

# 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](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*

**LD 1784**

**Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell or Lease the Interests of the State in Property in Fayette, Maine**

**RESOLVE 105**

<u>Sponsor(s)</u> MCLAUGHLIN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-667
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LD 1784 proposed to authorize the Commissioner of Administrative and Financial Services to sell one acre of land, more or less, near but not adjacent to the Baldwin Hill Road in Fayette and described in deed recorded at the Registry of Deeds of the County of Kennebec, State of Maine in Book 1053, Pages 3 and 4. This resolve would reauthorize the sale of that property for an additional period of 3 years.

***Enacted Law Summary***

Resolve 2003, chapter 105 reauthorizes the sale of state property in Fayette for an additional period of 3 years. This property, which was originally authorized to be sold by Resolve 1999, chapter 56, was repealed by its own terms on September 18, 2002. Resolve 1999, chapter 56 authorized the Commissioner of Administrative and Financial Services to sell one acre of land, more or less, near but not adjacent to the Baldwin Hill Road in Fayette and described in a deed recorded at the Registry of Deeds of the County of Kennebec, State of Maine in Book 1053, Pages 3 and 4.

**LD 1785**

**Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell or Lease the Interests of the State in Certain Real Estate in Presque Isle, Known as the "Aroostook Residential Center"**

**RESOLVE 146**

<u>Sponsor(s)</u> FISCHER		<u>Committee Report</u> OTP-AM MAJ ONTP MIN		<u>Amendments Adopted</u> H-696 S-585 MARTIN
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LD 1785 proposed to authorize the Commissioner of Administrative and Financial Services to sell or lease the State's interests in property known as the "Aroostook Residential Center" in Presque Isle. Under the proposed bill, the property must first be offered to the Central Aroostook Association for Retarded Citizens, Inc. for land value only, and next to social service agencies in Aroostook County.

**Committee Amendment "A" (H-696)** proposed to incorporate a fiscal note.

**Senate Amendment "A" (S-457)** proposed to remove the provisions of the resolve that would require the land to be offered to social services agencies in Aroostook County if the Central Aroostook Association for Retarded Citizens, Inc., or "CAARC," does not elect to purchase the property. The amendment proposed to require that, if CAARC does elect to purchase the property, CAARC must use the property for nonprofit purposes; failure to do so would cause the property to revert to the State.

## *Joint Standing Committee on State and Local Government*

This amendment also proposed to extend the operation of the Aroostook Residential Center from its planned closing date of June 12, 2004 to July 31, 2004 and prohibit the conveyance prior to August 1, 2004 or 90 days after the effective date of the resolve, whichever comes first. As proposed, nothing in this amendment would prohibit the State from using the proceeds from the conveyance to offset the costs of extending the operation of the Aroostook Residential Center.

**Senate Amendment "B" (S-585)** proposed to allow the state property to be sold to another social service agency if the Central Aroostook Association for Retarded Citizens does not purchase the property and require the property to be used for nonprofit purposes.

### *Enacted Law Summary*

Resolve 2003, chapter 146 authorizes the Commissioner of Administrative and Financial Services to sell or lease the State's interests in property known as the "Aroostook Residential Center" in Presque Isle. The property must first be offered to the Central Aroostook Association for Retarded Citizens, Inc. for land value only, and next to social service agencies, which may only use the land for nonprofit purposes.

**LD 1839**

**Resolve, To Provide for Legislative Review of Certain Agency  
Rules and Submission of Certain Authorized Reports and  
Legislation**

**RESOLVE 101  
EMERGENCY**

Sponsor(s)  
RICHARDSON J

Committee Report

Amendments Adopted

LD 1839 proposed to provide for procedural issues that arise as a result of a special session of the 121st Legislature that convenes before the statutory adjournment date of April 21, 2004. Specifically, the resolve proposed to do the following.

1. Authorize committees of jurisdiction under the State Government Evaluation Act to take actions under that Act in a special session.
2. Provide that any major agency rules that has not been acted upon may be held over to the special session.
3. Authorize certain actions in the special session that were authorized or required in the second regular session.

### *Enacted Law Summary*

Resolve 2003, chapter 101 provides for procedural issues that arise as a result of a special session of the 121st Legislature that convenes before the statutory adjournment date of April 21, 2004. Specifically the resolve does the following.

1. It authorizes committees of jurisdiction under the State Government Evaluation Act to take actions under that Act in a special session.
2. It provides that any major agency rules that have not been acted upon may be held over to the special session.