

# 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  
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 1458**                      **Resolve, Regarding the Conveyance of a Right-of-way across the Elizabeth Levinson Center in Bangor**                      **RESOLVE 32**

<u>Sponsor(s)</u> SCHNEIDER BARSTOW	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-127
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LD 1458 proposed to authorize and direct the Commissioner of Administrative and Financial Services to convey an easement across the Elizabeth Levinson Center in Bangor to Leo J. Davis if certain conditions are met.

**Committee Amendment "A" (S-127)** proposed to require the Commissioner of Administrative and Financial Services to have an opinion of value prepared by an independent appraiser to determine the current market value of the easement. The commissioner shall transfer the easement upon such terms and conditions as are in the best interests of the State. Any proceeds from the transfer of the easement must be given to the Elizabeth Levinson Center.

*Enacted law summary*

Resolve 2005, chapter 32 authorizes and directs the Commissioner of Administrative and Financial Services to convey an easement across the Elizabeth Levinson Center in Bangor to Leo J. Davis. It requires the Commissioner of Administrative and Financial Services to have an opinion of value prepared by an independent appraiser to determine the current market value of the easement. The commissioner shall transfer the easement upon such terms and conditions as are in the best interests of the State. Any proceeds from the transfer of the easement must be given to the Elizabeth Levinson Center.

**LD 1459**                      **An Act Concerning Payment for Repairs on Private Ways**                      **ONTP**

<u>Sponsor(s)</u> HUTTON SCHNEIDER	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1459 proposed to ensure that individuals who do not have primary residences or who live on a parcel of land for less than 6 months a year will be assessed a 1/2 share of the amount assessed against a full-time resident for repairs to private ways.

**LD 1478**                      **An Act To Clarify Rights of Retainage in Public Improvement Construction Contracts**                      **ONTP**

<u>Sponsor(s)</u> MILLS P	<u>Committee Report</u> ONTP      MAJ OTP-AM    MIN	<u>Amendments Adopted</u>
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LD 1478 proposed to provide that in any contract awarded for a public improvement the owner of the public improvement may retain 5% of the money due the contractor until substantial completion of the work. At