

# 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*

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:

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1. Citizens' Code of Conduct Working Group;
2. Long-term Care Oversight Committee;
3. Maine HIV Advisory Committee;
4. Publicly Supported Private Secondary School Advisory Council;
5. Tobacco Prevention and Control Advisory Council;
6. Technology Center Coordinating Board;
7. Maine Criminal Justice Commission;
8. Oil Spill Advisory Committee;
9. River Flow Advisory Commission;
10. Advisory Board of the Maine Learning Technology Fund;
11. Aroostook Water and Soil Management Board;
12. Board of Barbering and Cosmetology;
13. Education Commission of the States;
14. Junior Maine Guides and Trip Leaders Curriculum Advisory Board;
15. Maine Agricultural Bargaining Board;
16. Maine Biomedical Research Board;
17. Maine Engineers Recruitment and Retention Advisory Committee;
18. Maine-Canadian Legislative Advisory Commission;
19. Marine Recreational Fishing Advisory Council;
20. New England and Eastern Canada Legislative Commission;
21. Pharmaceutical Cost Management Council;
22. State Compensation Commission; and
23. State House and Capitol Park Commission.

### **Committee Amendment "A" (H-328)**

This amendment removes a number of boards and commissions from the list to be repealed in the bill. Those boards and commissions are:

1. Citizens' Code of Conduct Working Group;
2. Maine HIV Advisory Committee;
3. Publicly Supported Private Secondary School Advisory Council;
4. Tobacco Prevention and Control Advisory Council;
5. Oil Spill Advisory Committee;
6. River Flow Advisory Commission;
7. Advisory Board of the Maine Learning Technology Fund;
8. Education Commission of the States;
9. Maine Agricultural Bargaining Board;
10. Maine Biomedical Research Board;
11. Maine-Canadian Legislative Advisory Commission;
12. New England and Eastern Canada Legislative Commission;
13. State Compensation Commission; and
14. State House and Capitol Park Commission.

The amendment changes the date that the Secretary of State submits the suggested legislation to repeal inactive boards and commissions to January 30th from January 15th. It also prohibits the Secretary of State from including in that legislation the State Compensation Commission, Maine-Canadian Legislative Advisory Commission, New England and Eastern Canada Legislative Commission, State House and Capitol Park Commission and Maine Agricultural Bargaining Board and from requiring annual reports when inactive. These boards and commissions are only active periodically for specific purposes.

The section in the bill repealing the Technology Center Coordinating Board is deleted as the board was eliminated

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by Public Law 2009, chapter 90, section 1.

The amendment also inserts a new Part B, which establishes the barbering and cosmetology licensing program as a regulatory function within the Department of Professional and Financial Regulation, Office of Licensing and Registration because the Board of Barbering and Cosmetology has been inactive and therefore repealed in the bill. It places responsibility for, and authority over, the licensing and enforcement program of the Board of Barbering and Cosmetology under the oversight and management of the Director of the Office of Licensing and Registration.

### **House Amendment "A" (H-331)**

This amendment retains the number of members on the Marine Resources Advisory Council at 16. It replaces the representative of the Marine Recreational Fishing Advisory Council, which was repealed in the bill, with a person representing recreational saltwater anglers.

### **Enacted Law Summary**

Public Law 2009, chapter 369 repeals certain inactive boards and commissions. Those boards and commissions being repealed are:

1. Long-term Care Oversight Committee;
2. Maine Criminal Justice Commission;
3. Aroostook Water and Soil Management Board;
4. Board of Barbering and Cosmetology;
5. Junior Maine Guides and Trip Leaders Curriculum Advisory Board;
6. Maine Engineers Recruitment and Retention Advisory Committee;
7. Marine Recreational Fishing Advisory Council; and
8. Pharmaceutical Cost Management Council.

It changes the date that the Secretary of State submits the suggested legislation to repeal inactive boards and commissions to January 30th from January 15th. It also prohibits the Secretary of State from including in that legislation the State Compensation Commission, Maine-Canadian Legislative Advisory Commission, New England and Eastern Canada Legislative Commission, State House and Capitol Park Commission and Maine Agricultural Bargaining Board and from requiring annual reports when inactive because they are only active periodically for specific purposes.

The number of members on the Marine Resources Advisory Council remains at 16 by replacing the member from the Marine Recreational Fishing Advisory Council with a person representing recreational saltwater anglers.

It also establishes the barbering and cosmetology licensing program as a regulatory function within the Department of Professional and Financial Regulation, Office of Licensing and Registration and the Board of Barbering and Cosmetology is repealed. The responsibility for, and authority over, the licensing and enforcement program of the Board of Barbering and Cosmetology is placed under the oversight and management of the Director of the Office of Licensing and Registration.

**LD 1270      Resolve, To Realign Maine's Natural Resource Agencies**

**ONTP**

Sponsor(s)

PIEH

Committee Report

ONTP

Amendments Adopted