

# MAINE STATE LEGISLATURE

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*State Of Maine  
122nd Legislature*

*Second Regular Session*

*Bill Summaries*

*Joint Standing Committee  
on  
State and Local Government*

*July 2006*

**Members:**

*Sen. Elizabeth M. Schneider, Chair  
Sen. Margaret Rotundo  
Sen. Mary Black Andrews*

*Rep. Christopher R. Barstow, Chair  
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  
Rep. William P. Browne*

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# Maine State Legislature



## Office of Policy and Legal Analysis Office of Fiscal and Program Review

### 122nd Maine Legislature Second Regular Session

#### Summary of Legislation Before The Joint Standing Committees

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing 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 arranged alphabetically by committee name 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. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located 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/billsumm.htm](http://www.state.me.us/legis/opla/billsumm.htm)).

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:

|   |   |
|---|---|
| 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                             |
| P&S XXX.....                                  | Chapter # of enacted Private & Special Law                              |
| PASSED.....                                   | Joint Order passed in both bodies                                       |
| PUBLIC XXX.....                               | Chapter # of enacted Public Law   |
| RESOLVE XXX.....                              | Chapter # of finally passed Resolve                                     |
| UNSIGNED (Pocket Veto).....                   | Bill held by Governor   |
| VETO SUSTAINED.....                           | Legislature failed to override Governor's Veto                          |

Please note that the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is August 23, 2006.

## *Joint Standing Committee on State and Local Government*

4. Permits the State Purchasing Agent to take remedial action, including, but not limited to, terminating contracts against contractors that do not make good faith efforts to comply with the code of conduct;
5. Eliminates the State's prerogative to contract with noncompliant contractors when no other procurement source option exists; and
6. Establishes a working group whose task is to report on whether the State should form an independent consortium to monitor and investigate complaints of violations of the code of conduct and, if so, the manner in which such a consortium would be created and function.

**Committee Amendment "A" (S-499)**, which is the minority report, proposed to reinstate the ability of the State Purchasing Agent to accept and award a bid from a noncompliant contractor when no other procurement option exists. The amendment also proposed to require the working group to provide an interim progress report to the joint standing committee of the Legislature having jurisdiction over state and local government matters by September 1, 2006 instead of bimonthly progress reports.

### *Enacted law summary*

Public Law 2005, chapter 554 makes several changes to the law regarding the state purchasing code of conduct. Specifically, the law:

1. Details the process that bidders must follow in filing an affidavit under the law;
2. Describes when investigations by the State Purchasing Agent will be initiated;
3. Sets out the factors that may be taken into account by the State Purchasing Agent in making a determination of whether the code of conduct has been violated;
4. Permits the State Purchasing Agent to take remedial action, including, but not limited to, terminating contracts against contractors that do not make good faith efforts to comply with the code of conduct; and
5. Establishes a working group whose task is to report on whether the State should form an independent consortium to monitor and investigate complaints of violations of the code of conduct and, if so, the manner in which such a consortium would be created and function. The working group must provide an interim progress report to the joint standing committee of the Legislature having jurisdiction over state and local government matters by September 1, 2006.

**LD 1779**

**An Act To Increase Certain Fees Paid for Service of Writs and Complaints**

**DIED ON  
ADJOURNMENT**

Sponsor(s)  
DAVIS P

Committee Report  
OTP-AM

Amendments Adopted  
S-461

LD 1779 proposed to double the fees paid to sheriffs, deputies and authorized persons for service of writs and complaints on behalf of the State.

**Committee Amendment "A" (S-461)** proposed to add an appropriations and allocations section to the bill.