

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*

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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

LD 1626

Resolve, Regarding the Town of Cooper

RESOLVE 78

<u>Sponsor(s)</u> RAYE MCFADDEN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-196
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LD 1626 proposed to provide for the deorganization of the Town of Cooper in Washington County, subject to approval at local referendum.

Committee Amendment "A" (S-196) replaced the bill and proposed to direct the Department of Transportation, the Town of Cooper and surrounding communities to develop a plan for the winter maintenance of Route 191, including the section of Route 191 that the Town of Cooper is currently responsible for. The plan must include fiscal and planning support. The Executive Department, State Planning Office and the Town of Cooper are directed to develop cooperative efforts with adjacent towns to share town services to address municipal officer position vacancy issues. The Department of Transportation, the State Planning Office and the Town of Cooper must report their recommendations to the Joint Standing Committee on State and Local Government by January 15, 2006. The Joint Standing Committee on State and Local Government is authorized to report out legislation implementing the recommendations, including allowing the Town of Cooper to continue its deorganization process. The amendment adds a mandate preamble.

Enacted law summary

Resolve 2005, chapter 78 directs the Department of Transportation, the Town of Cooper and surrounding communities to develop a plan for the winter maintenance of Route 191, including the section of Route 191 that the Town of Cooper is currently responsible for. The plan must include fiscal and planning support. It directs the Executive Department, State Planning Office and the Town of Cooper to develop cooperative efforts with adjacent towns to share town services to address municipal officer position vacancy issues. The Department of Transportation, the State Planning Office and the Town of Cooper must report their recommendations to the Joint Standing Committee on State and Local Government by January 15, 2006. The Joint Standing Committee on State and Local Government is authorized to report out legislation implementing these recommendations, including allowing the Town of Cooper to continue its deorganization process.

LD 1637

An Act To Implement the Fund for the Efficient Delivery of Local and Regional Services

PUBLIC 266

<u>Sponsor(s)</u> BARSTOW SAVAGE	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-432
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LD 1637 proposed to provide for the administration and use of the Fund for the Efficient Delivery of Local and Regional Services. The fund is used to provide cooperative services and planning grants to fund projects that achieve significant and sustainable savings in the cost of delivery of services and that reduce the demand for property tax revenues through collaborative approaches to service delivery, enhanced regional delivery systems, consolidated administrative services, broad-based purchasing alliances and interlocal agreements.

Joint Standing Committee on State and Local Government

Committee Amendment "A" (H-432) proposed to add to the criteria for evaluating and ranking applications for a cooperative services grant, the chance of success of the project and the ability to replicate the efficiency achieved by the project in other regions. The amendment proposed to replace the State Tax Assessor with a representative from the Department of Economic and Community Development. The selection of municipal and county panel members is amended so that the representative of county or regional government is recommended by a statewide organization representing county or regional service providers, the 2 municipal representatives from rural communities and larger communities are recommended by the Maine Municipal Association and the service center community representative is recommended by the Maine Service Centers Coalition. All recommendations are subject to approval by the Governor. The Department of Administrative and Financial Services would consult with the review panel prior to issuing the request for proposals and must provide the annual report to the joint standing committee of the Legislature having jurisdiction over state and local government matters.

Enacted law summary

Public Law 2005, chapter 266 provides for the administration and use of the Fund for the Efficient Delivery of Local and Regional Services. The fund is used to provide cooperative services and planning grants to fund projects that achieve significant and sustainable savings in the cost of delivery of services and that reduce the demand for property tax revenues through collaborative approaches to service delivery. The Department of Administrative and Financial Services is required to consult with the review panel prior to issuing the request for proposals and must provide the annual report to the joint standing committee of the Legislature having jurisdiction over state and local government matters.

**LD 1666 An Act To Allow Counties a One-year Exemption For Jail Costs DIED BETWEEN
from the Limitation on County Assessments HOUSES**

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

LD 1666 proposed to exempt county jail costs from the county assessment for fiscal year 2006 except for those of Lincoln and Sagadahoc counties. The Joint Standing Committee on State and Local Government is authorized to report out legislation by March 1, 2006 that establishes a new jail funding formula.

Committee Amendment "A" (H-535) proposed to exempt the specific county jail costs of medical treatment for inmates and costs for boarding prisoners in jails outside the county from the county assessment rather than all the costs of the jails.

House Amendment "A" to Committee Amendment "A" (H-574) proposed to exempt from the county assessment limit the specific county jail costs of medical costs for inmates and costs for boarding prisoners in jails outside the county for fiscal year 2005-06 in Sagadahoc County and fiscal year 2006-07 in all other counties. This amendment proposed that those costs must be considered as expenses of the State when calculating the State's General Fund appropriation limitation, even though those costs are not considered when setting the county assessment limit.

House Amendment "B" to Committee Amendment "A" (H-617) proposed to provide that, for fiscal year 2005-06 in Sagadahoc County and fiscal year 2006 in all other counties, that portion of the county assessment that is necessary to fund jail costs for medical treatment of inmates and boarding prisoners in jails outside the county is limited to an increase over the prior fiscal year's expenditures for these items equal to the average annual