

# MAINE STATE LEGISLATURE

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



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

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

April 2010

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# STATE OF MAINE

124<sup>TH</sup> 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 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:

<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 &amp; 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&amp;S XXX</i> .....	<i>Chapter # of enacted Private &amp; 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 124<sup>th</sup> 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

## 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

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

This bill clarifies that government records of historic and archival value to the State, regardless of the date of their generation, are the property of the State. It clarifies that the custody of a record rests with the State until ownership and possession are formally relinquished. The bill also requires a licensed auctioneer to notify the State Archivist if the auctioneer believes that records belonging to the State are in the possession of a person not authorized to have those records. If the auctioneer fails to notify the State Archivist, the auctioneer may be denied a license or a disciplinary sanction may be imposed pursuant to the Maine Revised Statutes, Title 32, section 291-A.

### **Committee Amendment "A" (H-638)**

This amendment removes all sections of the bill related to licensed auctioneers notifying the State Archivist if they are in possession of records belonging to the State. The amendment requires the State Archivist to prepare a detailed explanation of what constitutes a "record" and "records belonging to the State or to a local government or any agency of the State" and requires the explanation to be posted on a publicly accessible website and made available to interested parties upon request.

### **Enacted Law Summary**

Public Law 2009, chapter 509 clarifies that government records of historic and archival value to the State, regardless of the date of their generation, are the property of the State. The custody of a record rests with the State until ownership and possession are formally relinquished. The State Archivist is required to prepare a detailed explanation of what constitutes a "record" and "records belonging to the State or to a local government or any agency of the State" and post the explanation on a publicly accessible website and made available to interested parties upon request.

### **LD 1832    An Act To Amend the Laws Governing the Election of Androscoggin County Commissioner District Budget Committee Members**

**PUBLIC 650  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRAVEN		S-531   SIMPSON

This bill repeals the section of law that outlines the method of calculating the votes for the Androscoggin County commissioner district budget committee members, and enacts in its stead a new section of law that reflects the current Androscoggin County commissioner districts, which were reapportioned in 2003 after the 2000 census.

### **Senate Amendment "B" (S-531)**

This amendment adds an emergency preamble and emergency clause to the bill.

### **Enacted Law Summary**

Public Law 2009, chapter 650 repeals the section of law that outlines the method of calculating the votes for the Androscoggin County commissioner district budget committee members, and enacts in its stead a new section of law that reflects the current Androscoggin County commissioner districts, which were reapportioned in 2003 after the 2000 census.

Public Law 2009, chapter 650 was enacted as an emergency measure effective April 13, 2010.