

# 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*

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 avoidance 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

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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.

**LD 1442 An Act To Clarify Enforcement of Maine's Building Codes**

**ONTP**

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

This bill makes the following changes to the Maine Uniform Building and Energy Code:

1. It clarifies that the Code must be adopted and enforced by all municipalities with a population of more than 2,000 residents by July 1, 2012;
2. It clarifies that a municipal ordinance that is inconsistent with the Code is void in a municipality that has adopted the Code. This provision applies retroactively to the date of adoption of the Code, which is December 1, 2010 for certain municipalities;
3. It requires the Maine Land Use Regulation Commission to provide written notice of the existence of the Code to an applicant for a building permit in an unorganized or deorganized territory; and
4. It prohibits a person from serving as a 3rd-party inspector for the purposes of enforcing the Code in a municipality in which that person is appointed a building official.

**LD 1445 An Act To Provide More Efficient Notice of Public Activities**

**ONTP**

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

This bill changes the requirement for public notices to be published in a newspaper. Beginning July 1, 2013, a state agency may no longer publish a legal notice, legal advertising or other matter required by law to be published in a newspaper but must instead post such notices on a publicly accessible website maintained by the State. "State agency" is defined as any unit of State Government, including any state board or commission but not including the Legislature, the Judicial Department, the University of Maine System, the Maine Community College System and the Maine Maritime Academy. The Secretary of State and the Commissioner of Administrative and Financial Services shall contact all state agencies to determine all instances of legal notice publication requirements existing in the Maine Revised Statutes and request recommendations from those agencies regarding which notices should continue to be published in a newspaper after July 1, 2013. The Secretary of State and the Commissioner of Administrative and Financial Services shall jointly submit a report based on the recommendations from the state agencies, along with any necessary implementing legislation to the Joint Standing Committee of State and Local Government by December 15, 2012, and the committee is authorized to report out legislation to enact those recommendations.