

**STATE OF MAINE**  
129<sup>TH</sup> LEGISLATURE  
FIRST SPECIAL AND SECOND REGULAR SESSIONS



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

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

November 2020

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REP. MAUREEN FITZGERALD TERRY\*

**STAFF:**

LYNNE CASWELL, LEGISLATIVE ANALYST

OFFICE OF POLICY AND LEGAL ANALYSIS

13 STATE HOUSE STATION

AUGUSTA, ME 04333

(207) 287-1670

<http://legislature.maine.gov/opla/>

\*Committee member for a portion of the session



**STATE OF MAINE**  
129<sup>TH</sup> LEGISLATURE  
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**LEGISLATIVE DIGEST OF BILL SUMMARIES AND  
ENACTED LAWS**

**SPECIAL NOTICE REGARDING  
COVID-19 PANDEMIC**

As a result of the COVID-19 Pandemic, the Second Regular Session of the 129<sup>th</sup> Legislature adjourned on March 17, 2020, nearly a month prior to the statutory adjournment date of April 15, 2020. Before adjourning, the Legislature passed Joint Order, S.P. 788:

“ORDERED, the House concurring, that all matters not finally disposed of upon the adjournment sine die of the Second Regular Session of the 129<sup>th</sup> Legislature be carried over, in the same posture, to any special session of the 129<sup>th</sup> Legislature.”

The “matters not finally disposed of” were in many different postures upon adjournment. In this digest, at the end of each summary of a bill that was carried over by S.P. 788, there is an indication of the posture of the bill at the time of adjournment.

No special session has been held as of the publication of the Digest and none is anticipated, so all bills carried over are expected to die upon the conclusion of the 129<sup>th</sup> Legislature. However, after the Second Regular Session adjourned and in preparation for the possibility of a special session, a number of committees met and considered a number of bills in their possession. One hundred and sixty bills were acted upon in some way by committees (voted or reported out), among them several new bills that were printed and referred to committee, worked and reported out. **Appendix A** provides a list of the bills that were voted or reported out of committees after the Second Regular Session adjourned.



*Joint Standing Committee on State and Local Government*

**LD 390      An Act To Amend the Laws Governing Dangerous Buildings**

**PUBLIC 557  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JOHANSEN C	OTP-AM	H-662

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill allows a municipality or county to seek a writ of attachment in Superior Court to recover expenses incurred by the municipality or county when abating or removing a building found to be a nuisance or dangerous under the Maine Revised Statutes, Title 17, section 2851.

**Committee Amendment "A" (H-662)**

This amendment adds an emergency preamble and emergency clause. It adds reference to "county" or "county commissioners" in certain sections of the Maine Revised Statutes, Title 17, chapter 91, subchapter 4, where the law was silent on whether a county or county commissioners had the same obligations or powers granted to municipalities under this subchapter.

**Enacted Law Summary**

Public Law 2019, chapter 557 allows a municipality or county to seek a writ of attachment in Superior Court to recover expenses incurred by the municipality or county when abating or removing a building found to be a nuisance or dangerous under the Maine Revised Statutes, Title 17, section 2851.

Public Law 2019, chapter 557 was enacted as an emergency measure effective February 14, 2020.

**LD 431      An Act To Make Election Day a State Holiday**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLLINGS B MIRAMANTD	OTP-AM ONTP	H-188

This bill was carried over from the First Regular Session of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

This bill designates the day of the general election, which is the day of the regular election of state and county officials occurring biennially in November, as a state holiday.

**Committee Amendment "A" (H-188)**

This amendment, which is the majority report of the committee, adds an appropriations and allocations section.

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

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**LD 592      Resolve, To Establish a Background Check Consolidation Commission**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCREAD VITELLIE	OTP-AM ONTP	H-35

This resolve was carried from the First Regular Session of the 129th Legislature on the Special Study Table by joint order, H.P.1322.

This resolve establishes the Background Check Consolidation Commission to study consolidating and centralizing as many state-required background checks required for employment as possible, including background checks for teachers, state workers and persons seeking Maine Guide licenses. It prohibits the commission from studying background checks to obtain firearms.

**Committee Amendment "A" (H-35)**

This amendment, which is the majority report of the committee, removes the emergency preamble and emergency clause. It reduces the number of Senate members from four to two and increases the number of House members from three to five. It adds the Commissioner of Administrative and Financial Services, or the commissioner's designee, to the Background Check Consolidation Commission. It moves the report deadline from December 4, 2019, to December 20, 2019.

This resolve was again carried over, still on the Special Study Table, to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1054      An Act To Amend the Laws Regarding Ancient Burying Grounds**

**PUBLIC 561**

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

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322. The Presiding Officers authorized the formation of the Subcommittee on Ancient and Family Burying Grounds to meet during the interim between the First and Second Regular Sessions.

This bill clarifies the law relating to the use of burying grounds and family burying grounds. It requires that the description of a burying ground or family burying ground be recorded only in the registry of deeds and not with the town clerk. The bill also allows property surrounding a family burying ground to be conveyed as long as reasonable access, including the establishment of an easement route, is provided to the spouse, ancestors and descendants of persons interred there.

