

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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STATE OF MAINE
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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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prohibition.

LD 1359 An Act To Enhance Local Control of Noise Ordinances ONTP

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

This bill gives municipalities the authority to adopt ordinances to regulate noise and amends the laws governing motor vehicle noise to restore the laws that existed prior to Public Law 2009, chapter 639.

LD 1373 Resolve, To Produce Cost Savings by Requiring the State E-mail System To Be Hosted by Google ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WILLETTE A MASON	ONTP	

This resolve requires InforME to implement a change of the official state e-mail system to a system that is hosted by Google, Inc.

LD 1389 An Act To Require Certain Costly Rules To Be Approved by the Legislature ONTP

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

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to require that a routine technical agency rule that would cost the State \$1,000,000 must be considered by the Legislature before final adoption by an agency in the same manner as a major substantive rule pursuant to the Maine Revised Statutes, Title 5, section 8072.

LD 1410 An Act To Amend the Maine Administrative Procedure Act PUBLIC 326

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAREY	OTP-AM	H-368

This bill requires each state agency to maintain a rulemaking docket on the agency's publicly accessible website listing any proposed rules or modifications to rules under active consideration by the agency. The rulemaking docket must list for each proposed rule or modification of a rule the specific subject matter of the proposed rule or modification of a rule, agency contact information, status within the agency and information regarding any pending

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proceedings concerning the proposed rule or modification of a rule.

Committee Amendment "A" (H-368)

This amendment replaces the bill. It requires agencies to post on their websites proposed and adopted rules or provide a link to the rules posted on the Secretary of State's website.

Enacted Law Summary

Public Law 2011, chapter 326 requires agencies to post on their websites proposed and adopted rules or provide a link to the rules posted on the Secretary of State's website.

LD 1416 An Act To Provide Options to Municipalities Concerning the Maine Uniform Building and Energy Code

PUBLIC 408

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCKANE THIBODEAU	OTP-AM MAJ ONTP MIN	H-553

Current law requires the adoption of the Maine Uniform Building and Energy Code by all municipalities with more than 2,000 residents by July 1, 2012, including those municipalities without a building code. An ordinance that conflicts with the Maine Uniform Building and Energy Code is considered void as of December 1, 2010.

Beginning December 1, 2012, this bill requires a municipality, regardless of size, that has adopted a building code, including a building code or portion of a building code related to residential, commercial or existing structures or an energy code, as of January 1, 2011, to adopt the comparable portion of the Maine Uniform Building and Energy Code. The municipality is required to adopt only that portion of the Maine Uniform Building and Energy Code that relates to the code already in place in that municipality. This bill also delays voidance of a conflicting municipal ordinance until December 1, 2012.

Committee Amendment "A" (H-553)

This amendment, which is the majority report of the committee, replaces the bill. It changes the threshold for municipalities that must adopt the Maine Uniform Building and Energy Code from municipalities with more than 2,000 residents to municipalities with more than 4,000 residents. It requires the Technical Building Codes and Standards Board to adopt, amend and maintain an individual uniform statewide building code and a uniform statewide energy code that municipalities up to 4,000 residents may choose to adopt. If a municipality with up to 4,000 residents chooses to adopt a building code or an energy code it must adopt the statewide version adopted by the Technical Building Codes and Standards Board, or it may adopt the entire Maine Uniform Building and Energy Code. A municipality with up to 4,000 residents may choose to have no code.

Senate Amendment "A" To Committee Amendment "A" (S-288)

This amendment strikes Committee Amendment "A" and the bill and replaces them with language that gives municipalities the option to exempt from the Maine Uniform Building and Energy Code any residential remodeling or additions on single-family residential buildings constructed prior to December 1, 2010. This amendment was not adopted.

Enacted Law Summary

Public Law 2011, chapter 408 changes the threshold for municipalities that must adopt the Maine Uniform Building and Energy Code from municipalities with more than 2,000 residents to municipalities with more than 4,000 residents. It requires the Technical Building Codes and Standards Board to adopt, amend and maintain an individual uniform statewide building code and a uniform statewide energy code that municipalities up to 4,000 residents may choose to adopt. If a municipality with up to 4,000 residents chooses to adopt a building