

MAINE STATE LEGISLATURE

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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

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STATE OF MAINE

125TH 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 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.

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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

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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.

LD 1616 An Act Concerning Copying Fees for Users of County Registries of Deeds

**PUBLIC 508
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THOMAS	OTP	

Currently, the fees specified in statute for making abstracts and copies of records at county registries of deeds will be repealed July 31, 2012 and beginning August 1, 2012, county commissioners will set the fees. This bill eliminates the repeal and continues the fees specified in statute.

Enacted Law Summary

Public Law 2011, chapter 378 set copying fees until a sunset of July 31, 2012 and beginning August 1, 2012, county commissioners would have set the fees. Public Law 2011, chapter 508 eliminates the sunset so that the copying fees continue to be specified in statute.

Public Law 2011, chapter 508 was enacted as an emergency measure effective March 16, 2012.

LD 1631 An Act To Address Research and Teaching in Maine's Institutions of Higher Education by Amending the Laws Governing the Purchase of Goods and Services by the State Involving Institutions of Higher Education

PUBLIC 555

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MASON	OTP-AM MAJ OTP-AM MIN	S-428

This bill allows the Director of the Bureau of General Services within the Department of Administrative and Financial Services to waive the requirement of competitive bidding for the purchase of goods and services if the purchase is part of a cooperative project between the State and a private, nonprofit, regionally accredited institution of higher education with a main campus in this State involving an activity assisting a state agency and enhancing the ability of the institution to fulfill its mission of teaching and research. The bill removes the requirement that the waiver be for an activity that has a public service component. Current law allows for such a waiver in the case of a cooperative project between the State and the University of Maine System or the Maine Community College System.

Committee Amendment "A" (S-428)

This amendment, which is the majority report of the committee, allows the Director of the Bureau of General Services within the Department of Administrative and Financial Services to waive the requirement of competitive bidding for the purchase of goods and services if the purchase is part of a cooperative project between the State and the Maine Maritime Academy. The amendment also restores language that was removed from current law in the bill requiring that such a cooperative project address the institution's mission of public service.