

NEW LAWS

Effective dates. Emergency legislation became effective on the date it was signed by the Governor unless otherwise noted. If the new law was an emergency measure, it is so-noted before the Public Law (PL) citation. Non-emergency legislation becomes effective 90 days after adjournment of the legislative session in which it was enacted. The effective date of non-emergency legislation enacted this session will be September 28, 2011.

Mandate preamble. Legislation enacted with a “mandate preamble” contains the following language: *“This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two-thirds of all of the members elected to each House have determined it necessary to enact this measure.”* If the new law was enacted with a mandate preamble, it is so-noted along with the Public Law citation.

Some of the new laws have yet to be assigned a PL chapter. These laws are designated PL 2011, c. XXX

Agriculture, Conservation & Forestry

LD 11 – An Act To Regulate the Keeping of Wolf Hybrids. (Sponsored by Sen. Trahan of Lincoln Cty.) **Emergency Enacted; PL 2011, c. 100 (5/19/11)**

The goal of this legislation is to transition to a system where in the years ahead the only wolf hybrids in the state will be located in facilities licensed for keeping wildlife in captivity. Specifically, this Act prohibits the keeping of a wolf hybrid without a permit issued by the Department of Inland Fisheries and Wildlife. An exception to the rule is created for wolf hybrids kept as pets and properly licensed under the dog licensing statutes as of June 1, 2011. New wolf hybrids introduced to the state cannot be licensed under the dog licensing statutes after July 1, 2011 unless the wolf hybrid was less than 6 months old as of that date, in which case it could be licensed no later than December 31, 2011. The Act prohibits the sale or transfer of ownership of any wolf hybrid except to a facility licensed to keep wildlife in captivity or to an animal refuge in another state. The Act also provides for how wolf hybrids found at large must be handled by an animal control officer, including directions for returning the animal and summoning the owner if known and located, or transferring the wolf hybrid to an animal shelter if the owner is not known or located.

LD 89 – An Act Regarding Repeated Animal Trespass. (Sponsored by Rep. McCabe of Skowhegan.) **Emergency Enacted; PL 2011, c. 18 (4/01/11)**

This Act adds authorized employees of the Department of Agriculture to the list of officials that can enforce the laws governing animal trespass. The Act also expands the list of circumstances that can result in the owner of a trespassing animal becoming subject to a civil violation. Under current law, a civil violation occurs if a trespassing animal causing a public safety threat is not immediately removed by the owner if so ordered. This Act would add the circumstances of the trespassing animal

causing a threat to private or public property as reason for immediate removal. The Act also applies a civil violation for the offense of owning an animal found trespassing five or more days within a 30 day period or three or more days within a seven day period.

LD 190 – Resolve, Regarding Legislative Review of Chapter 2-C: Voluntary Municipal Farm Support Program, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources. (Reported by Rep. Edgcomb of Caribou for the Department of Agriculture, Food and Rural Resources.) **Emergency Passed; Resolves 2011, c. 7 (3/25/11)**

This Resolve provides for the final legislative approval of the Department of Agriculture’s rules governing the voluntary municipal farm support program. Under this program the legislative body of a municipality can essentially trade some or all of the property taxes associated with a working farm for the development interests in that working farm for a period of at least 20 years. (See Maine Code of Regulations, Department of Agriculture, Chapter 37)

LD 755 – An Act To Strengthen the Laws Regarding Dangerous Dogs. (Sponsored by Rep. Fossel of Alna.) **PL 2011, c. 82**

This Act expands the requirements a court can impose on the owner of a dangerous dog by allowing a court to order the dog to be securely muzzled, restricted by a tether that meets certain strength standards and is not more than three feet in length, and kept under the direct control of the dog’s owner or keeper whenever the dog is off the owner’s or keeper’s premises. The Act also allows a court to order a dog euthanized if dealing with a dog previously found to be dangerous by the court.

LD 837 – Resolve, To Enhance the Use of Integrated Pest Management on School Grounds. (Sponsored by Rep. Nelson of Falmouth.) **Resolves 2011, c. 59**

This Resolve directs the Board of Pesticides Control to develop best management practices (BMPs) with respect to the application of pesticides for the establishment and maintenance of school lawns, playgrounds and playing fields. The Resolve further directs the Board to provide those BMPs to all school systems and make sure their implementation is understood by the appropriate school personnel. The Resolve also directs the Board to assess compliance with the pesticide application rules and protocols in school settings and to report back to the Legislature by February 2014 on the Board’s findings and work products resulting from this Resolve.

LD 850 – An Act To Improve the Protection of Animals. (Sponsored by Sen. Gerzofsky of Cumberland County.) **PL 2011, c. 288**

This Act expands the list of persons who are allowed to take all steps reasonably necessary to remove an animal from a motor vehicle if the animal’s safety appears to be in immediate danger. Current law gives that authority to law enforcement officers, humane agents and animal control officers. This Act adds firefighters and licensed security guards to that list. All qualified persons using this authority are required to leave in a secure and conspicuous location on or within the automobile a written notice including the person’s name and the address of

the location where the animal may be claimed.

LD 1534 – Resolve, To Reform the Land Use and Planning Authority in the Unorganized Territories. (Sponsored by Rep. Gifford of Lincoln.) **Resolves 2011, c. XXX**

This Resolve establishes a 13-member commission to consider reforming the governance of land use planning in the unorganized territory (UT) and make recommendations on the role of state agencies and county government, the planning and appeals process, and opportunities for increased self determination in land use planning in the UT. The committee membership includes the Commissioner of the Department of Conservation, two residents of the UT, two county commissioners, a regional planner from a council of governments, and one person representing each of the following: a large-parcel property owner in the UT engaged in the forest products industry, a small-parcel property owner in the UT engaged in the forest products industry, a sportsmen's group, a statewide environmental or conservation organization, a regional environmental or conservation organization, the tourism or outdoor recreation industry, and a regional or local economic development organization. The commission must provide a progress update to the Committee on Agriculture, Conservation and Forestry no later than October 28, 2011 and submit its recommendations to that Committee no later than January 4, 2012.

Appropriations & Financial Affairs

LD 100 – An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2011. (Sponsored by Rep. Flood of Winthrop.) **Emergency Enacted; PL 2011, c. 1 (2/08/11)**

This supplemental state budget sweeps up \$111 million of unanticipated state revenue coming in during FY 2011, packages it with about \$14 million in additional General Fund savings, and appropriates those resources for various programs, the largest being a \$70 million reimbursement payment from the General Fund to Maine's hospitals. Of municipal interest, this Act "transfers" to the state's General Fund an additional \$2.8 million from the municipal revenue sharing account that would otherwise be distributed during FY 2011 to the towns and cities for property tax relief. That "transfer" from the municipal revenue sharing account to the state's General Fund comes on top of a \$35 million transfer adopted by the previous Legislature. This action brings the total amount of money pulled out of municipal revenue sharing to prop-up the state budget over the FY 2010-2011 biennium to \$63.5 million, or roughly 25% of the total.

LD 1043 – An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2011, June 30, 2012 and June 30, 2013. (Sponsored by Rep. Flood of Winthrop.) **Emergency Enacted; PL 2011, c. 380 (6/20/11)**

This Act is the state budget for the FY 2012-2013 biennium. The elements of the proposed budget that relate most directly to municipal government include:

Municipal Revenue Sharing. The state budget "transfers" \$84.6 million out of the municipal revenue sharing fund over the next two year period and deposits that money in the state's General Fund to help pay for other legislative priorities. The municipal revenue sharing fund is the monthly repository of 5% of the state's sales and income tax revenue, which is supposed to be distributed to the municipalities for property tax

reduction purposes. Under the terms of the budget, \$40.35 million will be taken from revenue sharing in FY 2012 and \$44.27 million will be taken from revenue sharing in FY 2013. This corresponds to a similar "transfers" that totalled \$63.5 million over the last two fiscal years. These proposed transfers out of the revenue sharing program have the effect of leaving \$94 million a year for the purpose of distribution, according to current state revenue projections.

General Purpose Aid to Education (GPA). In the area of school subsidy, the budget provides modest increases in General Fund appropriations for each year of the biennium.

The GPA appropriation from the General Fund for FY 2011 year was \$873 million. Under the proposed budget, the appropriation would increase by \$23 million for FY 2012 to \$895 million, a 2.6% increase. The proposed appropriation for FY 2013 is \$914 million, a 2.1% year-to-year increase. For municipal officials still paying attention to the state's progress toward the "55%" standard established in law but never achieved, the proposed GPA appropriation for both years of the biennium is 45% of the full cost of K-12 education as measured by the Essential Programs and Services school funding model (EPS).

Redefining the "Total Cost of K-12 Education". The budget redefines the term "Total Cost of Funding Public Education from Kindergarten to Grade 12" to include the state's premium payment for teacher's retirement, which for FY 2012 is \$173 million. Because this new definition of "Total Cost" does not fold the teacher retirement premium into the Essential Programs and Services school funding model, there is no short term impact with respect to the General Purpose Aid to Education school subsidy distribution. The longer term impact could be to dilute the state's required but unachieved "55%" share of K-12 public education. For more details, please refer to the *Disappointments* article in this edition of the *Maine Townsman*.

Working Group to Redesign State Employee and Teacher Retirement System. The budget establishes a five-member working group that is charged with developing an implementation plan to close the current "defined benefit" retirement plan for all state employees and school teachers and replace it with a retirement benefit plan that is supplemental to Social Security and would apply to all state employees and teachers who are first hired after June 30, 2015. The working group members include the Executive Director of the Maine Public Employees Retirement System, the Commissioner of the Department of Administrative and Financial Services, and a representative from the Maine Education Association, the Maine School Management Association and the Maine State Employees Association. The redesigned retirement plan to be developed by this working group would clearly put the Social Security employer-share obligations on the school systems rather than the state. The charge to the working group does not specify to what degree, if any, the employer's share of the supplemental retirement piggy-back plan would fall to the school systems, as well.

Distribution of Certain State Liquor Franchise Revenues. The budget directs the state to enter into negotiations of the state's wholesale liquor franchise for the purpose of extending that franchise for another 10 years. The current 10-year contract is scheduled to expire on June 30, 2014 and this Act directs the next 10-year contract to be executed by June 20, 2013. The budget directs the first \$20 million of the negotiated 10-year contract to balance the state budget. This budget provision further provides that the remainder of the value of the negotiated contract, as issued to the state by the franchisee on an annual basis for each of the next 10 years, be divided in four ways when received and dedicated to certain accounts. The approximate value of that annual distribution is projected in the \$50 - \$65 million range. Of that annual distribution, 15% is dedicated to the state's drinking water and wastewater capital investment programs, 20% is dedicated to the Department of

Transportation's Highway and Bridge Capital program to be used for highway preservation and rehabilitation projects, 30% is dedicated to the state's Budget Stabilization Fund, and 35% is dedicated to the General Fund.

"Circuit Breaker". Over the past biennium the property tax and rent rebates provided under the so-called "Circuit Breaker" program have been reduced by 20%. The budget continues that policy over the next biennium.

Homestead Exemption and Tree Growth Reimbursement. The budget implements no changes to Homestead Exemption program as currently configured, and it allows the Tree Growth reimbursement program to operate as designed, without raiding money from that account. For comparative purposes, after multiple cuts to the FY 2011 distribution, approximately \$4.8 million was distributed in Tree Growth reimbursement for FY 2011. The Tree Growth reimbursement appropriation for FY 2012 in this budget is \$8.65 million for FY 2012 and \$7.95 million for FY 2013.

State Planning Office Deconstructed. The budget also establishes an 11-member committee that is charged with essentially deconstructing the State Planning Office by developing a plan that transfers the personnel and responsibilities of that Office to other departments and agencies within state government. The working group's recommendation, along with implementing legislation, must be submitted to the Legislature for consideration by December 1, 2011. The membership of the working group includes eight state agency commissioners, the Director of the State Planning Office, one member of a local or regional governing body and one member of a municipal or regional governing body.

Court security and municipal law enforcement officers. The budget clarifies that the Judicial Department may use municipal law enforcement officers to provide court security.

Criminal Justice & Public Safety

LD 35 – An Act Relating to Concealed Firearms Locked in Vehicles. (Sponsored by Rep. Cebra of Naples.) **PL 2011, c. 393**

This Act provides that an employer may not prohibit an employee with a valid concealed firearms permit from keeping a firearm in the employee's vehicle as long as the vehicle is locked and the firearm is not visible. The Act also provides that the employer may not be held liable in any civil action for damages, injury or death resulting from another person's actions involving a firearm or ammunition transported or stored on the employer's property under the authority provided by this law.

LD 82 – An Act To Amend the Laws Governing County Jail Budgeting for York County. (Sponsored by Rep. Moulton of York.) **PL 2011, c. 431**

This Act reduces the amount of property taxes that must be collected by York County for jail purposes pursuant to the 2009 state-county corrections unification system. Current law requires that collection to be \$8,667,248. The Act reduces that collection to \$8,386,815, a reduction of \$280,433. The effective date of the Act is July 1, 2013.

LD 83 – An Act To Legalize the Sale, Possession and Use of Fireworks. (Sponsored by Rep. Damon of Bangor.) **PL 2011, c. 416**

This Act creates a system to legalize the sale, possession and use of "consumer fireworks". Generally, consumer fireworks include products that are tested and certified and meet U.S. Consumer Product Safety Commission standards. The State Fire Marshal is directed to adopt rules prohibiting the use, sale and possession of certain aerial fireworks, such as missile, sky and bottle rockets, helicopters and aerial spinners. Under the

terms of the law, municipalities are preempted from adopting ordinances that ban the possession of consumer fireworks. Municipalities may adopt ordinances prohibiting or restricting the sale or use of consumer fireworks within the municipality. A copy of the ordinance must be provided to the State Fire Marshal within 60 days of adoption. Municipalities may also adopt a permitting process for the sale of fireworks within the municipality. Municipalities that choose to issue permits must notify the State Fire Marshal at least 60 days before initiating the permitting program. Municipalities may only issue permits to an applicant who is at least 21 years of age, possesses a federal permit, applies for a permit on a form prescribed by the Department of Public Safety, and meets Maine storage and handling regulations. Before a municipal permit is finally issued, the application must be approved by the municipality's police chief, fire chief and code enforcement officer, if those positions exist. Municipalities may require a reasonable fee for the permit. Municipal police officers, fire officials and code enforcement officers are authorized by the bill to enforce violations of the consumer fireworks law. Beginning in 2013, the Office of the State Fire Marshal must annually submit to the Legislature's Criminal Justice and Public Safety Committee a report regarding the sale and use of consumer fireworks, including information on the issuance and oversight of licenses to sell fireworks, reported fireworks-related injuries, fires or other property damage and municipal restrictions or prohibitions on the sale or use of consumer fireworks. The effective date of the law is delayed to January 1, 2012.

LD 123 – An Act To Assist Seasonal Entertainment Facilities with Public Safety Requirements. (Sponsored by Rep. Davis of Sangerville.) **PL 2011, c. 349**

This Act prohibits the Commissioner of Public Safety from requiring the installation of automatic sprinklers in existing "commercial places of assembly" that are open for no more than 50 days per calendar year. Commercial places of assembly are defined to include bars with live entertainment, nightclubs, assembly halls with festival seating and restaurants.

LD 124 – An Act To Eliminate Certain Restrictions on the Installation of Chimneys and Equipment. (Sponsored by Rep. Harvell of Farmington.) **PL 2011, c. 225**

A recent amendment to the law authorizing the development of rules by the Maine Fuel Board governing installation of fuel-burning devices into chimneys required the Board's rules to allow for the continuing combination of a wood (or "solid fuel") burning device with an oil burning device in the same lined chimney, provided three standards were met and provided the chimney had been existing and in that type of use prior to February 1998. The three standards are: (1) sufficient draft is available for each appliance; (2) the chimney is lined and structurally intact; and (3) a carbon monoxide detector is installed in the building near a bedroom. This Act allows for the combination of a solid fuel burning appliance to a chimney flue to which another appliance burning oil or solid fuel is connected for any chimney existing and in use after February 1998 provided those three standards are met, as well as two additional standards. The two additional standards are: (1) the solid fuel burning appliance has been listed by Underwriters Laboratories or other nationally recognized testing laboratory; and (2) the solid fuel burning appliance is installed in accordance with the manufacturer's specifications.

