

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
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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.

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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
from the Limitation on County Assessments**

**DIED BETWEEN
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

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percentage increase in expenditures for these items in that county in the previous 3 years. The amendment would require county officials responsible for administering county jails to use available services provided by the Department of Corrections to minimize the costs of operating county jails and adds an emergency preamble and an emergency clause.

LD 1667 **An Act To Allow Lincoln and Sagadahoc Counties an Exemption from the Limitation on County Assessments** **PUBLIC 348 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-537
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LD 1667 proposed to exempt Lincoln and Sagadahoc counties from including the construction, transitional staffing and operational costs of the new jail administered by the Lincoln and Sagadahoc Multicounty Jail Authority in the county tax assessment for a period of 2 years and from having to go through the approval process usually used to exceed the county assessment.

Committee Amendment "A" (H-537) proposed to clarify that Lincoln and Sagadahoc counties are exempt from the limitation on exceeding county assessments for 2 years for that portion of the counties' budgets attributable to construction, debt service, operation and maintenance costs of the new jail of the Lincoln and Sagadahoc Multicounty Jail Authority. After the 2-year period of exemption, the assessment limits return to the preceding year's assessment, multiplied by one plus the growth limitation factor.

Enacted law summary

Public Law 2005, chapter 348 exempts Lincoln and Sagadahoc counties from including the construction, debt service, operation and maintenance costs of the new jail administered by the Lincoln and Sagadahoc Multicounty Jail Authority in the county tax assessment for a period of 2 years and from having to go through the approval process usually used to exceed the county assessment.

Public Law 2005, chapter 348 was enacted as an emergency measure effective June 8, 2005.

LD 1676 **Resolve, Authorizing the President of the Maine Community College System To Sell 1.37 Acres of Real Property Owned by Southern Maine Community College in South Portland** **RESOLVE 59**

<u>Sponsor(s)</u> BLISS BROMLEY	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 1676 proposed to authorize the President of the Maine Community College System to sell a 1.37-acre, more or less, parcel of unimproved land owned by Southern Maine Community College in South Portland, provided that the proceeds of the sale are used to purchase land adjacent to the Southern Maine Community College campus for parking or other purposes of the college. This bill was Finally Passed on the floor without reference to Committee.