

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
SECOND REGULAR & FIRST SPECIAL SESSIONS



**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.

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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

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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.

LD 1962 An Act To Amend the Informed Growth Act

**DIED BETWEEN
HOUSES**

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

LD 1962 provides an option for a municipality to waive the right to apply the provisions of the Informed Growth Act at any time by a vote of its legislative body. If the vote is taken at a town meeting or by a city council, it must also be approved by the citizens at a referendum.

Committee Amendment "A" (S-436)

This amendment, which the minority report, retains the provisions of the bill allowing a municipality to waive the requirements of the Informed Growth Act by a vote of its legislative body but does not require a subsequent referendum.

LD 1965 An Act To Amend the Lucerne-in-Maine Village Corporation Charter

P & S 33

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| ROSEN R | OTP-AM | S-404 |

LD 1965 amends the Lucerne-in-Maine Village Corporation's charter by adding certain parts of Peakes Hill Road to the territory of the village corporation.

Committee Amendment "A" (S-404)

This amendment changes the width of the road to be added to the territory contained in the charter of Lucerne-in-Maine from 50 feet in width to 33 feet and 16.5 feet on each side of the centerline rather than 25 feet.

Enacted Law Summary

Private and Special Law 2007, chapter 33 amends the Lucerne-in-Maine Village Corporation's charter by adding certain parts of Peakes Hill Road to the territory of the village.

LD 1968 An Act To Clarify the Election of Municipal Charter Commission Members

**PUBLIC 495
EMERGENCY**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| BRANNIGAN | OTP-AM | S-426 |

LD 1968 amends the procedure for the election of members to a municipal charter commission. It gives a municipality the option to either include the election of voter members on the same ballot as the question authorizing the commission or have members elected no later than the first regular or special municipal or state election that occurs at least 90 days after the vote authorizing the charter commission. The bill also provides for a third method