility easements, as these are needed on a regular basis. It also proposed to remove the provision that terminates this authority on August 1, 2006.

House Amendment "A" (H-716) proposed to clarify that the power granted to the Commissioner of Administrative and Financial Services in the bill to issue or receive nonfee interests in state lands does not apply to state park lands protected by the Constitution of Maine.

Enacted Law Summary

Public Law 2003, chapter 539 authorizes the Commissioner of Administrative and Financial Services to execute easement deeds in property held by state agencies over which the Department of Administrative and Financial Services has jurisdiction, such as routine and technical utility easements, as these are needed on a regular basis. Pursuant to Resolve 1999, chapter 97, the commissioner held this authority from August 11, 2000 to August 11, 2003.