LD 352 – An Act To Amend Laws Governing Criminal History Record Information. (Sponsored by Rep. Haskell of Portland.) **Emergency Enacted; PL 2011, c. 52 (4/25/11)**

This Act allows the division of licensing and regulatory services within the Department of Health and Human Services to have access to intelligence and investigative information from

law enforcement agencies for use in the investigation of suspected abuse, neglect or exploitation in licensed, certified and registered facilities and programs that provide care to children and adults.

LD 422 – An Act To Amend the Laws Governing the Tax Assessment for Correctional Services in Lincoln County and Sagadahoc County. (Sponsored by Sen. Trahan of Lincoln Cty.) **Emergency Enacted; PL 2011, c. 315 (6/13/11)**

This Act establishes the property tax assessment that must be levied by both Lincoln and Sagadahoc Counties for county correctional services at \$2,657,105, which is the average of the combined amount currently levied by both counties under the terms of the state-county unified correctional system enacted into law in 2009. The Act also requires Lincoln County to pay all withheld revenue from its tax assessment for correctional services from July 1, 2009 to June 30, 2011 directly to the Two Bridges Regional Jail by July 1, 2011.

LD 446 – An Act To Allow Law Enforcement Officers from Out of State To Carry Concealed Firearms. (Sponsored by Rep. Cebra of Naples.) **PL 2011, c. 396**

This Act allows an active or retired law enforcement officer who is a resident of another state to carry a firearm in Maine without a concealed weapons permit, following and referencing the federal statute which authorizes qualified active and retired law enforcement officers to carry concealed firearms. The Act requires those law enforcement officers to be carrying on their person photographic identification verifying their qualifications.

LD 523 – An Act To Modify the Regulation of Fireworks. (Sponsored by Rep. Crockett of Bethel.) **Emergency Enacted; PL 2011, c. 202 (6/02/11)**

This Act amends the definitions of “fireworks” to allow the use of signal, antique or replica cannons as long as no projectile is fired.

LD 914 – An Act To Make Certain Synthetic Cannabinoids Illegal. (Sponsored by Rep. Nass of Acton.) **PL 2011, c. 428**

This Act makes certain synthetic cannabinoids illegal, the possession of which is subject to a Class E crime.

LD 1227 – An Act Concerning the Disposal of Unclaimed, Lost or Stolen Personal Property by Law Enforcement Agencies. (Sponsored by Rep. Burns of Whiting.) **PL 2011, c. 267**

This Act allows a law enforcement agency, after unsuccessfully attempting to dispose of unclaimed, lost or stolen property through the auction process established in current law, to either donate the property to a nonprofit organization or charity or dispose of the property as waste. If disposed as waste, no law enforcement officer or family member of the law enforcement officer may end up in possession of the “waste” property.

LD 1315 – An Act To Establish an Integrated Statewide System To Manage and Enforce Electronic Warrants. (Sponsored by Rep. Plummer of Windham.) **PL 2011, c. 214**

This Act establishes an integrated statewide system to manage and enforce electronic arrest warrants to be executed by law enforcement agencies.

LD 1347 – An Act Relating to Locations where Concealed Weapons May Be Carried. (Sponsored by Rep. Cebra of Naples.) **PL 2011, c. 394**

This Act eliminates the prohibition on certain persons possessing firearms in state parks and historic sites. The persons allowed under this Act to carry firearms in those locations are

people with concealed weapons permits issued in Maine or other reciprocal states as well as local, state or federal law enforcement officers and certain active or retired law enforcement officers qualified pursuant to federal law to possess firearms in these areas provided they have photographic identification in their possession.

LD 1419 – An Act To Improve the Coordination of County Correctional Services. (Sponsored by Rep. Plummer of Windham.) **PL 2011, c. 374**

This Act makes a number of changes to the laws governing the unification of the county jail and state correctional system as enacted in 2009, and that unified system’s Board of Corrections (BOC). Specifically, this Act: (1) changes the focus of the charge to the BOC from the “unification” of the county and state correctional system to the “coordination” of that county-state system; (2) requires the proposed county correctional budgets to be developed as biennial budgets and submitted to the BOC at least one year before the beginning of each state biennium; (3) repeals the system whereby county correctional budgets that were within the “LD 1” growth limitation index had to be approved by the BOC and replaces it with a system whereby the advisory “Corrections Working Group” will develop on a biennial basis a budget growth index as a matter of guidance for the BOC; (4) changes the make-up of the BOC by reducing the number of members from the general public from four members to two, increasing the sheriff representation from one representative to two, and increasing the county commissioner representation from one member to two; and (5) creates the position of Executive Director for the BOC.

LD 1439 – An Act Regarding Permits To Carry Concealed Firearms. (Sponsored by Rep. Hanley of Gardiner.) **PL 2011, c. 298**

This Act makes the following changes to the laws governing permits to carry concealed firearms: (1) it defines “handgun”; (2) it clarifies that concealed firearm permits allow permittees to carry only handguns, such as pistol-type firearms, on the person, not long guns or machine guns; (3) it establishes that permit issuing authorities have 30 days to issue or formally deny the issuance of a concealed weapons permit for a person who has been a Maine resident for at least five years, and 60 days for a person who is a nonresident or who has not been a Maine resident for at least 5 years; and (4) it prohibits criminal justice agencies from charging fees to conduct record checks in relation to background checks that are conducted by issuing authorities as part of the process of reviewing a permit application.

LD 1489 – An Act Regarding Regulation of Emergency Medical Services. (Sponsored by Sen. Rector of Knox Cty.) **PL 2011, c. 271**

This Act makes several amendments to the laws governing emergency medical services and the state’s Emergency Medical Services Board. The amendments include the modification of certain definitions, an expansion of the confidentiality provisions governing the records of the Emergency Medical Services’ Board, a clarification of the applicable licensing and relicensing standards for emergency medical services personnel, and the authorization of the Board to appoint a licensed physician as the assistant medical director to provide services along with the statewide medical services medical director.

LD 1491 – An Act To Strengthen the Laws against Driving under the Influence of Drugs. (Sponsored by Rep. Willette of Mapleton.) **PL 2011, c. 335**

This Act requires the Secretary of State to suspend administratively the driver’s license of a person determined to have operated a motor vehicle with a confirmed positive drug test

in the same manner and for the same time periods as a person whose license is suspended administratively for operating a motor vehicle with an excessive alcohol level. The determination of operating a motor vehicle with a positive drug test is made by the Secretary of State upon receiving a report from a drug recognition expert that includes information regarding trace amounts of any drug or the metabolites of any drug at detectable concentration levels within a person's blood or urine in accordance with the drug reporting rules, standards, procedures and protocols adopted by the Department of Health and Human Services.

Education & Cultural Affairs

LD 19 – An Act To Change the Annual Meeting Date and Fiscal Year of Mount Desert Island Regional School District. (Sponsored by Rep. Flemings of Bar Harbor.) **Emergency Enacted; P & SL 2011, c. 1 (2/04/11)**

This Act amends the private and special law creating the Mt. Desert Island Regional School District to conform its budget year to a "state" fiscal year (July 1 – June 30) rather than a calendar fiscal year.

LD 139 – An Act To Reduce the Time Period after Which a Member Municipality May Petition To Withdraw from a Regional School Unit. (Sponsored by Rep. Edgecomb of Caribou.) **PL 2011, c. 328**

This Act reduces the amount of time a municipality that is a member of a Regional School Unit must remain a member before petitioning to withdraw from membership. Current law requires at least three years of membership before initiating the withdrawal process. This Act reduces that period of time to 30 months.

LD 385 – An Act To Amend the School Administrative Unit Consolidation Laws. (Sponsored by Rep. Johnson of Greenville.) **PL 2011, c. 251**

This Act eliminates, beginning in FY 2013, the financial penalties that can be applied to a school system that is not in compliance with the school consolidation law enacted in 2007. The Act also allows for school systems to withdraw from an Alternative Organizational Structure (AOS) or Regional School Unit (RSU) without having to re-join another conforming RSU within two years as was previously required. In repealing the penalties applied to school systems that are noncompliant with the school consolidation laws, the Act also effectively directs the repeal of any rules promulgated by the State Board of Education that disadvantage noncompliant schools with respect to competing for school construction funds.

LD 397 – An Act To Amend the Laws Governing Competitive Bidding for School Construction and Repair. (Sponsored by Sen. Langley of Hancock Cty.) **PL 2011, c. 352**

Current law requires any school construction, major alteration or repair project costing more than \$100,000 to be put out for competitive bid. This Act increases that threshold to \$250,000. The Act defines those projects to include associated maintenance and service contracts that are performed by the person responsible for the construction project, and the Act establishes the \$250,000 threshold to include the aggregate costs of two or more contracts that are entered into within a six-month period. The Act creates an exemption for the competitive-bid requirement for contracts for energy conservation services as those types of contracts are described and qualified in statute.

LD 404 – An Act To Assist School Administrative Units

in Providing Health Insurance to Their Employees. (Sponsored by Rep. Nelson of Falmouth.) **PL 2011, c. 249**

This Act: (1) requires the Maine Education Association Benefits Trust, which is the teachers' union's health insurance program for schoolteachers, to seek competitive bids at least once every five years, and make the competitive bids available to any individual school administrative unit on request; (2) requires the MEA Benefits Trust to review the current benefit options and consider creating a new benefits option with a lower premium rate for the 2012 plan year; and (3) requires the MEA Benefits Trust to include a representative appointed by the Maine School Boards Association to serve as a member of the board of trustees no later than January 1, 2012.

LD 800 – An Act To Allow the Town of Surry To Join School Union No. 93. (Sponsored by Sen. Langley of Hancock County.) **Emergency Enacted; P & SL 2011, c. 9 (5/31/11)**

This Act authorizes the Commissioner of the Department of Education to adjust the grouping of the school administrative units in School Union #93 to include the Town of Surry.

LD 860 – An Act To Reduce Student Hunger. (Sponsored by Sen. Alford of Cumberland Cty.) **PL 2011, c. 379**

This Act provides an option for public school systems to voluntarily participate in a federal summer food service program for students who qualify according to federal standards for the free or reduced-price school lunch program. For 2011, a school may qualify for this optional program if it has at least one public school in which the percentage of students who qualify for free/reduced lunch is equal to or greater than the minimum percentage for the summer lunch program established in federal law. For the summer of 2012, a school may qualify if at least 75% of its students are eligible for free/reduced lunch. For the summer of 2013, a school may qualify if at least 65% of its students are eligible for free/reduced lunch, and for the summer of 2014 and thereafter, a school may qualify if at least 50% of its students are eligible for free/reduced lunch. The Maine Department of Education is directed to assist participating schools in securing the necessary funding to provide the summer lunch program.

LD 903 – An Act To Allow a Student Attending Private School Access to Public School Cocurricular, Interscholastic and Extracurricular Activities. (Sponsored by Rep. Picchiotti of Fairfield.) **PL 2011, c. XXX**

This Act provides that a student enrolled in an "equivalent instruction program" in a private school is eligible to participate in public school extracurricular and interscholastic activities even if the private school is not a member of the Maine Principals' Association. The Act also allows the school principal to withhold approval of any such participation request. The Act generally requires the participating student to meet the requirements that apply to the regularly enrolled student participants.

LD 938 – An Act to Permit Public School Online Learning Programs To Accept Nonresident Tuition Students. (Sponsored by Rep. Beaulieu of Auburn.) **Emergency Enacted; PL 2011, c. 353 (6/15/11)**

This Act authorizes a school board to decide whether to accept tuition students who reside, and whose parents reside, outside of the state in an online learning program. The authority created by this law expires on July 1, 2014. Tuition students enrolled in these online courses are not counted as students for the purposes of calculating the school system's Essential Programs and Services school funding allotment.

LD 949 – Resolve, To Require the Department of Educa-

tion To Submit a Plan for the Implementation of Standards-based Education. (Sponsored by Sen. Alfond of Cumberland Cty.) **Resolves 2011, c. 83**

This Resolve directs the Department of Education to submit a report to the Legislature by December 1, 2011 consisting of draft legislation that will establish the Learning Results-based proficiency standards that must be met by a Maine High School student before graduating.

LD 1033 – An Act To Support Resource Sharing among Maine Libraries. (Sponsored by Rep. Rotundo of Lewiston.) **PL 2011, c. XXX**

This Act appropriates \$100,000 from the General Fund for the second year of the biennium (FY 2013) in order to provide a weekly van delivery service to help defray the cost of sending and returning items through interlibrary loan to public libraries across Maine. The Act specifies that the funds must be used to defray the cost of van delivery service for those libraries that participated in that service in FY 2010 and FY 2011.

LD 1211 – An Act To Include Civics in the Social Studies and History Courses Required for a High School Diploma. (Sponsored by Rep. Nelson of Falmouth.) **PL 2011, c. 294**

This Act requires a student at the secondary school level to complete at least one course in civics and government in order to receive a high school diploma.

LD 1274 – An Act To Restore Equity in Education Funding. (Sponsored by Sen. Raye of Washington Cty.) **PL 2011, c. 419**

This Act makes three changes to the Essential Programs and Services school funding model (EPS). Beginning with the FY 2013 school year, this Act: (1) reduces the EPS-based staff-to-student ratios (not including school teachers) by 10% for school systems with less than 1,200 students; (2) removes the benefit component from the combined teacher/staff salary-plus-benefit base (thus reducing the value of that base) which in the EPS model is then adjusted by the regional labor market index; and (3) adds an adjustment for a school system that is a minimum subsidy receiver if the percentage of economically disadvantaged students in the school system is greater than the state average.

LD 1307 – An Act To Amend and Clarify Certain Education Statutes. (Sponsored by Rep. Richardson of Carmel.) **PL 2011, c. 171**

This Act makes a number of administrative and clarifying changes to the laws governing regional school units, with a particular focus on the procedures and referendum voting required to close an elementary or secondary school. For example, the Act establishes that the statutory school closing procedures only apply in the circumstance where a school is being closed because of lack of need.

LD 1356 – An Act To Amend the Laws Concerning the School Revolving Renovation Fund. (Sponsored by Sen. Langley of Hancock Cty.) **PL 2011, c. 153**

This Act amends the law governing the School Revolving Renovation Fund by expanding the Priority 1 status loan category to include the removal of hazardous materials (rather than just the removal of asbestos) and creating a new Priority 3 status loan category for repairs and improvements related to energy and water conservation, which pushes the “learning space upgrade” category to Priority 4.

LD 1446 – Resolve, To Develop and Implement a Farm and Fish to School Pilot Program. (Sponsored by Rep. McCabe of Skowhegan.) **Resolves 2011, c. 91**

This Resolve directs the Department of Agriculture, Food

and Rural Resources, the Department of Education and the Department of Marine Resources to support and assist one or more cooperating nonprofit organizations in the development and implementation of a pilot program to examine the benefits of purchasing food grown, raised or caught by Maine food producers for use in the state’s public school food programs. If grant money is available, the Resolve authorizes piloting the program in a rural school system and an urban school system, with the departments submitting a report to the Legislature by January 1, 2013 regarding the impacts and the outcome of the pilot program.

