

STATE OF MAINE
124TH LEGISLATURE
SECOND REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed during the Second Regular Session of the 124th Maine Legislature coming from the

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

April 2010

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Joint Standing Committee on State and Local Government

LD 1022 An Act To Amend the Laws Governing the Legislative Youth Advisory Council

**PUBLIC 623
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY J	OTP-AM	S-357

This bill was carried over from the First Regular Session. It amends the laws governing the Legislative Youth Advisory Council.

1. It expands the duties of the council to include establishing a communication network with other youth groups in the State, facilitating methods of receiving input from youth from geographically diverse areas of the State and developing criteria to be considered when recommending future members for appointment.
2. It directs the appointing authorities to give special consideration to youth who have already served on the council when making appointments and directs the appointing authorities to fill vacancies as soon as practicable.
3. It directs the council to include in its rules of procedure an attendance policy that authorizes revocation of membership for lack of attendance.

Committee Amendment "A" (S-357)

This amendment replaces the bill. It repeals the existing statute relating to the Legislative Youth Advisory Council and replaces it with new language that reduces the cost of the council by reducing the number of times it may meet, providing greater flexibility with respect to where and how it holds and conducts its meetings and encouraging the participation of the youth members in the legislative process through such activities as shadowing legislative members during the session, attending public hearings and work sessions and testifying before legislative committees on matters pertaining to youth. The amendment states that no additional funds may be appropriated or allocated to the council and that all activities of the council during fiscal years 2009-10 and 2010-11 must be funded from the approximately \$4,000 budgeted by the Legislative Council in the current biennium. It also specifies that legislative and youth members appointed by the presiding officers of the 124th Legislature remain as members until the convening of the 125th Legislature. The amendment adds an emergency preamble and emergency clause.

Enacted Law Summary

Public Law 2009, chapter 623 repeals the statute relating to the Legislative Youth Advisory Council and replaces it with new language that reduces the number of times the council may meet, provides greater flexibility with respect to where and how it holds and conducts its meetings and encourages the participation of the youth members in the legislative process through such activities as shadowing legislative members during the session, attending public hearings and work sessions and testifying before legislative committees on matters pertaining to youth.

Public Law 2009, chapter 623 was enacted as an emergency measure effective April 9, 2010.

Joint Standing Committee on State and Local Government

LD 1512 An Act To Amend the Laws Governing the Somerset County Budget Procedure

**PUBLIC 576
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CURTIS	OTP-AM MAJ OTP-AM MIN	H-640

This bill amends the laws governing the procedure for adopting the Somerset County budget by allowing the budget to be increased, decreased or altered by the budget committee based on information obtained during the public hearing process. The budget must be approved by a majority vote of the budget committee at a meeting called for that purpose. The county commissioners may adopt the budget as submitted by the budget committee or after increasing, decreasing or altering the proposed budget by a majority vote by June 30th. Current law requires a unanimous vote of the commissioners to change the budget. The bill also requires that, if the county does not approve a new budget, it must operate on an interim budget not to exceed the previous year's budget. Current law requires that, if the county does not approve a new budget, it operates on an interim budget not to exceed 80% of the previous year's budget.

Committee Amendment "A" (H-639)

This amendment, which is the majority report, removes language in the bill that would change the Somerset County budget committee's procedure for adopting a budget and instead requires the budget committee to enter the reasons for any changes made to the proposed county budget into the minutes of the budget committee meeting. It clarifies that the budget committee must adopt the budget by a majority vote of the budget committee and requires that the budget must be adopted at a meeting no later than 15 days prior to the beginning of the county's fiscal year. It retains the process in current law of allowing the county commissioners to change the budget by unanimous vote and the budget committee to reject that change by a 2/3 vote of its membership. This amendment was not adopted.

Committee Amendment "B" (H-640)

This amendment, which is the minority report, strikes out the section related to changing the budget adoption procedure of the Somerset County budget committee. It retains the section that requires the county to operate on an interim budget that does not exceed the previous year's budget if the budget is not approved before the start of the fiscal year.

Enacted Law Summary

Public Law 2009, chapter 576 allows Somerset County to operate on an interim budget that does not exceed the previous year's budget if the budget is not approved before the start of the fiscal year.

Public Law 2009, chapter 576 was enacted as an emergency measure effective March 31, 2010.

LD 1513 An Act To Authorize Municipal Officers To Resolve Road-naming Disputes

PUBLIC 477

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAGNAN	OTP-AM	H-596

Joint Standing Committee on State and Local Government

This bill authorizes municipal officers to make the final decision when there is a dispute in the naming of a town way, private way or private road for E-9-1-1 purposes.

Committee Amendment "A" (H-596)

This amendment clarifies that the decision of the municipal officers is final when there is a dispute over the naming of a town way, private way or private road for E-9-1-1 purposes unless a local ordinance or charter states otherwise.

Enacted Law Summary

Public Law 2009, chapter 477 authorizes that municipal officers make the final decision when there is a dispute over the naming of a town way, private way or private road for E-9-1-1 purposes unless there is a local ordinance or charter that states otherwise.

LD 1534 An Act To Ensure That Substantial State Contracts Receive Adequate Legal Review

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BEAUDETTE SIMPSON	ONTP	

This bill requires state agencies and departments to submit to the Attorney General every proposed contract for the purchase of goods or services that has a total contract price that exceeds \$3,000,000 or that exposes the State to substantial risk in the event of nonperformance.

LD 1554 An Act Regarding Document Fees at County Registries of Deeds

PUBLIC 575

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CROCKETT P	OTP-AM	H-669 S-449 SIMPSON

This bill increases the filing fee that county registers of deeds may charge for the second and subsequent pages of documents from \$2 to \$4 and clarifies the "reasonable fee" that may be charged for obtaining abstracts and copies of records. It states that the Freedom of Access Act in the Maine Revised Statutes Title 1, chapter 13 does not apply to public inspection and copying fees for records maintained by the county registry office. The bill also requires persons who obtain records from registers of deeds and subsequently sell or distribute those records to indicate on the records that they are not official copies.

Committee Amendment "A" (H-669)

This amendment limits the exemption from the freedom of access law in Title 1, chapter 13 to copying fees so that the Maine Revised Statutes, Title 33, chapter 11 prevails for the purpose of setting fees for copying registry documents. It removes the increase in recording fees from the bill. The amendment clarifies that copying fees can be different depending on the type of document being copied. It also increases the factors that can be used to determine a reasonable fee for copying registry documents to include contract and contractor costs for database maintenance and for online provision and bulk transfer of copies in a manner that protects the security and integrity of registry documents.

Joint Standing Committee on State and Local Government

Senate Amendment "A" To Committee Amendment "A" (S-449)

This amendment clarifies the limit to the exemption from the freedom of access laws to the Maine Revised Statutes, Title 1, chapter 13, section 408, subsection 3, which specifically relates to copying costs. It also narrows the range of factors that may be used to determine a reasonable fee for copying registry documents to those that relate to the cost of producing and making copies available.

Enacted Law Summary

Public Law 2009, chapter 575 exempts the fees for copying county registry documents from the freedom of access law in Title 1, chapter 13 so that the Maine Revised Statutes, Title 33, chapter 11 prevails for the purpose of setting fees for copying registry documents. It clarifies that copying fees can be different depending on the type of document being copied and increases the factors that can be used to determine what is a reasonable fee for copying registry documents although those factors must relate to the cost of producing and making copies available.

LD 1569 An Act To Clarify the Informed Growth Act

**PUBLIC 549
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BEAUDETTE SIMPSON	OTP-AM MAJ ONTP MIN	H-654

This bill amends the Informed Growth Act by providing that the Informed Growth Act applies only to permits or approvals for new construction and that a change of use permit is not considered a land use permit requiring a comprehensive economic impact study.

