

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
126<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON STATE AND LOCAL  
GOVERNMENT**

July 2013

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# STATE OF MAINE

126<sup>TH</sup> LEGISLATURE

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## LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contains summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 126<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.

*CARRIED OVER* ..... carried over to a subsequent session of the Legislature  
*CON RES XXX*..... chapter # of constitutional resolution passed by both houses  
*CONF CMTE UNABLE TO AGREE*.....Committee of Conference unable to agree; legislation died  
*DIED BETWEEN HOUSES*.....House & Senate disagreed; legislation died  
*DIED IN CONCURRENCE*.....defeated in each house, but on different motions; legislation died  
*DIED ON ADJOURNMENT*..... action incomplete when session ended; legislation died  
*EMERGENCY*..... enacted law takes effect sooner than 90 days after session adjournment  
*FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE* ..... emergency failed to receive required 2/3 vote  
*FAILED, ENACTMENT or FINAL PASSAGE*..... failed to receive final majority vote  
*FAILED, MANDATE ENACTMENT* ..... legislation proposing local mandate failed required 2/3 vote  
*HELD BY GOVERNOR*..... Governor has not signed; final disposition to be determined at subsequent session  
*LEAVE TO WITHDRAW*..... sponsor's request to withdraw legislation granted  
*NOT PROPERLY BEFORE THE BODY* ..... ruled out of order by the presiding officer; legislation died  
*INDEF PP*..... indefinitely postponed; legislation died  
*ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X*... ought-not-to-pass report accepted; legislation died  
*P&S XXX*..... chapter # of enacted private & special law  
*PUBLIC XXX*.....chapter # of enacted public Law  
*RESOLVE XXX*..... chapter # of finally passed resolve  
*VETO SUSTAINED*..... Legislature failed to override Governor's veto

The effective date for non-emergency legislation enacted in the First Regular Session of the 126<sup>th</sup> Legislature is October 9, 2013. 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 947      An Act To Ensure the Effectiveness of Constitutional Officers**

**ACCEPTED  
MINORITY  
(ONTP) REPORT**

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

This bill prohibits the Secretary of State, Treasurer of State and Attorney General from being a candidate for federal office or Governor.

**Committee Amendment "A" (S-68)**

This amendment is the majority report of the committee and strikes from the bill provisions that prohibit the Treasurer of State and the Attorney General from being candidates for federal office or Governor.

**LD 954      Resolve, Extending the Time That the Commissioner of Administrative and Financial Services Has To Sell or Lease Property in Augusta**

**RESOLVE 35  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HAYES	OTP-AM	H-135

This resolve extends the repeal date of Resolve 2007, chapter 181, which pertains to the sale of the Stone Buildings formerly occupied by the Augusta Mental Health Institute in the City of Augusta, by 5 years to June 30, 2018.

**Committee Amendment "A" (H-135)**

This amendment incorporates a fiscal note.

**Enacted Law Summary**

Resolve 2013, chapter 35 extends the repeal date of Resolve 2007, chapter 181, which pertains to the sale of the Stone Buildings formerly occupied by the Augusta Mental Health Institute in the City of Augusta, by 5 years to June 30, 2018.

Resolve 2013, chapter 35 was finally passed as an emergency measure effective June 3, 2013.

**LD 955      Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell or Lease the Interests of the State in Certain Real Property Located in Bangor, Boothbay Harbor and Hallowell**

**RESOLVE 53**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HAYES	OTP-AM	H-412

This resolve gives the Commissioner of Administrative and Financial Services authority to sell or lease the property now or formerly known as the Bangor Mental Health Institute in the City of Bangor and the portion of the property located in the Town of Boothbay Harbor now or formerly occupied by the Bigelow Laboratory for Ocean Sciences. The resolve also amends Resolve 2011, chapter 70, which pertains to the sale of property in the City of Hallowell, to provide that any proceeds from a sale be deposited into the Department of Administrative and Financial Services,

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

Bureau of General Services' capital repair and improvement account for capital improvements.

**Committee Amendment "A" (H-412)**

This amendment clarifies that the provisions in section 1 of the resolve giving the Commissioner of Administrative and Financial Services authority to convey state property apply only to the properties in the City of Bangor and Town of Boothbay Harbor listed in section 2 of the resolve.

**Enacted Law Summary**

Resolve 2013, chapter 53 gives the Commissioner of Administrative and Financial Services authority to sell or lease the property now or formerly known as the Bangor Mental Health Institute in the City of Bangor and the portion of the property located in the Town of Boothbay Harbor now or formerly occupied by the Bigelow Laboratory for Ocean Sciences. It clarifies that provisions giving the Commissioner of Administrative and Financial Services authority to convey state property apply only to the properties in the City of Bangor and Town of Boothbay Harbor. It also amends Resolve 2011, chapter 70, which pertains to the sale of property in the City of Hallowell, to provide that any proceeds from a sale be deposited into the Department of Administrative and Financial Services, Bureau of General Services' capital repair and improvement account for capital improvements.

**LD 978      An Act To Enhance Public Participation in Legislative Committee Proceedings through the Internet      ONTP**

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

This bill authorizes the Legislative Council to make all proceedings of the joint standing committees of the Legislature available to the public through a live video broadcast that allows for remote public participation; records of these proceedings are permanent records.

**LD 1021      An Act To Establish as a Public Record the Performance Evaluation of a Municipal Employee      ACCEPTED REPORT A (ONTP)**

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

This bill removes from the list of records that are confidential the performance evaluation of a municipal employee.

**Committee Amendment "B" (H-323)**

This amendment provides that a written performance evaluation for a town manager or municipal department head is not confidential.

**Committee Amendment "A" (H-322)**

This amendment provides that a performance evaluation is confidential unless it is requested for an external independent review requested by the municipality.