

MAINE STATE LEGISLATURE

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STATE OF MAINE
123RD LEGISLATURE
FIRST REGULAR SESSION



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

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

July 2007

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STATE OF MAINE

123RD 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 123rd 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 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

Joint Standing Committee on State and Local Government

Affairs, in addition to the Joint Standing Committee on State and Local Government.

5. It changes the date by which the advisory committee must have raised outside funding to support its activities from September 15, 2007 to July 15, 2007.

LD 1056 An Act To Change Building Requirements for County Buildings and Land

PUBLIC 151

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CROCKETT MITCHELL	OTP-AM	H-148

LD 1056 exempts county registries that archive records off-site from the requirement that their buildings be built of brick or stone.

Committee Amendment "A" (H-148)

This amendment replaces the bill. It allows county registries to occupy buildings made of fire-resistant materials other than brick or stone. It exempts county registries that archive records off-site from the requirement that their buildings be made from brick or stone or other fire-resistant materials if the permanent records are held in a secure fire-resistant facility, records held temporarily for copying are stored in fire-resistant containers and the registry buildings meet applicable fire and life safety codes.

Enacted Law Summary

Public Law 2007, chapter 151 allows county registries to occupy buildings made of fire-resistant materials other than brick or stone. It also exempts county registries that archive records off-site from the requirement that their buildings be made from brick or stone or other fire-resistant materials if the permanent records are held in a secure fire-resistant facility, records held temporarily for copying are stored in fire-resistant containers and the registry buildings meet applicable fire and life safety codes.

LD 1061 An Act To Accept the Determination of Public Opinion on Municipal Projects BY REQUEST

**ACCEPTED ONTP
REPORT**

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

LD 1061 develops a process for a majority of voters in a municipality to overturn an approval for a governmental or commercial project. On the written petition of at least 10% of the voters of the municipality, municipal officers must hold a referendum vote on the project. If a majority of the voters at the referendum are in favor of overturning the approval for the project, then the project may not proceed.

Committee Amendment "A" (H-214)

This amendment, which is the minority report, replaces the bill. It requires municipal officers to provide notice of a public hearing to all residents within a one-mile radius or the entire municipality, whichever is the smaller, by mail at least 10 days prior to the hearing. This notice is necessary for all significant development projects, including, but not limited to, projects that: are at least 75,000 square feet in size; require licensing or oversight by the Department of Environmental Protection; involve public waste water treatment facilities; involve disposal of hazardous or toxic waste; or involve subdivisions. Everyone present at the public hearing must be allowed to testify. Notice must be provided whether the municipality has a planning board or the planning