Committee Amendment "A" (H-654)

This amendment replaces the bill. It exempts a retail business establishment from the Informed Growth Act if that establishment is proposing to occupy an existing building in which the most recent occupant was a large-scale retail development as long as there is no proposed increase in gross floor area greater than 20,000 square feet. It also clarifies that the definition of "large-scale retail development" under the Informed Growth Act does not include renovation of an existing building.

Enacted Law Summary

Public Law 2009, chapter 549 exempts a retail business establishment from the Informed Growth Act if that establishment is proposing to occupy an existing building in which the most recent occupant was a large-scale retail development as long as there is no proposed increase in gross floor area greater than 20,000 square feet. It also clarifies that the definition of "large-scale retail development" under the Informed Growth Act does not include renovation of an existing building.

Public Law 2009, chapter 549 was enacted as an emergency effective March 3, 2010.

LD 1718 An Act To Amend the Laws Relating to Government Records

PUBLIC 509

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ADAMS SIMPSON	OTP-AM	H-638

Joint Standing Committee on State and Local Government

This bill clarifies that government records of historic and archival value to the State, regardless of the date of their generation, are the property of the State. It clarifies that the custody of a record rests with the State until ownership and possession are formally relinquished. The bill also requires a licensed auctioneer to notify the State Archivist if the auctioneer believes that records belonging to the State are in the possession of a person not authorized to have those records. If the auctioneer fails to notify the State Archivist, the auctioneer may be denied a license or a disciplinary sanction may be imposed pursuant to the Maine Revised Statutes, Title 32, section 291-A.

Committee Amendment "A" (H-638)

This amendment removes all sections of the bill related to licensed auctioneers notifying the State Archivist if they are in possession of records belonging to the State. The amendment requires the State Archivist to prepare a detailed explanation of what constitutes a "record" and "records belonging to the State or to a local government or any agency of the State" and requires the explanation to be posted on a publicly accessible website and made available to interested parties upon request.

Enacted Law Summary

Public Law 2009, chapter 509 clarifies that government records of historic and archival value to the State, regardless of the date of their generation, are the property of the State. The custody of a record rests with the State until ownership and possession are formally relinquished. The State Archivist is required to prepare a detailed explanation of what constitutes a "record" and "records belonging to the State or to a local government or any agency of the State" and post the explanation on a publicly accessible website and made available to interested parties upon request.

LD 1832 An Act To Amend the Laws Governing the Election of Androscoggin County Commissioner District Budget Committee Members

**PUBLIC 650
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRAVEN		S-531 SIMPSON

This bill repeals the section of law that outlines the method of calculating the votes for the Androscoggin County commissioner district budget committee members, and enacts in its stead a new section of law that reflects the current Androscoggin County commissioner districts, which were reapportioned in 2003 after the 2000 census.

Senate Amendment "B" (S-531)

This amendment adds an emergency preamble and emergency clause to the bill.

Enacted Law Summary

Public Law 2009, chapter 650 repeals the section of law that outlines the method of calculating the votes for the Androscoggin County commissioner district budget committee members, and enacts in its stead a new section of law that reflects the current Androscoggin County commissioner districts, which were reapportioned in 2003 after the 2000 census.

Public Law 2009, chapter 650 was enacted as an emergency measure effective April 13, 2010.

Joint Standing Committee on State and Local Government

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Enacted

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County Government

Enacted

LD 1554	An Act Regarding Document Fees at County Registries of Deeds	PUBLIC 575
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Informed Growth Act

Enacted

LD 1569	An Act To Clarify the Informed Growth Act	PUBLIC 549 EMERGENCY
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Legislature and Legislative Process

Enacted

LD 1022	An Act To Amend the Laws Governing the Legislative Youth Advisory Council	PUBLIC 623 EMERGENCY
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Municipalities and Quasi-Municipalities

Enacted

LD 1513	An Act To Authorize Municipal Officers To Resolve Road-naming Disputes	PUBLIC 477
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State Contracts and Fiscal Procedures

Not Enacted

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State Government - General

Enacted

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