

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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ANNA T. BROOME, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670

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

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

Joint Standing Committee on State and Local Government

decisions are made at a town meeting.

LD 1091 Resolve, To Establish the Maine Civil War Sesquicentennial Commission

INDEF PP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ADAMS	OTP-AM	H-85

LD 1091 creates the Maine Civil War Sesquicentennial Commission to develop and coordinate the commemoration of the 150th anniversary of the Civil War.

Committee Amendment "A" (H-85)

This amendment makes a number of changes to the Maine Civil War Sesquicentennial Commission to develop and coordinate the commemoration of Maine's role in the Civil War. It changes the membership of the commission to 7 Legislators; adds the State Librarian or the State Librarian's designee; the State Historian or the State Historian's designee; the Adjutant General or the Adjutant General's designee; and reduces the number of public members to 2. It requires the Legislative Council to administer the funding for the commission and allows outside funding to be used for activities and duties other than legislative compensation. It also makes a number of other technical changes related to reporting dates, staff assistance and terms of appointment.

LD 1122 An Act To Prohibit a Person from Serving as Both Municipal Tax Collector and Treasurer

ACCEPTED ONTP REPORT

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

LD 1122 prohibits a person serving simultaneously as both tax collector and treasurer of a municipality.

Committee Amendment "A" (S-66)

This amendment, which is the minority report, adds an effective date of July 1, 2008, so that municipalities that currently have one person serving as treasurer and tax collector can elect 2 people at the next regularly scheduled election and avoid a special election.

LD 1132 An Act To Make Technical Changes to the Maine Municipal Bond Bank Laws

PUBLIC 48

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LUNDEEN	OTP	

LD 1132 clarifies that public waste disposal corporations may apply and qualify for municipal bond bank funding through the Maine Municipal Bond Bank established under the Maine Revised Statutes, Title 30-A in the same manner that a water, sewer or electric municipal corporation may.

Enacted Law Summary

Public Law 2007, chapter 48 clarifies that public waste disposal corporations may apply and qualify for municipal bond bank funding through the Maine Municipal Bond Bank established under the Maine Revised