

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.

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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

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with certain agreements with labor organizations. A project may be exempted from this requirement if special circumstances require an exemption and it is in the best economic interest of the project. The amendment also removes the language relating to penalties for violation and corrects a clerical error regarding the scope of application of a definition section.

Enacted Law Summary

Public Law 2011, chapter 463 provides 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 with certain agreements with labor organizations. A project may be exempted from this requirement if special circumstances require an exemption and it is in the best economic interest of the project.

LD 1261 An Act Relating to Selection of Constitutional Officers and the State Auditor

MAJORITY (ONTP) REPORT

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

This bill provides a mechanism for a voter referendum on candidates for Secretary of State, Treasurer of State and Attorney General. Nomination, party qualification and manner of filling vacancies leading up to the referendum are conducted in the same manner as for candidates for Governor. The selection of individuals to hold the offices of Secretary of State, Treasurer of State and Attorney General continues to be made by the Legislature as provided in the Constitution of Maine. The bill also provides for the election of the State Auditor by the voters.

Committee Amendment "A" (S-44)

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

LD 1297 An Act Relating to the Qualifications for the Position of Municipal Officer

ONTP

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

This bill prohibits, in municipalities that do not have a town manager, a municipal officer or selectman from being an employee of that same town at the same time the person is serving as a municipal officer. The bill allows a municipal officer who is an employee of the municipality on the effective date of this Act to serve the remainder of the municipal officer's term, and if the municipal officer is running for reelection and the election is within six months of the effective date of this Act, the municipal officer may serve the next term if the municipal officer is reelected.