

# 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  
122nd Legislature*

*First Regular Session and  
First Special Session*

*Bill Summaries*

*Joint Standing Committee  
on  
State and Local Government*

*August 2005*

**Members:**

*Sen. Elizabeth M. Schneider, Chair  
Sen. Margaret Rotundo  
Sen. Mary Black Andrews*

*Rep. Christopher R. Barstow, Chair  
Rep. Sonya G. Sampson  
Rep. Richard D. Blanchard  
Rep. Charles William Harlow  
Rep. James M. Schatz  
Rep. Robert H. Crosthwaite  
Rep. George R. Bishop, Jr.  
Rep. Howard E. McFadden  
Rep. Bradley S. Moulton  
Rep. Roberta M. Muse*

**Staff:**

*Anna Broome, Legislative Analyst*

*Office of Policy and Legal Analysis  
13 State House Station  
Augusta, ME 04333  
(207) 287-1670*



Maine State Legislature

OFFICE OF POLICY & LEGAL ANALYSIS

13 State House Station, Room 215 Cross State Office Building
Augusta, Maine 04333-0013
Telephone: (207) 287-1670
Fax: (207) 287-1275

122nd Legislature
First Regular Session and First Special Session

Summary of Legislation Considered by the Joint Standing Committees
August 2005

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing 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 organized by committees 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. A subject index for each committee is included immediately before the bill summaries for that committee, and a numerical index by LD number is included 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:

- CARRIED OVER ..... Bill Carried Over to Second Regular Session
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
OTP ND/NT..... Committee report Ought To Pass In New Draft/New Title
P&S XXX..... Chapter # of enacted Private & Special Law
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 the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is June 29, 2005; and for non-emergency legislation enacted in the First Special Session is September 17, 2005.

*Joint Standing Committee on State and Local Government*

**LD 1367**                      **An Act To Penalize Companies That Fail To Comply with State Laws**                      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LERMAN SCHNEIDER	ONTP	

LD 1367 proposed to exclude from the state bidding, award and contract process persons who have been found to be in violation of state law or who are in consent agreement negotiations with the State.

**LD 1374**                      **An Act To Require a Surcharge on Probate Documents**                      **PUBLIC 210**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER BARSTOW	OTP-AM    MAJ ONTP        MIN	S-103

LD 1374 proposed to impose a surcharge of \$10 per petition, application or complaint filed in the Probate Court. The money collected as a result of the surcharge must be deposited in a separate, nonlapsing account and used for the restoration, storage and preservation of the records filed in the office of the register of probate and in Probate Court.

**Committee Amendment "A" (S-103)** proposed to waive the surcharge for individuals filing petitions for name changes and give the judge of probate the authority to waive the surcharge based on hardship.

*Enacted law summary*

Public Law 2005, chapter 210 imposes a surcharge of \$10 per petition, application or complaint filed in the Probate Court. The money collected as a result of the surcharge must be deposited in a separate, nonlapsing account and used for the restoration, storage and preservation of the records filed in the office of the register of probate and in Probate Court. The surcharge is waived for individuals filing petitions for name changes. The judge of probate has the authority to waive the surcharge based on hardship.

**LD 1380**                      **An Act To Protect Use of Municipal Seals**                      **PUBLIC 293**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WESTON RECTOR	OTP-AM    MAJ OTP-AM    MIN	S-202

LD 1380 proposed to prohibit a person from using a likeness or copy of a municipal seal without permission from the municipality. A municipality may seek injunctive relief to prevent a person from using or displaying the municipal seal. A violation of the provisions of this bill is a Class E crime.

**Committee Amendment "A" (S-202)** proposed to specify that the municipal clerk may give written permission for the use of the municipal seal.

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

**Committee Amendment "B" (S-203)** proposed to make the offense of using a municipal seal without permission a civil violation rather than a Class E crime. Municipal clerks may represent the municipality in court. Minimum penalties are set at \$100 and maximum penalties are set at \$500. Municipalities are entitled to collect the penalty and the costs of prosecution. It also proposed to specify that the municipal clerk gives written permission for the use of the municipal seal. This amendment was not adopted.

### *Enacted law summary*

Public Law 2005, chapter 293 prohibits a person from using a likeness or copy of a municipal seal without permission from the municipality. The municipal clerk may give written permission for the use of the municipal seal. A municipality may seek injunctive relief to prevent a person from using or displaying the municipal seal. A violation of the provisions of this bill is a Class E crime.

**LD 1414**                      **An Act To Authorize Municipalities To Create Municipal Fire Districts**                      **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPLESSIE PERRY J		

LD 1414 proposed to authorize municipalities to create municipal fire districts that may, by ordinance, charge service charges for fire protection. The bill also proposes to authorize municipalities to collect regional fire district service charges on all properties within that fire district in addition to taxes.

This bill was carried over by H.P. 1203 to the next special or regular session of the 122nd Legislature.

**LD 1422**                      **RESOLUTION, Proposing an Amendment to the Constitution of Maine To Help Voters Control the Cost of Government**                      **DIED ON ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MERRILL STRIMLING	ONTP      MAJ OTP-AM    MIN	

LD 1422 proposed to amend the Constitution of Maine to require a balanced budget, establish a special reserve account and place a limitation on the issuance of bonds.

**Committee Amendment "A" (H-437)**, which is the minority report of the committee, proposed to incorporate a fiscal note.

**House Amendment "A" to Senate Amendment "A" (H-680)** proposed to change the percentages, authorizing expenditures of up to 97.5% unless a sum equal to 2.5% of the projected revenues is held in the special reserve account. The amendment also requires the Legislature to place an annual minimum percentage in the account until a minimum balance accrues. It clarifies borrowing authority and the referendum question.