

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
125<sup>TH</sup> 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

125<sup>TH</sup> 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 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.

<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 &amp; 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&amp;S XXX</i> .....	<i>chapter # of enacted private &amp; 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 125<sup>th</sup> 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*

**Committee Amendment "B" (S-429)**

This amendment, which is the minority 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. It removes private nonprofit institutions of higher education from the list of institutions eligible for that waiver as in the bill. 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. This amendment was not adopted.

**Enacted Law Summary**

Public Law 2011, chapter 555 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 or 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. Previously, waivers for cooperative projects were limited to the University of Maine System and the Maine Community College System.

**LD 1639 An Act To Allow the Adjutant General To Address a Joint Session of the Legislature**

**PUBLIC 472  
EMERGENCY**

Sponsor(s)

FREDETTE  
HASTINGS

Committee Report

OTP

Amendments Adopted

Under current law, the Chancellor of the University of Maine System and the President of the Maine Community College System are invited annually to address the Legislature on matters within their purviews. This bill authorizes the President of the Senate and the Speaker of the House of Representatives to invite the Adjutant General to appear annually before a joint session of the Legislature to address the Legislature on defense, veterans' services and emergency management matters.

**Enacted Law Summary**

Public Law 2011, chapter 472 authorizes the President of the Senate and the Speaker of the House of Representatives to invite the Adjutant General to appear annually before a joint session of the Legislature to address the Legislature on defense, veterans' services and emergency management matters.

Public Law 2011, chapter 472 was enacted as an emergency measure effective February 10, 2012.

**LD 1640 An Act To Promote POW/MIA Recognition Day**

**PUBLIC 490**

Sponsor(s)

TURNER  
RAYE

Committee Report

OTP-AM

Amendments Adopted

H-705

## *Joint Standing Committee on State and Local Government*

This bill requires the Governor to issue the proclamation designating the 3rd Friday in September as Prisoner of War - Missing in Action Recognition Day through a media outlet at least 48 hours in advance of the day. The bill also requires that the proclamation specify that the United States flag and the State of Maine flag be flown at half staff on that day. The bill requires that the Department of Education and the Department of Defense, Veterans and Emergency Management, Bureau of Maine Veterans' Services make appropriate information available within the limits of their budgets.

### **Committee Amendment "A" (H-705)**

This amendment alters the bill to allow the Governor to issue a proclamation through a media outlet in advance of Prisoner of War - Missing in Action Recognition Day. It removes the language that would have required the United States flag to be flown at half staff because the President determines when the flag should be flown at half staff. It also clarifies that the State of Maine flag must be flown at half staff if the Governor considers it appropriate. Flag protocol determines that it would be inappropriate for the State of Maine flag to be at half staff if the President has raised the Prisoner of War - Missing in Action flag.

### **Enacted Law Summary**

Public Law 2011, chapter 490 allows the Governor to issue the proclamation designating the 3rd Friday in September as Prisoner of War - Missing in Action Recognition Day through a media outlet at least 48 hours in advance of the day. On that day, the State of Maine flag must be flown at half staff if the Governor considers it appropriate. Flag protocol determines that it would be inappropriate for the State of Maine flag to be at half staff if the President has raised the Prisoner of War - Missing in Action flag. The Department of Education and the Department of Defense, Veterans and Emergency Management, Bureau of Maine Veterans' Services is required to make appropriate information available within the limits of their budgets.

### **LD 1681     An Act To Amend the Charter of the Lucerne-in-Maine Village Corporation**

**P & S 22  
EMERGENCY**

Sponsor(s)

ROSEN R

Committee Report

OTP-AM

Amendments Adopted

S-384

This bill amends the charter of the Lucerne-in-Maine Village Corporation to remove the requirement that a nonresident member of the Board of Overseers must reside within 25 miles of the Lucerne-in-Maine fire station and remove a restriction on the staggering of terms.

### **Committee Amendment "A" (S-384)**

This amendment removes the provision from the charter of the Lucerne-in-Maine Village Corporation that requires the Board of Overseers to include both residents and nonresidents to serve on the board. It establishes a new procedure for elections. It clarifies that the members continue to have staggered terms by requiring that one seat expire each calendar year. If a vacancy occurs due to resignation before the annual summer meeting, the remaining board members must appoint a person to fill the position until the next summer meeting.

### **Enacted Law Summary**

Private and Special Law 2011, chapter 22 amends the charter of the Lucerne-in-Maine Village Corporation to remove the requirement for the Board of Overseers to include both residents and nonresidents on the board. It establishes a new procedure for elections and clarifies that members continue to have staggered terms. If a vacancy occurs due to resignation before the annual summer meeting, the remaining board members must appoint a person to fill the position until the next summer meeting.