LD 1488 – An Act To Create Innovative Public School Zones and Innovative Public School Districts. (Sponsored by Sen. Langley of Hancock Cty.) **PL 2011, c. XXX**

This Act allows individual schools within school systems to develop innovation plans to be reviewed for approval by the school boards of those districts that will allow for the implementation of “innovative public school districts” or “innovative public school zones”. If ultimately approved, the innovative school districts or zones would be provided certain flexibilities with respect to otherwise required educational systems, protocols, standards or assessments in exchange for exceeding academic performance standards. The Act also provides for the establishment of the Fund for the Efficient Delivery of Educational Services within the Department of Education. This Fund permits the Department to provide grants to school systems, municipalities and counties, or a combination of two or more of those entities, for the purpose of implementing plans for local and regional initiatives (such as innovative public schools) in order to improve educational opportunity and student achievement through the efficient delivery of educational services. This Act appropriates \$500 for each year of the biennium as placeholder money for that purpose.

LD 1553 – An Act To Create a Public Charter School Program in Maine. (Sponsored by Sen. Mason of Androscoggin Cty.) **PL 2011, c. 414**

This Act establishes the process to authorize the establishment of public charter schools. The entities authorized to establish a public charter school include the State Charter School Commission, a local school board within the boundaries of the school system, or a collaborative between the authorizing entities to establish a regional charter school. The State Charter School Commission is a seven-member commission including three members of the State Board of Education and four members appointed by the State Board of Education. The Act defines the essential characteristics of a public charter school as a school that: (1) has autonomy over key decisions including finance, personnel, scheduling, curriculum and instruction; (2) is governed by a board that is independent of a school administrative unit; (3) is established and operated according to a charter contract between the governing board and the authorizing entity; and (4) parents choose to send their children. The Act establishes that public charter schools may have special focuses or specific academic approaches including special needs, at-risk students, English language learners, students in the juvenile justice system, vocational training, environmental education, natural resource industries, foreign language, visual and performing arts, science and mathematics, etc. The Act details the procedures that need to be followed by both applicants and authorizers in order to establish and oversee the operations of a public charter school, including provisions that generally prohibit a public charter school from discriminating against accepting any students who wish to attend the charter school and requiring acceptance decisions to be made by random choice when there are more applicants to the public charter school than its capacity. The Act provides

the basic funding for a public charter school by requiring the state and local financial resources that would be attached to a regular public school student to “follow” the student to the public charter school.

LD 1559 – Resolve, To Transfer the Guilford Butler School to Regional School Unit 13. (Sponsored by Sen. Rec-tor of Knox Cty.) **Resolves 2011, c. 88**

This Resolve authorizes the State to transfer ownership of the Gilford Butler school in South Thomaston to RSU #13.

Energy, Utilities & Technology

LD 84 – An Act To Improve the Sewer District Rate Col-lection Procedures. (Sponsored by Rep. Fitts of Pittsfield.) **Emergency Enacted; PL 2011, c. 26 (4/11/11)**

This Act authorizes certain qualified, enchartered sewer districts to utilize the tax-lien system of enforcing sewer bill payments. For this statutory system to apply, the sewer district’s charter must not already authorize the district to establish a lien on real estate served by the sewer system, and the authority to exercise the lien provisions must be approved by the voters in the district by referendum.

LD 331 – Resolve, Regarding Legislative Review of Por-tions of Chapter 895: Underground Facility Damage Preven-tion Requirements, a Major Substantive Rule of the Public Utilities Commission. (Sponsored by Rep. Fitts of Pittsfield.) **Emergency Passed; Resolves 2011, c. 31 (5/09/11)**

This Resolve amends the existing rules of the Public Utili-ties Commission regarding underground facility damage prevention requirements (the “Dig Safe” rules). Among the changes, this Resolve: (1) replaces the definition of “emergency” and “emergency excavation” with a definition of “emergency exca-vation” provided in statute; (2) provides that the period after which a Dig Safe System ticket must be renewed is 60 days and that the ticket may be renewed twice; and (3) removes a con-flicting provision in the current rule so that it is made clear that in the case of an excavation involving subcontractors, the exca-vator that is directly responsible for performing the excavation shall ascertain that all Dig Safe notifications are performed.

LD 407 – An Act To Clarify the Dig Safe Standards. (Sponsored by Rep. Cray of Palmyra.) **Emergency Enacted; PL 2011, c. 72 (5/09/11)**

This Act amends the state’s Dig Safe law in several ways. The Act: (1) extends from 30 to 60 days the amount of time that can elapse before an excavator needs to re-notify the Dig Safe system if the proposed excavation does not occur after the initial notification; (2) requires an excavator to commence an excavation related to an emergency situation within 12 hours of notification, or as soon thereafter as can be safely accom-plished; (3) exempts excavations in defined gravel pits and quarries from Dig Safe notification; (4) establishes a notifica-tion and response system whereby entities intending to grade gravel roads can provide notice, accept responses from entities with underground facilities, and thereafter be allowed to grade the gravel road over the next 12-month period; and (5) estab-lishes a 23-member working group charged with studying and making recommendations on the following Dig Safe issues: (a) pre-excavation marking standards for excavators; (b) marking standards for owners and operators of underground facilities; (c) enforcement procedures and appropriate use of penalties; and (d) clarification of incident reporting and incident inves-tigation protocols. Among the 23 members appointed to this working group, one member is a public works official from a large-population municipality, one member is a public works official from a small-population municipality, one member rep-

resents a large water or sewer utility and one member represents a small water or sewer utility. The working group’s report must be submitted to the Legislature by January 15, 2012.

LD 553 – An Act To Improve Maine’s Energy Security. (Spon-sored by Rep. Fitts of Pittsfield.) **PL 2011, c. 400**

This Act establishes targets un-der the Governor’s Office of Energy Independence and Security (Office) to reduce the state’s dependency on all oil use in the state (relative to the 2007 level) by at least 30% by 2030 and at least 50% by 2050. The Act directs the Office to develop a plan to achieve those targets and to sub-mit that plan to the Legislature by December 1, 2012.

LD 772 – An Act To Modify the Auditing Requirements for Certain Small Water Utilities. (Sponsored by Rep. Ayotte of Caswell.) **PL 2011, c. 77**

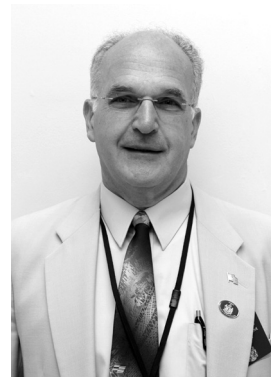
This Act amends the standards that apply to the duties of qualified small water utilities to conduct annual audits of their accounts. Specifically, a consumer-owned water utility with gross annual revenues of \$50,000 or less is required to conduct an audit of its accounts in any year used as a test year for rate-making purposes. A consumer-owned water utility realizing gross annual revenues greater than \$50,000 but less than or equal to \$250,000, must cause to be conducted an “annual re-view” of its accounts, which is less rigorous than a full audit, but a full audit is required in any year used as a test year for rate-making purposes. At a minimum, a full audit must be done at least once every five years.

LD 890 – An Act To Create the Anson and Madison Wa-ter District. (Sponsored by Rep. Curtis of Madison.) **Emer-gency Enacted; P & SL 2011, c. 6 (5/19/11)**

This Act creates the combined Anson and Madison Water District, subject to a referendum vote by the legal voters of each town approving the creation of this district.

LD 909 – An Act To Provide Additional Flexibility for the Funding of Infrastructure Improvements by Consumer-owned Water Utilities. (Sponsored by Rep. Fitts of Pitts-field.) **PL 2011, c. 106**

This Act makes several changes to the laws governing consumer-owned water utilities and the process they undergo to put proposed rate increases before the Public Utilities Com-mittee. Specifically, the Act: (1) repeals the requirements that to qualify for the streamlined rate-making process, the utility must have a net loss in the two immediately preceding fiscal years and the utility must file balance sheets or financial state-ments for the three most recent years together with the other financial information required by the PUC; (2) repeals the requirement that when the utility advertises the public meeting on the rate increase that the notice must inform customers of the “10-person complaint process”; and (3) raises the amount of rate increases that may be accomplished through the stream-lined rate-making process according to a tiered system depend-ing on the size of the utility. The Act also directs the PUC to convene a working group to examine ways of ensuring that the capital requirements of these utilities are provided for in



Thanks to the sponsorship of Representative Denny Keschl (Belgrade), municipalities will now have a choice with respect to the credit card “merchant fees” that apply to municipalities when custom-ers pay for municipal services through the InforME system by credit card.

an adequate manner. The PUC's report on that study must be submitted to the Legislature by January 15, 2012.

LD 1018 – An Act To Amend the Charter of the Anson Water District. (Sponsored by Rep. Dunphy of Embden.) **P & SL 2011, c. 5**

This Act amends the Anson Water District charter.

LD 1061 – An Act To Amend the Lien Process for Unpaid Water Rates. (Sponsored by Rep. Welsh of Rockport.) **PL 2011, c. 97**

This Act gives to all water utilities the authority that consumer-owned water utilities have to place liens on property to recover unpaid rates.

LD 1264 – An Act To Improve the Energy Efficiency of Public Buildings and Create Jobs. (Sponsored by Sen. Bartlett of Cumberland County.) **PL 2011, c. XXX**

This Act amends several laws governing energy efficiency design standards and energy efficiency programs to include efforts to manage the electricity load distribution in governmental buildings. Specifically, this Act: (1) adds the consideration of "load management systems" to existing standards for energy savings design considerations and targets for school construction projects; (2) gives school systems increased flexibility in contracting with energy service companies for energy efficiency and "load management" improvements by allowing contracts to exceed \$2 million in value without requiring a competitive bid if all cost-over-benefits risk is assumed by an entity other than the school system; (3) expands the counties' ability to contract with energy service companies to achieve "load management system" improvements; and (4) expands the Maine Municipal Bond Bank's Efficiency Partners Program to include "load management" projects.

LD 1366 – Resolve, To Clarify the Expectation for the 2012 Assessment of Progress on Meeting Wind Energy Development Goals. (Sponsored by Rep. Gifford of Lincoln.) **Resolves 2011, c. 93**

This Resolve directs the Governor's Office of Energy Independence and Security, when developing its required 2011 assessment of progress on meeting the state's wind energy development goals as established and amended in 2008 and 2010, to include the examination of the following: (1) whether statewide permitting standards regulating such issues as wind turbine noise, visual impacts, setbacks and decommissioning, should be applied to wind energy development; (2) the visual impact standards that are currently being applied; (3) the quality of the decommissioning plans and the appropriateness of financial assurance requirements; (4) the time required to complete the permitting process; (5) the methods that might be employed to consider the cumulative impacts of wind energy development on scenic resources; (6) the costs associated with transmission upgrades associated with wind energy development; and (7) the implications of the intermittency of wind power for regional markets and the larger power grids. The report from the Office must be presented to the Legislature by February 1, 2012. The resolve also directs the Department of Health and Human Services to conduct an analysis of the research on the health effects from wind turbines, including effects from noise.

LD 1441 – An Act To Amend the Yarmouth Water District Charter. (Sponsored by Sen. Woodbury of Cumberland County.) **P & SL 2011, c. 8**

This Act amends the charter of the Yarmouth Water District.

LD 1483 – An Act To Amend the Charter of the Sanford

Sewerage District. (Sponsored by Sen. Courtney of York County.) **P & SL 2011, c. 11**

This Act amends the charter of the Sanford Sewer District. Among other amendments to the charter, the Act requires that before proposing any further charter amendments to the Legislature, the trustees of the District must first present the proposed amendments to the Sanford Town Council for review and comment.

LD 1506 – An Act To Remove Obstacles to the Use of Technological Advances for Heating in Multifamily Structures. (Sponsored by Rep. Fitts of Pittsfield.) **PL 2011, c. 300**

This Act removes electric thermal storage space heating equipment or a geothermal heat pump from the general prohibition against the installation of electric space heating equipment in multi-family, residential construction funded with public funds.

LD 1521 – An Act To Amend the InforME Public Information Access Act. (Sponsored by Sen. Thomas of Somerset County.) **PL 2011, c. 321**

This Act amends the laws governing the InforME Public Information Access system to add definitions for "fee service", "portal fee" and "user" for the stated purpose of allowing InforME to maintain and expand access to electronic services. The Act creates a cap on "portal fees" of \$6 plus 3% of total charges for each transaction. The additional percentage, ranging from 0% to 3%, applied to "total charges" for each transaction allows a municipality to pass along the credit card company's merchant fee to the credit card user as opposed to the current arrangement whereby a municipality has to absorb this fee.

LD 1561 – An Act To Create the Nickerson Lake Sewer District. (Sponsored by Sen. Sherman of Aroostook County.) **Emergency Enacted; P & SL 2011, c. 14 (6/09/11)**

This Act establishes the charter of the Nickerson Lake Sewer District in the towns of New Limerick and Linneus, subject to a local referendum vote approving the creation of the District.

LD 1577 – An Act To Amend the Winthrop Utilities District Charter. (Sponsored by Rep. Flood of Winthrop.) **Emergency Enacted; P & SL 2011, c. 12 (6/02/11)**

This Act amends the Winthrop Utilities District's charter to specify that collection of rates and assessments and foreclosure notices are governed by the state laws establishing the sanitary district lien and foreclosure rate collection procedures.

Environment & Natural Resources

LD 159 – An Act To Foster Economic Development by Improving Administration of the Laws Governing Site Location of Development and Storm Water Management. (Sponsored by Sen. Saviello of Franklin County.) **PL 2011, c. 359**

This Act makes a number of changes to the state's Site Location of Development Act (Site Law) and Storm Water management laws as administered by the Department of Environmental Protection (DEP). Among the changes, this Act: (1) provides that all substantive rules governing storm water management promulgated after January 1, 2010 must be "major substantive" rules, which trigger final legislative review before adoption; (2) provides that most substantive rules related to Site Law promulgated after January 1, 2010, except for standards governing blasting, wind energy development and offshore wind power projects, must be "major substantive" rules, also triggering final legislative review before adoption; (3) directs DEP to apply the same standards it applies under the



Representative Sheryl Briggs (Mexico) sponsored a bill, LD 333, that as enacted directs DEP to review its rules and licensing procedures on municipal snow dumps. Also, for the third year in a row, Rep. Briggs gives her name to allow MMA to deliver its weekly Legislative Bulletin to House members during the legislative session.

Natural Resources Protection Act (NRPA) with respect to vernal pools included within a Site Law application, thereby prohibiting DEP from imposing a buffer strip requirement around a vernal pool unless otherwise required under NRPA for another type of protected resource; (4) directs DEP to adopt rules to allow activities in, on or over high and moderate value waterfowl and wading bird habitat to be eligible for the permit-by-rule procedures under the NRPA; and (5) authorizes the Environment and Natural Resources Committee to report out legislation in 2012 relating to high and moderate value waterfowl and wading bird habitat.

LD 180 – Resolve, To Change Rules Concerning Landfill Gas and Odor Management from Routine Technical Rules to Major Substantive Rules. (Sponsored by Rep. Ayotte of Caswell.) **Emergency Passed; Resolves 2011, c. 43 (5/23/11)**

This Resolve changes the status of certain rules being promulgated by the Department of Environmental Protection governing landfill gas and odor management, which in the development stage were perceived as having significant potential financial impacts on certain solid waste disposal facilities. As originally directed by the Legislature, these rules were to be “routine technical” rules, which can be finally adopted at the state agency level. This Act would require the rules to be “major substantive” rules, which must be finally approved by the Legislature.

LD 262 – An Act To Expand Eligibility of Certain Municipal Landfills To Participate in the State’s Remediation and Closure Program. (Sponsored by Rep. Johnson of Greenville.) **PL 2011, c. 435**

This Act provides closure and remediation funding, if available, to municipal landfills that were allowed to remain in operation after January 1, 2000 but were subsequently closed or covered by December 31, 2015. The Act also makes landfills that were licensed prior to or on September 1, 1989 eligible for state cost-share funding to finance closure if a finding is made that the landfill is contaminating groundwater and corrective actions have been unsuccessful.

