

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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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

LD 1821 Resolve, Regarding Prequalification Processes for Contractors

**DIED BETWEEN
HOUSES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM A ONTP B OTP-AM C	

This resolve, which is submitted pursuant to Resolve 2011, chapter 74, requires the Department of Administrative and Financial Services, Bureau of General Services and the Department of Transportation to convene a stakeholder group to review the prequalification processes for contractors for projects administered by the University of Maine System, the Maine Community College System and municipalities to determine when the state prequalification system could be used. The stakeholder group is required to consider and determine a level of state funding appropriate for requiring these entities to use the state prequalification system. The Department of Administrative and Financial Services, Bureau of General Services and the Department of Transportation is required to invite the participation of representatives of the University of Maine System, the Maine Community College System, a statewide organization representing municipalities, a statewide organization representing contractors and other interested parties considered appropriate. The Department of Administrative and Financial Services, Bureau of General Services and the Department of Transportation are directed to report the findings and recommendations of the stakeholder group 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.

Committee Amendment "A" (S-456)

This amendment, which is the majority report of the committee, removes municipalities from the stakeholder group reviewing prequalification processes for contractors. In the amendment, the stakeholder group does not include a representative of municipalities, and municipal projects that require prequalification are not included as part of the review of when the state prequalification process can be used. The amendment adds to the stakeholder group representatives from a statewide organization representing organized labor and a statewide organization representing building trades within the State.

Committee Amendment "B" (S-457)

This amendment, which is a minority report of the committee, removes municipalities from the bill. The stakeholder group does not include a representative of municipalities, and municipal projects that require prequalification are not included as part of the review of when the state prequalification process can be used.

LD 1843

An Act To Implement the Recommendations of the Office of Program Evaluation and Government Accountability and the Government Oversight Committee Regarding Quasi-independent State Entities

PUBLIC 616

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-831

This bill implements recommendations of the Government Oversight Committee stemming from the report on the Maine Turnpike Authority issued by the Office of Program Evaluation and Government Accountability. The purpose of this bill is to improve transparency, accountability, governance and financial practices in specified areas

Joint Standing Committee on State and Local Government

for existing and future quasi-independent state entities.

Part A of the bill requires certain existing quasi-independent state entities to adopt and implement policies and procedures related to procurement practices, contributions made to outside organizations, and travel, meal and entertainment expenses. It also prohibits those entities from retaining persons other than entity staff for lobbying. This Part also clarifies that the entity's governing body is responsible for ensuring compliance with the adopted policies and for reporting annually to the Legislature on certain procurements and contributions. Part A also establishes a framework for joint standing committees of the Legislature to use in assessing whether proposed quasi-independent state entities should be required to follow these requirements and to help ensure that strong governance structures are incorporated into legislation for future quasi-independent state entities.

Part B of the bill gives a joint standing committee of the Legislature authority to submit legislation to the 126th Legislature to add an existing quasi-independent state entity to the list of agencies that must adhere to the requirements established in Part A for financial policies and procedures and reporting to the Legislature or to incorporate the provisions required for future quasi-independent state entities into the laws governing existing entities that fall under the committee's jurisdiction.

Committee Amendment "A" (H-831)

This amendment removes the Board of Licensure in Medicine, the Combat Sports Authority of Maine, the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf, and the State Board of Nursing from the list of quasi-independent state entities required to adopt policies and procedures under the bill. It prohibits the quasi-independent state entities in the bill from hiring a lobbyist rather than prohibiting lobbying as in the bill. It clarifies that governing boards filing ongoing reports to the Legislature relating to procurement, contributions and changes made to policies for compliance are for the most recent budget cycle, either for January 1st to December 31st or July 1st to June 30th, depending on the cycle the entity uses. It also clarifies that the report due on February 1, 2014 only covers a 6-month period, from July 1, 2013 to December 31, 2013. The amendment corrects a reference to these annual reports being required under a subsection rather than a section. The amendment also requires the Executive Director of the Legislative Council to forward the annual reports to the appropriate joint standing committee or committees of the Legislature.

Enacted Law Summary

Public Law 2011, chapter 616 implements recommendations of the Government Oversight Committee stemming from the report on the Maine Turnpike Authority issued by the Office of Program Evaluation and Government Accountability. The purpose is to improve transparency, accountability, governance and financial practices in specified areas for existing and future quasi-independent state entities. It requires certain quasi-independent state agencies to adopt and implement policies and procedures related to procurement practices, contributions made to outside organizations, and travel, meal and entertainment expenses. It also prohibits those agencies from retaining persons other than entity staff as lobbyists. The law establishes a framework for joint standing committees of the Legislature to use in assessing whether proposed quasi-independent state entities should be required to follow these requirements and to help ensure that strong governance structures are incorporated into legislation for future quasi-independent state entities. It also gives authority to a joint standing committee of the Legislature to submit legislation to the 126th Legislature to add an existing quasi-independent state entity to the list of agencies that must adhere to the newly established requirements.

LD 1881 An Act Regarding the Commercial Sale of Deeds Records

ONTP

Sponsor(s)

Committee Report

Amendments Adopted

ONTP