

# 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*

**LD 1705      Resolve, To Study the Enactment Procedures for Municipal Ordinances**

**ONTP**

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

LD 1705 requires the Executive Department, State Planning Office to convene a working group of persons interested in studying and reforming the laws governing the enactment procedures for municipal ordinances. The office is required to report to the Joint Standing Committee on State and Local Government with findings, recommendations and legislation to implement those recommendations.

**LD 1718      RESOLUTION, Proposing an Amendment to the Constitution of Maine  
To Reduce the Size of the Legislature**

**DIED BETWEEN  
HOUSES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BABBIDGE	OTP-AM   MAJ ONTP   MIN	H-316

LD 1718 is a constitutional amendment to reduce the size of the House of Representatives from 151 members to 132 members and the size of the Senate from no more than 35 members to 33 members. The reduction in the size of each legislative body takes effect in 2015.

**Committee Amendment "A" (H-316)**

This amendment incorporates a fiscal note.

**LD 1735      An Act To Facilitate and Promote Regional Cooperation**

**PUBLIC 215**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO	OTP-AM	H-265

LD 1735 addresses regional cooperation issues. It makes real or personal property used for providing regional services to 2 or more municipalities exempt from property taxation. It allows municipalities to enter into cooperative arrangements for activities such as transit, solid waste, household hazardous waste, economic development, code enforcement and joint purchasing and clarifies that these endeavors are cooperative regional government activities. It also requires the minutes of commission meetings to be provided on request and posted on a website, rather than mailed to every member of the planning board and all municipal officials, in order to save on printing and mailing costs.

**Committee Amendment "A" (H-265)**

This amendment removes the section related to the property tax status of regional council buildings from the bill.

**Enacted Law Summary**

Public Law 2007, chapter 215 allows municipalities to enter into cooperative arrangements for activities such as transit, solid waste, household hazardous waste, economic development, code enforcement and joint purchasing and clarifies that these endeavors are cooperative regional government activities. It also requires the minutes of

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

commission meetings to be provided on request and posted on a website, rather than mailed to every member of the planning board and all municipal officials, in order to save on printing and mailing costs.

**LD 1776     An Act To Strengthen Budget Caps for Counties, Municipalities and School Districts     ONTP**

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

LD 1776 requires that the spending caps set in Public Law 2005, chapter 2 on school administrative units, counties and municipalities may be exceeded only if approved by the voters at a referendum.

**LD 1793     An Act To Authorize Peaks Island, House Island, Pumpkin Knob and Catnip Island To Secede from the City of Portland     ACCEPTED ONTP REPORT**

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

LD 1793 authorizes the incorporation of Peaks Island, House Island, Pumpkin Knob and Catnip Island into the Town of Peaks Island if the legal residents of those territories approve, by referendum, separation from the City of Portland and incorporation as a separate town. It requires a binding arbitration process for Peaks Island and the City of Portland if negotiation on secession fails. It also specifies the liability and rights of the City of Portland and the Town of Peaks Island if secession occurs.

**Committee Amendment "A" (S-151)**

This amendment, which is the minority report, clarifies that the agreement between the Peaks Island territory and the City of Portland must to be submitted to a referendum election of the voters of the Peaks Island territory.

**LD 1804     An Act To Permit Greater Voter Participation Regarding Municipal Expenditures     ONTP**

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

Under Public Law 2005, chapter 2, a municipality that adopts its budget through a town meeting may exceed the maximum spending targets imposed pursuant to L.D. 1 by the same process as long as it is done by written ballot. LD 1804 allows the municipal officers of a municipality that allows the spending targets to be exceeded by a vote at a town meeting to submit the question of exceeding the property tax levy limit to a referendum of the legal voters in that municipality.