

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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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.

Joint Standing Committee on State and Local Government

1. It provides that the provisions of the Informed Growth Act do not apply to a municipality unless the municipality adopts an ordinance that adopts by reference the Informed Growth Act.
2. It provides that municipalities that are subject to the Informed Growth Act by the adoption of such an ordinance receive the fee directly from the developer for the comprehensive economic impact study rather than through the Executive Department, State Planning Office and determine the amount of the fee.
3. The definition of "undue adverse impact" is amended to mean that the estimated overall negative effects outweigh the positive effects and removes the requirement that the estimated negative effects of at least two of the factors considered in the study outweigh the positive effects on those factors.
4. It provides that the municipality may determine which factors are considered in the comprehensive economic impact study.

LD 329 RESOLUTION, Proposing an Amendment to the Constitution of Maine ONTP
To Elect State Senators by County

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

This resolution proposes to amend the Constitution of Maine to reduce the size of the Senate from no more than 35 members to 32 members as a result of reapportioning to two Senators per county. The resolution also requires the redrawing of district lines, to occur during the regularly scheduled redistricting following the decennial census. The redistricting will be done in 2013.

LD 344 An Act To Authorize Cumberland County To Offer Certain ONTP
Educational Services

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

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to authorize Cumberland County, which recently adopted a comprehensive home rule charter by referendum, to provide regional educational services, including back-office services for school districts within the county, and specialized educational services such as regional vocational education, special education, a regional science and technology high school or other regional educational initiatives.

LD 345 An Act To Modernize the Functions of County Government ONTP

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

Joint Standing Committee on State and Local Government

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to realign the functions of state, county and municipal government to create a system of government that meets the needs of Maine citizens efficiently and effectively, reduces the overall cost of government and avoids duplication in services while protecting the health, safety and welfare of Maine residents.

LD 369 An Act To Authorize the Sale of Surplus Property to Nonprofit Animal Shelters PUBLIC 9

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HARVELL TRAHAN	OTP	

This bill allows nonprofit animal shelters to be considered qualifying nonprofit organizations for purposes of purchasing surplus property from the State.

Enacted Law Summary

Public Law 2011, chapter 9 allows nonprofit animal shelters to be considered qualifying nonprofit organizations for purposes of purchasing surplus property from the State.

LD 392 An Act To Amend the Requirements for Publishing Municipal Legal Notices DIED BETWEEN HOUSES

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

This bill allows municipalities to publish legal notices either in a newspaper distributed by 3rd class mail or electronically as long as the municipal officers adopt a publication policy. Under the alternative newspaper distribution option, the locally adopted policy must meet two requirements:

1. All households in the municipality must receive the alternative newspaper; and
2. The municipality must retain a record of all notices published in the alternative newspaper.

Under the electronic media distribution option, the locally adopted policy must meet three requirements:

1. More than 50% of all households in the municipality must subscribe to receive electronic notices;
2. Subscription must be provided at no cost; and
3. The municipality must retain a record of all notices distributed electronically.

Senate Amendment "A" (S-145)

This amendment removes the provision from the bill permitting municipalities to publish legal notices electronically.