**Committee Amendment "A" (H-669)**

This amendment adopts the recommendations of the Subcommittee on Ancient and Family Burying Grounds. This amendment replaces the bill. It expands the list of entities with whom a municipality collaborates when maintaining veterans' graves in ancient burying grounds to include the descendants of veterans buried in ancient burying grounds. This amendment clarifies that a municipally designated caretaker must be designated pursuant to a writing signed by the municipal officers. This amendment changes the definition of "ancient burying ground." This amendment permits the existence of an ancient burying ground to be documented through a variety of papers or



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may apply to the Governor or the Governor's designee for a waiver of the requirement if the executive head of the public agency finds that the application of the requirement would be inconsistent with the public interest, that the necessary manufactured goods are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality or that inclusion of manufactured goods made in the United States will increase the cost of the overall project contract by an unreasonable amount. The Department of Administrative and Financial Services is directed to develop rules to implement the Act.

The bill requires that, if the department has reason to believe that any person, business or other entity has intentionally made fraudulent representations about the domestic content of a manufactured good or has intentionally violated any provision of the Act, the department must, after a hearing, debar that person, business or other entity from contracts or subcontracts with the State for two years.

The bill provides that the provisions of this legislation must be applied in a manner consistent with the State's obligations under any applicable international agreements pertaining to government procurement.

The bill also requires that, in the award of a bid for the construction, reconstruction, alteration, repair, improvement or maintenance of a public building or public work or for services to be provided to or on behalf of the State, if two or more bids are submitted that are substantially similar, preference must be given to the bid submitted by an in-state contractor, which includes a business at which at least 60% of the employees are residents of Maine. If the bid submitted by an in-state contractor is higher than the lowest bid submitted by a contractor that is not an in-state contractor, the in-state contractor must be given the opportunity to match the lowest bid submitted.

This bill, which had been voted but not yet reported out of committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1415 An Act To Improve the Laws Regarding Abandoned Roads**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NADEAU C DIAMONDB	OTP-AM	H-691

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322. The Presiding Officers authorized the formation of the Subcommittee on Abandoned and Discontinued Roads to meet during the interim between the First and Second Regular Sessions.

Under current law, a presumption of abandonment exists if a municipality fails for a period of 30 or more years to keep a way passable for the use of motor vehicles at the expense of the municipality. This bill eliminates that presumption for ways that have not met that statutory requirement by January 1, 2020, and instead specifies that the only process that a municipality may use to terminate its interests in a public way is through the discontinuance process established in the Maine Revised Statutes, Title 26, section 3026-A. This bill also amends the filing required by the clerk of a municipality following the determination of discontinuance by abandonment of a town way to require that the record filed with the registry of deeds include the evidence used by the municipality to make the determination of abandonment and the effective date of that determination of abandonment.

**Committee Amendment "A" (H-691)**

This amendment adopts the subcommittee's recommendations. Effective October 1, 2020, it repeals the current statute on the abandonment of town ways and enacts a new abandonment process that a municipality may choose to follow to declare a town way abandoned. The optional process includes notice provisions to abutting property owners, property owners for whom the town way is the only means of access and adjacent municipalities and counties. The optional process provides for a public hearing and a local appeals process. The amendment clarifies

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that the public easement retained in a town way discontinued by abandonment is limited to rights of access by foot or motor vehicle, which are the limits of public easements laid out by a municipality through its eminent domain powers in the Maine Revised Statutes, Title 23, section 3022.

The fiscal note on this amendment identifies a requirement in the amendment as a potential state mandate with a moderate statewide cost. The committee finds that the provisions identified as a potential mandate do not require a local unit of government to expand or modify its activities so as to necessitate additional expenditures from local revenue. In order to be a mandate pursuant to the Constitution of Maine, Article IX, Section 21, a provision must require a local unit of government to expand or modify its activities so as to necessitate additional expenditures from local revenue.

The requirements in this amendment that a municipality or county provide notice and the opportunity for hearing if the municipality or county takes the step of declaring a town way abandoned does not require an expansion or modification of activities because there is no requirement that a municipality or county abandon a town way or declare a town way abandoned. Additionally, a municipality or county that chooses to abandon a town way may do so under the common law presumption of abandonment recognized by the Maine Supreme Judicial Court since 1916.

This bill was carried over on the Special Appropriations Table to any special session of the 129th Legislature by joint order, S. P. 788.

**LD 1458     An Act To Protect Taxpayers in the Privatization of State Services**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BELLOWS S MARTIN D		

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill creates a process by which a state agency can enter a privatization contract with a nongovernmental entity to perform basic agency services for up to five years if a number of criteria are met, including:

1. Wages and benefits for employees of the contractor are comparable to state employees performing the same services;
2. The contractor endeavors to hire agency employees terminated due to the privatization;
3. The agency provides an estimate of its costs in providing the subject services in the most efficient manner;
4. The agency provides support and resources to allow agency employees to submit a competing bid to provide the privatized services;
5. The agency considers as a contract cost any income tax revenue lost to the State as a result of services to be performed out of state under the contract; and
6. The Attorney General performs a review to determine that all of the requirements of the bidding process and privatization contract have been met.