LD 311 – An Act To Improve Harbor Safety by Clarifying Requirements for Maintenance Dredging Permits. (Sponsored by Sen. Collins of York Cty.) **PL 2011, c. 65**

This Act clarifies that a permit-by-rule for maintenance dredging of a waterway may be allowed only by renewing an individual permit, and that an individual permit for maintenance dredging may be renewed through the permit-by-rule process only if the proposed dredging area was dredged within the last 10 years and that the total amount of material to be dredged does not exceed the amount approved by the individual permit.

LD 333 – Resolve, Directing the Department of Environmental Protection To Evaluate and Amend Its Rules Regarding Snow Dumps. (Sponsored by Rep. Briggs of Mexico.) **Resolves 2011, c. 44**

This Resolve directs the Department of Environmental

Protection to review its rules regarding the licensing of municipal snow dumps and evaluate: (1) the provisions that require certain municipalities to obtain a waste discharge license for the storage of snow; (2) the state’s obligations and interests under the federal Water Pollution Control Act to be delegated to issue permits for snow dump operations; (3) how the existing rules can be amended to expedite the licensing process for municipalities that cannot be exempted from the waste discharge licensing requirement, including by establishing a general permit process or a permit-by-rule process; and (4) municipal licensing fees. The DEP is further directed to amend its snow dump rules in accordance with its evaluation in such a way that the rules will not conflict with the federal Water Pollution Control Act.

LD 387 – An Act To Amend the Natural Resources Protection Act Regarding Coastal Sand Dune Systems. (Sponsored by Rep. Chase of Wells.) **PL 2011, c. 64**

This Act allows the modification of a structure in a coastal sand dune system without a permit issued pursuant to the state’s Natural Resources Protection Act provided: (1) the modified structure is located within a previously-developed impervious area; (2) the footprint of the expansion is no further seaward than the existing building; and (3) the expansion conforms to the standards for expansion of a building as provided in the municipality’s shoreland zoning ordinance.

LD 411 – Resolve, Regarding Legislative Review of Portions of Chapter 305: Permit by Rule Standards, Section 16, Activities in Coastal Dunes, a Major Substantive Rule of the Department of Environmental Protection. (Sponsored by Rep. Hamper of Oxford.) **Emergency Passed; Resolves 2011, c. 27 (4/26/11)**

This Act provides for final legislative review and approval of portions of a rule promulgated by the Department of Environmental Protection, Chapter 305, Permit by Rule standards, Section 16, Activities in Coastal Dunes. Among other elements of the finally-adopted rule, the regulation deals with the standards that apply to a “cobble trapping fence”.

LD 515 – An Act To Review State Water Quality Standards. (Sponsored by Sen. Saviello of Franklin County.) **PL 2011, c. 194**

This Act makes several amendments to the laws governing the standards used by the Department of Environmental Protection to review and issue waste discharge licenses. Among the amendments, this Act: (1) allows for once-a-year mercury testing for facilities that maintain at least five years of mercury testing data; (2) establishes a one-in-10,000 risk level when calculating ambient water quality criteria for inorganic arsenic; and (3) provides that the DEP may use any unallocated assimilative capacity that has been set aside for future growth if using that capacity would avoid exceeding the water quality criteria or the “reasonable potential to exceed ambient water quality” criteria.

LD 552 – An Act To Exclude Cupolas from the Measurement of Height for Structures in the Shoreland Zone. (Sponsored by Rep. Harvell of Farmington.) **PL 2011, c. 231**

This Act allows a municipality’s shoreland zoning ordinance to exempt a qualifying cupola, dome or widow’s walk from the structural height limitation standards of the ordinance as long as the legally existing conforming structure is not located in a resource protection or stream protection district and the cupola-type structure: (1) does not extend beyond the exterior walls of the existing structure; (2) has a floor area of 53 square feet or less; and (3) does not increase the existing height of the building by more than seven feet.

LD 721 – An Act To Extend the Use of Underground Storage Tanks. (Sponsored by Sen. Courtney of York Cty.) **PL 2011, c. 276**

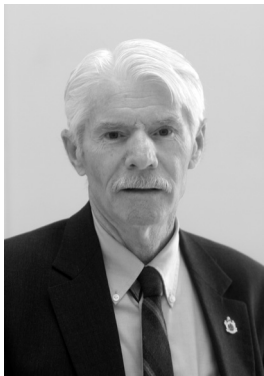
This Act allows a double-walled underground oil storage tank that is in service to stay in the ground for up to 10 years beyond the expiration of its warranty provided a precision test is conducted during the last year of the tank's warranty period determining the integrity of the tank and during each year from the fifth to the tenth year after the expiration of the warranty. Results of these precision tests must be submitted by the owner of the tank to the commissioner of the Department of Environmental Protection. This Act also directs the DEP to amend its rules to allow the retrofitting of single-walled underground storage tanks with secondary containment systems prior to the expiration of the warranty period and to allow the upgrading of related piping. The Act also extends the period of time, from 12 months to 24 months, before it is necessary to properly dispose of an underground oil storage tank that has been taken out of service. Single-walled oil storage tanks out of service for more than 24 consecutive months cannot be returned to service under the terms of this Act. Double-walled oil storage tanks out of service for more than 24 months may only be returned to service with the written approval of the DEP commissioner.

LD 862 – Resolve, Directing the Department of Environmental Protection To Amend Its Rules Governing the Length of Time Certain Permits Are Valid. (Sponsored by Sen. Collins of York Cty.) **Resolves 2011, c. 46**

This Resolve directs the Department of Environmental Protection to amend its rules governing the protection of natural resources, site location of development and storm water to provide that permits issued under these programs are valid for four years after issuance and that permit holders have seven years to complete a permitted project.

LD 981 – An Act To Increase Recycling Jobs in Maine and Lower Costs for Maine Businesses Concerning Recycled Electronics. (Sponsored by Rep. Walsh Innes of Yarmouth.) **Emergency Enacted; PL 2011, c. 250 (6/08/11)**

This Act makes a number of changes to the laws governing the state's "product stewardship" program which involves establishing drop-off centers for certain electronic equipment and florescent lighting tubes which are then picked up by the product manufacturers for recycling. The drop-off centers are typically located at municipal transfer stations and recycling centers. Among the several amendments to the law, this Act expands the entities that are allowed to drop off the electronic items at the drop-off centers. Under current law, only "households" were allowed to participate in the municipal collection programs. Under this Act, the allowed participants are expanded to include households, businesses and non-profit organizations with 100 employees or less, and public schools. A limit is established so that no entity can drop off more



Representative Bernard Ayotte of Caswell helped out the municipal community in his sponsorship of a bill that makes certain solid waste management regulations being developed by the Department of Environmental Protection "major substantive" rules. With that designation, the financial impact on local government will get a more thorough public airing through the legislative process before the rules are finally promulgated.

than seven electronic devices at a time to a municipal drop-off center unless that limit is waived by the municipality. This Act was not identified as a state mandate because providing a municipal drop-off program is not mandatory, although many municipalities will continue to participate in order to provide a convenience for their residents.

LD 1015 – An Act To Reduce Unnecessary Reporting Requirements Related to Natural Resources. (Sponsored by Rep. Duchesne of Hudson.) **PL 2011, c. 120**

This Act repeals a requirement that the Commissioner of Environmental Protection (DEP) annually conduct a review related to its permit-by-rule systems and make recommendations concerning additional categories of such permits to the Board of Environmental Protection. The Act also repeals several DEP reporting requirements, including the submission of reports to the Legislature on the: (1) effects of license fee increases on Department efficiency and license and permit processing times; (2) impacts of local shoreland zoning ordinances; (3) evaluations of whether the state should continue to implement and enforce low-emission vehicle standards; (4) levels of MTBE in gasoline brought into the state; and (4) progress made with meeting the in-stream color pollution standards. The Act also exempts agricultural producers from the water withdrawal reporting program.

LD 1022 – An Act To Amend the Law Concerning Overboard Discharge Systems. (Sponsored by Rep. Tilton of Harrington.) **PL 2011, c. 121**

This Act amends the law governing overboard discharge systems and the obligation under current law to review the possibility of installing a technologically proven alternative septic disposal system to replace the overboard discharge whenever the affected property is being sold or transferred. The amendments to the current requirements are: (1) any application to the Department of Environmental Protection for a transfer of the overboard discharge license must be made no later than two weeks after the date of transfer; (2) the alternative system, if identified as technologically proven, must be installed within 180 days of the transfer rather than within 90 days; and (3) the new owner of the property may apply for and shall receive a waiver of the requirement to install an alternative system if the new owner's annual income is less than \$25,000.

LD 1108 – An Act To Modify the Requirement To Replace Trees Cut Down in Violation of Local Laws. (Sponsored by Rep. Moulton of York.) **PL 2011, c. 228**

Current law requires a person who cuts down trees or understory vegetation in violation of the shoreland zoning law and local ordinance to replace the trees or vegetation removed with trees or vegetation of a similar size and species, to the extent available and feasible. This Act amends that requirement to provide more flexibility in the remediation standard regarding tree replacement. Specifically, the court must order a remediation plan that requires at a minimum at least 50% of the basal area illegally cut to be replanted with trees of varying sizes and species such that the visual impact from cutting will be remediated and the previous tree canopy will be restored within a reasonable time period. The Act also requires that the reforestation plan submitted to the municipality must include a five-year management plan.

LD 1387 – An Act To Restore Exemptions in the Natural Resources Protection Act. (Sponsored by Rep. Cebra of Naples.) **PL 2011, c. 205**

This Act amends the general exemption provided in the state's Natural Resources Protection Act (NRPA) when repairing or replacing a road culvert carrying a stream that qualifies for NRPA protection. Under the Act, an exemption from NRPA

permitting is provided as long as: (1) certain erosion control measures are taken; (2) the repaired or replaced culvert does not block fish passage; (3) if a replacement, the culvert is installed to match the natural stream grade to avoid drops and perching; and (4) if a replacement, the culvert is embedded by the greater of one foot or 25% of the culvert's diameter, as site conditions allow. This Act also clearly separates the road crossing standard in NRPA from the "maintenance and repair" standard regarding structures (i.e., piers, wharves, permanent docks, etc.).

LD 1398 – An Act To Amend the Laws Administered by the Department of Environmental Protection. (Sponsored by Rep. Hamper of Oxford.) **Emergency Enacted; PL 2011, c. 206 (6/03/11)**

This Act makes dozens of changes to the state's environmental protection laws. Among the changes pertinent to municipal government, the Act limits the liability of municipalities that acquire oil storage facilities through tax delinquency proceedings. The Act also amends the wellhead protection laws to: (1) extend the siting restrictions on automobile maintenance shops to include non-commercial automobile maintenance and repair facilities, such as public works garages; (2) require anyone replacing a grandfathered underground oil storage tank within a wellhead protection zone to formally notify both the commissioner of the Department of Environmental Protection and the municipal code enforcement officer of the intent to replace the tank within 30 days after removal; and (3) require the person replacing such a tank to commence construction of the replacement within 2 years after removal of the existing facility.

LD 1434 – An Act To Streamline the Waste Motor Oil Disposal Site Remediation Program. (Sponsored by Rep. Martin of Eagle Lake.) **Emergency Enacted; PL 2011, c. 211 (6/03/11)**

This Act implements the recommendations of a stakeholder group convened by the Department of Environmental Protection with respect to the waste motor oil disposal site remediation program and the Plymouth Waste Oil Loan Program. The Act clarifies the premium charges that apply to the sale of motor oils and re-directs some of the revenue received in those funds to reimburse motor oil dealers for premiums paid on oil sold or distributed out of state. The Act also identifies other recipients of reimbursements, such as the Maine National Guard and the DEP's Uncontrolled Sites Fund. The Act also establishes that as soon as \$3.5 million is paid to the DEP from the Waste Motor Oil Revenue Fund, the department is directed to release from liability any legally responsible person at the Ellsworth, Casco and Presque Isle waste motor oil disposal sites.

LD 1567 – Resolve, To Authorize the State To Acquire a Landfill in the Town of East Millinocket. (Sponsored by Sen. Saviello of Franklin Cty.) **Emergency Passed; Resolves 2011, c. 90 (6/17/11)**

This Resolve provides that the State, through the State Planning Office, shall acquire the so-called Dolby Landfill sites in East Millinocket by donation, conditioned on the sale of the pulp and paper mills. The Resolve preempts the municipality where the landfill is located from exercising any regulatory authority over the landfill, but establishes a seven-member advisory committee if the type of waste allowed to be disposed of at the site changes from what is currently permitted. The ad-

visory committee members would be appointed by the municipal officers in East Millinocket and Millinocket and they would: (a) review proposed contracts with potential landfill operators; (b) hold public meetings regarding the transfer of landfill ownership operations and management; and (c) generally serve as a liaison between the state, the operator of the facility, and the two communities.

Health & Human Services

LD 105 – Resolve, Regarding Legislative Review of Chapter 13: Municipal Service Fee, a Major Substantive Rule of the Department of Health and Human Services. (Sponsored by Rep. Strang Burgess of Cumberland.) **Emergency Passed; Resolves 2011, c. 21 (4/15/11)**

This Resolve gives final legislative review and approval to rules adopted by the Maine Center for Disease Control's (CDC) Office of Vital Statistics requiring municipalities on a monthly basis to remit 40% of the revenue generated by the increase in local vital record fees enacted by the Legislature and implemented on July 12, 2010. Those assessments are \$2 for each certified copy of a birth, marriage or death certificate sold by the municipality; 40 cents for each additional certified copy of a birth, marriage or death certificate of the same record, sold at the same time; \$4 for each marriage license issued; and \$6 for each disposition of human remains permit recorded.

LD 258 – An Act Relating to Vital Records. (Sponsored by Rep. Sanderson of Chelsea.) **PL 2011, c. 58**

A law was enacted during the last legislative session that restricted general access to certain vital records (e.g., birth, marriage and death certificates) unless the person requesting the record was a spouse, domestic partner, descendant, parent, geneologist or lawyer for the person who was the subject of the record, or the records were over 100 years old. This Act loosens those restrictions by making the following changes to the law governing the release and inspection of vital records. The Act:

(1) clarifies that the custodians of vital records must allow for the inspection of such records from qualified requestors, or issue certified or noncertified copies of those records; (2) establishes the list of qualified requestors to include the person who is subject of the record, and that person's spouse, domestic partner, descendant, parent, guardian, grandparent, sibling, stepparent, stepchild, aunt, uncle, niece, nephew, mother-in-law, father-in-law, personal representative, attorney, agent or attorney for that person's agent, or court designee; (3) allows any person to request and be provided a noncertified copy of a person's vital records after 75 years from date of birth, 50 years from the date of a fetal death, 25 years from the date of death, and 50 years from the date of marriage or registration of domestic partnerships; and (4) provides that all vital records created prior to 1892 are open to the public without restrictions, and that all persons may purchase a copy on municipal letterhead or a non-certified copy of such documents.

LD 424 – An Act To Revise the Laws Governing the Licensure of Public Water System Operators. (Sponsored by Sen. Goodall of Sagadahoc Cty.) **PL 2011, c. 45**

This Act makes several technical and minor substantive changes to the laws governing the licensing of public water system operators. Among those changes, the Act increases the limit for the various water system operator fees (e.g., examina-



Senator Earle McCormick (Kennebec County) is to be commended for the way he co-chaired the Health and Human Services Committee. As a result of his leadership, the Committee was able to report out unanimous reports on several divisive issues. Thanks are also owed to Sen. McCormick for allowing the weekly Legislative Bulletin to be distributed to the members of the Senate.

tion, licensure, biennial renewal, reinstatement, etc.) to \$95 for any one purpose.

