

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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

MEMBERS:

SEN. DOUGLAS A. THOMAS, CHAIR
SEN. RONALD F. COLLINS
SEN. NANCY B. SULLIVAN

REP. H. DAVID COTTA, CHAIR
REP. LANCE EVANS HARVELL
REP. BRADLEY S. MOULTON
REP. MICHAEL CELLI
REP. BETH P. TURNER
REP. ANDREA M. BOLAND
REP. BRYAN T. KAENRATH
REP. BRIAN D. BOLDUC
REP. ALAN M. CASAVANT
REP. ANNE P. GRAHAM

STAFF:

ANNA T. BROOME, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670

STATE OF MAINE
125TH LEGISLATURE
FIRST REGULAR SESSION



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 1125 An Act To Implement the Recommendations of the Joint Standing Committee on State and Local Government To Make Necessary Changes to the Maine Administrative Procedure Act

PUBLIC 244

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BOLAND THOMAS	OTP-AM	H-334

This bill implements the statutory recommendations of the Joint Standing Committee on State and Local Government resulting from its study of the Maine Administrative Procedure Act pursuant to Resolve 2009, chapter 207. This bill clarifies that a provisionally adopted major substantive rule submitted for legislative review after the statutory deadline for submission may not be finally adopted unless legislation authorizing its adoption is enacted into law or the agency follows the procedure under the Maine Revised Statutes, Title 5, section 8072 as amended in this bill and the Legislature fails to act. This bill also specifies that an emergency rule must include the agency's findings with respect to the existence of an emergency in a section labeled "findings" and that emergency rules proposed or adopted in whole or in part to satisfy the requirements of a temporary curtailment order must include a specification in the rule of the dollar amount of curtailed funds attributable to each change adopted in the rule.

Committee Amendment "A" (H-334)

This amendment removes the language of proposed rules from the provisions relating to emergency rules because emergency rules are only adopted and not proposed. The amendment also clarifies that the findings for an emergency rule must be included in the basis statement for the rule and not the rule itself.

Enacted Law Summary

Public Law 2011, chapter 244 implements the statutory recommendations of the Joint Standing Committee on State and Local Government resulting from its study of the Maine Administrative Procedure Act pursuant to Resolve 2009, chapter 207. It clarifies that a provisionally adopted major substantive rule submitted for legislative review after the statutory deadline for submission may not be finally adopted unless legislation authorizing its adoption is enacted into law, or the agency follows the procedure under the Maine Revised Statutes, Title 5, section 8072 as amended in this law and the Legislature fails to act. It also specifies that the basis statement for an emergency rule must include a "findings" section that describes the existence of an emergency. Emergency rules adopted in whole or in part to satisfy the requirements of a temporary curtailment order must include a specification in the rule of the dollar amount of curtailed funds attributable to each change adopted in the rule.

LD 1128 An Act To Modify the Requirements for Municipal Code Enforcement Officer Training

MAJORITY (ONTP) REPORT

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

This bill transfers the responsibility to train municipal code enforcement officers from the Executive Department, State Planning Office to the Maine Community College System and transfers the responsibility to certify municipal code enforcement officers from the State Planning Office to the Department of Professional and Financial Regulation.

Joint Standing Committee on State and Local Government

Committee Amendment "A" (H-601)

This amendment adds an appropriations and allocations section to the bill.

LD 1144 An Act To Repeal Inactive Boards and Commissions

PUBLIC 344

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-472

This bill repeals boards and commissions that have failed to file an annual report as required by the Maine Revised Statutes, Title 5, section 12005-A for 2009 or 2010 and those that have reported inactivity during 2009 and 2010.

1. The boards and commissions repealed for failing to file annual reports are:
 - A. Acquired Brain Injury Advisory Council;
 - B. Advisory Board of the Maine Learning Technology Fund;
 - C. Advisory Committee on School Psychological Service Providers;
 - D. Board of Directors of the Mixed Martial Arts Authority of Maine;
 - E. Board of Trustees of the Maine School of Science and Mathematics;
 - F. Commission to Protect the Lives and Health of Members of the Maine National Guard;
 - G. Driver Education and Evaluation Programs Appeals Board;
 - H. Interagency Review Panel;
 - I. Interdepartmental Committee on Transition;
 - J. Lobster Advisory Council;
 - K. Maine Council of Poverty and Economic Security;
 - L. Maine Food Policy Council;
 - M. Maine Fuel Board;
 - N. Maine Quality of Place Council;
 - O. Maine Vaccine Board;
 - P. New England Board of Higher Education;
 - Q. Prison Industries Advisory Council;