

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

**LD 904 An Act To Make Changes to Boards and Commissions Concerning
Membership, Appointments and Terms**

**DIED BETWEEN
HOUSES**

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

This bill makes the following changes to boards and commissions established by the Legislature.

1. The suggested legislation currently required by law to be submitted by the Secretary of State to the joint standing committee of the Legislature having jurisdiction over state government matters must include provisions to repeal any board that has had vacancies in 2/3 or more of its membership for more than one year. The number of vacancies and the length of those vacancies are already included in the annual report from each board to the Secretary of State.
2. A member whose appointed term has expired and for whom no replacement member has been appointed may serve no more than an additional 12 months without formal reappointment.
3. A member of a board may serve no more than four terms on that board or the number of terms as provided by the statute governing the board, whichever is less.
4. The clerk of a board shall notify the Secretary of State of vacancies. The Secretary of State shall post all vacancies on a publicly accessible website. The posting must include brief information about the board, the requirements for the member, the length of the member's term and contact information for the appointing authority.

Committee Amendment "A" (H-182)

This amendment strikes the section of the bill that requires the Secretary of State to include in suggested legislation repeal of a board with vacancies in 2/3 or more of its membership. It also removes the section relating to term limits. The amendment requires that the Secretary of State post an annual report of appointments and reappointments to boards and commissions rather than a continuously updated list of vacancies. It also specifies that members of boards and commissions with expired terms may serve for 12 months after September 1, 2011 without being appointed to another term.

LD 940 An Act To Increase Access to State Rule-making Notices

**DIED ON
ADJOURNMENT**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| HAYES | OTP-AM | H-445 |

This bill eliminates the requirement that the Secretary of State publish proposed and adopted rules in the newspaper beginning July 1, 2012. It requires the Department of Administrative and Financial Services to issue a contract to provide a website for rulemaking notices in accordance with the competitive bid process pursuant to the Maine Revised Statutes, Title 5, chapter 155. The website must be fully operational no later than July 1, 2012.

Committee Amendment "A" (H-445)

Joint Standing Committee on State and Local Government

This amendment replaces the bill. It requires the Secretary of State to publish adopted rule notices only on the publicly accessible website maintained by the Secretary of State. The bill removes all proposed and adopted rules from publication in the newspaper beginning July 1, 2012. The amendment also requires the General Fund savings from reducing newspaper publication to be allocated to the Secretary of State to be used for improving the website and requires the Secretary of State to submit a progress report to the Joint Standing Committee on State and Local Government by January 15, 2012. The amendment also adds an appropriations and allocations section.

The substance of this amendment was incorporated into Public Law 2011, chapter 380, the biennial budget, and the bill died on the appropriations table on adjournment.

LD 942 An Act To Exempt Municipalities from Indemnification Provisions in State Contracts ONTP

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

This bill provides that the State, including state agencies, boards, commissions and departments, may not, by written agreement, require that it be held harmless or indemnified by a municipality for claims, unless grounded in bodily injury, including death, or property damage resulting from the sole negligence of the municipality or its agents, servants or employees.

LD 953 An Act To Establish the Maine Science Advisory Board ONTP

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

This bill establishes the Maine Science Advisory Board. The Board consists of 16 members, serving 4 year terms, appointed by the Governor and the presiding officers. The Board shall summarize pertinent scientific studies with an emphasis on studies relevant to the subject of concern to the Legislature in an objective fashion understandable to legislators.

LD 954 An Act To Promote Rural Job Creation and Workforce Development ACCEPTED REPORT B (ONTP)

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| BARTLETT | OTP-AM A ONTP B | |

This bill gives a preference in state contracting to bidders who primarily employ residents of the State and to bidders who coordinate with regional workforce development programs and who fill at least 20% of positions on the project with low-income or long-term unemployed people. The bill requires that successful bidders on public building or