

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 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
---	-----------------------------------	------------------------------------

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>
--	---------------------------------	---------------------------

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>
------------------------------	---	---------------------------

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

Joint Standing Committee on State and Local Government

substantial completion, the owner and the contractor shall inspect the work and prepare a punch list. The owner may thereafter withhold for defective or incomplete work only those funds that are sufficient to account for 1.5 times the value of punch list work. As punch list work is completed, the retainage held by the owner must be correspondingly reduced. Current law provides that the State shall withhold 5% of the money due the contractor until the project under the contract has been accepted by or for the State, except that when the contract has been substantially completed the State may, upon request, further reduce the amounts withheld if it deems it desirable and prudent.

Committee Amendment "A" (S-300), which is the minority report of the committee, proposed to add an appropriations and allocations section.

LD 1481 An Act To Amend the Laws Governing the Enactment Procedures CARRIED OVER for Ordinances

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROMLEY KOFFMAN		

LD 1481 proposes to establish the procedures for ordinances enacted by citizen's initiative and the procedure for people's veto of ordinances enacted by a municipality. This bill was recommitted to the Joint Standing Committee on State and Local Government after initially reporting it out with the following committee amendments.

Committee Amendment "A" (S-242) replaces the bill and proposed to prohibit the application of a new local ordinance enacted by direct initiative to construction or projects for which permits or approvals have been granted.

Committee Amendment "B" (S-243), which is the minority report, replaces the bill and proposed to prohibit the application of a new local ordinance to construction projects for which a permit or municipal approval has been granted and finally decided.

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

LD 1491 An Act Requiring a Municipality To Provide Proof of Ownership ONTP before Selling Acquired Property

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON MARTIN	ONTP	

LD 1491 proposed to require a municipality to provide proof of ownership of acquired property before the municipality can sell the property. It would also require the municipality to pay all costs to the injured party if the municipality misrepresented ownership of the property.