

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

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



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

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

June 2012

**MEMBERS:**

SEN. DOUGLAS A. THOMAS, CHAIR  
SEN. RONALD F. COLLINS  
SEN. NANCY B. SULLIVAN

REP. H. DAVID COTTA, CHAIR  
REP. LANCE EVANS HARVELL  
REP. BRADLEY S. MOULTON  
REP. BETH P. TURNER  
\*REP. RICHARD CEBRA  
REP. ANDREA M. BOLAND  
REP. BRYAN T. KAENRATH  
REP. BRIAN D. BOLDUC  
REP. ALAN M. CASAVANT  
REP. ANNE P. GRAHAM

**STAFF:**

ANNA T. BROOME, LEGISLATIVE ANALYST  
OFFICE OF POLICY AND LEGAL ANALYSIS  
13 STATE HOUSE STATION  
AUGUSTA, ME 04333  
(207) 287-1670

\*REPLACED REP. MICHAEL CELLI EARLY IN THE SESSION

# STATE OF MAINE

125<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 LDs and adopted amendments and all laws enacted or finally passed during the Second Regular Session of the 125<sup>th</sup> 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.

|   |  |
|---|--|
| <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; legislation died</i>                         |
| <i>DIED BETWEEN HOUSES</i> .....                          | <i>House &amp; Senate disagreed; legislation died</i>                                    |
| <i>DIED IN CONCURRENCE</i> .....                          | <i>defeated in each house, but on different motions; legislation died</i>                |
| <i>DIED ON ADJOURNMENT</i> .....                          | <i>action incomplete when session ended; legislation died</i>                            |
| <i>EMERGENCY</i> .....                                    | <i>enacted law takes effect sooner than 90 days after session adjournment</i>            |
| <i>FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE</i> ..... | <i>emergency failed to receive required 2/3 vote</i>                                     |
| <i>FAILED, ENACTMENT or FINAL PASSAGE</i> .....           | <i>failed to receive final majority vote</i>   |
| <i>FAILED, MANDATE ENACTMENT</i> .....                    | <i>legislation proposing local mandate failed required 2/3 vote</i>                      |
| <i>HELD BY GOVERNOR</i> .....                             | <i>Governor has not signed; final disposition to be determined at subsequent session</i> |
| <i>LEAVE TO WITHDRAW</i> .....                            | <i>sponsor's request to withdraw legislation granted</i>                                 |
| <i>NOT PROPERLY BEFORE THE BODY</i> .....                 | <i>ruled out of order by the presiding officer; legislation died</i>                     |
| <i>INDEF PP</i> .....                                     | <i>indefinitely postponed; legislation died</i>  |
| <i>ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X</i> ... | <i>ought-not-to-pass report accepted; legislation 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>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 125<sup>th</sup> Legislature is Thursday, August 30, 2012. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

*Joint Standing Committee on State and Local Government*

**LD 287**

**An Act To Provide Savings to the State by Contracting Out Certain Services**

**ONTP**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| WINSOR            | ONTP                    |                           |

This bill was carried over from the First Regular Session of the 125th Legislature.

This bill is a concept draft pursuant to Joint Rule 208. It proposes to identify the types of services provided by the State and the extent to which those services are provided by state employees or through contracts with private entities. The bill proposes the identification of the types of services provided by state employees that could be provided more effectively and with reduced cost by privately contracted services. The bill proposes to explore the practices of other states and identify private contracting practices that are effective and the actions that would be necessary to achieve similar benefits in Maine.

**LD 543**

**An Act To Protect Legislative Intent in Rulemaking**

**PUBLIC 479**

| <u>Sponsor(s)</u>   | <u>Committee Report</u>  | <u>Amendments Adopted</u> |
|---------------------|--------------------------|---------------------------|
| PRESCOTT<br>GOODALL | OTP-AM MAJ<br>OTP-AM MIN | H-688                     |

This bill was carried over from the First Regular Session of the 125th Legislature.

This bill is a concept draft pursuant to Joint Rule 208. This bill requires the review of agency rulemaking authority and establishes clearer distinctions between major substantive rules and routine technical rules to ensure that legislative grants of rulemaking authority are clear and specific enough to not result in agency misunderstanding of legislative intent or overly broad construction of the grant of rulemaking authority.

**Committee Amendment "B" (H-688)**

This amendment, which is the majority report of the committee, replaces the bill. The amendment requires a state agency to notify the primary sponsor of the legislation that authorized the rulemaking, as long as the rulemaking occurs within two years of the enactment of the legislation. The amendment also requires that by February 1st of each year the Secretary of State must provide the Executive Director of the Legislative Council with a list of all rules adopted by each agency in the previous calendar year. The Executive Director of the Legislative Council must forward the list to the joint standing committee or committees of the Legislature having jurisdiction over those rules. The list must include the statutory authority for the rule, the rule chapter number and title, the principal reason or purpose for the rule, a written statement explaining the factual and policy basis for the rule, whether the rule was major substantive or routine technical, whether the rule was adopted as an emergency and the fiscal impact of the rule. Each committee may require an agency to appear before it, and the committee is authorized to report out legislation in the same legislative session to adjust the rule-making authority of the agency if the committee considers it necessary.

**Committee Amendment "C" (H-689)**

This amendment, which is the minority report of the committee, replaces the bill. The amendment requires a state agency to notify the primary sponsor of the legislation that authorized the rulemaking, as long as the rulemaking