

# 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*

This bill requires the Secretary of State and the InforME Board to develop a program that would allow a municipality to forward information concerning outstanding parking tickets to InforME. The Bureau of Motor Vehicles within the Department of the Secretary of State may use that information to advise a person that the person may pay any outstanding tickets at the time of registration of a motor vehicle.

**LD 1172    An Act To Allow a Municipality To Grant a Variance for the Construction of a Parking Structure for a Person with a Permanent Disability**

**PUBLIC 342**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CASAVANT ALFOND	OTP-AM   MAJ OTP-AM   MIN	H-299

Current law allows a zoning board of appeals to grant a variance to a person with a disability for the construction of equipment or structures necessary for access to or egress from the dwelling. This bill allows a zoning board, if allowed by the municipal ordinance establishing the zoning board, to grant a variance for the construction of a structure for the storage of a motor vehicle owned by a person with a permanent disability and registered in this State with disability registration plates.

**Committee Amendment "A" (H-299)**

This amendment, which is the majority report of the committee, removes the provision of the bill that a variance may be granted for the construction of a place of storage and parking for a noncommercial vehicle only if the structure is attached to a dwelling owned by a person with a permanent disability by a foundation and has load-bearing walls. This allows the municipality maximum flexibility when granting a variance for a person with a permanent disability to construct a place of storage and parking for a vehicle owned by that person. The structure may be up to two times the length and width of the vehicle, rather than one and a half times as in the bill.

**Committee Amendment "B" (H-300)**

This amendment, which is the minority report of the committee, requires that the construction of a structure for the storage of a motor vehicle owned by a person with a permanent disability must be a temporary structure that is removed after that person no longer occupies the dwelling. This amendment was not adopted.

**Enacted Law Summary**

Public Law 2009, chapter 342 allows a zoning board, if allowed by the municipal ordinance establishing the zoning board, to grant a variance for the construction of a structure for the storage of a motor vehicle owned by a person with a permanent disability and registered in this State with disability registration plates. The structure may be no larger than two times the length and width of the vehicle.

**LD 1212    An Act To Clarify the Role of Public Comment in the Agency Decision-making Process**

**ONTP**

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

This bill amends the Maine Administrative Procedure Act to require an agency to report the ratio of the persons submitting comments in support of and persons in opposition to a proposed rule during the public comment period

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

and also to require that the agency provide an explanation to the Legislative Council as to why the rule needs to be adopted as written if the proposed rule was opposed by two-thirds of the persons submitting public comments. It also requires the Maine Land Use Regulation Commission to provide an explanation for a permitting decision that was opposed by two-thirds of the persons submitting comments at a public hearing.

**LD 1220     An Act To Create Incentives for the Consolidation of Municipal Services**

**ONTP**

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

This bill creates a challenge grant to be awarded by the Department of Administrative and Financial Services from the Fund for the Efficient Delivery of Local and Regional Services for the start-up costs and first 3 years of the integration of public works services of 3 or more municipalities or 6 years if the municipalities comprise over 60% of the population of the county in which the municipalities are located and the county administers the integrated services.

**LD 1232     Resolve, Establishing a Committee To Study the Legislative Confirmation Process**

**ONTP**

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

This bill establishes a committee to examine the legislative confirmation process with the goal of reporting on the best ways to streamline and improve the process. The committee will review the final report of the Committee To Develop a Total Quality Management Plan from September 1, 1992 concerning the legislative confirmation process that resulted in new legislation concerning the subject and review the reasons given for the need for improving the process and what was recommended and what was implemented. The committee will identify the existing issues surrounding the nomination and confirmation process, such as time constraints, the number of confirmations required, background checks and dealing with negative information and confidentiality, and identify ways to improve problems within the process that have been discovered. The committee will report to the Joint Standing Committee on State and Local Government in the Second Regular Session with recommendations and suggested legislation. The joint standing committee is authorized to report out a bill on this subject.

**LD 1254     An Act To Repeal Inactive Boards and Commissions**

**PUBLIC 369**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-328 H-331 PERCY

This bill repeals boards that did not file annual reports in either 2007 or 2008, or that filed a report that indicated inactivity for 2007 and 2008. The boards and commissions being repealed are: