

**STATE OF MAINE**  
123<sup>RD</sup> LEGISLATURE  
SECOND REGULAR AND FIRST SPECIAL SESSIONS



Summaries of bills, adopted amendments and laws enacted or finally passed  
during the Second Regular or First Special Sessions of the 123<sup>rd</sup> Maine  
Legislature coming from the

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

May 2008

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# Joint Standing Committee on State and Local Government

LD 1876 Resolve, Regarding the Maine State Cultural Building in Augusta

RESOLVE 151

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
|                   | OTP-AM                  | H-669                     |

LD 1876 amends Resolve 2005, chapter 168, which established a task force to develop a plan for the Maine State Cultural Building in Augusta. It adds to the existing membership of the task force representatives of the Department of Transportation and the judicial branch. It requires the task force to submit a 2nd report by November 15, 2007 with any recommendations regarding the cultural building. It also provides an appropriation of \$100,000 to contract with an architectural consultant and give the joint standing committee having jurisdiction over state and local government matters the authority to submit legislation to the Second Regular Session of the 123rd Legislature.

### Committee Amendment "B" (H-669)

This amendment directs the Director of the Bureau of General Services within the Department of Administrative and Financial Services, in consultation with the Secretary of State, to provide a report regarding the status and future of the Maine State Cultural Building. It authorizes the director to apply for grant funding for this purpose, including from the New Century Community Program. The director must report to the joint standing committee of the Legislature having jurisdiction over state and local government matters by February 1, 2009, and the committee may submit legislation to the First Regular Session of the 124th Legislature.

### Enacted Law Summary

Resolve 2007, chapter 151 directs the Director of the Bureau of General Services within the Department of Administrative and Financial Services, in consultation with the Secretary of State, to provide a report regarding the status and future of the Maine State Cultural Building. It authorizes the director to apply for grant funding for this purpose, including from the New Century Community Program. The director must report to the joint standing committee of the Legislature having jurisdiction over state and local government matters by February 1, 2009, and the committee may submit legislation to the First Regular Session of the 124th Legislature.

LD 1878 An Act To Generate Savings by Changing Public Notice Requirements

HELD BY  
GOVERNOR

| <u>Sponsor(s)</u>  | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|--------------------|-------------------------|---------------------------|
| HAYES<br>SCHNEIDER | OTP-AM MAJ<br>ONTP MIN  | H-684                     |

LD 1878 phases out, over a one-year period, the requirement that State Government, including the executive branch, departments, independent agencies, the Legislature and the judicial branch, and the Maine Land Use Regulation Commission, or LURC, publish legal or public notices in a newspaper. Instead, the Department of Administrative and Financial Services, for State Government, and LURC, for the unorganized territory, are required to establish and maintain a publicly accessible Internet site on which to post all legal and public notices. In addition, the department and LURC are required to establish and maintain an in-state toll-free telephone number that allows a person in Maine to call and receive, by mail, any notice posted on the respective Internet sites.

For the first 6 months, from July 1, 2007 to December 31, 2007, every notice published in a newspaper by an entity of State Government or LURC is required to include a statement with the printing of each public notice that notices will not be printed in newspapers after December 31, 2007 as well as the address of the Internet site and telephone number of the government entity or LURC. For the next 6 months, from January 1, 2008 to June 30, 2008, instead of publishing a notice, the government entity and LURC are only required to publish a statement that notices are no

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longer published in the newspaper and the address of the Internet site and telephone number where such notices may be obtained. Finally, beginning July 1, 2008, no notices will be published in newspapers by a government entity or LURC.

Municipalities are allowed to publish legal notices in a newspaper medium distributed as 3rd-class mail if the municipal officers adopt a publication policy. The policy must contain 5 requirements: the newspaper of general circulation must have a subscription rate of less than 30% of the residents in the municipality; all households in the municipality must receive the alternative newspaper; the alternative newspaper must cost less than the newspaper of general circulation; the municipality must retain a record of all notices published in the alternative newspaper; and the publisher of the alternative newspaper must have a system of archiving past editions.

The Department of Administrative and Financial Services is required to submit legislation by December 15, 2007 to the joint standing committee having jurisdiction over state and local government matters that removes any statutory requirement that a government entity publish notices in newspapers.

### **Committee Amendment "B" (H-684)**

This amendment strikes out the section of the bill that phases out the publication of rulemaking notices in the newspaper and that requires placing those notices solely on a publicly accessible website. The amendment changes the requirements for public notice of proposed rules in the newspaper with the intention to make the notices shorter. It removes from the newspaper notice the requirement to refer to the statutory or federal authority for the rule and replaces the requirement for the express terms of the proposed rule with a general statement on the substance. The notice must include the name, address, and email of the departmental contact person. The amendment removes the requirement for adopted rules to be published in the newspaper although a department may still choose to do so.

### **LD 1941    Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell the Interests of the State in a Parcel of Property in Frenchville**

**RESOLVE 150**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| THERIAULT         | OTP-AM                  | H-672<br>H-681    BARSTOW |

LD 1941 authorizes the Commissioner of Administrative and Financial Services to convey a parcel of land in Frenchville to an abutter.

### **Committee Amendment "A" (H-672)**

This amendment replaces the bill. The amendment authorizes the sale of a piece of state property to the landowner whose land surrounds the section of property. The Commissioner of Administrative and Financial Services may sell the State's interest in a parcel of land in Frenchville within the next 3 years if it is determined that it is not necessary for the statewide radio and network system. The commissioner shall report to the joint standing committee of the Legislature having jurisdiction over state and local government matters on any action taken pursuant to this resolve by February 1, 2011. The commissioner may also negotiate with the landowner for an alternative site for the radio tower.

### **House Amendment "A" (H-681)**

This amendment removes the emergency preamble and emergency clause.

### **Enacted Law Summary**

Resolve 2007, chapter 150 authorizes the sale of a piece of state property to the landowner whose land surrounds the section of property. The Commissioner of Administrative and Financial Services may sell the State's interest in a

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parcel of land in Frenchville within the next 3 years if it is determined that it is not necessary for the statewide radio and network system. The commissioner shall report to the joint standing committee of the Legislature having jurisdiction over state and local government matters on any action taken pursuant to this resolve by February 1, 2011. The commissioner may also negotiate with the landowner for an alternative site for the radio tower.

**LD 1962 An Act To Amend the Informed Growth Act**

**DIED BETWEEN  
HOUSES**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| HASTINGS          | ONTP MAJ<br>OTP-AM MIN  |                           |

LD 1962 provides an option for a municipality to waive the right to apply the provisions of the Informed Growth Act at any time by a vote of its legislative body. If the vote is taken at a town meeting or by a city council, it must also be approved by the citizens at a referendum.

**Committee Amendment "A" (S-436)**

This amendment, which the minority report, retains the provisions of the bill allowing a municipality to waive the requirements of the Informed Growth Act by a vote of its legislative body but does not require a subsequent referendum.

**LD 1965 An Act To Amend the Lucerne-in-Maine Village Corporation Charter**

**P & S 33**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| ROSEN R           | OTP-AM                  | S-404                     |

LD 1965 amends the Lucerne-in-Maine Village Corporation's charter by adding certain parts of Peakes Hill Road to the territory of the village corporation.

**Committee Amendment "A" (S-404)**

This amendment changes the width of the road to be added to the territory contained in the charter of Lucerne-in-Maine from 50 feet in width to 33 feet and 16.5 feet on each side of the centerline rather than 25 feet.

**Enacted Law Summary**

Private and Special Law 2007, chapter 33 amends the Lucerne-in-Maine Village Corporation's charter by adding certain parts of Peakes Hill Road to the territory of the village.

**LD 1968 An Act To Clarify the Election of Municipal Charter Commission Members**

**PUBLIC 495  
EMERGENCY**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| BRANNIGAN         | OTP-AM                  | S-426                     |

LD 1968 amends the procedure for the election of members to a municipal charter commission. It gives a municipality the option to either include the election of voter members on the same ballot as the question authorizing the commission or have members elected no later than the first regular or special municipal or state election that occurs at least 90 days after the vote authorizing the charter commission. The bill also provides for a third method

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for electing voter members on a charter commission for a municipality that has municipal officers elected both at-large and by district. That number would be equal to the total number of elected municipal officers on the board or council of that municipality.

### **Committee Amendment "A" (S-426)**

This amendment clarifies that a municipality is authorized to elect the members of a municipal charter commission by the procedure in the bill but that it is not mandatory for municipalities that have both at-large and district or ward municipal officers on the town or city council to use this method. The amendment adds an emergency preamble and emergency clause so that the City of Portland can include a question about the need for a new charter commission at the next regularly scheduled election in June 2008, and the members of that commission can be elected at the November 2008 election if the commission question is approved. It also clarifies that a community may hold an election for commission members at the next regularly scheduled election no more than 200 days after the referendum authorizing the charter commission.

### **Enacted Law Summary**

Public Law 2007, chapter 495 amends the procedure for the election of members to a municipal charter commission. It gives a municipality the option to either include the election of voter members on the same ballot as the question authorizing the commission or have members elected no later than the first regular or special municipal or state election that occurs no more than 200 days after the vote authorizing the charter commission. It also provides for a third method for electing voter members on a charter commission for a municipality that has municipal officers elected both at-large and by district. That number would be equal to the total number of elected municipal officers on the board or council of that municipality.

Public Law 2007, chapter 492 was enacted as an emergency measure effective March 14, 2008.

### **LD 1974    Resolve, To Prevent the Closing of Store Road in Somerset County**

**ONTP**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| MARRACHE          | ONTP                    |                           |

LD 1974 directs the county commissioners of Somerset County to keep Store Road in Rockwood, Somerset County open throughout the year.

### **LD 2020    An Act To Amend the Laws Governing the Granting of Disability Variances from the Zoning Laws**

**ONTP**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| CASAVANT          | ONTP                    |                           |

LD 2020 amends the laws governing when a variance from the zoning laws may be granted to an owner of a dwelling for the purpose of making that dwelling accessible to a person with a disability. It provides that such a variance may be granted for the construction of a garage or similar structure that will assist the person with the disability.

# Joint Standing Committee on State and Local Government

LD 2057 An Act To Amend the Conflict of Interest Laws for Notaries Public

DIED BETWEEN  
HOUSES

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| BARSTOW           | OTP-AM MAJ<br>ONTP MIN  |                           |

LD 2057 adds relationships to the list of relationships considered to pose a conflict of interest for a notary public in the conduct of the notary public's responsibilities. It allows a notary public to solemnize the marriage of some family members.

### Committee Amendment "A" (H-707)

This amendment prohibits a notary public from notarizing that notary public's own signature.

### House Amendment "A" (H-747)

This amendment prohibits a notary public from performing a notarial act for a person with whom that notary has a familial relationship if the notary could foreseeably derive some pecuniary benefit from the execution of the document being notarized. This amendment strikes from the bill the list of persons for whom a notary public may not perform a notarial act and instead uses the list of persons in current law, with the addition of a registered domestic partner and that partner's parent, sibling, child or child's spouse. The effect of this amendment is that a notary may perform notarial acts for any family members as long as no conflict exists.

LD 2058 Resolve, Authorizing the President of the Maine Community College System To Sell 2 Parcels of Real Property in South Portland

RESOLVE 148

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| EBERLE            | OTP-AM                  | H-663                     |

LD 2058 authorizes the Maine Community College System to sell 2 parcels of land in South Portland.

### Committee Amendment "A" (H-663)

This amendment incorporates a fiscal note.

### Enacted Law Summary

Resolve 2007, chapter 148 authorizes the Maine Community College System to sell 2 parcels of land in South Portland.

LD 2096 An Act Regarding International Trade Agreements

ONTP

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| PATRICK           | ONTP                    |                           |

LD 2096 requires legislative approval before any state official, including the Governor, may bind the State to the procurement rules, service sector rules or investment rules of an international trade agreement. It is modeled on similar legislation recently enacted in Maryland, Rhode Island and Hawaii.

# Joint Standing Committee on State and Local Government

## LD 2111 An Act To Secure the Sites Necessary for the Statewide Radio and Network System

PUBLIC 488

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| BARSTOW           | OTP-AM                  | H-670<br>S-424 SCHNEIDER  |

LD 2111 provides authority for the Department of Administrative and Financial Services, Bureau of General Services to conduct property transactions as necessary for the implementation of the statewide radio and network system, pursuant to the Maine Revised Statutes, Title 5, section 1520. This bill remedies an apparent oversight in the statute which requires that the radio and network system be established and provides a funding mechanism but does not provide the necessary real property transaction authority.

### Committee Amendment "A" (H-670)

This amendment incorporates a fiscal note.

### Senate Amendment "A" (S-424)

This amendment adds language that repeals the law 5 years after it takes effect.

### Enacted Law Summary

Public Law 2007, chapter 488 provides authority for the Department of Administrative and Financial Services, Bureau of General Services to conduct property transactions as necessary for the implementation of the statewide radio and network system pursuant to the Maine Revised Statutes, Title 5, section 1520. This law is repealed 5 years after it takes effect.

## LD 2147 An Act To Ensure That State Government Is a Model Employer of People with Disabilities

PUBLIC 551

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| MILLETT           | OTP-AM                  | H-776                     |

LD 2147 provides a General Fund appropriation of \$68,477 in fiscal year 2008-09 to the Bureau of Human Resources within the Department of Administrative and Financial Services to establish the position of Disability Employment Services Coordinator to review hiring and promotion procedures for workers with disabilities, expand outreach efforts, increase efforts to accommodate workers with disabilities and seek to increase the number of workers with disabilities within State Government.

### Committee Amendment "A" (H-776)

This amendment replaces the bill. It requires all departments, agencies and instrumentalities of the State to submit their plans to increase the opportunities for individuals with disabilities to be hired in each unit to the Director of the Bureau of Human Resources within the Department of Administrative and Financial Services. The director shall submit a report on the plans to the joint standing committees of the Legislature having jurisdiction over state and local government matters and labor matters by March 1, 2009 and biennially after that. The report must include any changes to the plans, an assessment made by the director of the effectiveness of the plans and any proposed legislation. The report must also be submitted to the Governor's office.

### Enacted Law Summary

Public Law 2007, chapter 551 requires all departments, agencies and instrumentalities of the State to submit their

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plans to increase the opportunities for individuals with disabilities to be hired in each unit to the Director of the Bureau of Human Resources within the Department of Administrative and Financial Services. The director shall submit a report on the plans to the joint standing committees of the Legislature having jurisdiction over state and local government matters and labor matters by March 1, 2009 and biennially after that. The report must include any changes to the plans, an assessment made by the director of the effectiveness of the plans and any proposed legislation. The report must also be submitted to the Governor's office.

**LD 2188    Resolve, To Establish a Moratorium on Development in Saco Bay**

**RESOLVE 204**

| <u>Sponsor(s)</u> | <u>Committee Report</u>     | <u>Amendments Adopted</u> |
|-------------------|-----------------------------|---------------------------|
| HOGAN<br>DAMON    | OTP-AM   MAJ<br>ONTP    MIN | H-896                     |

LD 2188 changes the municipal boundary between the Town of Old Orchard Beach and the City of Saco by extending the current easterly boundary of the Town of Old Orchard Beach to 3 miles seaward.

### **Committee Amendment "A" (H-896)**

This amendment replaces the bill. It adopts a moratorium for 18 months on the processing or issuance of new submerged lands leases for commercial projects by the Department of Conservation, Bureau of Parks and Lands and aquaculture leases by the Department of Marine Resources. During the moratorium, the Town of Old Orchard Beach and the City of Saco may convene a working group to examine municipal boundaries, regulatory jurisdictions and parameters for future development in Saco Bay. If a working group is convened, the Director of the State Planning Office within the Executive Department, or the director's designee, should be invited to participate. In addition, representatives from the Department of Marine Resources, Department of Conservation, Bureau of Parks and Lands and any other departments determined necessary as well as municipal representatives from the Town of Scarborough and the City of Biddeford should be invited to participate. If a group is convened, it is authorized to submit a report to the joint standing committee of the Legislature having jurisdiction over state and local government matters no later than January 15, 2009, and the joint standing committee of the Legislature having jurisdiction over state and local government matters is authorized to submit legislation to the First Regular Session of the 124th Legislature.

### **Enacted Law Summary**

Resolve 2007, chapter 204 imposes a moratorium for 18 months on the processing or issuance of new submerged lands leases for commercial projects by the Department of Conservation, Bureau of Parks and Lands and aquaculture leases by the Department of Marine Resources. During the moratorium, the Town of Old Orchard Beach and the City of Saco may convene a working group to examine municipal boundaries, regulatory jurisdictions and parameters for future development in Saco Bay. If a working group is convened, the Director of the State Planning Office within the Executive Department, or the director's designee, should be invited to participate. In addition, representatives from the Department of Marine Resources, Department of Conservation, Bureau of Parks and Lands and any other departments determined necessary as well as municipal representatives from the Town of Scarborough and the City of Biddeford should be invited to participate. If a group is convened, it is authorized to submit a report to the joint standing committee of the Legislature having jurisdiction over state and local government matters no later than January 15, 2009, and the joint standing committee of the Legislature having jurisdiction over state and local government matters is authorized to submit legislation to the First Regular Session of the 124th Legislature.

# Joint Standing Committee on State and Local Government

**LD 2201 An Act To Require a Municipality To Move a Body Buried in the Wrong Grave**

**ONTP**

Sponsor(s)

PIOTTI

Committee Report

ONTP

Amendments Adopted

LD 2201 provides that if a dead human body or human remains are interred in an improper location by a municipality or an agent of a municipality, under the direction of a municipality or in reliance upon the advice of a municipality, then that municipality shall exhume the dead human body or human remains and reinter them or cause them to be reinterred in a proper location at the expense of that municipality.

**LD 2213 An Act To Implement the Recommendations of the Working Group To Improve Public Understanding and Participation in the Rulemaking Process**

**PUBLIC 581**

Sponsor(s)

Committee Report

Amendments Adopted

OTP-AM

H-791

This bill implements the recommendations of the Working Group to Improve Public Understanding and Participation in the Rulemaking Process. It makes the following changes:

1. The Secretary of State is required to post a list of all agency liaisons and their contact information on a publicly accessible website.
2. Agencies are required to hold public hearings on all major substantive rules.
3. The Secretary of State is required to post the notices of all proposed and adopted rules on a publicly accessible website. All agencies are also required to post or link to all proposed and adopted rules within their jurisdictions.
4. Emergency rules must include the specific changes to procedure that resulted from emergency adoption.
5. The fact sheet that is prepared by agencies when proposing rules must include a brief summary of the relevant information that was considered during the development of the rule.
6. The Secretary of State is required to work with the InforME Board and InforME to improve the sorting, searchability and arrangement of rule-making information on the "maine.gov" website.
7. The Secretary of State is required to publish on a publicly accessible website the names and contact information for members of Governor-appointed review boards and councils that are concerned with rulemaking.
8. The Secretary of State is required to redesign certain forms that are filled out by departments, bureaus or agencies when submitting proposed and adopted rules to the Secretary of State. The redesigned forms must include a summary paragraph that is easily identified and understood by a member of the public interested in the rule.
9. The Secretary of State shall work with agencies to ensure that each has designated a liaison to the public.
10. The Secretary of State shall work with the Legislative Council to improve training for Legislators on rulemaking and the Maine Administrative Procedure Act, including ideas on scheduling committee meetings with briefings from agency liaisons and reviewing departmental regulatory agendas.

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## Committee Amendment "A" (H-791)

This amendment requires that rule notices posted on the Secretary of State's website include an email link to the agency liaison. It clarifies that departments must either post proposed and adopted rules on the departmental website or post a link to the rules on the Secretary of State's website. The amendment clarifies that MAPA-3 and MAPA-4 are the correct notices that need to be redesigned and that they are notices, not cover sheets. The MAPA-3 and MAPA-4 notices must also include the e-mail address of the agency liaison.

### Enacted Law Summary

This bill implements the recommendations of the Working Group to Improve Public Understanding and Participation in the Rulemaking Process. It makes the following changes:

1. The Secretary of State is required to post a list of all agency liaisons and their contact information on a publicly accessible website.
2. Agencies are required to hold public hearings on all major substantive rules.
3. The Secretary of State is required to post the notices of all proposed and adopted rules on a publicly accessible website. All agencies are also required to post or link to all proposed and adopted rules within their jurisdictions. Notices must include the email address of the agency liaison.
4. Emergency rules must include the specific changes to procedure that resulted from emergency adoption.
5. The fact sheet that is prepared by agencies when proposing rules must include a brief summary of the relevant information that was considered during the development of the rule.
6. The Secretary of State is required to work with the InforME Board and InforME to improve the sorting, searchability and arrangement of rule-making information on the "maine.gov" website.
7. The Secretary of State is required to publish on a publicly accessible website the names and contact information for members of Governor-appointed review boards and councils that are concerned with rulemaking.
8. The Secretary of State is required to redesign certain forms that are filled out by departments, bureaus or agencies when submitting proposed and adopted rules to the Secretary of State. The redesigned forms must include a summary paragraph that is easily identified and understood by a member of the public interested in the rule.
9. The Secretary of State shall work with agencies to ensure that each has designated a liaison to the public.
10. The Secretary of State shall work with the Legislative Council to improve training for Legislators on rulemaking and the Maine Administrative Procedure Act, including ideas on scheduling committee meetings with briefings from agency liaisons and reviewing departmental regulatory agendas.

**LD 2234 An Act To Validate Certain Proceedings Authorizing the Issuance of Bonds and Notes by the City of Brewer High School District**

**P & S 39  
EMERGENCY**

Sponsor(s)

ROSEN R

Committee Report

OTP

Amendments Adopted

LD 2234 validates the City of Brewer High School District school construction referendum conducted on December 4, 2007 and the proceedings related to that referendum.

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## Enacted Law Summary

Private and Special Law 2007, chapter 39 validates the City of Brewer High School District school construction referendum conducted on December 4, 2007 and the proceedings related to that referendum.

Private and Special Law 2007, chapter 39 was enacted as an emergency measure effective March 28, 2008.

## LD 2275 Resolve, Authorizing the Creation of a Veterans Campus and the Conveyance of the State's Interest in Certain Real Property in the City of Bangor

RESOLVE 201

### Sponsor(s)

PERRY J

### Committee Report

OTP-AM

### Amendments Adopted

S-568

LD 2275 implements the recommendations of the planning committee created pursuant to Executive Order 32, fiscal year 2006-07 regarding the creation of a veterans' campus on current state property in Bangor. The bill reinforces the authority previously granted in Resolve 2005, chapter 209 authorizing the conveyance of property for the creation of independent housing for veterans at the site and authorizes the transfer of additional property for the construction and operation of a community-based outpatient clinic, a hospice facility and other facilities to serve veterans at the site. It formally authorizes the creation of a Saxl Park Advisory Committee to help oversee the state property known as Saxl Park and located on this campus, authorizes the Department of Administrative and Financial Services, Bureau of General Services to accept and expend gifts on behalf of the advisory committee, and instructs the Director of the Bureau of General Services to convene a stakeholder group and to create a comprehensive plan within existing resources to guide the future of the campus, acknowledging the current and already planned uses. The authority granted by the resolve to convey the property is repealed 5 years from the effective date of the resolve.

### Committee Amendment "A" (S-568)

This amendment strikes out the section that relates to the existing authority of the Department of Administrative and Financial Services, Bureau of General Services to lease the property described in the resolve to allow Maine Veterans' Homes to begin site work as soon as possible and moves the language to the preamble.

## Enacted Law Summary

Resolve 2007, chapter 201 implements the recommendations of the planning committee created pursuant to Executive Order 32, fiscal year 2006-07 regarding the creation of a veterans' campus on current state property in Bangor. The resolve reinforces the authority previously granted in Resolve 2005, chapter 209 authorizing the conveyance of property for the creation of independent housing for veterans at the site and authorizes the transfer of additional property for the construction and operation of a community-based outpatient clinic, a hospice facility and other facilities to serve veterans at the site. It formally authorizes the creation of a Saxl Park Advisory Committee to help oversee the state property known as Saxl Park and located on this campus, authorizes the Department of Administrative and Financial Services, Bureau of General Services to accept and expend gifts on behalf of the advisory committee, and instructs the Director of the Bureau of General Services to convene a stakeholder group and to create a comprehensive plan within existing resources to guide the future of the campus, acknowledging the current and already planned uses. The authority granted by the resolve to convey the property is repealed 5 years from the effective date of the resolve.

# Joint Standing Committee on State and Local Government

**LD 2282 Resolve, Authorizing the Commissioner of Administrative and Financial Services on Behalf of the State To Convey Title and Other Interests in the Stone Buildings Formerly Occupied by the Augusta Mental Health Institute**

**RESOLVE 181**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| BARSTOW           |                         |                           |

LD 2282 authorizes the Commissioner of Administrative and Financial Services to enter into long-term ground leases of the following sites and to convey the following buildings, subject to surrender to the State upon termination of the ground leases: the Stone Buildings, the Administration Building and the Center Building, collectively known as the Stone Buildings and formerly occupied by the Augusta Mental Health Institute. The action authorized in this resolve was part of the initiative to streamline State Government established in Public Law 2007, chapter 240, Part QQQ. The content of this resolve was included in the supplemental budget, LD 2173, but was removed from the budget because the Constitution of Maine prohibits the inclusion in an emergency bill of a provision for the sale or renting for more than 5 years of real estate.

## Enacted Law Summary

Resolve 2007, chapter 181 authorizes the Commissioner of Administrative and Financial Services to enter into long-term ground leases of the following sites and to convey the following buildings, subject to surrender to the State upon termination of the ground leases: the Stone Buildings, the Administration Building and the Center Building, collectively known as the Stone Buildings and formerly occupied by the Augusta Mental Health Institute. The action authorized in this resolve was part of the initiative to streamline State Government established in Public Law 2007, chapter 240, Part QQQ. The content of this resolve was included in the supplemental budget, LD 2173, but was removed from the budget because the Constitution of Maine prohibits the inclusion in an emergency bill of a provision for the sale or renting for more than 5 years of real estate.

**LD 2298 An Act To Improve the Reporting Requirements of Boards and Commissions**

**PUBLIC 623**

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

LD 2298 requires expanded information in annual reports by boards and commissions to the Secretary of State. The report must include additional information related to reimbursement and expenses and information on other types of reimbursement such as stipends, facility rental costs, refreshment costs, public hearing costs and any other expenses. The clerk of each board or commission is required to estimate the number of hours devoted to the task of being the clerk. The report must contain a brief summary of the board's activities. The bill updates the statute to reflect that reports are now filed electronically rather than on paper forms. This bill was report out by the State and Local Government Committee pursuant to Joint Order, H.P. 1635.

## Enacted Law Summary

Public Law 2007, chapter 623 requires expanded information in annual reports by boards and commissions to the Secretary of State. The report must include additional information related to reimbursement and expenses and information on other types of reimbursement such as stipends, facility rental costs, refreshment costs, public hearing costs and any other expenses. The clerk of each board or commission is required to estimate the number of hours devoted to the task of being the clerk. The report must contain a brief summary of the board's activities. The law updates the statute to reflect that reports are now filed electronically rather than on paper forms.

*Joint Standing Committee on State and Local Government*

**LD 2302 An Act To Remove Impediments to Changing County Government Fiscal Years**

**PUBLIC 663**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| MILLETT           | OTP-AM                  | H-979<br>H-995 BARSTOW    |

LD 2302 replaces specific dates in the laws governing some counties' budget procedures with a specified number of days prior to the end of the county fiscal year. Current law permits county commissioners to change their county's fiscal year. However, the laws governing some counties' budget procedures specify certain dates by which steps in the budgeting process must be completed, and those dates need to be changed in order for the commissioners to change their respective county's fiscal year.

**Committee Amendment "A" (H-979)**

This amendment strikes out the section of the bill that would have changed the date for payment of tax from the following September to the ninth month of the county's fiscal year. The amendment also standardizes other sections to match other specified numbers of days in the bill.

**House Amendment "A" (H-995)**

This amendment requires county commissioners to provide estimates of county taxes by April 15th for counties using a fiscal year from July to June. It also changes language regarding the timing of the election for Knox County budget committee members so that the committee members are still elected at the November election although their terms do not begin until the first day of the fiscal year.

**Enacted Law Summary**

Public Law 2007, chapter 663 replaces specific dates in the laws governing some counties' budget procedures with a specified number of days prior to the end of the county fiscal year. Current law permits county commissioners to change their county's fiscal year. However, the laws governing some counties' budget procedures specify certain dates by which steps in the budgeting process must be completed, and those dates need to be changed in order for the commissioners to change their respective county's fiscal year. County commissioners must provide estimates of county taxes by April 15th for counties using a fiscal year from July to June.

**LD 2307 An Act To Restore Positions in the Office of Program Evaluation and Government Accountability**

**PUBLIC 701  
EMERGENCY**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u>  |
|-------------------|-------------------------|----------------------------|
| RINES             |                         | S-639 MARTIN<br>S-659 RAYE |

LD 2307 provides funds to restore positions in the Office of Program Evaluation and Government Accountability that were eliminated in fiscal year 2008-09 in Public Law 2007, chapter 539, Part LLLL.

**Senate Amendment "D" (S-639)**

This amendment strikes the General Fund appropriation in the bill and instead repeals that section of Public Law 2007, chapter 539, Part LLLL that removed funding for positions in the Office of Program Evaluation and Government Accountability. It also increases from \$300,964 to \$495,964 the amount in the unencumbered balance forward in the All Other line category in the Office of Evaluation and Government Accountability General Fund account that lapses to the General Fund in fiscal year 2008-09.

# Joint Standing Committee on State and Local Government

## Senate Amendment "F" (S-659)

This amendment clarifies that the Director of the Office of Program Evaluation and Government Accountability shall work with relevant offices and agencies to facilitate the sharing of resources and coordination of program review across state government. It also requires that the director make recommendations to the Government Oversight Committee on performance standards in order to maximize the effectiveness of the Office of Program Evaluation and Government Accountability.

### Enacted Law Summary

Public Law 2007, chapter 701 repeals Part LLLL of Public Law 2007, chapter 539 which had eliminated several positions in the Office of Program Evaluation and Government Accountability. The Director of the Office of Program Evaluation and Government Accountability shall work with relevant offices and agencies to facilitate the sharing of resources and coordination of program review across state government. The Director shall also make recommendations to the Government Oversight Committee on performance standards to maximize the effectiveness of the Office of Program Evaluation and Government Accountability. In addition, the law lapsed \$495,964 of unencumbered funds in the All Other line category in the Office of Evaluation and Government Accountability General Fund to the General Fund in fiscal year 2008-09.

Public Law 2007, chapter 701 was enacted as an emergency measure effective April 24, 2008.

## LD 2321 An Act To Validate Certain Proceedings Authorizing the Issuance of Bonds and Notes by Maine School Administrative District No. 29

P & S 44  
EMERGENCY

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| BARSTOW           |                         |                           |

LD 2321 validates and authorizes the renovation project of Houlton High School in Maine School Administrative District No. 29 that voters approved in a referendum. The Town of Hammond within the school district failed to get the warrant for referendum countersigned by the selectmen as required by statute, which affects the bonds or notes to be issued in connection with the project.