LD 869 – An Act To Clarify the State’s Authority under Public Health Laws for Municipal Inspections of Establishments. (Sponsored by Sen. McCormick of Kennebec County.) **PL 2011, c. 295**

This Act allows only those municipalities that have been delegated authority by the Department of Health and Human Services to inspect certain establishments that serve food, including camping areas, recreational camps, youth camps and restaurants and other eating establishments. A municipality that has not been delegated authority may not license or inspect such establishments.

LD 1177 – An Act To Make Minor Changes to Municipal Health Inspection Activities. (Sponsored by Rep. Sanborn of Gorham.) **(Mandate) PL 2011, c. 193**

This Act makes a number of clarifying and minor substantive changes to the law governing the municipal licensing and inspection of campgrounds, recreational camps, youth camps and eating establishments as may be delegated by the Department of Health and Human Services (DHHS). Among those changes, the Act establishes separate and non-overlapping definitions of “eating and lodging place” and “lodging place”. Also, the Act increases the license fee that may be charged to a licensee by a delegated municipality with respect to the DHHS mailing and handling charges from \$60 to \$100.

LD 1271 – An Act To Require Use of the Electronic Death Registration System. (Sponsored by Sen. McCormick of Kennebec County.) **PL 2011, c. 371**

This Act provides that beginning July 1, 2012, death certificates filed by funeral directors and other persons required to file by law may be filed using the electronic death registration system maintained by the State Registrar of Vital Statistics.

LD 1296 – An Act To Amend the Maine Medical Use of Marijuana Act To Protect Patient Privacy. (Sponsored by Rep. Sanderson of Chelsea.) **PL 2011, c. 407**

This Act sweeps through the Maine Medical Use of Marijuana Act and makes dozens of changes. Among those changes most pertinent to municipal government, the Act retains the language in existing law that expressly permits a municipality from limiting the number of dispensaries and enacting reasonable regulations applicable to dispensaries, but then prohibits a municipality from adopting any ordinance that is duplicative or more restrictive than the provisions of the Maine Medical Marijuana Act. Except as may be necessary for an ongoing criminal or civil investigation, the Act also prohibits a law enforcement officer from seizing marijuana in the lawful possession of a qualifying patient, primary caregiver or registered dispensary, and establishes the procedures and timeframes for returning improperly seized marijuana to its owner. Other limits and qualifications of law enforcement operations with respect to qualifying patients, caregivers and dispensaries are included in the Act.

Inland Fisheries & Wildlife

LD 108 – An Act To Amend the Fees for Infant Lifetime Licenses. (Sponsored by Rep. Harvell of Farmington.) **PL 2011, c. 268**

This Act reduces the fees by approximately 55% on all infant lifetime licenses for nonresidents for hunting, fishing, archery hunting, trapping, and combinations. The current infant lifetime fishing license for a nonresident, for example, of \$450 is reduced to \$200. The reduction in fees applies between

December 1, 2011 and March 1, 2015. The fiscal impacts of this reduction in fees must be reported to the Legislature by the Commissioner of the Inland Fisheries and Wildlife by January 15, 2015.

LD 112 – An Act To Discourage Illegal Dumping in the State. (Sponsored by Rep. Shaw of Standish.) **PL 2011, c. 208**

This Act amends the law governing the penalties to be applied to a person convicted of illegal dumping or littering, with a focus on significant dumping or littering violations which under current law is set at disposals of 15 pounds of material or 27 cubic feet of litter. Specifically, this Act: (1) increases the minimum fine of a first offense for that level of violation from \$200-\$500 to a minimum of \$500; (2) increases the minimum fine of a subsequent offense to \$2,000; (3) requires the court to award “treble damages” to the party sustaining damages related to the dumping/littering or \$200, whichever is greater, as well as any of the injured party’s court costs and attorney fees; (4) requires the violator to perform a minimum of 100 hours of public service and, when practical, to remove the disposed material; (5) authorizes the court to suspend the violator’s driver’s license for a period between 30 days and one year unless required for the person to operate a business or for the primary source of employment; (6) requires the court to suspend all hunting and fishing licenses and recreational vehicle registrations for a period between 30 days and one year; and (7) authorizes the court to suspend any other license, permit, registration or certification issued to the violator by the state or a municipality unless required for the person to operate a business or for the primary source of employment. The Act also increases the required financial penalty for a subsequent violation of the less significant illegal dumping/littering violation (i.e., less than 15 pounds of material and 27 cubic feet of litter) to between \$500 and \$1000.

LD 175 – An Act To Create a Short-term All-terrain Vehicle Registration System. (Sponsored by Rep. Gilbert of Jay.) **PL 2011, c. 116**

The current fees for registering an ATV are \$33 for a resident and \$68 for a non-resident. This Act retains the \$68 fee for non-residents for a one-year registration and establishes a short-term registration option for a non-resident. The fee for the short-term option is \$53 for a seven consecutive day registration.

LD 634 – An Act To Allow a Person To Designate Information Submitted for a Hunting or Fishing License as Confidential. (Sponsored by Rep. Crockett of Bethel.) **PL 2011, c. 185**

This Act allows an applicant for a hunting or fishing license to indicate that the applicant’s e-mail address, if provided in an application, is confidential. If indicated, the e-mail address must be kept confidentially except from the Department of Inland Fisheries and Wildlife personnel and in certain law enforcement circumstances.

LD 641 – An Act To Allow a Portion of Snowmobile Registration Fees To Be Used for the Repair of Trail-grooming Equipment. (Sponsored by Rep. Davis of Sangerville.) **PL 2011, c. 129**

This Act resolves a conflict in legislation enacted in 2010 regarding snowmobile registration fees for nonresidents and the permitted uses of some of those fees collected by the state. In resolving the conflict, the Act eliminates the \$58 10-consecutive-day nonresident registration category that was created last year. This Act also authorizes funds to be used to assist any entity that has a snowmobile trail grooming contract with the

Bureau of Parks and Lands to repair and overhaul trail grooming equipment.

LD 993 – An Act To Provide Limited Reciprocity for Nonresidents Operating Snowmobiles in This State. (Sponsored by Rep. Timberlake of Turner.) **PL 2011, c. 437**

This Act provides that the Commissioner of Inland Fisheries and Wildlife may establish a three-day period, including two weekend days, during which a nonresident may snowmobile in the state without the snowmobile being registered in Maine if the state of the operator's residency allows a similar or greater opportunity for non-registered sledding in that state. The opportunity to provide this type of "reciprocity" is repealed on October 1, 2013.

LD 1084 – An Act To Amend Certain Provisions of Maine Fish and Wildlife Laws. (Sponsored by Sen. Martin of Kennebec Cty.) **Emergency Enacted; PL 2011, c. 253 (6/08/11)**

This Act makes numerous changes to Maine's fish and wildlife laws, most of which do not directly affect municipal government. Among the changes in the Act that relate in some way to local government, the Act: (1) requires persons operating ATVs who are required to have completed a training course to provide proof of having completed that course upon request by a law enforcement officer; and (2) reduces the fee a nonresident must pay to exchange a 15 day nonresident fishing license for an annual license to the difference between the 15 day license and the annual license and \$2 to the clerk or issuing agent.

Insurance & Financial Services

LD 1326 – An Act To Allow School Administrative Units To Seek Less Expensive Health Insurance Alternatives. (Sponsored by Rep. Sarty of Denmark.) **PL 2011, c. 395**

This Act requires health insurers to provide to a requesting school committee or to a municipality within the school system information about the experience and claims history of the employees of that particular school system as a member covered under a group policy. The Act also allows school systems to offer group self insurance health and dental programs and to enter into cooperative agreements with other school systems and municipalities to provide those programs, provided such group self-insurance programs are approved by the Superintendent of Insurance as a "multiple-employer welfare arrangement."

Judiciary

LD 281 – An Act To Create a 6-year Statute of Limitations for Environmental Violations. (Sponsored by Sen. Snowe-Mello of Androscoggin Cty.) **PL 2011, c. 350**

This Act requires enforcement actions for violations of environmental laws to be brought by the Department of Environmental Protection (DEP) or the Attorney General (AG) within six years of whichever of the following last occurs: (1) the DEP or the AG discovers the act or omission giving rise to the violation; (2) the DEP or the AG identifies the party responsible for the violation; or (3) the last day of a continuing violation.

LD 744 – An Act To Amend the Definition of "Service Animal" To Conform with Federal Law. (Sponsored by Rep. Malaby of Hancock.) **PL 2011, c. 369**

This Act applies the existing definition of "service animal" in the Maine Human Rights Act to the state's fair housing statutes and applies the Department of Justice's definition of "service animal" to the state laws dealing with the civil rights of persons in places of public accommodation. Unlike the MHRA definition of "service animal", the federal definition includes only dogs and does not include dogs whose function is to prevent crime or provide emotional support or companionship.

LD 939 – An Act To Enhance Mandated Reporting and Prosecution of Elder Abuse, Neglect and Exploitation. (Sponsored by Rep. Nass of Acton.) **PL 2011, c. 291**

This Act expands the list of people that are mandated to report suspected cases of elder abuse to the Department of Health and Human Services. Among the mandatory reporters added to the list by this Act are persons providing transportation services as a volunteer or employee of an agency, business or other entity, whether or not the services are provided for compensation.

LD 1005 – An Act To Clarify the Standard of Proof for Traffic Infractions. (Sponsored by Rep. Moulton of York.) **PL 2011, c. 156**

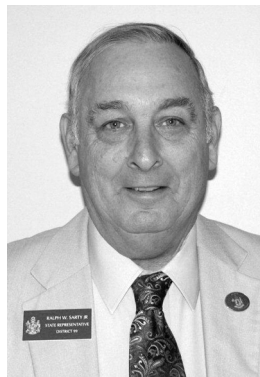
This Act establishes that the standard of proof for a traffic adjudication is based on a preponderance of the evidence.

LD 1082 – An Act Concerning the Protection of Personal Information in Communications with Elected Officials. (Sponsored by Rep. Nass of Acton.) **PL 2011, c. 264**

This Act amends Maine's Freedom of Access Act to provide that certain information in communications between constituents and elected officials is not a public record, including: (1) any medical information about an individual; (2) credit or financial information; (3) information pertaining to the personal history, general character or conduct of the constituent or any member of the constituent's immediate family; or (4) an individual's social security number. The Act also directs the Right to Know Advisory Committee to examine the benefit of public disclosure of elected officials' e-mails and other records balanced with the availability of technology and other systems necessary to maintain the records and provide public access. The Committee's findings and recommendations must be included in its annual report to the Legislature which must be submitted by January 15, 2012.

LD 1154 – An Act To Implement the Recommendations of the Right To Know Advisory Committee. (Sponsored by Rep. Nass of Acton.) **(Mandate) PL 2011, c. 320**

This Act, identified as a "state mandate", makes a number of amendments to Maine's Freedom of Access Act (FOAA) as recommended by the "Right to Know Advisory Committee". The amendments affecting municipal government include: (1) a clarifying paragraph in the opening statute section laying out FOAA policy explaining that Maine's Right to Know law "does not prohibit communications outside of public proceeding between members of a public body unless those communication are used to defeat the purposes of the law"; (2) exempting all social security numbers from the definition of a "public record"; and (3) adding a new requirement that public bodies keep records of their meetings if the public body is required to give notice of the meeting and is not purely advisory in its authority. The minimally required contents of the minutes include the date, time



Representative Ralph Sarty was influential in the opposition to a bill that would have amended the definition of "use" under the Maine Tort Claims Act (LD 1256), which would have effectively exposed municipalities to more claims under the Act due to negligent acts by contracted parties. His opposition to the bill at both the Committee level and on the floor of the House was instrumental in saving municipalities and their property taxpayers from the increased costs associated with the added litigation.

and place of the meeting, the members of the body holding the meeting as either present or absent, and all motions and votes taken. If the vote is taken by "roll call", the record must reflect the individual member's votes. An audio, video or other electronic recording of the public proceeding is considered an acceptable record.

LD 1365 – An Act Regarding Protection Orders. (Sponsored by Rep. Hinck of Portland.) **PL 2011, c. 265**

This Act makes several changes to the law governing the prosecution of domestic violence cases. Among those changes, the Act requires the Maine Criminal Justice Academy to adopt a model policy by June 1, 2012 that requires law enforcement agencies to serve protection from abuse orders on defendants as quickly as possible, and requires law enforcement agencies to subsequently adopt such policies.

LD 1473 – An Act To Clarify Rights-of-way Laws. (Sponsored by Rep. Weaver of York.) **PL 2011, c. 312**

This Act gives a person who owns land in a subdivision that abuts a proposed, unaccepted way ownership of the entire width of the right of way, rather than to just the center line, if the land on the opposite side of the way is not part of the subdivision and certain other circumstances are met.

LD 1477 – Resolve, To Review Issues Dealing with Regulatory Takings. (Sponsored by Rep. Cushing of Hampden.) **Resolves 2011, c. XXX**

This Resolve establishes an 11-member committee charged with reviewing the concept of implementing a compensation system for regulatory takings in this state. The committee membership is made up of five legislators, one member representing large-parcel private property owners, one member representing municipal government, one member representing conservation interests, one member representing the business sector, one member representing private attorneys who have experience in the subject area of takings law, and the Attorney General or designee. The duties of the committee include reviewing at least 16 defined informational sources or issues associated with establishing a regulatory takings compensation system, including: (1) previous reports on the subject and the existing Land Use Mediation program; (2) regulatory takings legislation in other states; (3) specific instances of where regulations have both positively and negatively affected property values; (4) how to define "land use regulation" in this context; (5) what level of value loss should trigger a compensation requirement; (6) what governments should be subject to the compensation requirements; (7) how compensation requirements should be allocated among governments in the circumstance of cumulative regulatory impacts; (8) how to establish fair market value and determine valuations impacts; and (9) how to administer the compensation system in an efficient and timely manner. The committee's report and recommendations must be submitted to the Legislature by December 7, 2011.

LD 1531 – An Act To Amend the Maine Human Rights Act Regarding Accessible Building Standards. (Sponsored by Sen. Hastings of Oxford Cty.) **PL 2011, c. 322**

This Act amends the Maine Human Rights Act with respect to compliance with Americans with Disabilities Act (ADA) building accessibility standards. Specifically, this Act establishes March 15, 2012 as the date after which all new or substantially reconstructed public accommodations will have to comply with the 2010 ADA Standards for Accessible Design, as adopted by the federal Department of Justice. The Act adjusts the dollar threshold of construction or alterations that trigger barrier-free certification from \$50,000 to \$75,000 and provides to all affected entities, public or private, a potential waiver for structural impracticability by petitioning the State Fire Marshall's Office.

The Act also authorizes the Legislature's Judiciary Committee to report out legislation in 2012 after reviewing and comparing the building accessibility standards included in this Act with the standards as required under federal law.

Labor, Commerce, Research & Economic Development

LD 375 – Resolve, Directing the Commissioner of Professional and Financial Regulation To Convene a Working group To Review the Laws and Rules Governing Boilers. (Sponsored by Rep. Gillway of Searsport.) **Emergency Passed; Resolves 2011, c. 45 (5/23/11)**

This Resolve directs the Commissioner of the Department of Professional and Financial Regulation to convene a working group with the Board of Boilers and Pressure Vessels as well as other interested parties to review the current lack of uniformity in the laws and rules governing boilers, to develop recommendations to resolve conflicts and improve the regulation of boilers, and to consider options for expanding inspections of boilers located in public places. The report of the working group must be submitted to the Legislature by January 15, 2012. Under current law, all regular hot water boilers over 200,000 BTUs are exempt from state boiler inspection requirements except the boilers located in municipal and school buildings.

LD 516 – An Act To Amend Maine Law Regarding Employment Practices for Certain Minors. (Sponsored by Sen. Plowman of Penobscot Cty.) **PL 2011, c. 174**

This Act amends the law governing the maximum number of hours and how late into the evening an employer can allow a minor under the age of 18 who is enrolled in school to work. The limits in current law are 20 hours in any week that school is in session, four hours in any day when school is in session (except for the last scheduled day of the week), and no later than 10:00 p.m. on a school night. This Act allows for 24 hours of work a week, up to six hours a school day, and no later than 10:15 p.m.

