

MAINE STATE LEGISLATURE

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STATE OF MAINE
126TH 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

126TH 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 126th 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 126th 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

operate a hospital and provide health care services.

2. The amendment provides an option for a town to have its municipal officers appoint the town's initial members on the board of directors of the district.

3. The amendment increases the number of members on the board of directors of the district from 7 to up to 11 depending on which towns join and adjusts the staggered membership in the first year accordingly.

4. The amendment allows a town to vote to withdraw from the district but requires such a town to assume responsibility for a proportionate share of the indebtedness of the district.

5. The amendment clarifies that voting lists must be obtained by the district's registration clerk from each town in the district on paper or electronically instead of requiring the registration clerk to compile a district voting list from the towns' lists. The amendment provides that the towns must supply the lists at no charge.

6. The amendment removes language that is not needed because elections to form the district are conducted by towns using the towns' voting lists, which can be printed the day before the elections and include up-to-date information, and are conducted in accordance with the municipal election process.

7. The amendment requires the result of the election to form the district to be filed in town records.

8. The amendment requires town clerks to report the results of the elections to the registration clerk, who must compile and declare the results, instead of requiring the town clerks to file certification with the Secretary of State.

LD 1133 An Act Concerning the Removal of Municipal Employees

**DIED IN
CONCURRENCE**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLEVELAND	ONT OTP-AM	S-141 S-349 HILL

This bill specifies that municipal employees who are not appointed pursuant to general law, charter or ordinance may only be removed for cause.

Committee Amendment "A" (S-141)

This amendment is the minority report and replaces the bill and clarifies that municipal officials and employees required by general law, charter or ordinance and those whose appointment is not otherwise provided for by general law, charter or ordinance may only be removed for cause.

Senate Amendment "A" To Committee Amendment "A" (S-349)

This amendment adds a mandate preamble.

LD 1138 An Act Related to Appeals of Disciplinary Proceedings Affecting County Employees

**DIED BETWEEN
HOUSES**

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

Joint Standing Committee on State and Local Government

This bill was acted upon without reference to committee.

This bill provides that, in every case of dismissal, suspension or disciplinary action, a county employee, county officer or department head may appeal a decision of the county commissioners or personnel board to the Maine Labor Relations Board.

LD 1139 An Act To Allow County Law Enforcement To Participate in Mutual Aid Agreements

PUBLIC 261

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GRAHAM	OTP-AM	H-377

This bill allows county commissioners, unless prohibited by county charter or ordinance, to authorize the sheriff for that county to render law enforcement aid to other counties, when requested, or to request law enforcement aid from other counties. Current law allows municipal officers, unless prohibited by municipal charter or ordinance, to authorize the chief of police for that municipality to render law enforcement aid to other municipalities, when requested, or to request law enforcement aid from other municipalities. This bill also specifies that the law applies to all law enforcement officers, not just police officers.

Committee Amendment "A" (H-377)

This amendment adds to the bill to provide that county commissioners may authorize the sheriff or other designee to request that a municipality provide law enforcement officers to assist the requesting county and that municipal law enforcement officers may be authorized to assist a requesting county. The amendment also provides that the authorization from the county commissioners must be accompanied by an agreement between the requesting municipality or county and the responding municipality or county that specifies who is liable if any liability exists for personal injury or property damage caused by or occurring to the law enforcement officers. The amendment also provides that the sheriff or a sheriff's designee may request assistance from or provide assistance to a municipality or law enforcement agency whether or not an agreement between the two parties exists if the request is for assistance in a major unplanned incident that jeopardizes the health and welfare of the citizens of the requesting municipality or county.

Enacted Law Summary

Public Law 2013, chapter 261 allows county commissioners, unless prohibited by county charter or ordinance, to authorize the sheriff for that county to render law enforcement aid to other counties, when requested, or to request law enforcement aid from other counties. Public Law 2013, chapter 261 also provides that county commissioners may authorize the sheriff or other designee to request that a municipality provide law enforcement officers to assist the requesting county and that municipal law enforcement officers may be authorized to assist a requesting county. It provides that the authorization from the county commissioners must be accompanied by an agreement between the requesting municipality or county and the responding municipality or county that specifies who is liable if any liability exists for personal injury or property damage caused by or occurring to the law enforcement officers. Public Law 2013, chapter 261 also provides that the sheriff or a sheriff's designee may request assistance from or provide assistance to a municipality or law enforcement agency whether or not an agreement between the two parties exists if the request is for assistance in a major unplanned incident that jeopardizes the health and welfare of the citizens of the requesting municipality or county. Public Law 2013, chapter 261 specifies that the law applies to all law enforcement officers, not just police officers.