

MAINE STATE LEGISLATURE

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STATE OF MAINE
124TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed during the First Regular Session of the 124th Maine Legislature coming from the

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

July 2009

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* Rep. William P. Browne replaced Rep. Michael Celli for part of the First Regular Session. Rep. Celli will return for the Second Regular Session.

STATE OF MAINE

124TH 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 124th 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:

CARRIED OVER.....	Carried over to a subsequent session of the Legislature
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; bill died
ONTP (or Accepted ONTP report).....	Ought Not To Pass report accepted; bill died
P&S XXX.....	Chapter # of enacted Private & Special Law
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

The effective date for non-emergency legislation enacted in the First Regular Session of the 124th Legislature is September 12, 2009. 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 34 An Act To Clarify the Election of Municipal Charter Commission Members

**PUBLIC 52
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HAYES	OTP-AM	H-17

This bill amends the procedure that guides the election of members to a municipal charter commission. In current law, the election of the members can be held at either the same election as the referendum establishing the charter commission or at the next scheduled regular or special municipal or state election if that election is no more than 200 days after the referendum authorizing the charter commission. The bill removes the 200-day limit.

Committee Amendment "A" (H-17)

This amendment adds a retroactivity clause so that the Act is retroactive to January 1, 2009.

Enacted Law Summary

Public Law 2009, chapter 52 amends the procedure that guides the election of members to a municipal charter commission. It removes the requirement that the election of the members of a municipal charter commission must be held within 200 days of the referendum authorizing the charter commission. The law is retroactive to January 1, 2009.

Public Law 2009, chapter 52 was enacted as an emergency measure effective April 22, 2009.

LD 106 An Act To Prohibit Constitutional Officers from Endorsing Candidates for the Legislature

ONTP

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

This bill prohibits constitutional officers from endorsing candidates for the Legislature or using their titles or allowing their titles to be used for political purposes not necessary for the administration of their offices.

LD 108 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Change the Terms for State Senators and Members of the House of Representatives to 4 Years

**ACCEPTED ONTP
REPORT**

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

This bill is a constitutional resolution proposing to amend the Constitution of Maine to change Legislators' terms to 4 years beginning with the general election in 2012. The Legislature would meet every year but the business in the 4th year would be restricted as it is presently in the 2nd year.

Joint Standing Committee on State and Local Government

Committee Amendment "A" (H-139)

This amendment changes the year in which 4-year terms would begin from 2012 to 2014 to coincide with gubernatorial elections.

LD 113 An Act Regarding Construction and Excavation near Burial Sites

**PUBLIC 310
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CASAVANT SULLIVAN	OTP-AM	H-416

This bill amends the law governing construction and excavation near burial sites by adding an exception for construction of a private sewer line connection to a public sewer system.

Committee Amendment "A" (H-416)

This amendment replaces the bill. It allows for the construction of a private sewer line connection to a public sewer system within the 25-foot setback from a cemetery only if the following conditions are met: there is no practical alternative to connecting to the public sewer line; there is no practical alternative to excavation or construction within 25 feet; the construction is approved by the municipality and the regulating division within the Department of Health and Human Services; there is a 2-week opportunity for the public to express opposition to the construction; the construction takes place as far as possible from the cemetery; and the construction equipment is not placed on any part or within 10 feet of the cemetery at any time. This provision is repealed June 30, 2010. The amendment also adds an emergency preamble and emergency clause.

Enacted Law Summary

Public Law 2009, chapter 310 allows for the construction of a private sewer line connection to a public sewer system within the 25-foot setback from a cemetery if the following conditions are met: there is no practical alternative to connecting to the public sewer line; there is no practical alternative to excavation or construction within 25 feet; the construction is approved by the municipality and the regulating division within the Department of Health and Human Services; there is a 2-week opportunity for the public to express opposition to the construction; the construction takes place as far as possible from the cemetery; and the construction equipment is not placed on any part or within 10 feet of the cemetery at any time. This law is repealed June 30, 2010.

Public Law 2009, chapter 310 was enacted as an emergency measure effective June 2, 2009.

LD 117 Resolve, To Facilitate the Creation of a Memorial for the Families and Friends of Children Who Have Died by Violence

RESOLVE 15

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CROCKETT P	OTP-AM MAJ ONTP MIN	H-16

This bill directs the Capitol Planning Commission to construct and maintain a memorial for the families and friends of children who have died by violence. The Capitol Planning Commission may seek assistance in the design of the memorial from a nonprofit organization whose purpose is supporting parents of murdered children. The memorial must be located in the proposed memorial park within the East Campus Zone as described in the Capitol Planning