

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

This resolution proposes to amend the Constitution of Maine to require that a candidate for Governor receive more than 50% of the votes cast to be elected. Currently, the candidate who receives the largest number of votes, regardless of that number's percentage of the total number of votes cast, becomes Governor. This resolution requires a run-off election between the two persons who received the largest number of votes when no candidate received more than 50% of the total number of votes cast. The person who receives the larger number of votes in the run-off election is declared Governor.

Committee Amendment "A" (S-31)

This amendment, which is the minority report of the committee, incorporates a fiscal note.

**LD 644 An Act To Add Transit Services to the Growth Management Program MINORITY
Comprehensive Plan (ONTP) REPORT**

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

This bill amends the laws regarding planning and land use regulation by amending the growth management program comprehensive plan elements to include transit services in the list of existing transportation systems.

**LD 669 RESOLUTION, Proposing an Amendment to the Constitution of Maine ONTP
To Change the Number of Members of the Legislature, the Length of
Legislative Sessions and the Requirements for Introduction of Bills in a
Second Regular Session**

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

This resolution proposes to amend the Constitution of Maine to reduce the number of members of the Senate from between 31 and 35 to 17 and the number of members of the House of Representatives from 151 to 101 beginning with the 127th Legislature. The resolution also proposes to extend the length of legislative sessions and remove the requirements for introduction of bills in a second regular session.

**LD 681 An Act To Clarify the Operation of the Maine Commission for MAJORITY
Community Service (ONTP) REPORT**

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

This bill makes changes to the Maine Commission for Community Service. It allows the commission to hold no more than four meetings a year. It moves the administrative support for the commission from the Executive

Joint Standing Committee on State and Local Government

Department, State Planning Office to the office of the Secretary of State and prohibits the use of General Fund money for the administrative operations of the commission. It prohibits community service programs receiving grants from the commission from charging fees to participating individuals. It requires the Joint Standing Committee on State and Local Government to review the local funding requirements for national service programs to determine whether participation in these programs creates a fiscal burden for municipalities by December 1, 2011. The committee may submit a bill related to the funding requirements in the Second Regular Session of the 125th Legislature.

Committee Amendment "A" (H-265)

This amendment, which is the minority report of the committee, adds an appropriations and allocations section.

LD 687 An Act To Contract Out the State Single Audit

**MAJORITY
(ONTP) REPORT**

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

This bill requires the State Controller to contract with an independent auditor to conduct the so-called state single audit of State Government every year beginning in 2012. The bill repeals the provision of law that currently gives the responsibility for the state single audit to the Department of Audit.

Committee Amendment "A" (H-175)

This amendment, which is the minority report of the committee, adds an appropriations and allocations section.

LD 701 An Act To Amend Certain Laws Governing County Sheriffs

PUBLIC 95

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DION	OTP-AM	H-110

This bill describes the procedures that a board of county commissioners must use to determine the salary of the county sheriff. The bill establishes a procedure by which the county sheriff, if dissatisfied with the salary set by the board of county commissioners, may appeal that decision. The bill also describes the duties of the county sheriff.

Committee Amendment "A" (H-110)

This amendment makes the following changes to the bill.

1. It corrects a cross-reference in the Maine Revised Statutes, Title 30-A, section 373, subsection 1 that refers to county sheriffs receiving an annual salary as set out in Title 30-A, section 2. Public Law 2003, chapter 696 repealed the reference to the salaries of county officers in Title 30-A, section 2.
2. It removes the requirement for county sheriffs to be paid on intervals no less than once a month.
3. It removes the language that sets up a procedure for a county sheriff to appeal to the Superior Court if the sheriff