

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.

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

Joint Standing Committee on State and Local Government

This bill prohibits the resale of digital abstracts and copies of deeds. A person requesting 1,000 or more consecutive deeds records must file a signed written statement with the register of deeds that the records are not being requested with the intent to resell. A person who resells deeds commits a civil violation for which a fine of not more than \$1,000 may be adjudged. A person who executes a statement containing a false statement commits unsworn falsification under the Maine Revised Statutes, Title 17-A, section 453. This prohibition does not apply to commercial activity for which the exchange of copies of abstracts and deeds records is incidental to the activity, such as a real estate closing.

LD 1898 Resolve, Authorizing the Lease of the Guy P. Gannett House in Augusta to a Nonprofit Organization for Use as a Museum RESOLVE 152

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KATZ	OTP-AM	S-499

This resolve authorizes the Commissioner of Administrative and Financial Services to lease the Guy P. Gannett House in the City of Augusta to a nonprofit organization for use as a museum.

Committee Amendment "A" (S-499)

This amendment incorporates a fiscal note.

Enacted Law Summary

Resolve 2011, chapter 152 authorizes the Commissioner of Administrative and Financial Services to lease the Guy P. Gannett House in the City of Augusta to a nonprofit organization for use as a museum.

LD 1904 An Act To Create the Leased Space Reserve Fund and To Amend the Law Regarding the Issuance of Securities under the Maine Governmental Facilities Authority and To Provide for the Transfer of Certain Land PUBLIC 689

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KATZ	OTP-AM MAJ OTP-AM MIN	S-527

This bill makes the following changes to laws regarding state property.

1. It creates the Leased Space Reserve Fund, a nonlapsing fund to be used for costs related to relocation from leased spaces to state-owned facilities or relocation to lower-priced leased spaces and capital projects that construct, renovate or improve state facilities. It also authorizes the baseline allocation for the Leased Space Reserve Fund program.
2. It allows the use of securities issued by the Maine Governmental Facilities Authority to be used to purchase or acquire facilities.
3. It corrects an inaccurate deed reference authorizing the sale of the Patrick Theriault School property in Aroostook County and applies the correction retroactively to September 28, 2011, the effective date of the resolve authorizing the sale.