LD 584 – An Act To Appropriate Funds for the Maine Downtown Center. (Sponsored by Sen. Martin of Kennebec Cty.) **PL 2011, C. XXX**

This Act appropriates \$25,000 in FY 2013 to support the Main Street programs administered by the Maine Downtown Center.

LD 816 – An Act To Clarify Provisions of the Law Concerning Municipal Inspections of Buildings. (Sponsored by Rep. Blodgett of Augusta.) **PL 2011, c. 94**

In order to create consistency among several other statutes, this Act replaces "inspector of buildings" with "building official" in the statute governing the issuance of occupancy permits for municipalities with populations greater than 2,000.

LD 1117 – Resolve, To Require the Commissioner of Labor To Convene a Stakeholder Group To Determine the Most Appropriate Amount of Time an Employer May Employ an Employee without Being Subject to Unemployment Compensation Requirements.



Representative James Gillway (Searsport) was thoughtful in his sponsorship of the school and municipal boiler inspection bill, LD 375, resulting in a resolve that directs certain stakeholders to more closely examine this issue so that the state boiler inspection program may be more equitably applied to all buildings of public accommodation.

(Sponsored by Rep. Fredette of Newport.) **Resolves 2011, c. 85**

This Resolve directs the Commissioner of the Department of Labor to convene a stakeholder group of business interests to determine the most appropriate amount of time an employer may employ an employee without the employer being made subject to unemployment compensation requirements. The Commissioner's report on the study and any recommendations must be submitted to the Legislature by January 15, 2012.

LD 1127 – An Act To Amend the Authority of the Washington County Development Authority. (Sponsored by Rep. Parker of Veazie.) **Emergency Enacted; PL 2011, c. 136 (5/25/11)**

This Act grants to the Washington County Development Authority the same authority given to the Midcoast Regional Redevelopment Authority to borrow money and issue bonds.

LD 1241 – An Act To Exempt Employers Subject to Federally Mandated Drug and Alcohol Programs from Maine Substance Abuse Program Laws. (Sponsored by Rep. Bickford of Auburn.) **PL 2011, c. 196**

This Act removes a restriction in current law so as to allow employers subject to a federally mandated substance abuse testing program to extend the mandated program to the employer's entire workforce and its independent contractors. The Act also directs the Maine Department of Labor to prepare a report and recommendations covering at least three issues related to Maine's law governing employers' substance abuse testing programs: (1) initiating a substance abuse testing program when an employee has caused a serious accident; (2) requiring supervisory personnel to participate in substance abuse testing programs as well as non-supervisory employees; and (3) eliminating the requirement that the employer provide an opportunity and pay for a substance abuse assistance program when an employee receives a positive result on a substance abuse test. The Department of Labor's report and recommendations must be submitted to the Legislature by January 15, 2012.

LD 1253 – An Act To Amend the Laws Governing the Enforcement of Statewide Uniform Building Codes. (Sponsored by Sen. Saviello of Franklin County.) **Emergency Enacted; PL 2011, c. 365 (6/16/11)**

This Act makes several amendments to the laws governing the adoption, enforcement and implementation of the uniform statewide building code known as MUBEC (Maine Uniform Building and Energy Code). The Act: (1) expressly authorizes municipalities to enact ordinances pertaining to the enforcement of MUBEC; (2) replaces outdated language regarding the local appeal process related to building inspection decisions so that absent any ordinance procedures to the contrary MUBEC appeals may be conducted either by the municipal officers or the municipality's board of appeals; (3) specifies that enforcement actions undertaken by certain municipal employees with respect to building code violations must be authorized by the employing municipality; (4) allowing building officials to serve as third-party inspectors provided they are offering that service outside of their geographic jurisdiction as a building official; (5) allows municipalities to adopt swimming pool safety standards which are found in an appendix of the building code rules that has not been incorporated into the statewide uniform code; (6) expands the current list of buildings that are exempt from MUBEC to include warehouses or silos used to store harvested crops; (7) exempts "seasonally restricted cottages" from the MUBEC code's energy-related standards; and (8) requires MUBEC to incorporate the residential basement wall insulation standard under the 2006 edition of the International Energy Conservation Code. The Act also directs the Technical

Building Code and Standards Board to review and provide recommendations to the Labor, Commerce, Research and Economic Development Committee on: (a) the reasonableness of the "seasonal cottage" exemption that sunsets in one year and the agricultural building exception; (b) the adequacy of the 2006 basement insulation standard that sunsets in one year; (c) the availability of training resources for builders; (d) the status of updating the modular construction code and harmonizing it with MUBEC; (e) the suitability of applying MUBEC to construction projects located in the unorganized territories; and (f) whether radon and internal air quality standards should be part of MUBEC or not. (see MUBEC-related article on pg. 12)

LD 1342 – An Act To Amend the Washington County Development Authority. (Sponsored by Rep. Tilton of Harrington.) **PL 2011, c. 148**

This Act allows the Washington County Development Authority to enter into a memorandum of understanding with a municipality to perform the function of a local development corporation.

Marine Resources

LD 210 – An Act Regarding The Saltwater Recreational Fishing Registry. (Sponsored by Sen. Trahan of Lincoln Cty.) **Emergency Enacted; PL 2011, c. 421 (7/6/11)**

This Act makes a number of amendments to the saltwater recreational fishing registry system enacted in 2010. Among the changes to the system, this Act: (1) allows all Maine residents to fish in ocean waters on Memorial Day weekend, July 4th or Labor Day weekend without registering; (2) establishes the fee of \$2 that an agent may charge to a person registering for the saltwater registry if the only transaction conducted by that person is that registration; (3) allows a \$1 agent fee to be charged to a person registering for the saltwater registry online or at the Department of Marine Resources (DMR); (4) exempts from registration anyone who obtains a freshwater fishing license who indicates as part of that process whether he or she engaged in recreational saltwater fishing during the prior year; (5) provides a number of other exemptions from the saltwater fishing registration requirement; (6) provides that a registration issued is valid until December 31 of the year in which it is issued; and (7) authorizes DMR to promulgate rules to terminate the requirement for anyone to register in the saltwater fishing registry program if the Marine Recreational Information Program administered by the U.S. government does not receive funding to conduct the surveys and perform the data analysis that is expected to be accomplished.

LD 992 – An Act To Amend the Depuration Laws. (Sponsored by Sen. Langley of Hancock Cty.) **PL 2011, c. 175**

This Act repeals and replaces the laws governing how "depuration" harvesting of clams and other shellfish may be conducted. Under this Act, soft-shelled clam depuration activities within a municipality that has a municipal shellfish conservation program are guided by the following standards: (1) the Commissioner of the Department of Marine Resources is authorized to close a shellfish growing area for municipal pollution abatement activities according to certain guidelines; (2) at the request of the municipality, the Commissioner may allow soft shelled clam depuration harvesting in closed areas; (3) the person holding a depuration certificate shall engage commercial harvesters holding valid licenses, and if there are insufficient municipally licensed commercial harvesters, the certificate holder may supplement with other commercial harvesters licensed in the state; and (4) the depuration certificate holder must maintain a management plan on file with the

Commissioner. As is the case under current law, the municipality must be paid at the rate of 50 cents for each bushel of clams taken under this program.

LD 1522 – An Act To Make Technical Changes to Marine Resources Laws. (Sponsored by Sen. Snowe-Mello of Androscoggin Cty.) **PL 2011, c. 266**

Among many technical amendments to the laws governing programs administered by the Department of Marine Resources, this Act establishes in statute the administration of the existing Maine Working Waterfront Access Pilot Program. This pilot program is designed to provide resources to the Department to protect especially vital working waterfront properties, including municipal and private piers and wharves operated to provide waterfront access to commercial fishermen, aquaculturists or fishermen's cooperatives.

Regulatory Fairness & Reform

LD 1 – An Act To Ensure Regulatory Fairness and Reform. (Sponsored by Sen. Raye of Washington Cty.) **Emergency Enacted; PL 2011, c. 304 (6/13/11)**

This Act makes a number of changes to various elements of state law for the purpose of reducing the regulatory burden on businesses. Among those changes, the Act: (1) allows companies to establish voluntary environmental audit programs to reduce their exposure to environmental violations and penalties; (2) authorizes state agencies to conduct cost-benefit analyses for proposed rules; (3) establishes a Bureau of the Special Advocate within the Secretary of State's Office to advocate on the part of small business interests within the state regulatory process; and (4) limits the size and the scope of the Board of Environmental Protection.

The Act has two elements that deal with municipal programs.

Section C of the Act dusts off a program created 23 years ago known as the Business Assistance Referral and Facilitation Program and renames it as the Business Ombudsman Program. One charge given to the Business Ombudsman is to provide a comprehensive permit information and assistance service. An element of both the older and the revitalized program provides a delegation system whereby qualified municipalities, apparently over 4,000 in population, can become the one-stop permitting authority for retail facilities less than 10,000 square feet in size. The list of retail facilities that could be inspected and licensed by the delegated municipalities include hotels and motels, convenience stores and eating and lodging places, and the permitting required for the sale of liquor or beer, tobacco, food, beverages, lottery tickets and gasoline. According to this system, the inspection and permitting fees that would otherwise accrue to the state agencies doing the work would be re-routed to the delegated municipalities, plus one-half of an additional \$4 municipal fee per permit.

Section J of the Act opens up the delegated authority municipalities were given in 2009 to perform Life Safety Code review for certain commercial buildings. At that time, not all of the types of buildings that need to be reviewed for Life Safety Code under current law were included in the list of development projects delegated municipalities could review. This Act provides complete Life Safety Code review authority to delegated municipalities.

State & Local Government

LD 86 – An Act To Provide Certainty to Business and Development. (Sponsored by Sen. Schneider of Penobscot Cty.) **PL 2011, c. 63**

This Act prohibits a municipality from nullifying or amending a land use permit by means of subsequently enacting, amending or repealing a local ordinance after a period of 45 days has passed from the time the permit received final approval. The prohibition expressly does not apply to or otherwise invalidate any provision in a municipal ordinance that provides for the expiration or lapse of a permit or approval following the expiration of a certain period of time.

LD 174 – An Act To Amend the Law Governing Employment, Discipline and Dismissal of Chief Deputy Sheriffs. (Sponsored by Rep. Dion of Portland.) **PL 2011, c. 15**

This Act requires any chief deputy sheriff to hold the minimum qualifications for sheriff. The Act also provides exclusive authority to appoint, dismiss, suspend or discipline a sheriff's chief deputy with the sheriff rather than the county commissioners.

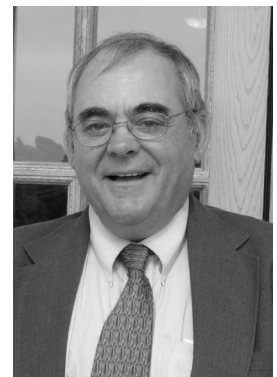
LD 278 – An Act To Allow the Towns of Mapleton, Castle Hill and Chapman To Adopt a Policy To Simplify the Municipal Disbursement Warrant Process. (Sponsored by Rep. Willette of Mapleton.) **P & SL 2011, c. 13**

This Act amends the Private and Special law governing the financial administration of the resources of the towns of Mapleton, Castle Hill and Chapman, which allows for a common ownership depository account. The amendment to that private law expressly authorizes the three towns to adopt a policy to permit the disbursement of money when a warrant has been signed (or signed by facsimile) by one or more designated municipal officers representing each town. The policy must be filed with the town clerk and municipal treasurer in each town and renewed annually by a vote of the municipal officers in each town.

LD 322 – An Act To Amend the Informed Growth Act. (Sponsored by Rep. Clark of Easton.) **PL 2011, c. 89**

This Act amends the "Informed Growth Act" (IGA) law to make its application on the municipal level voluntary rather than mandatory. As enacted, the IGA required a certain analysis to be conducted and procedures to be followed before any "big box" retail development of a certain size could be approved. With this Act, that analysis and those procedures are only required if the municipality chooses to adopt an ordinance that adopts the IGA program "by reference", as the IGA system is laid out in state law. The Act also makes other changes to the IGA system, including: (1) allowing the municipality to establish the fee to cover the IGA analysis as conducted by a "qualified preparer", rather than the flat \$40,000 fee in current law; (2) allowing the municipality to pick the "qualified preparer" rather than utilize a list of "qualified preparers" as pre-screened by the State Planning Office; (3) allowing the comprehensive economic impact study to cover any or all of the listed impact factors rather than requiring the impact study to cover each and every factor; and (4) amending the definition of "undue adverse impact" to make it more of an overall rather than factor-specific analysis.

LD 541 – An Act To Clarify the Boundary between the Town of Cushing and the Town of Friendship, Town of Warren, Town of



Senator Doug Thomas (Somerset County), co-chair of the State and Local Government Committee is to be commended for insisting that the general public have ample opportunity to participate in the legislative process. Sen. Thomas was also a strong supporter of MMA's public notice publication bill, LD 392.

Thomaston and Town of Waldoboro. (Sponsored by Rep. Richardson of Warren.) **P & SL 2011, c. 4**

This Act establishes the boundary line between the Towns of Cushing, Friendship, Warren, Thomaston and Waldoboro. Prior to filing in the registry the plotted plan developed as a result of the line descriptions provided in this Act, the plan needs to be signed by the municipal officers of the five towns.

LD 594 – Resolve, To Enhance Economic Development in the City of Eastport by Facilitating the Ability of the City of Eastport To Transfer Ownership of Property. (Sponsored by Sen. Raye of Washington Cty.) **Emergency Passed; Resolves 2011, c. 12 (3/31/11)**

This Resolve authorizes the City of Eastport to sell the so-called “Boat School” property without first obtaining approval from the Legislature.

LD 701 – An Act To Amend Certain Laws Governing County Sheriffs. (Sponsored by Rep. Dion of Portland.) **PL 2011, c. 95**

This Act requires the county commissioners to set the base salary of the county sheriff in the county budget prior to the election of a sheriff, and then prohibits the commissioners from reducing that amount except in the case of malfeasance, misfeasance, neglect, negligence or failing to remain certified with the Maine Criminal Justice Academy.

LD 812 – An Act To Allow Municipalities the Option To Subsidize Publicly Owned Bus Stops through Advertising. (Sponsored by Rep. Harlow of Portland.) **PL 2011, c. 114**

This Act authorizes municipalities to erect and maintain outdoor advertising signs at bus stops that are visible to the traveling public from the traveled way. All revenue generated from the display of the bus stop advertising must be used for transportation purposes, which can include maintenance of the bus stop.

LD 1257 – An Act Regarding Labor Contracts for Public Works Projects. (Sponsored by Sen. Plowman of Penobscot Cty.) **Passed to be Enacted**

This Act prohibits the Department of Transportation, the Bureau of General Services and the Maine Turnpike Authority from: (1) requiring a bidder, contractor or subcontractor from entering into or complying with an agreement with a labor organization regarding the same or related public works project; (2) discriminating against a bidder, contractor or subcontractor that becomes or refuses to become a signatory to such an agreement; and (3) requiring or prohibiting a bidder, contractor or subcontractor from entering into or complying with an agreement that requires an employee to become a member of a labor organization or pay certain fees to a labor organization as a condition of employment. Specific projects may be exempted from this general “hands-off” requirement if special circumstances require an exemption and it is in the best interests of the project.

