

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
124<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed during the First Regular Session of the 124<sup>th</sup> 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

124<sup>TH</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 124<sup>th</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:

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 124<sup>th</sup> 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

## 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

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

Commission rules. The Capitol Planning Commission may accept state and local funds, gifts and other contributions to meet the costs of the memorial. No General Fund money may be used for the construction of the memorial. If the funds are not raised by June 30, 2010, the memorial is not authorized.

### **Committee Amendment "A" (H-16)**

This amendment clarifies that no General Fund money may be used for design, construction, installation or maintenance of the memorial for families and friends of children who have died by violence. It also directs the Director of the Bureau of General Services within the Department of Administrative and Financial Services to establish an account for the administration of funds, gifts and other contributions accepted by the Capitol Planning Commission for the memorial.

### **Enacted Law Summary**

Resolve 2009, chapter 15 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 Commission rules. The Capitol Planning Commission may accept state and local funds, gifts and other contributions to meet the costs of the memorial. The Director of the Bureau of General Services within the Department of Administrative and Financial Services is directed to establish an account for the administration of those funds accepted by the Capitol Planning Commission for the memorial. No General Fund money may be used for the design, construction, installation or maintenance of the memorial. If the funds are not raised by June 30, 2010, the memorial is not authorized.

### **LD 121      An Act To Reduce the Length of the Legislative Sessions**

**ACCEPTED ONTP  
REPORT**

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

This bill advances the statutory adjournment date of the Legislature by 10 business days in the first regular session and by 5 business days in the second regular session.

### **Committee Amendment "A" (H-137)**

This amendment, which is the minority report of the committee, adds an appropriations and allocations section.

### **LD 130      An Act To Allow a Municipality Greater Flexibility To Disburse State Fees**

**PUBLIC 6**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY J	OTP	

This bill allows a municipality greater flexibility to disburse state fees to the State by reducing municipal processing requirements. This will encourage timely disbursing of state fees to the Department of the Secretary of State, Bureau of Motor Vehicles.