

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
123<sup>RD</sup> LEGISLATURE  
FIRST REGULAR SESSION



Summaries of bills and adopted amendments and laws enacted or finally passed during the First Regular Session of the 123<sup>rd</sup> Maine Legislature coming from the

**JOINT STANDING COMMITTEE ON STATE AND LOCAL  
GOVERNMENT**

July 2007

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# STATE OF MAINE

123<sup>RD</sup> LEGISLATURE

FIRST REGULAR SESSION

## LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS



This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all bills and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 123<sup>rd</sup> Maine Legislature, which was in session from December 6, 2006 to June 21, 2007.

The *Digest* is arranged alphabetically by committee, and within each committee by LD number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. The appendices include a summary of relevant session statistics, an index of all bills by LD number and an index of enacted laws by law type and chapter number.

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 (or Accepted ONTP report).....	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.....	Bill held by Governor
VETO SUSTAINED.....	Legislature failed to override Governor's Veto

Please note that the effective date for non-emergency legislation enacted in the First Regular Session is **September 20, 2007**. The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills.

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

Public Law 2007, chapter 181 requires an agency adopting a rule to develop and make available to the public an economic impact statement on small businesses prior to adoption of the rule. The contents of the notice must include where the economic impact statement can be obtained. If the economic impact statement is not prepared, the rule may not go into effect.

**LD 917      RESOLUTION, Proposing an Amendment to the Constitution of Maine      ONTP**  
**To Reduce the Size of the Legislature to 132 Members**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PENDLETON SAVAGE C	ONTP	

LD 917 is a constitutional amendment to reduce the size of the House of Representatives from 151 members to 99 members and the size of the Senate from no more than 35 members to 33 members. The redistricting will be done in 2008 during the Second Regular Session of the 123rd Legislature and the reduction in the size of each legislative body takes effect in 2009.

**LD 953      An Act To Provide for Nonpartisan Elections for Sheriffs      ONTP**

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

LD 953 allows for sheriffs to be elected on a nonpartisan basis. A candidate for sheriff would not be allowed to file as a candidate during the primaries.

**LD 1007      An Act To Promote County-based Economic and Community      PUBLIC 321**  
**Development**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RAYE	OTP-AM MAJ ONTP MIN	S-160

LD 1007 allows counties in the State to adopt a statute conferring countywide economic powers to raise, appropriate, borrow and expend money for the purposes of county economic development through a countywide referendum. It makes a one-time General Fund appropriation of \$1,600,000 in fiscal year 2007-08 for the Department of Economic and Community Development to provide support to Maine's 16 counties of up to \$100,000 in state funding per county subject to a 1:1 match.

LD 1007 was co-referred to the Committee on State and Local Government and to the Committee on Business, Research and Economic Development.

**Committee Amendment "A" (S-160)**

This amendment requires any bonds or salary expenses to be approved by a majority of the county budget committee, whether advisory or not. It also requires a 50% turnout by the voters for a bond approval, as is the current law, rather than changing it to 40% as in the bill. It strikes out the appropriations and allocations section of the bill but allows for the possibility of funding in the future. It broadens county development efforts to include community development as well as economic development.

**Enacted Law Summary**

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

Public Law 2007, chapter 321 allows counties in the State to adopt a statute conferring countywide economic powers to raise, appropriate, borrow and expend money for the purposes of county economic and community development. Any bonds or salary expenses must be approved by a majority of the county budget committee, whether advisory or not. Bonds remain subject to approval by a county-wide referendum.

**LD 1017     An Act To Protect Citizens' Privacy**

**ONTP**

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

LD 1017 prohibits a state agency from using a social security number for the sole purpose of identifying a person in order to provide services to that person or to take enforcement action against that person.

**LD 1021     Resolve, To Lower the Cost of State Government**

**DIED BETWEEN  
HOUSES**

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

LD 1021 establishes the bipartisan Commission to Lower the Cost of State Government to undertake a comprehensive analysis of State Government with the goals of consolidating functions and eliminating duplication and inefficiencies in the administrative and supervisory positions within the structure of State Government. The commission shall investigate and identify major sources of administrative excess, redundancy, inefficiency and program overlap with other state, local or federal programs. The commission is charged with submitting a report and suggested legislation to the Joint Standing Committee on State and Local Government by January 8, 2008. The report must identify those administrative and supervisory positions, including positions in the unclassified service and major policy-influencing positions, that should be eliminated in order to result in a spending reduction of a minimum of \$30,000,000 annually. The commission is staffed by the Office of Program Evaluation and Government Accountability.

**Committee Amendment "A" (S-264)**

This amendment, which is the minority report, makes a number of changes to the bill:

1. It changes the commission from a legislative study staffed by the Office of Program Evaluation and Government Accountability to a study that is conducted and staffed by the Office of Program Evaluation and Government Accountability in consultation with an advisory committee.
  
2. It amends the membership of the advisory committee from 11 to 13. It includes an additional Senator and an additional member of the House of Representatives. It replaces the member of the Maine Development Foundation with a member representing municipalities. It requires one of the members representing business to represent small businesses. It requires a member of the public appointed by the Governor to be a retired state employee with expertise in state government financial matters.
  
3. It includes an examination of contracted personal services in the study of State Government.
  
4. It requires the report to be submitted to the Joint Standing Committee on Appropriations and Financial