

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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thereafter. This resolution must be approved by a majority of the legal votes cast at the statewide election in November in order for this amendment to become part of the Constitution of Maine.

LD 497 An Act To Amend the Powers and Duties of Municipal Treasurers INDEF PP

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|----------------------|-------------------------|---------------------------|
| GIFFORD THIBODEAU | OTP | |

This bill provides that written policies adopted by municipal officers permitting certain disbursements remain in effect until amended or revoked instead of being renewed every year.

LD 541 An Act To Clarify the Boundary between the Town of Cushing and the Town of Friendship, Town of Warren, Town of Thomaston and Town of Waldoboro P & S 4

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|------------------------|-------------------------|---------------------------|
| RICHARDSON W TRAHAN | OTP-AM | H-109 |

This bill clarifies the boundary line between the Town of Cushing and the Town of Friendship.

Committee Amendment "A" (H-109)

This amendment corrects some technical errors in the bill. It clarifies that the boundary being described is between the Town of Cushing and the Town of Friendship, Town of Warren, Town of Thomaston and Town of Waldoboro rather than only the Town of Friendship. It corrects a reference to the location of a monument and a reference to the thread of the Meduncook River. The amendment also requires the municipal officers of the towns to sign the plan before it is filed with the Registry of Deeds.

Enacted Law Summary

Private and Special Law 2011, chapter 4 clarifies the boundary between the Town of Cushing and the Towns of Friendship, Warren, Thomaston and Waldoboro. The municipal officers of the towns are required to sign the plan before it is filed with the Registry of Deeds.

LD 543 An Act To Protect Legislative Intent in Rulemaking Carried Over

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|---------------------|-------------------------|---------------------------|
| PRESCOTT GOODALL | | |

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

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legislative intent or overly broad construction of the grant of rulemaking authority.

Committee Amendment "A" (H-546)

The amendment replaces the bill. The amendment requires that by January 15th of each year, an agency that has adopted a rule in the previous calendar year to provide a coordinated list of all rules to the Executive Director of the Legislative Council, who is required to refer the list to the legislative committee with jurisdiction over those rules. The coordinated list must include the statutory authority for the rule, rule chapter number and title, 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. The committee of jurisdiction is authorized to report out legislation in the same session to adjust the rulemaking authority of the agency if the legislative committee considers it necessary.

House Amendment "A" To Committee Amendment "A" (H-671)

This amendment requires the Secretary of State, rather than state agencies as in Committee Amendment "A," to provide the Executive Director of the Legislative Council lists of all rules adopted by state agencies in the previous calendar year.

This bill was recommitted to committee and carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

LD 587 An Act To Reduce the Cost of Delivering Certain State Services ONTP

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

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to have the State enter into pilot projects with one or more counties to demonstrate whether contracting with the counties would provide a savings to the taxpayers of the State. The services that could be the subject of such pilot projects include but are not limited to:

1. Rural law enforcement;
2. Regional human services delivery; and
3. Highway maintenance.

The pilot projects would rely on performance-based contracts between the State and one or more counties.

**LD 588 An Act To Require the Archives Advisory Board To Recommend MAJORITY
Candidates for State Archivist (ONTP) REPORT**

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