

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
SECOND REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON STATE AND LOCAL
GOVERNMENT**

June 2012

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. BETH P. TURNER
*REP. RICHARD CEBRA
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

*REPLACED REP. MICHAEL CELLI EARLY IN THE SESSION

STATE OF MAINE

125TH LEGISLATURE
SECOND 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 Second 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.

<i>CARRIED OVER</i>	<i>carried over to a subsequent session of the Legislature</i>
<i>CON RES XXX</i>	<i>chapter # of constitutional resolution passed by both houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; legislation died</i>
<i>DIED BETWEEN HOUSES</i>	<i>House & Senate disagreed; legislation died</i>
<i>DIED IN CONCURRENCE</i>	<i>defeated in each house, but on different motions; legislation died</i>
<i>DIED ON ADJOURNMENT</i>	<i>action incomplete when session ended; legislation died</i>
<i>EMERGENCY</i>	<i>enacted law takes effect sooner than 90 days after session adjournment</i>
<i>FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE</i>	<i>emergency failed to receive required 2/3 vote</i>
<i>FAILED, ENACTMENT or FINAL PASSAGE</i>	<i>failed to receive final majority vote</i>
<i>FAILED, MANDATE ENACTMENT</i>	<i>legislation proposing local mandate failed required 2/3 vote</i>
<i>HELD BY GOVERNOR</i>	<i>Governor has not signed; final disposition to be determined at subsequent session</i>
<i>LEAVE TO WITHDRAW</i>	<i>sponsor's request to withdraw legislation granted</i>
<i>NOT PROPERLY BEFORE THE BODY</i>	<i>ruled out of order by the presiding officer; legislation died</i>
<i>INDEF PP</i>	<i>indefinitely postponed; legislation died</i>
<i>ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X</i> ...	<i>ought-not-to-pass report accepted; legislation died</i>
<i>P&S XXX</i>	<i>chapter # of enacted private & special law</i>
<i>PUBLIC XXX</i>	<i>chapter # of enacted public Law</i>
<i>RESOLVE XXX</i>	<i>chapter # of finally passed resolve</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's veto</i>

The effective date for non-emergency legislation enacted in the Second Regular Session of the 125th Legislature is Thursday, August 30, 2012. 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

occurs within two years of the enactment of the legislation. The amendment also requires that by February 1st of each year an agency that was authorized to adopt rules in the previous calendar year must provide a consolidated list of all rules adopted in that year to the Executive Director of the Legislative Council, who is required to refer the list to the joint standing committee or committees of the Legislature having jurisdiction over those rules. The consolidated list must include the statutory authority for the rule, the rule chapter number and title, the principal reason or purpose for the rule, a written statement explaining the factual and policy basis for the rule, whether the rule was major substantive or routine technical, whether the rule was adopted as an emergency and the fiscal impact of the rule. Each committee is authorized to report out legislation in the same legislative session to adjust the rule-making authority of the agency if the committee considers it necessary. This amendment was not adopted.

Enacted Law Summary

Public Law 2011, chapter 479 requires a state agency to notify the primary sponsor of the legislation that authorized the rulemaking, as long as the rulemaking occurs within two years of the enactment of the legislation. By February 1st of each year, the Secretary of State must provide the Executive Director of the Legislative Council with a list of all rules adopted by each agency in the previous calendar year. The Executive Director of the Legislative Council must forward the list to the joint standing committee or committees of the Legislature having jurisdiction over those rules. The list must include the statutory authority for the rule, the rule chapter number and title, the principal reason or purpose for the rule, a written statement explaining the factual and policy basis for the rule, whether the rule was major substantive or routine technical, whether the rule was adopted as an emergency and the fiscal impact of the rule. Each committee may require an agency to appear before it, and the committee is authorized to report out legislation in the same legislative session to adjust the rule-making authority of the agency if the committee considers it necessary.

LD 769 An Act To Review the Functions of the State Planning Office ONTP

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

This bill was carried over from the First Regular Session of the 125th Legislature.

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to restructure the Executive Department, State Planning Office. It retains within the State Planning Office those functions that are best performed by that office, and removes to other offices and entities those functions best performed by organizations other than the State Planning Office. As part of the restructuring, the roles of the regional planning commissions established pursuant to the Maine Revised Statutes, Title 30-A, chapter 119 would be more clearly defined, as is the role of the State Planning Office in the review of comprehensive plans developed pursuant to Title 30-A.

**LD 1550 An Act To Change Document Filing Fees for County Registries of Deeds VETO
SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MOULTON COLLINS	OTP-AM MAJ ONTP MIN	H-711 H-851 MOULTON

Joint Standing Committee on State and Local Government

This bill was carried over from the First Regular Session of the 125th Legislature.

This bill increases the fee for recording an instrument, including plans, at all registries of deeds by \$12.

Committee Amendment "A" (H-711)

This amendment, which is the majority report of the committee, increases the fee for recording an instrument, including plans, at all registries of deeds by \$6, rather than \$12 as in the bill.

House Amendment "A" To Committee Amendment "A" (H-806)

This amendment allows the county commissioners for each county to establish the fee for recording an instrument at the registry of deeds for that county. The recording fee is limited to a maximum of \$19 for the first record page and \$21 for plans, the same amounts proposed in Committee Amendment "A." This amendment was not adopted.

House Amendment "A" (H-851)

This amendment removes the emergency preamble and emergency clause.

LD 1596 Resolve, To Review Laws and Policies Related to Discontinued and Abandoned Roads

RESOLVE 120

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO	OTP-AM MAJ ONTP MIN	S-377

Under existing law, a public easement is retained on discontinued town ways. This bill authorizes municipal officers to propose placing restrictions on the public easement, such as limiting motorized vehicle traffic, as part of the discontinuance order approved by the local legislative body.

Committee Amendment "A" (S-377)

This amendment, which is the majority report of the committee, replaces the bill with a resolve establishing a stakeholder group of no more than 10 members to review laws and policies related to discontinued and abandoned roads. The stakeholder group is directed to examine issues relating to continued access through public easements, damage caused by abutting land owners and members of the public, maintenance of private roads that have public easements, methods to address problems of road damage and ways to maintain access for intermittent users who need access to a road. The stakeholder group must include representatives of the Department of Transportation, up to two residents that live on a discontinued or abandoned road with a public easement and members from statewide organizations representing municipalities, small woodlot owners, producers of forest products, snowmobilers and other interested parties. The Department of Conservation is required to report the stakeholder group's findings to the joint standing committee of the Legislature having jurisdiction over state and local government matters no later than January 15, 2013, and the committee is authorized to report out legislation to the First Regular Session of the 126th Legislature.

Enacted Law Summary

Resolve 2011, chapter 120 establishes a stakeholder group of no more than 10 members to review laws and policies related to discontinued and abandoned roads. The stakeholder group is directed to examine issues relating to continued access through public easements, damage caused by abutting land owners and members of the public, maintenance of private roads that have public easements, methods to address problems of road damage and ways to maintain access for intermittent users who need access to a road. The stakeholder group includes representatives of the Department of Transportation, up to two residents that live on a discontinued or abandoned road with a public