

MAINE STATE LEGISLATURE

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STATE OF MAINE
125TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

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

July 2011

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STATE OF MAINE
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LEGISLATIVE DIGEST OF BILL SUMMARIES AND
ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 125th Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD 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 LD is noted to the right of the LD title. The following describes the various final actions.

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; legislation died
DIED BETWEEN HOUSES..... House & Senate disagreed; legislation died
DIED IN CONCURRENCE..... defeated in each house, but on different motions; legislation died
DIED ON ADJOURNMENT..... action incomplete when session ended; legislation died
EMERGENCY..... enacted law takes effect sooner than 90 days after session adjournment
FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE emergency failed to receive required 2/3 vote
FAILED, ENACTMENT or FINAL PASSAGE..... failed to receive final majority vote
FAILED, MANDATE ENACTMENT legislation proposing local mandate failed required 2/3 vote
HELD BY GOVERNOR..... Governor has not signed; final disposition to be determined at subsequent session
LEAVE TO WITHDRAW..... sponsor's request to withdraw legislation granted
NOT PROPERLY BEFORE THE BODY ruled out of order by the presiding officer; legislation died
INDEF PP..... indefinitely postponed; legislation died
ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X... ought-not-to-pass report accepted; legislation died
P&S XXX..... chapter # of enacted private & special law
PUBLIC XXX..... chapter # of enacted public Law
RESOLVE XXX..... chapter # of finally passed resolve
VETO SUSTAINED..... Legislature failed to override Governor's veto

The effective date for non-emergency legislation enacted in the First Regular Session of the 125th Legislature is September 28, 2011. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

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has received its lawful final approval and, if required, a public hearing was held on the permit. A municipal land use permit may not be nullified or amended by the nullification or amendment of another municipal permit. The law specifies that this provision does not affect any municipal ordinance that provides for a lapse of the permit or authority granted pursuant to the permit after a certain period of time.

LD 87 An Act Regarding the Official State Seal

**MAJORITY
(ONTP) REPORT**

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

This bill provides that the official state seal is the seal in use by the Secretary of State on July 1, 2010.

Committee Amendment "A" (H-62)

This amendment, which is the minority report of the committee, clarifies that the official state seal continues to follow the description in the Maine Revised Statutes, Title 1, section 201, but that its appearance may not change from the exact version in use by the Secretary of State on July 1, 2010.

LD 104 An Act Regarding Audits of State Agency Expenditures To Recover Overpayments and Lost Discounts

**PUBLIC 21
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LANGLEY	OTP-AM	S-12

This bill requires the State Controller to contract with one or more consultants to conduct recovery audits of payments made by state agencies to vendors to identify payments made in error and to recommend improvements for state agency accounting. The bill enumerates authorized contract provisions and provides for the handling of confidential information by a contractor. It requires recovery audits of state agencies but allows the State Controller to exempt agencies with a low proportion of expenditures made to vendors. The bill requires agencies to use recovered money to pay the audit consultant responsible for the recovery and to return or expend recovered federal money according to the rules of the federal program through which the agency received the money. It also requires the State Controller to forward the audit reports to the Governor, the State Auditor and the Legislative Council and to issue a summary report to the Legislature on a biennial basis.

Committee Amendment "A" (S-12)

This amendment makes a number of changes to the bill requiring the State Controller to conduct recovery audits.

1. It adds to the definition of "overpayment" a commodity billed at an amount higher than negotiated in a contract or master agreement.
2. It requires recovery audits to be completed at least every 10 years.
3. It removes the exemption from the audit recovery process of a state agency that has a low proportion of its expenditures made to vendors.

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4. It removes the section that would have allowed an audit recovery consultant to pursue judicial action on behalf of the State.
5. It changes the way an audit recovery consultant is paid by setting up an audit recovery account out of which the consultant is paid.
6. It requires the State Controller to report to the Joint Standing Committee on Appropriations and Financial Affairs and the Joint Standing Committee on State and Local Government rather than the Legislature as a whole.
7. It makes rulemaking by the State Controller optional rather than mandatory.

Enacted Law Summary

Public Law 2011, chapter 21 requires the State Controller to contract with one or more consultants to conduct recovery audits of payments made by state agencies to vendors to identify payments made in error and to recommend improvements for state agency accounting. A recovery audit must be conducted at least once every ten years. The Department of Administrative and Financial Services shall establish an audit recovery account in which all recovered money shall be deposited and the consultant shall be paid by the State Controller out of that account. The State Controller shall forward the audit reports to the Governor, the State Auditor, the Joint Standing Committee on Appropriations and Financial Affairs and the Joint Standing Committee on State and Local Government on a biennial basis.

Public Law 2011, chapter 21 was enacted as an emergency measure effective April 11, 2011.

LD 113 RESOLUTION, Proposing an Amendment to the Constitution of Maine ONTP
To Provide 4-year Terms and a Term Limit of 2 Terms for Legislators

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

This resolution proposes to amend the Constitution of Maine to change the terms of Senators and members of the House of Representatives to four years beginning with the statewide election in 2012 and to correspondingly increase the span of a single Legislature from two to four years. It also proposes a term limit of no more than two consecutive terms.

LD 122 An Act To Change Health Care Provisions for Retired Legislators ONTP

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

Current law allows a person who retires from the Legislature to participate in the State's group health plan as long as that person participated for at least one year in the group health plan prior to retiring. This bill removes from eligibility for participation in the group health plan a person who retires from the Legislature after January 1, 2011 and whose only creditable service is as a member of the Legislature. A person who has other creditable service as a teacher or member of the Maine Public Employees Retirement System retains eligibility for participation in the group health plan upon retirement.