LD 1416 – An Act To Provide Options to Municipalities Concerning the Maine Uniform Building and Energy Code. (Sponsored by Rep. McKane of Newcastle.) **PL 2011, c. 408**

This Act makes significant changes to the laws governing the Maine Uniform Building and Energy Code (MUBEC) as enacted in 2008 and initially implemented in 2010. Specifically, this Act increases the municipal population threshold triggering the obligatory enforcement of MUBEC from over 2,000 in population to over 4,000 in population. Therefore, MUBEC will now be the standard for local building and energy codes for municipalities with populations exceeding 4,000. The Act also clearly separates the MUBEC code into a uniform build-

ing code and a separate uniform energy code by requiring the Technical Building Codes and Standard Board to adopt, amend, and maintain those two elements of the MUBEC code separately. The Act also authorizes but does not require a municipality with a population of 4,000 or less to adopt either the uniform building code or the uniform energy code, or both. If a municipality of 4,000 or under adopts these codes, it assumes the responsibility of enforcement. If a municipality does not adopt the MUBEC codes, those codes do not apply in that community. (See MUBEC related article on pg. 12)

LD 1460 – An Act Concerning the Recording of Plans for Subdivisions. (Sponsored by Sen. Thomas of Somerset Cty.) **PL 2011, c. 245**

This Act requires a municipality to allow at least 90 days for an approved subdivision plan to be recorded in the registry of deeds.

LD 1499 – An Act Concerning Fees for Users of County Registries of Deeds. (Sponsored by Rep. Cotta of China.) **Emergency Enacted; PL 2011, c. 378 (6/16/11)**

This Act establishes fixed fees that may be charged by county registries of deeds between the effective date of the legislation and July 31, 2012 for paper abstracts and copies of plans (\$5), other paper abstracts and copies (\$1), digital abstracts and copies (50 cents per page), and 1,000 or more digital abstracts and copies of consecutive records (5 cents per page). As of August 1, 2012, according to this Act, the rates that can be established for these copies may be determined by the county commissioners according to the “reasonable fee” standards that exist in current law.

LD 1533 – An Act To Provide for a Method To Remove an Elected Municipal Official. (Sponsored by Rep. Sanderson of Chelsea.) **Emergency Enacted; PL 2011, c. 324 (6/13/11)**

This Act provides a procedure for the recall of a municipal officer that would apply in every town and city that does not have a specific recall system established by ordinance or charter. This recall procedure would apply where the elected official has been convicted of a crime, the conduct of which occurred during the official’s term of office and the victim of which is the municipality. In that circumstance, the Act provides that a recall election may be initiated by a petition signed by at least 10% of the number of voters who participated in the last gubernatorial election.

LD 1584 – Resolve, To Allow the State To Continue Efforts To Sell or Lease Certain Real Property in the City of Hallowell. (Sponsored by Rep. Treat of Hallowell.) **Emergency Passed; Resolves 2011, c. 99 (6/22/11)**

This Resolve amends a previously enacted Resolve regarding the sale of certain state-owned properties in the City of Hallowell by authorizing a two-year extension of the terms governing the leasing of some of that property to SAD #16.

Taxation

LD 297 – An Act To Allow Treasurers To Process Tax Lien Discharge and Sanitary District Sewer Lien Documents Using Facsimile Signatures. (Sponsored by Rep. Casavant of Biddeford.) **PL 2011, c. 104**

This Act allows municipal treasurers and sanitary district and sewer department treasurers to use facsimile signatures in filing and processing tax lien documents and the lien documentation necessary to process sanitary district and sewer department liens.

LD 433 – An Act To Exempt from Income Tax the Income of Nonresidents Working in Maine Pursuant to an Interlocal Agreement. (Sponsored by Sen. Hill of York Cty.) **PL 2011, c. 130**

This Act exempts from Maine income taxes any remuneration received by an employee of a political subdivision of an adjoining state while performing service under the terms of an interlocal agreement executed by both Maine and New Hampshire political subdivisions as long as the performance of the service under the interlocal agreement does not displace an employee currently performing the service who is a resident of the state.

LD 441 – An Act To Reform Telecommunications Taxation. (Sponsored by Rep. Chase of Wells.) **PL 2011, c. 430**

This Act restructures the personal property tax that is levied by the state against the just value of the “two-way, interactive” personal property owned by telecommunications companies. The personal property tax is restructured by this Act as an excise tax for the privilege of operating in the State. For FY 2012, the excise tax rate will be 19.2 mills under this Act, which is the same property tax rate as currently scheduled. For FY 2013 and thereafter, the excise tax rate will be whatever the tax rate is of the municipality where the two-way, interactive telecommunications property is located. That element of this legislation will, for the first time, require the owners of this type of telecommunications personal property to identify their property according to the municipality in which it is located.

LD 507 – An Act To More Closely Coordinate the Classification of Forested Farmland under the Farm and Open Space Tax Laws with the Maine Tree Growth Tax Law. (Sponsored by Rep. Curtis of Madison.) **PL 2011, c. 404**

This Act provides that for all transfers of land from enrollment in the Tree Growth tax program into the Farmland tax program occurring after October 1, 2011, the municipality will still receive Tree Growth reimbursement for the forested property within the Farmland parcel even after a transfer.

LD 533 – An Act To Clarify the Use of Tax Increment Financing Funds for Recreational Development. (Sponsored by Rep. Clark of Millinocket.) **PL 2011, c. 102**

This Act amends the law governing allowable costs under a Tax Increment Financing (TIF) plan associated with the planning, design, construction, maintenance, grooming and improvements of recreational trails to provide that those costs may pertain to multiple projects or the several phases of a phased-in project.

LD 557 – An Act To Qualify the Port of Eastport as Tax Exempt for Purpose of Bonding. (Sponsored by Rep. Burns of Whiting.) **Emergency Enacted; P & SL 2011, c. 7 (5/19/11)**

This Act removes the requirement that the Eastport Port Authority obtain the consent of the Eastport City Council to acquire real property in the City of Eastport, with the intention of allowing the Port Authority to be a political subdivision under

the Internal Revenue Code for the purposes of issuing bonds that are exempt from federal income taxation.

LD 742 – An Act To Amend the Maine Historic Preservation Tax Credit. (Sponsored by Sen. Rector of Knox Cty.) **PL 2011, c. XXX**

The Maine Historic Preservation Tax Credit was enacted with a “sunset” clause such that no taxpayer could be provided the credit with respect to expenditures incurred after December 31, 2013. This Act extends the sunset date to 2023 and requires that by January 15, 2013 the Maine Historic Preservation Commission make recommendations to the Legislature regarding specific proposals for funding the credit. Every two years thereafter, the Commission is directed to submit a report to the Legislature on the use of the credit, with additional recommendations as to its funding.

LD 823 – An Act To Amend the Law Governing Tax Increment Financing Districts. (Sponsored by Rep. Rochelo of Biddeford.) **PL 2011, c. 287**

This Act amends the requirement that a bond-funded project in a TIF development program must be accomplished within five years by extending the period of time from TIF approval to bond-project completion to eight years.

LD 855 – An Act To Treat Plantations in the Same Manner as Towns for Purposes of Tax Increment Financing. (Sponsored by Sen. Thomas of Somerset Cty.) **PL 2011, c. 101**

This Act authorizes plantations to implement tax increment financing development districts and development programs in the same manner as is currently available to municipalities.

LD 895 – An Act To Allow the City of Bangor To Replace the Bangor Auditorium and Civic Center at the Bass Park Complex. (Sponsored by Sen. Farnham of Penobscot Cty.) **P & SL 2011, c. 15**

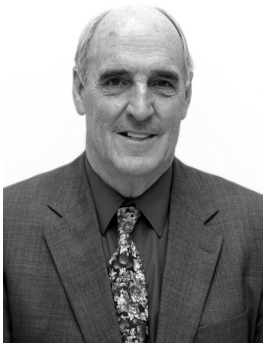
This Act relaxes certain standards in the Tax Increment Financing statute to allow the City of Bangor to finance or partially finance the construction of a replacement facility for the Bangor Auditorium and Civic Center with TIF funds.

LD 1142 – Resolve, Directing the Department of Administrative and Financial Services, Bureau of Revenue Services To Review the Farm and Open Space Tax Law. (Sponsored by Rep. Knight of Livermore Falls.) **Resolves 2011, c. 86**

This Resolve directs Maine Revenue Services to work with guidance from the Department of Agriculture to evaluate land used directly and indirectly for or in support of agricultural activities associated with a parcel enrolled in the Farm and Open Space tax law. Maine Revenue Services (MRS) is directed to invite representatives from a statewide farming association and a statewide association representing municipalities to participate in the review. The review must consider land within the footprint of agricultural related buildings including greenhouses, dairy barns and buildings used to feed or shelter livestock. The review must consider the method for the valuation of such lands under a current use valuation methodology and an assessment of the thresholds for acreage and income that allow farmland to be assessed at its current use. MRS must submit its report on this study to the Legislature by December 31, 2011, and the Taxation Committee is authorized to report out legislation pertaining to any of the report’s recommendations.

LD 1385 – An Act To Provide Tax Relief to Residents Deployed for Military Duty or Stationed outside of Maine. (Sponsored by Rep. Eves of North Berwick.) **PL 2011, c. 313**

This Act, which takes effect on January 1, 2012, authorizes a municipality to adopt an ordinance that provides an exemp-



Representative Phil Curtis of Madison is the Majority Leader of the House. In addition to all the duties associated with that office, he took the time this session to shepherd through a bill (LD 507) on behalf of MMA to rectify a municipal disadvantage that occurs when a property owner transfers forested land from the Tree Growth tax program to the Farmland tax program.

tion from the motor vehicle excise tax that would otherwise be imposed on a vehicle owned by a resident who is on active duty serving in the U.S. Armed Forces and who is either permanently stationed at a military or naval post, station or base outside of Maine or deployed for military service for a period of more than 180 days who desires to register his or her vehicle in Maine. To apply for the exemption, the applicant must present certification from the applicant's commander verifying eligibility.

LD 1459 – An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2011-12. (Sponsored by Rep. Knight of Livermore Falls.) **Emergency Enacted; PL 2011, c. 235 (6/06/11)**

This Act establishes the municipal cost components for state and county services provided to the unorganized territory. The municipal cost components constitute the property tax for the unorganized territory. After computing all appropriations less deductions, the total UT tax assessment for FY 2012 is \$17,639,944.

LD 1468 – An Act Concerning Technical Changes to the Tax Laws. (Sponsored by Rep. Knight of Livermore Falls.) **PL 2011, c. 240**

This Act makes a number of non-substantive, housekeeping changes to the state's tax laws, such as deleting archaic language, correcting cross references, and replacing gender-specific language.

Transportation

LD 24 – Resolve, To Name Part of Route 2 in the Town of Lincoln and the Town of Winn the Master Sergeant Gary Gordon Highway. (Sponsored by Rep. Gifford of Lincoln.) **Resolves 2011, c. 1**

This Resolve directs the Department of Transportation to designate a section of Route 2 in the Town of Lincoln and the Town of Winn the Master Sergeant Gary Gordon Highway.

LD 26 – Resolve, To Name a Bridge over the Kennebec River between the Town of Benton and the Town of Fairfield the Brian L. Buker/Frank W. Haskell Medal of Honor Bridge. (Sponsored by Rep. Cotta of China.) **Resolves 2011, c. 3**

This Resolve directs the Department of Transportation to designate a bridge over the Kennebec River between the Town of Benton and the Town of Fairfield the Brian L. Buker/Frank W. Haskell Medal of Honor Bridge.

LD 36 – Resolve, To Deauthorize the Naming of the Bridge over Pattagumpus Stream. (Sponsored by Rep. Clark of Millinocket.) **Emergency Passed; Resolves 2011, c. 2 (3/01/11)**

This Resolve repeals the directive to the Department of Transportation to designate a certain bridge over a stream in Medway the "Nicatou Bridge" because the previous Resolve creating the directive named the wrong bridge.

LD 47 – An Act Directing the Department of Transportation To Allow a Break in Control of Access on William L. Clarke Drive in the City of Westbrook. (Sponsored by Rep. Peoples of Westbrook.) **P & SL 2011, c. 3**

The creation of access to a state highway or state aid highway is limited under current law to access relocations and development of additional state highway systems. This Act

authorizes a specific entrance to be construction on the William L. Clarke Drive in the City of Westbrook notwithstanding the general law governing access to state highways.

LD 221 – An Act To Make Changes to the Motorcycle Inspection Sticker Requirements. (Sponsored by Sen. Plowman of Penobscot Cty.) **PL 2011, c. 167**

This Act amends the law recently enacted requiring the display of motorcycle inspection stickers on certain places on all motorcycles effective March 1, 2012 to include the stickers to be affixed to the registration plate. This Act also creates a system whereby all motorcycles must be registered for a fixed-year period running from April 1 through March 31. The Act provides a transition process to ensure all motorcycles registered in Maine are incorporated into the uniform system.

LD 235 – An Act To Include Antique Motorcycles on the List of Vehicles That Are Exempt from Inspection. (Sponsored by Rep. Gilbert of Jay.) **Emergency Enacted; PL 2011, c. 8 (3/25/11)**

This Act exempts antique automobiles from the motor vehicle inspection process.

LD 437 – An Act Relating to Inspection Requirements for New Motor Vehicles. (Sponsored by Sen. Thomas of Somerset Cty.) **PL 2011, c. 191**

This Act exempts from motor vehicle inspection requirements the new motor vehicles owned by a new vehicle dealer that are allowed under current law to operate with dealer plates.

LD 456 – An Act Relating To Temporary Disability Parking Permits. (Sponsored by Rep. Longstaff of Waterville.) **PL 2011, c. 117**

This Act permits the Secretary of State to authorize certain medical professionals to issue a 21-day disability parking permit to a person with a disability to be used while that person is waiting to receive a permanent disability plate or placard.

LD 477 – An Act Relating to Noise Violations by Motor Vehicles, Including Motorcycles. (Sponsored by Rep. Russell of Portland.) **Emergency Enacted; PL 2011, c. 158 (5/26/11)**

This Act establishes a defense that can be used in response for a summons for noise violations for both motor vehicles and motorcycles. The defense is based on the determination of the vehicle's decibel outputs according to certain thresholds and as tested at participating certified inspection stations.

LD 520 – An Act To Allow a Waiver for On-premise Signs. (Sponsored by Rep. Beaulieu of Auburn.) **PL 2011, c. 115**

This Act allows the Commissioner of the Department of Transportation to waive a general restriction on placing "on-premises" business signs within 20 feet from the outside edge of the paved portion of any public way that has more than two travel lanes and a total paved portion greater than 24 feet if a majority of the on-premise signs within 1,000 feet of the proposed location are already located within that 20-foot zone or the proposed on-premise sign is replacing an existing on-premise sign within the 20-foot zone. The Act stipulates that the owner of such an on-premises sign does not gain any permanent property rights within the right-of-way, and the Department of Transportation is not responsible for loss or damage to such signs and may remove them at any time without compensation to accommodate highway uses.

LD 576 – An Act To Make Supplemental Allocations from the Highway Fund and Other Funds for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2011. (Sponsored by Sen. Collins of York Cty.) **Emergency En-**

acted; **PL 2011, c. 20 (4/01/11)**

This Act is a supplemental budget related to transportation funding and other expenditures from the state's Highway Fund for the remainder of Fiscal Year 2011. There are no elements of this supplemental budget balancing Act that are of particular relevance to municipal government.

LD 736 – An Act To Prohibit Texting while Driving. (Sponsored by Sen. Diamond of Cumberland Cty.) **PL 2011, c. 207**

This Act provides that a person may not operate a motor vehicle while engaging in text messaging.

LD 778 – An Act To Amend the Process of Federal Aviation Administration Airport Improvement Program Grants. (Sponsored by Rep. Willette of Presque Isle.) **PL 2011, c. 351**

This Act amends the law governing the Federal Aviation Administration Improvement Grants Program (Program) by: (1) providing that the Maine Department of Transportation (MDOT) is only responsible under the Program for aiding and assisting municipalities in the development of their airports and not the airports' maintenance or operation; (2) establishing the Program to be administered by MDOT as a state grant program that can provide 1:1 matching funds for eligible airport capital improvements and qualifying equipment purchases provided those projects are ready for construction and approved by the Federal Aviation Administration; (3) clarifying that MDOT may distribute funds from the Program to primary airports without prior project approval by the Commissioner of MDOT; and (4) clarifies the municipal obligation to obtain the approval of the Commissioner of MDOT for the project and project application when applying for and accepting federal aid to further any purpose related to the development of aeronautics.

