

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
123<sup>RD</sup> 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 123<sup>rd</sup> Maine  
Legislature coming from the

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

May 2008

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**STATE OF MAINE**  
123<sup>RD</sup> 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 123<sup>rd</sup> 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 &amp; 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&amp;S XXX</i> .....	<i>Chapter # of enacted Private &amp; 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.<sup>1</sup> 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 123<sup>rd</sup> Legislature.

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<sup>1</sup> 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 2201 An Act To Require a Municipality To Move a Body Buried in the Wrong Grave

ONTP

Sponsor(s)

PIOTTI

Committee Report

ONTP

Amendments Adopted

LD 2201 provides that if a dead human body or human remains are interred in an improper location by a municipality or an agent of a municipality, under the direction of a municipality or in reliance upon the advice of a municipality, then that municipality shall exhume the dead human body or human remains and reinter them or cause them to be reinterred in a proper location at the expense of that municipality.

## **LD 2213** An Act To Implement the Recommendations of the Working Group To Improve Public Understanding and Participation in the Rulemaking Process

PUBLIC 581

Sponsor(s)

Committee Report

OTP-AM

Amendments Adopted

H-791

This bill implements the recommendations of the Working Group to Improve Public Understanding and Participation in the Rulemaking Process. It makes the following changes:

1. The Secretary of State is required to post a list of all agency liaisons and their contact information on a publicly accessible website.
2. Agencies are required to hold public hearings on all major substantive rules.
3. The Secretary of State is required to post the notices of all proposed and adopted rules on a publicly accessible website. All agencies are also required to post or link to all proposed and adopted rules within their jurisdictions.
4. Emergency rules must include the specific changes to procedure that resulted from emergency adoption.
5. The fact sheet that is prepared by agencies when proposing rules must include a brief summary of the relevant information that was considered during the development of the rule.
6. The Secretary of State is required to work with the InforME Board and InforME to improve the sorting, searchability and arrangement of rule-making information on the "maine.gov" website.
7. The Secretary of State is required to publish on a publicly accessible website the names and contact information for members of Governor-appointed review boards and councils that are concerned with rulemaking.
8. The Secretary of State is required to redesign certain forms that are filled out by departments, bureaus or agencies when submitting proposed and adopted rules to the Secretary of State. The redesigned forms must include a summary paragraph that is easily identified and understood by a member of the public interested in the rule.
9. The Secretary of State shall work with agencies to ensure that each has designated a liaison to the public.
10. The Secretary of State shall work with the Legislative Council to improve training for Legislators on rulemaking and the Maine Administrative Procedure Act, including ideas on scheduling committee meetings with briefings from agency liaisons and reviewing departmental regulatory agendas.

# Joint Standing Committee on State and Local Government

## Committee Amendment "A" (H-791)

This amendment requires that rule notices posted on the Secretary of State's website include an email link to the agency liaison. It clarifies that departments must either post proposed and adopted rules on the departmental website or post a link to the rules on the Secretary of State's website. The amendment clarifies that MAPA-3 and MAPA-4 are the correct notices that need to be redesigned and that they are notices, not cover sheets. The MAPA-3 and MAPA-4 notices must also include the e-mail address of the agency liaison.

### Enacted Law Summary

This bill implements the recommendations of the Working Group to Improve Public Understanding and Participation in the Rulemaking Process. It makes the following changes:

1. The Secretary of State is required to post a list of all agency liaisons and their contact information on a publicly accessible website.
2. Agencies are required to hold public hearings on all major substantive rules.
3. The Secretary of State is required to post the notices of all proposed and adopted rules on a publicly accessible website. All agencies are also required to post or link to all proposed and adopted rules within their jurisdictions. Notices must include the email address of the agency liaison.
4. Emergency rules must include the specific changes to procedure that resulted from emergency adoption.
5. The fact sheet that is prepared by agencies when proposing rules must include a brief summary of the relevant information that was considered during the development of the rule.
6. The Secretary of State is required to work with the InforME Board and InforME to improve the sorting, searchability and arrangement of rule-making information on the "maine.gov" website.
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9. The Secretary of State shall work with agencies to ensure that each has designated a liaison to the public.
10. The Secretary of State shall work with the Legislative Council to improve training for Legislators on rulemaking and the Maine Administrative Procedure Act, including ideas on scheduling committee meetings with briefings from agency liaisons and reviewing departmental regulatory agendas.

**LD 2234 An Act To Validate Certain Proceedings Authorizing the Issuance of Bonds and Notes by the City of Brewer High School District**

**P & S 39  
EMERGENCY**

Sponsor(s)

ROSEN R

Committee Report

OTP

Amendments Adopted

LD 2234 validates the City of Brewer High School District school construction referendum conducted on December 4, 2007 and the proceedings related to that referendum.