

MAINE STATE LEGISLATURE

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STATE OF MAINE
125TH 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

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STATE OF MAINE

125TH LEGISLATURE
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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 Second 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.

<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 & 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&S XXX</i>	<i>chapter # of enacted private & 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 125th 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 GOODALL	OTP-AM MAJ 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

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occurs within two years of the enactment of the legislation. The amendment also requires that by February 1st of each year an agency that was authorized to adopt rules in the previous calendar year must provide a consolidated list of all rules adopted in that year to the Executive Director of the Legislative Council, who is required to refer the list to the joint standing committee or committees of the Legislature having jurisdiction over those rules. The consolidated 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 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. This amendment was not adopted.

Enacted Law Summary

Public Law 2011, chapter 479 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. 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.

LD 769 An Act To Review the Functions of the State Planning Office ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MOULTON RECTOR	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. This bill proposes to restructure the Executive Department, State Planning Office. It retains within the State Planning Office those functions that are best performed by that office, and removes to other offices and entities those functions best performed by organizations other than the State Planning Office. As part of the restructuring, the roles of the regional planning commissions established pursuant to the Maine Revised Statutes, Title 30-A, chapter 119 would be more clearly defined, as is the role of the State Planning Office in the review of comprehensive plans developed pursuant to Title 30-A.

**LD 1550 An Act To Change Document Filing Fees for County Registries of Deeds VETO
SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MOULTON COLLINS	OTP-AM MAJ ONTP MIN	H-711 H-851 MOULTON