### Enacted Law Summary

Private and Special Law 2007, chapter 44 validates and authorizes the renovation project of Houlton High School in Maine School Administrative District No. 29 that voters approved in a referendum. The Town of Hammond within the school district failed to get the warrant for referendum countersigned by the selectmen as required by statute, which affects the bonds or notes to be issued in connection with the project.

Private and special Law 2007, chapter 44 was enacted as an emergency measure effective April 14, 2008.



*Joint Standing Committee on State and Local Government*

**SUBJECT INDEX**

*Capitol Area/Capitol Complex*

Enacted

LD 1876      Resolve, Regarding the Maine State Cultural Building in Augusta      RESOLVE 151

*County Budget Process*

Enacted

LD 2302      An Act To Remove Impediments to Changing County Government Fiscal Years      PUBLIC 663

*County Government*

Not Enacted

LD 1974      Resolve, To Prevent the Closing of Store Road in Somerset County      ONTP

*Departments and Agencies of State Government*

Enacted

LD 2147      An Act To Ensure That State Government Is a Model Employer of People with Disabilities      PUBLIC 551

*Legislature and Legislative Process*

Enacted

LD 2307      An Act To Restore Positions in the Office of Program Evaluation and Government Accountability      PUBLIC 701  
EMERGENCY

*Miscellaneous*

Enacted

LD 2234      An Act To Validate Certain Proceedings Authorizing the Issuance of Bonds and Notes by the City of Brewer High School District      P & S 39  
EMERGENCY

LD 2321      An Act To Validate Certain Proceedings Authorizing the Issuance of Bonds and Notes by Maine School Administrative District No. 29      P & S 44  
EMERGENCY

*Municipalities and Quasi-Municipalities*

Enacted

|         |  |                         |
|---------|--|-------------------------|
| LD 1965 | An Act To Amend the Lucerne-in-Maine Village Corporation Charter       | P & S 33                |
| LD 1968 | An Act To Clarify the Election of Municipal Charter Commission Members | PUBLIC 495<br>EMERGENCY |
| LD 2188 | Resolve, To Establish a Moratorium on Development in Saco Bay          | RESOLVE 204             |

Not Enacted

|         |  |                        |
|---------|--|------------------------|
| LD 1962 | An Act To Amend the Informed Growth Act  | DIED BETWEEN<br>HOUSES |
| LD 2020 | An Act To Amend the Laws Governing the Granting of Disability Variances from the Zoning Laws | ONTP                   |
| LD 2201 | An Act To Require a Municipality To Move a Body Buried in the Wrong Grave                    | ONTP                   |

*Notaries Public*

Not Enacted

|         |   |                        |
|---------|---|------------------------|
| LD 2057 | An Act To Amend the Conflict of Interest Laws for Notaries Public | DIED BETWEEN<br>HOUSES |
|---------|---|------------------------|

*Rulemaking*

Enacted

|         |  |            |
|---------|--|------------|
| LD 2213 | An Act To Implement the Recommendations of the Working Group To Improve Public Understanding and Participation in the Rulemaking Process | PUBLIC 581 |
|---------|--|------------|

*State Contracts and Fiscal Procedures*

Not Enacted

|         |   |      |
|---------|---|------|
| LD 2096 | An Act Regarding International Trade Agreements | ONTP |
|---------|---|------|

*State Government - General*

Enacted

|         |  |            |
|---------|--|------------|
| LD 2298 | An Act To Improve the Reporting Requirements of Boards and Commissions | PUBLIC 623 |
|---------|--|------------|

Not Enacted

|         |   |                     |
|---------|---|---------------------|
| LD 1878 | An Act To Generate Savings by Changing Public Notice Requirements | HELD BY<br>GOVERNOR |
|---------|---|---------------------|

*State Property*

**Enacted**

|                |  |                    |
|----------------|--|--------------------|
| <b>LD 1941</b> | <b>Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell the Interests of the State in a Parcel of Property in Frenchville</b>  | <b>RESOLVE 150</b> |
| <b>LD 2058</b> | <b>Resolve, Authorizing the President of the Maine Community College System To Sell 2 Parcels of Real Property in South Portland</b>   | <b>RESOLVE 148</b> |
| <b>LD 2111</b> | <b>An Act To Secure the Sites Necessary for the Statewide Radio and Network System</b>   | <b>PUBLIC 488</b>  |
| <b>LD 2275</b> | <b>Resolve, Authorizing the Creation of a Veterans Campus and the Conveyance of the State's Interest in Certain Real Property in the City of Bangor</b>  | <b>RESOLVE 201</b> |
| <b>LD 2282</b> | <b>Resolve, Authorizing the Commissioner of Administrative and Financial Services on Behalf of the State To Convey Title and Other Interests in the Stone Buildings Formerly Occupied by the Augusta Mental Health Institute</b> | <b>RESOLVE 181</b> |

