

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
125<sup>TH</sup> 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  
125<sup>TH</sup> 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 First Regular Session of the 125<sup>th</sup> 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 125<sup>th</sup> 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**

The substance of this bill was incorporated into LD 1521 which was enacted as Public Law 2011, chapter 321.

**LD 1248      An Act To Require Approval by the Voters of Legislation To Enact or Increase a Tax or Fee      MAJORITY (ONTP) REPORT**

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

This bill provides that a measure enacted by the Legislature that would create or increase a tax or fee may not take effect until the measure has been approved by the voters at the next statewide election and requires the Secretary of State to post information regarding the measure on its website and include the information on the ballot.

**Committee Amendment "A" (S-224)**

This amendment, which is the minority report of the committee, replaces the bill and requires the creation or increase of a tax generating \$10,000,000 or more annually to be approved by the voters unless the measure is approved by a vote of 2/3 of all the members elected to each chamber of the Legislature. It also removes the requirement that the Secretary of State prepare information about how the projected new revenue is intended to be used.

**LD 1257      An Act Regarding Labor Contracts for Public Works Projects      PUBLIC 463**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PLOWMAN	OTP-AM MAJ ONTP MIN	S-254 S-318 THOMAS

This bill provides that the plans, specifications and contract documents for a public works project may not require bidders, contractors or subcontractors to enter into or comply with certain agreements with labor organizations. The bill also provides a cause of action to challenge the awarding of a contract that violates these provisions.

**Committee Amendment "A" (S-254)**

This amendment, which is the majority report of the committee, specifies that a public authority may not impose as a condition of awarding a bid a requirement on an employer to enter into or comply with certain agreements with labor organizations. The amendment removes an employee of a bidder, contractor or subcontractor for a public works contract and a taxpayer from the definition of "interested party," which describes those who have standing to bring action to challenge the awarding of a public works contract for violating these provisions. It clarifies that the court determines other appropriate relief to be awarded in an action rather than stating that an interested party that prevails in an action is entitled to any other appropriate relief requested by that party.

**Senate Amendment "C" To Committee Amendment "A" (S-318)**

This amendment specifies that for public works contracts entered into by the Department of Transportation and the Maine Turnpike Authority for a construction project awarded or renewed from October 1, 2011 to October 1, 2015, the contract may not include, as a condition of awarding a bid, a requirement on an employer to enter into or comply