

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
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

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**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROSEN R	OTP-AM	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.

Joint Standing Committee on State and Local Government

Private and Special Law 2011, chapter 22 was enacted as an emergency measure effective March 8, 2012.

LD 1712 An Act Regarding the School Fund in the Town of Burlington

P & S 20

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TURNER ROSEN R	OTP	

This bill authorizes the Town of Burlington to allow the funds remaining in the town's school and ministerial fund to lapse to the town's general fund.

Enacted Law Summary

Private and Special Law 2011, chapter 20 authorizes the Town of Burlington to allow the funds remaining in the town's school and ministerial fund to lapse to the town's general fund.

LD 1757 An Act To Require Agencies To Report the Costs of Pursuing Actions in Adjudicatory and Court Proceedings

ONTP

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

This bill requires state agencies to annually report expenditures for pursuing actions in adjudicatory and court proceedings to the joint standing committee of the Legislature having jurisdiction over that agency's activities. The report must include costs incurred directly by the agency as well as any costs incurred by the Office of the Attorney General.

LD 1815 An Act To Establish "The Dirigo March" as the Official March of the State

PUBLIC 536

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KATZ	OTP-AM	S-418

This bill establishes "The Dirigo March" by Leo Pepin of Augusta as the official march of the State.

Committee Amendment "A" (S-418)

This amendment clarifies that "The Dirigo March" is a march rather than a song.

Enacted Law Summary

Public Law 2011, chapter 536 establishes "The Dirigo March" by Leo Pepin of Augusta as the official march of the State.