

MAINE STATE LEGISLATURE

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*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
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Rep. Robert H. Crosthwaite
Rep. George R. Bishop, Jr.
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Rep. Bradley S. Moulton
Rep. Roberta M. Muse*

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Maine State Legislature

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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

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.

Joint Standing Committee on State and Local Government

Senate Amendment "A" (S-265) proposed to remove the provision that places a limitation on the issuance of bonds.

LD 1431 **An Act To Adopt the Municipal Secession and Annexation Procedure for the Town of Islesboro** **ONTP**

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

LD 1431 proposed to establish a procedure for consideration of the proposed secession of the Town of Islesboro from Waldo County and its annexation to Knox County. The bill models the procedure for the secession and annexation process on the procedure set forth in the Maine Revised Statutes, Title 30-A, chapter 113 for the proposed secession of a portion of the territory of a municipality.

Committee Amendment "A" (H-431), which is the minority report of the committee, proposed to add a mandate preamble.

LD 1452 **Resolve, Promoting the Consumption of Maine Farm Products at the State House** **RESOLVE 64**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PIOTTI	OTP-AM	H-340

LD 1452 proposed to require vendors that provide food in the State House complex and the Cross Cafe to use Maine-grown products whenever possible when preparing the food. It proposed to require the Department of Administrative and Financial Services and the Department of Agriculture, Food and Rural Resources to assist the vendors and the Cross Cafe in identifying and accessing Maine grown products.

Committee Amendment "A" (H-340) proposed to set the same standard for the Legislative Council to develop guidelines for incorporating Maine-grown products into events in the State House as is set for the Cross Cafe in the resolve. It would change the daily Maine-made feature to a weekly Maine-made feature. It would also require the Department of Administrative and Financial Services and the manager of the Cross Cafe to develop mechanisms for Maine food producers to offer and distribute their products to the cafe.

Enacted law summary

Resolve 2005, chapter 64 requires vendors that provide food in the State House complex and the Cross Cafe to use Maine-grown products whenever possible when preparing the food. It requires the Department of Administrative and Financial Services and the Department of Agriculture, Food and Rural Resources to assist the vendors and the Cross Cafe in identifying and accessing Maine grown products. The Department of Administrative and Financial Services and the manager of the Cross Cafe are required to develop mechanisms for Maine food producers to offer and distribute their products to the cafe.