

MAINE STATE LEGISLATURE

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STATE OF MAINE
123RD LEGISLATURE
SECOND REGULAR AND FIRST SPECIAL SESSIONS



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

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

May 2008

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STATE OF MAINE
123RD LEGISLATURE
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**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 Second Regular or First Special Sessions of the 123rd Maine Legislature.

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:

<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i>	<i>House & Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i>	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i>	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>NOT PROPERLY BEFORE THE BODY</i>	<i>Ruled out of order by the presiding officers; bill died</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed; bill died</i>
<i>ONTP (or Accepted ONTP report)</i>	<i>Ought Not To Pass report accepted; bill died</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i>	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>

The effective date for non-emergency legislation enacted in the Second Regular Session (R2) is June 30, 2008. The effective date for non-emergency legislation enacted in the First Special Session (S1) is July 18, 2008.¹ The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills. Any bill summarized in this document having an LD number less than 1932 was a bill carried over from the First Regular Session of the 123rd Legislature.

¹ The session in which each law was enacted or finally passed (R2 or S1) is included in Appendix C.

Joint Standing Committee on State and Local Government

LD 1876 Resolve, Regarding the Maine State Cultural Building in Augusta

RESOLVE 151

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-669

LD 1876 amends Resolve 2005, chapter 168, which established a task force to develop a plan for the Maine State Cultural Building in Augusta. It adds to the existing membership of the task force representatives of the Department of Transportation and the judicial branch. It requires the task force to submit a 2nd report by November 15, 2007 with any recommendations regarding the cultural building. It also provides an appropriation of \$100,000 to contract with an architectural consultant and give the joint standing committee having jurisdiction over state and local government matters the authority to submit legislation to the Second Regular Session of the 123rd Legislature.

Committee Amendment "B" (H-669)

This amendment directs the Director of the Bureau of General Services within the Department of Administrative and Financial Services, in consultation with the Secretary of State, to provide a report regarding the status and future of the Maine State Cultural Building. It authorizes the director to apply for grant funding for this purpose, including from the New Century Community Program. The director must report to the joint standing committee of the Legislature having jurisdiction over state and local government matters by February 1, 2009, and the committee may submit legislation to the First Regular Session of the 124th Legislature.

Enacted Law Summary

Resolve 2007, chapter 151 directs the Director of the Bureau of General Services within the Department of Administrative and Financial Services, in consultation with the Secretary of State, to provide a report regarding the status and future of the Maine State Cultural Building. It authorizes the director to apply for grant funding for this purpose, including from the New Century Community Program. The director must report to the joint standing committee of the Legislature having jurisdiction over state and local government matters by February 1, 2009, and the committee may submit legislation to the First Regular Session of the 124th Legislature.

LD 1878 An Act To Generate Savings by Changing Public Notice Requirements

**HELD BY
GOVERNOR**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HAYES SCHNEIDER	OTP-AM MAJ ONTP MIN	H-684

LD 1878 phases out, over a one-year period, the requirement that State Government, including the executive branch, departments, independent agencies, the Legislature and the judicial branch, and the Maine Land Use Regulation Commission, or LURC, publish legal or public notices in a newspaper. Instead, the Department of Administrative and Financial Services, for State Government, and LURC, for the unorganized territory, are required to establish and maintain a publicly accessible Internet site on which to post all legal and public notices. In addition, the department and LURC are required to establish and maintain an in-state toll-free telephone number that allows a person in Maine to call and receive, by mail, any notice posted on the respective Internet sites.

For the first 6 months, from July 1, 2007 to December 31, 2007, every notice published in a newspaper by an entity of State Government or LURC is required to include a statement with the printing of each public notice that notices will not be printed in newspapers after December 31, 2007 as well as the address of the Internet site and telephone number of the government entity or LURC. For the next 6 months, from January 1, 2008 to June 30, 2008, instead of publishing a notice, the government entity and LURC are only required to publish a statement that notices are no

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longer published in the newspaper and the address of the Internet site and telephone number where such notices may be obtained. Finally, beginning July 1, 2008, no notices will be published in newspapers by a government entity or LURC.

Municipalities are allowed to publish legal notices in a newspaper medium distributed as 3rd-class mail if the municipal officers adopt a publication policy. The policy must contain 5 requirements: the newspaper of general circulation must have a subscription rate of less than 30% of the residents in the municipality; all households in the municipality must receive the alternative newspaper; the alternative newspaper must cost less than the newspaper of general circulation; the municipality must retain a record of all notices published in the alternative newspaper; and the publisher of the alternative newspaper must have a system of archiving past editions.

The Department of Administrative and Financial Services is required to submit legislation by December 15, 2007 to the joint standing committee having jurisdiction over state and local government matters that removes any statutory requirement that a government entity publish notices in newspapers.

Committee Amendment "B" (H-684)

This amendment strikes out the section of the bill that phases out the publication of rulemaking notices in the newspaper and that requires placing those notices solely on a publicly accessible website. The amendment changes the requirements for public notice of proposed rules in the newspaper with the intention to make the notices shorter. It removes from the newspaper notice the requirement to refer to the statutory or federal authority for the rule and replaces the requirement for the express terms of the proposed rule with a general statement on the substance. The notice must include the name, address, and email of the departmental contact person. The amendment removes the requirement for adopted rules to be published in the newspaper although a department may still choose to do so.

LD 1941 Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell the Interests of the State in a Parcel of Property in Frenchville

RESOLVE 150

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THERIAULT	OTP-AM	H-672 H-681 BARSTOW

LD 1941 authorizes the Commissioner of Administrative and Financial Services to convey a parcel of land in Frenchville to an abutter.

Committee Amendment "A" (H-672)

This amendment replaces the bill. The amendment authorizes the sale of a piece of state property to the landowner whose land surrounds the section of property. The Commissioner of Administrative and Financial Services may sell the State's interest in a parcel of land in Frenchville within the next 3 years if it is determined that it is not necessary for the statewide radio and network system. The commissioner shall report to the joint standing committee of the Legislature having jurisdiction over state and local government matters on any action taken pursuant to this resolve by February 1, 2011. The commissioner may also negotiate with the landowner for an alternative site for the radio tower.

House Amendment "A" (H-681)

This amendment removes the emergency preamble and emergency clause.

Enacted Law Summary

Resolve 2007, chapter 150 authorizes the sale of a piece of state property to the landowner whose land surrounds the section of property. The Commissioner of Administrative and Financial Services may sell the State's interest in a