

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

*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*

*Office of Policy and Legal Analysis*

*13 State House Station*

*Augusta, ME 04333*

*(207) 287-1670*

*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*

annual reports with the Secretary of State indicating inactivity in the preceding 24 months. As proposed, the boards and commissions designated to be repealed included the following:

1. Maine Governmental Information Network Board;
2. Maine Committee for Global and Geographic Education;
3. Commission on Investment Capital;
4. Certificate of Need Advisory Committee; and
5. New England Interstate Planning Commission.

It also proposed to designate that certain boards and commissions are not required to file an annual report if those boards or commissions are inactive, and direct the Secretary of State to exempt them from inclusion in the legislation repealing boards and commissions.

### ***Enacted Law Summary***

Public Law 2003, chapter 643 repeals the following boards and commissions that failed to file an annual report of activities with the Secretary of State or indicated inactivity in the preceding 24 months:

1. Maine Governmental Information Network Board;
2. Maine Committee for Global and Geographic Education;
3. Commission on Investment Capital;
4. Certificate of Need Advisory Committee; and
5. New England Interstate Planning Commission.

This law also designates that certain boards and commissions are not required to file an annual report if those boards or commissions are inactive, and directs the Secretary of State to exempt them from inclusion in the legislation repealing boards and commissions.

**LD 1961**

**An Act To Clarify Legislative Pay**

**PUBLIC 691**

Sponsor(s)  
TREAT  
COLWELL

Committee Report

Amendments Adopted  
S-544 GAGNON

LD 1961 proposed to eliminate the per diem compensation payment for attendance at any special session of the Legislature that convenes prior to the statutory adjournment date. This bill would apply retroactively to January 30, 2004.

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

**House Amendment "A" (H-948)** proposed to provide that the nonpayment of special session per diem applies only until the statutory adjournment date of the regular session that immediately preceded the special session. It proposed that if the special session extends beyond the statutory adjournment date of the regular session, then Legislators would be entitled to the special session per diem.

This amendment also proposed to require that any special session per diem not paid because the special session was held prior to the statutory adjournment date for a regular session must be used to construct and maintain a Maine veterans memorial cemetery in Springvale. It proposed that if there was any revenue left, it must be allocated to the Maine Military Family Relief Fund, as established in this amendment.

**House Amendment "B" (H-949)** proposed to provide that the nonpayment of special session per diem apply only until the statutory adjournment date of the regular session during which the special session is held. It proposed that if the special session extends beyond the statutory adjournment date of the regular session, then Legislators would be entitled to the special session per diem.

This amendment also proposed to require that any special session per diem not paid because the special session was held prior to the statutory adjournment date for a regular session must be paid to the Maine Budget Stabilization Fund.

**Senate Amendment "A" (S-540)** proposed to direct that \$770,000 of unencumbered balance in the Legislative account lapse to the General Fund in fiscal year 2003-04.

**Senate Amendment "B" (S-541)** proposed to remove the retroactivity clause.

**Senate Amendment "C" (S-542)** proposed to repeal the automatic cost-of-living adjustment in the annual legislative salary, but maintain the legislative salary at its current level to reflect cost-of-living adjustments applied in previous years.

This amendment also proposed to provide that the nonpayment of special session per diem applies only until the statutory adjournment date of the regular session that immediately preceded the special session. It proposed that if the special session extends beyond the statutory adjournment date of the regular session, then Legislators would be entitled to the special session per diem.

**Senate Amendment "D" (S-544)** proposed to remove the emergency preamble and the emergency clause.

### *Enacted Law Summary*

Public Law 2003, chapter 691 eliminates the per diem compensation payment for attendance at any special session of the Legislature that convenes prior to the statutory adjournment date. This bill applies retroactively to January 30, 2004.