

MAINE STATE LEGISLATURE

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STATE OF MAINE
124TH LEGISLATURE
SECOND REGULAR SESSION



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

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

April 2010

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STATE OF MAINE

124TH LEGISLATURE
SECOND 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 Second 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:

<i>CARRIED OVER</i>	<i>Carried over to a subsequent session of the Legislature</i>
<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN HOUSES</i>	<i>House & Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i>	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i>	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>NOT PROPERLY BEFORE THE BODY</i>	<i>Ruled out of order by the presiding officers; bill died</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed; bill died</i>
<i>ONTP (or Accepted ONTP report)</i>	<i>Ought Not To Pass report accepted; bill died</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i>	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>

The effective date for non-emergency legislation enacted in the Second Regular Session of the 124th Legislature is Monday, July 12, 2010. 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 authorizes municipal officers to make the final decision when there is a dispute in the naming of a town way, private way or private road for E-9-1-1 purposes.

Committee Amendment "A" (H-596)

This amendment clarifies that the decision of the municipal officers is final when there is a dispute over the naming of a town way, private way or private road for E-9-1-1 purposes unless a local ordinance or charter states otherwise.

Enacted Law Summary

Public Law 2009, chapter 477 authorizes that municipal officers make the final decision when there is a dispute over the naming of a town way, private way or private road for E-9-1-1 purposes unless there is a local ordinance or charter that states otherwise.

LD 1534 An Act To Ensure That Substantial State Contracts Receive Adequate Legal Review

ONTP

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

This bill requires state agencies and departments to submit to the Attorney General every proposed contract for the purchase of goods or services that has a total contract price that exceeds \$3,000,000 or that exposes the State to substantial risk in the event of nonperformance.

LD 1554 An Act Regarding Document Fees at County Registries of Deeds

PUBLIC 575

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CROCKETT P	OTP-AM	H-669 S-449 SIMPSON

This bill increases the filing fee that county registers of deeds may charge for the second and subsequent pages of documents from \$2 to \$4 and clarifies the "reasonable fee" that may be charged for obtaining abstracts and copies of records. It states that the Freedom of Access Act in the Maine Revised Statutes Title 1, chapter 13 does not apply to public inspection and copying fees for records maintained by the county registry office. The bill also requires persons who obtain records from registers of deeds and subsequently sell or distribute those records to indicate on the records that they are not official copies.

Committee Amendment "A" (H-669)

This amendment limits the exemption from the freedom of access law in Title 1, chapter 13 to copying fees so that the Maine Revised Statutes, Title 33, chapter 11 prevails for the purpose of setting fees for copying registry documents. It removes the increase in recording fees from the bill. The amendment clarifies that copying fees can be different depending on the type of document being copied. It also increases the factors that can be used to determine a reasonable fee for copying registry documents to include contract and contractor costs for database maintenance and for online provision and bulk transfer of copies in a manner that protects the security and integrity of registry documents.

Joint Standing Committee on State and Local Government

Senate Amendment "A" To Committee Amendment "A" (S-449)

This amendment clarifies the limit to the exemption from the freedom of access laws to the Maine Revised Statutes, Title 1, chapter 13, section 408, subsection 3, which specifically relates to copying costs. It also narrows the range of factors that may be used to determine a reasonable fee for copying registry documents to those that relate to the cost of producing and making copies available.

Enacted Law Summary

Public Law 2009, chapter 575 exempts the fees for copying county registry documents from the freedom of access law in Title 1, chapter 13 so that the Maine Revised Statutes, Title 33, chapter 11 prevails for the purpose of setting fees for copying registry documents. It clarifies that copying fees can be different depending on the type of document being copied and increases the factors that can be used to determine what is a reasonable fee for copying registry documents although those factors must relate to the cost of producing and making copies available.

LD 1569 An Act To Clarify the Informed Growth Act

**PUBLIC 549
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BEAUDETTE SIMPSON	OTP-AM MAJ ONTP MIN	H-654

This bill amends the Informed Growth Act by providing that the Informed Growth Act applies only to permits or approvals for new construction and that a change of use permit is not considered a land use permit requiring a comprehensive economic impact study.

Committee Amendment "A" (H-654)

This amendment replaces the bill. It exempts a retail business establishment from the Informed Growth Act if that establishment is proposing to occupy an existing building in which the most recent occupant was a large-scale retail development as long as there is no proposed increase in gross floor area greater than 20,000 square feet. It also clarifies that the definition of "large-scale retail development" under the Informed Growth Act does not include renovation of an existing building.

Enacted Law Summary

Public Law 2009, chapter 549 exempts a retail business establishment from the Informed Growth Act if that establishment is proposing to occupy an existing building in which the most recent occupant was a large-scale retail development as long as there is no proposed increase in gross floor area greater than 20,000 square feet. It also clarifies that the definition of "large-scale retail development" under the Informed Growth Act does not include renovation of an existing building.

Public Law 2009, chapter 549 was enacted as an emergency effective March 3, 2010.

LD 1718 An Act To Amend the Laws Relating to Government Records

PUBLIC 509

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ADAMS SIMPSON	OTP-AM	H-638