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

**Summary of Committee Actions**

| I. BILLS AND PAPERS CONSIDERED                          | <u>Number</u> | <u>% of Comm<br/>Activity</u>                | <u>% of All<br/>Bills/Papers</u>          |
|---|---------------|--|---|
| <b>A. Bills referred to Committee</b>                   |               |  |   |
| <i>Bills referred and voted out</i>                     | 17            | 89.5%  | 3.0%                                      |
| <u><i>Bills Carried Over from previous session</i></u>  | <u>2</u>      | <u>10.5%</u>                                 | <u>0.4%</u>                               |
| <b>Total Bills referred</b>                             | <b>19</b>     | <b>100.0%</b>                                | <b>3.4%</b>                               |
| <b>B. Bills reported out by law or joint order</b>      | <b>0</b>      | <b>0.0%</b>                                  | <b>0.0%</b>                               |
| <b>Total Bills considered by Committee</b>              | <b>19</b>     | <b>100.0%</b>                                | <b>3.4%</b>                               |
| <b>Orders and Resolutions referred to Committee</b>     |               |  |   |
| <i>Joint Study Orders referred and voted out</i>        | 0             | 0.0%   | 0.0%                                      |
| <i>Joint Resolutions referred and voted out</i>         | 0             | 0.0%   | 0.0%                                      |
| <u><i>Orders and Resolutions Carried Over</i></u>       | <u>0</u>      | <u>0.0%</u>                                  | <u>0.0%</u>                               |
| <b>Total Orders and Resolutions Referred</b>            | <b>0</b>      | <b>0.0%</b>                                  | <b>0.0%</b>                               |
| <br>  |               |  |   |
| II. COMMITTEE REPORTS                                   | <u>Number</u> | <u>% of this<br/>Committee's<br/>Reports</u> | <u>% of All<br/>Committee<br/>Reports</u> |
| <b>A. Unanimous committee reports</b>                   |               |  |   |
| <i>Ought to Pass</i>                                    | 1             | 5.3%   | 0.2%                                      |
| <i>Ought to Pass as Amended</i>                         | 10            | 52.6%  | 1.9%                                      |
| <i>Ought to Pass as New Draft</i>                       | 0             | 0.0%   | 0.0%                                      |
| <u><i>Ought Not to Pass</i></u>                         | <u>4</u>      | <u>21.1%</u>                                 | <u>0.8%</u>                               |
| <b>Total unanimous reports</b>                          | <b>15</b>     | <b>78.9%</b>                                 | <b>2.8%</b>                               |
| <b>B. Divided committee reports</b>                     |               |  |   |
| <i>Two-way reports</i>                                  | 4             | 21.1%  | 0.8%                                      |
| <i>Three-way reports</i>                                | 0             | 0.0%   | 0.0%                                      |
| <u><i>Four-way reports</i></u>                          | <u>0</u>      | <u>0.0%</u>                                  | <u>0.0%</u>                               |
| <b>Total divided reports</b>                            | <b>4</b>      | <b>21.1%</b>                                 | <b>0.8%</b>                               |
| <b>Total committee reports</b>                          | <b>19</b>     | <b>100.0%</b>                                | <b>3.6%</b>                               |
| <br>  |               |  |   |
| <b>III. CONFIRMATION HEARINGS</b>                       | <b>0</b>      | <b>N/A</b>                                   | <b>N/A</b>                                |
| <br>  |               |  |   |
| IV. FINAL DISPOSITION                                   | <u>Number</u> | <u>% of Comm<br/>Bills/Papers</u>            | <u>% of All<br/>Bills/Papers</u>          |
| <b>A. Bills and Papers enacted or finally passed</b>    |               |  |   |
| <i>Joint Study Orders</i>                               | 0             | 0.0%   | 0.0%                                      |
| <i>Public laws</i>                                      | 5             | 26.3%  | 0.9%                                      |
| <i>Private and Special Laws</i>                         | 2             | 10.5%  | 0.4%                                      |
| <i>Resolves</i>   | 5             | 26.3%  | 0.9%                                      |
| <u><i>Constitutional Resolutions</i></u>                | <u>0</u>      | <u>0.0%</u>                                  | <u>0.0%</u>                               |
| <b>Total Enacted or Finally Passed</b>                  | <b>12</b>     | <b>63.2%</b>                                 | <b>2.1%</b>                               |
| <b>B. Resolves to authorize major substantive rules</b> |               |  |   |
| Rules authorized without legislative changes            | 0             | 0.0%   | 0.0%                                      |
| Rules authorized with legislative changes               | 0             | 0.0%   | 0.0%                                      |
| <u>Rules not authorized by the Legislature</u>          | <u>0</u>      | <u>0.0%</u>                                  | <u>0.0%</u>                               |
| <b>Total number of rules reviewed</b>                   | <b>0</b>      | <b>0.0%</b>                                  | <b>0.0%</b>                               |
| <b>C. Bills vetoed or held by Governor</b>              |               |  |   |
| <i>Vetoed over-riden</i>                                | 0             | 0.0%   | 0.0%                                      |
| <i>Vetoed sustained</i>                                 | 0             | 0.0%   | 0.0%                                      |
| <u><i>Held by the Governor</i></u>                      | <u>1</u>      | <u>5.3%</u>                                  | <u>0.2%</u>                               |
| <b>Total</b>  | <b>1</b>      | <b>5.3%</b>                                  | <b>0.2%</b>                               |

Note: A committee vote on a bill is not included here if the bill was subsequently re-referred to another committee or recommitted and carried over.

Prepared by the Office of Policy and Legal Analysis  
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