

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

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

Joint Standing Committee on State and Local Government

This bill directs the commissioners of the Department of Conservation, the Department of Agriculture, Food and Rural Resources, the Department of Marine Resources and the Department of Inland Fisheries and Wildlife to reconfigure their departments. The four departments are required to report to the Joint Standing Committee on Agriculture, Conservation and Forestry, the Joint Standing Committee on Marine Resources and the Joint Standing Committee on Inland Fisheries and Wildlife by December 1, 2009 outlining the progress on the reorganization and to submit proposed legislation to the Second Regular Session of the 124th Legislature by March 1, 2010.

LD 1271 An Act To Generate Savings by Changing Public Notice Requirements

PUBLIC 256

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HAYES SCHNEIDER	OTP-AM	H-330

This bill requires the Secretary of State to maintain a publicly accessible website for the posting of notices of all proposed and adopted rules. It also changes the requirements for public notice of proposed rules in the newspaper with the intention of making the notices shorter. It removes from the newspaper notice the requirement to refer to the statutory or federal authority for the rule and replaces the requirement for the express terms of the proposed rule with a general statement on the substance. The notices posted on the publicly accessible website must meet the original requirements for the notice.

Committee Amendment "A" (H-330)

This amendment strikes the section from the bill that would have left the publication of adopted rules to the discretion of the agency.

Enacted Law Summary

Public Law 2009, chapter 256 requires the Secretary of State to maintain a publicly accessible website for the posting of notices of all proposed and adopted rules. It also changes the requirements for public notice of proposed rules in the newspaper with the intention of making the notices shorter. It removes from the newspaper notice the requirement to refer to the statutory or federal authority for the rule and replaces the requirement for the express terms of the proposed rule with a general statement on the substance. The notices posted on the publicly accessible website must meet the original requirements for the notice.

**LD 1312 An Act To Require a State Agency To Reference the Livable Wage in
Information Published by That Agency**

**ACCEPTED ONTP
REPORT**

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

This bill directs any state agency that publishes information that refers to the federal poverty level to also refer to the Department of Labor livable wage scale in that publication. It also directs the Maine Council on Poverty and Economic Security to assess alternative measurements to the federal poverty level and to make recommendations for a state-specific poverty measurement to the Governor and the Legislature in its annual report by February 15, 2010.

Committee Amendment "A" (H-381)