LD 796 – An Act To Continue the Axle Fine Waiver during the Midwinter Season. (Sponsored by Sen. Collins of York Cty.) **Emergency Enacted; PL 2011, c. 86 (5/16/11)**

A law was enacted in 2010 that waived violation of certain axle weight limits (to be distinguished from overall truck weight limits) during the months of January and February 2011 that would otherwise apply to trucks on the state and local public ways. That law was "sunsetting" to automatically be repealed as of September 2011. This Act repeals that repeal date, making the axle weight limit waiver permanent during every January and February.

LD 1167 – An Act To Protect the Privacy of Persons Involved in Reportable Motor Vehicle Accidents. (Sponsored by Rep. Cebra of Naples.) **PL 2011, c. 390**

This Act provides that the Bureau of the Maine State Police may not publicly disseminate personally identifying accident report data that are contained in an accident report database maintained, administered or contributed to by the State Police, but may publicly disseminate accident report data that do not contain personally identifying information.

LD 1219 – Resolve, To Require the Department of Transportation To Designate the Park Street Bridge in the Town of Presque Isle the Gold Star Memorial Bridge. (Sponsored by Rep. Willette of Presque Isle.) **Resolves 2011, c. 37**

This Act directs the Department of Transportation to designate the bridge on Park Street in Presque Isle that crosses the Presque Isle Stream the "Gold Star Memorial Bridge".

LD 1313 – An Act To Amend the Motor Vehicle Laws. (Sponsored by Sen. Collins of York Cty.) **Emergency Enacted; PL 2011, c. 356 (6/15/11)**

November 8th Ballot Preview... Citizens Taking Action

On November elections in an odd numbered year, voters are called to cast ballots on referendum elections, which can include people's veto referenda, citizen initiatives, bond issues and constitutional amendments.

This year's referendum election is somewhat unusual because the ballot will include questions that are the result of citizen action, rather than legislative action. The November 8 ballot will include two citizen initiated bills seeking voter approval to expand Maine's gambling facility laws and may also include a question seeking to overturn a decision made by Legislature and Governor during the recent legislative session.

What follows is a brief description of the ballot measures. For more information, please visit the Secretary of State's website at: <http://www.maine.gov/sos/cec/elec/upcoming.html>.

Citizen Initiatives

An Act Regarding Establishing a Slot Machine Facility (IB 01 / LD 985). This initiated bill, the so-called "Lewiston gaming" initiative, authorizes the establishment of a slot machine facility in a municipality with a population of at least 30,000, where slot machines were not in operation as of July 1, 2010. The initiated bill removes the limit on the total number of slot machines that may be registered in the state, which is currently 1,500 machines, and replaces it with a limit of 1,500 slot machines at each licensed facility. The Department of Public Safety's Gambling Control Board (Board) is charged with regulating the facility. To cover the Board's administrative costs, 1% of the facility's gross income is deposited in the state's General Fund. The initiated bill also requires that 40% of net slot machine income be distributed to 28 different entities, including the host community (2%), a neighboring municipality with a population of at least 20,000 (1%), and the county of the host community (1%), to name a few.

An Act To Amend the Laws Governing the Deadline and Conditions for Municipal Approval of a Second Racino and To Allow a Tribal Racino in Washington County (IB 02 / LD 1203). This is the so-called "Biddeford/Tribal racinos" initiative. Current law requires slot machine gaming facilities to be located within a five-mile radius of the center of a commercial harness racing track that conducted races with pari-mutuel wagering on more than 25 days during calendar year 2002. As proposed by this citizen initiative, the Board would be authorized to accept license applications to operate a slot machine facility from either: (1) a licensed commercial track owner located within a 25-mile radius of commercial track that conducted pari-mutuel wagering on more than 25 days in 2002; or (2) an operator of a licensed commercial track owned by a federally recognized Indian tribe located in Maine. Under the terms of the citizen initiative, the Board may allow an additional 1,500 slot machines to be registered for each racino facility licensed and commencing operations after January 1, 2010.

People's Veto

On Tuesday, June 21, Governor LePage signed into law, a bill repealing the state's same-day voter registration system. The bill was LD 1376 and is described in detail in the *New Laws* article under the Veterans and Legal Affairs Committee. The centerpiece of LD 1376 is the repeal of same day voter

(cont'd on next pg.)

registration, requiring voters to register at least two business days before an election. LD 1376 also modifies the existing “no reason” absentee process into a “for cause” process for voters seeking to cast absentee ballots within a two business-day window before an election. Under this modified process, voters are prohibited from voting by absentee ballot “in the presence of the clerk” two business days before the election except in cases where the voter signs an application designating one of three possible good-cause reasons for needing to vote absentee. The “good-cause” reasons include: (1) an unexpected absence from the municipality during the day of the election; (2) a physical disability, incapacity or illness making the voter unable to leave home; and (3) inability of a resident of a coastal island ward or precinct to the travel to the polls.

Although the law is scheduled to go into effect on September 28 of this year, efforts are currently under way to collect the 57,277 signatures necessary to bring a people’s veto referendum to the voters of Maine. If the signature gathering effort can be successfully completed before August 8, voters will be asked on November 8 of this year if the Legislature’s and Governor’s decision to end the same day voter registration system should be vetoed. If the initiators fail to meet the August 8 deadline, but are otherwise able to collect the necessary signatures before September 28, the election on the people’s veto will be held in June of 2012.

It is important to note that the people’s veto effort seeks only to reject the element of the law that ends the practice of same day voter registration. All other elements of the law remain intact, regardless of the outcome of the people’s veto, including the provisions of the law which places limits on the issuance of absentee ballots after the third business day before an election. **mc**

This Act makes over a dozen clarifying, technical and minor substantive changes to the state’s motor vehicle laws. Pertinent to municipal motor vehicle registration responsibilities, the Act: (1) clarifies the definition of “special mobile equipment” and exempts the requirement that special mobile equipment that is used exclusively on the closed portion of a public way for the limited purposes of constructing or repairing that public way and that is transported to and from the construction project is exempt from the registration requirement and, therefore, will not be subject to the motor vehicle excise tax; (2) clarifies that a motor vehicle drawing a camp trailer is not registered for the gross weight; and (3) clarifies that tow dollies are not required to be registered.

LD 1348 – An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, Highway Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2011, June 30, 2012 and June 30, 2013. (Sponsored by Rep. Cebra of Naples.) **Emergency Enacted; PL 2011, c. 392 (6/21/11)**

This Act is the Highway Fund budget for the FY 2012-2013 biennium. This Act sets the funding for the Urban Rural Initiative Program (local road assistance program), which was \$23.4 million in FY 2011, to \$24 million in FY 2012 and \$23.4 million in FY 2013. The Act also repeals the annual indexing of the excise tax rate imposed on internal combustion engine fuel (a.k.a., the “gas tax”) effective January 1, 2012. The Act also ends the island highway funding program where 75% of the motor vehicle registration fee revenue collected by the island communities, approximately \$110,000 a year, is used by the Department of Transportation to support the roads on the islands.

Instead, those funds are dedicated to support the Island Ferry Service. The Act also appropriates \$833,000 for FY 2012 to provide reimbursement to municipalities for Priority #3 and Priority #4 sand and salt building projects.

LD 1454 – An Act To Allow Police Officers To Operate Mobile Command Units without a Special License. (Sponsored by Rep. Haskell of Portland.) **PL 2011, c. 165**

Current law authorizes a full time or volunteer member of an organized municipal fire department with a Class C driver’s license to operate a fire apparatus. This Act expands that authority to allow both firefighters and law enforcement officers who are members of an organized municipal, state or federal law enforcement department to operate a fire apparatus and to operate a commercial motor vehicle as a “mobile command unit” with just a Class C license. A “mobile command unit” is defined as a motor vehicle designed and used by a law enforcement agency primarily as a command and control platform for emergency response.

LD 1549 – Resolve, To Name the Main Street Bridge in Newport after Sergeant Donald Sidney Skidgel. (Sponsored by Rep. Fredette of Newport.) **Resolves 2011, c. 52**

This Resolve renames the Main Street Bridge in the Town of Newport the Donald Sidney Skidgel Memorial Bridge.

Veterans & Legal Affairs

LD 142 – An Act To Improve Party Status Requirements. (Sponsored by Rep. Chipman of Portland.) **PL 2011, c. 227**

Under current law, in order to maintain status as a political party, the party must hold municipal caucuses in at least one town or city in each of the state’s 16 counties. This Act changes that criterion to require a municipal caucus in at least 14 of the 16 counties.

LD 179 – An Act To Prohibit the Issuance of a Duplicate Absentee Ballot under Certain Circumstances. (Sponsored by Rep. Nutting of Oakland.) **PL 2011, c. 40**

This Act allows an election clerk to issue a second state absentee ballot to an applicant provided the initially-issued ballot has not been marked and returned. The Act also amends the “good cause” standard to stipulate that an applicant’s decision to change his or her vote after an absentee ballot has been returned does not constitute “good cause”.

LD 277 – An Act To Make Disputed Ballots in State Elections Public. (Sponsored by Rep. Fossel of Alna.) **PL 2011, c. 258**

This Act requires the Secretary of State to make available for public inspection a copy of a disputed ballot arising from an election recount for State House of Representatives or State Senate provided the public inspection preserves the voter’s anonymity.

LD 343 – An Act To Facilitate a Change of Location for Agency Liquor Stores. (Sponsored by Sen. Goodall of Saga-



Representative Michael Beaulieu (Auburn) did an outstanding job co-chairing the Veterans and Legal Affairs Committee. Under his leadership, meetings started on time, public comments were warmly accepted and all ideas thoroughly vetted.

dahoc Cty.) **PL 2011, c. 135**

This Act provides a procedure for an agency liquor store to be relocated within a municipality where it is located. The procedure involves an application process to the Bureau of Liquor Enforcement which, among other requirements, includes proof of receipt of the municipal approval for the relocation. After notifying other agency liquor stores located within the municipality, the Bureau must then conduct a hearing on the proposed relocation within 45 days of receiving the application.

LD 1000 – Resolve, Directing the Secretary of State To Examine Centralization of the Petition Signature Verification Process. (Sponsored by Rep. Chipman of Portland.) **Resolves 2011, c. 75**

This Resolve directs the Secretary of State to examine the feasibility of centralizing the process for verifying signatures on candidate petitions, citizen initiatives and people's veto referendum petitions. In conducting this study, the Secretary is directed to consult with municipal election clerks to determine the benefits of centralization and to identify any legal or logistical barriers. The Secretary must submit a report on the findings of the examination to the Legislature by February 1, 2012.

LD 1134 – An Act To Make Municipal Recounts Consistent with State Recounts. (Sponsored by Sen. Goodall of Sagadahoc Cty.) **PL 2011, c. 255**

This Act repeals much of the language governing the "election recount hearing" process in municipal law (Title 30-A Maine Revised Statutes) and replaces it with the election recount procedures established in state election law (Title 21-A MRS). The ballot inspection process available for municipal elections is retained in municipal law, and the provisions regarding the fees for conducting a recount are retained because they were common in both statutes. The Act expressly identifies the officials who may oversee and conduct the recount process at the municipal level as the municipal clerk or the municipal clerk's designee, any election official as defined in state law (e.g., election warden, ward clerk, deputy warden or election clerk), or an official of a municipal police department performing an official duty. Other than those officials, an employee or elected official of the municipality or candidate in an election may not participate in the recount of that election.

LD 1376 – An Act To Preserve the Integrity of the Voter Registration and Election Process. (Sponsored by Rep. Nutting of Oakland.) **PL 2011, c. 399 – People's Veto Initiated**

This Act makes a number of changes to the state's election laws, including: (1) establishing the deadline for voter registration before an election as the 21st day before an election if registering by mail or third person and two business days before an election if registering in person; (2) requiring the municipal registrar's office be open on the third business day before an election for the purpose of accepting registrations at least two hours for municipalities with populations of 500 or less, at least four hours for municipalities with populations of 501-2,500, and at least six hours for municipalities with populations of 2,500 or more, with at least two of those hours between 5:00 and 9:00 p.m.; (3) establishing a process for a voter whose name does not appear on the voting list to self declare as an eligible voter and be provided a provisional ballot; (4) establishing a process for managing all provisional ballots; and (5) prohibiting the issuance of absentee ballots after the third business day before an election except when the voter signs an application designating one of three possible good-cause reasons for needing to vote absentee.

LD 1478 – An Act To Fully Enfranchise Voters. (Sponsored by Rep. Turner of Burlington.) **PL 2011, c. 409**

This Act allows that following the proclamation of the Gov-

ernor declaring a vacancy in the House of Representatives, a municipality that has not held a biennial caucus may nonetheless hold a caucus within 15 days of the Governor's proclamation to choose a nominee to fill the vacancy, and the appropriate political committee must be allowed at least 15 days from the date of proclamation in order to choose a nominee to fill the seat.

LD 1528 – An Act To Amend the Election Laws and Other Related Laws. (Sponsored by Rep. Crockett of Bethel.) **PL 2011, c. 342**

This Act makes many changes to Maine election procedures. Among those changes, this Act: (1) adds a voter's year of birth to the information that must be included on the incoming voting list; (2) specifies that the incoming voting list is a public record after it is unsealed following the election; (3) creates a new requirement that a municipality must apply to the Secretary of State at least 60 days before an election to change the location of a voting place; (4) requires all municipal voting places to open no earlier than 6:00 a.m. on election day for a state election and no later than 8:00 a.m., except for municipalities with populations less than 500, which are allowed to open the polls at 10:00 a.m.; (5) reorganizes and expands the sections of law governing the instructions that the Secretary of State must prepare for election officials and voters, and details how informational materials must be made available to the voters; (6) reorganizes the section of law governing how official ballots are provided to the municipalities and how the chain of custody must be maintained; (7) reorganizes the section of law governing how voted ballots are sealed and secured following the election and creates a section to describe the ballot security materials supplied by the Secretary of State; (8) provides that the absentee envelopes and applications are to be sealed separately from the ballots so that they become public records after they are unsealed; (9) requires the municipal clerk or registrar to keep a log of the petitions that are submitted to the municipal office for certification; and (10) prohibits a municipal clerk from removing absentee ballots from the municipal office to conduct in-person absentee voting unless requested to do so by the voter and prohibits a candidate or a member of a candidate's immediate family from assisting the clerk in delivering absentee ballots.

LD 1541 – An Act To Amend the Campaign Finance Laws. (Sponsored by Sen. Farnham of Penobscot Cty.) **Emergency Enacted; PL 2011, c. 389 (6/20/11)**

This Act makes sweeping changes to the state's campaign finance and campaign finance reporting laws. Among the two dozen changes, the Act reorganizes the current statutory requirements that municipal candidates in towns and cities with populations greater than 15,000 are subject to the campaign finance reporting laws, as well as municipal candidates in any smaller towns or cities that have voted to adopt the campaign finance reporting requirements for their municipal elections. Under current law, the municipal campaign finance reports in the communities over 15,000 in population are filed with the Governmental Ethics Commission. The campaign finance reports in the smaller communities that adopt the campaign finance reporting requirements are filed with the municipal election clerk and retained for an 8-year period. This Act requires all municipal campaign finance reports to be filed with the municipality and retained for the eight-year period, regardless of the size of the municipality; that is, the Act requires municipal election clerks in communities with a population over 15,000 to retain the campaign finance report locally for the 8-year period. Under the terms of this Act, the Governmental Ethics Commission would no longer be required to accept and file any municipal reports. m