This bill, which had been voted but not yet reported out of committee, was carried over in committee to any special

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session of the 129th Legislature by joint order, S.P. 788.

**LD 1733    An Act To Ensure Comprehensive Interdepartmental Planning,  
Coordination and Collaboration on Aging Policy**

**CARRIED OVER**

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

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill creates the position of Director of Aging in the Governor's Office of Policy and Management to oversee the planning and policy development for all functions and activities conducted or supported in the State that relate to aging, older adults and family care partners of older adults, including, but not limited to, promoting intergovernmental collaboration in meeting established aging policy objectives and managing the coordination of multiple-agency initiatives related to policy objectives. The bill amends the requirements for preparing and implementing a comprehensive state plan relating to Maine's aging population and incapacitated and dependent adults. The bill establishes a State Commission on Aging to advise the Governor, Legislature and state agencies on planning, research and intergovernmental cooperation related to the needs of older adults in the State. The bill authorizes the Revisor of Statutes, in preparing legislation, to change any terms that refer to "elderly," "elder" or "senior" individuals to refer instead to "older" individuals.

**Committee Amendment "A" (H-682)**

This amendment was the majority report of the committee. It creates the Cabinet on Aging to promote intergovernmental collaboration in meeting aging policy objectives and managing the coordination of multiple-agency initiatives related to the needs of older adults in the State. The Cabinet on Aging will provide input to the Department of Health and Human Services on the department's comprehensive state plan for Maine's aging population and incapacitated and dependent adults and on the new state plan on Alzheimer's disease and other dementias. This amendment was not adopted.

This bill was reported out of committee and then recommitted back to committee with accompanying papers. This bill was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1799    Resolve, Authorizing the Department of Agriculture, Conservation and  
Forestry To Convey Certain Land in the Little Moose Unit of  
Moosehead Junction Township**

**RESOLVE 126**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STEARNS P	OTP-AM	H-728

This resolve was carried over in the Agriculture, Conservation and Forestry Committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322. This resolve was re-referred to the State and Local Government Committee during the Second Regular Session.

This resolve authorizes the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry to convey 0.23 acre of land in Little Moose Unit, Moosehead Junction Township to an abutter, Charles Benevento, to resolve a boundary issue.

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**Committee Amendment "A" (H-728)**

This amendment incorporates a fiscal note.

**Enacted Law Summary**

Resolve 2019, chapter 126 authorizes the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry to convey 0.23 acre of land in Little Moose Unit, Moosehead Junction Township to an abutter, Charles Benevento, to resolve a boundary issue.

**LD 1812 An Act To Make Necessary Changes to State Law**

**CARRIED OVER**

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

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill is a concept draft pursuant to Joint Rule 208 that proposes to make necessary changes to state law.

This bill, which had been referred to committee but not yet heard, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1814 An Act To Amend the Laws Regarding the Legislature**

**CARRIED OVER**

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

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill is a concept draft pursuant to Joint Rule 208 that proposes to amend certain laws affecting the operations of the Legislature.

This bill, which had been referred to committee but not yet heard, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1852 An Act To Amend the Law That Increases the Number of Franklin County Commissioners.**

**EMER ENACT  
FAILED**

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

This bill, which was introduced and finally disposed of during the First Special Session of the 129th Legislature, was not referred to committee.

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This emergency bill amends Public Law 2019, chapter 362, which increased the number of Franklin County commissioners, subject to referendum by the voters of Franklin County. This bill authorizes the submission of the referendum question in the statewide election to be held in November 2019. This bill also makes technical changes to the designations of new County Commissioner Districts Number 1 and Number 5.

**LD 1908     An Act To Establish First Responders Day on September 11th**

**PUBLIC 570**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUELL W MOORE M	OTP-AM	H-668

This bill establishes September 11th of each year as First Responders Day and as a state holiday.

**Committee Amendment "A" (H-668)**

This amendment establishes September 11th as First Responders Day. It requires the Governor to issue a proclamation inviting and urging the people of the State to observe this day through appropriate ceremony, celebration and activity. First Responders Day honors the significant contributions of the men and women of Maine who put their lives in danger to keep the people of Maine safe, including law enforcement officers, firefighters, emergency medical personnel, game wardens, forest rangers and marine patrol officers.

**Enacted Law Summary**

Public Law 2019, chapter 570 establishes September 11th as First Responders Day. It requires the Governor to issue a proclamation inviting and urging the people of the State to observe this day through appropriate ceremony, celebration and activity. First Responders Day honors the significant contributions of the men and women of Maine who put their lives in danger to keep the people of Maine safe, including law enforcement officers, firefighters, emergency medical personnel, game wardens, forest rangers and marine patrol officers.

**LD 1969     An Act To Protect State Workers from Exposure to Carcinogens**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HARNETT T JACKSON T		

This bill is a concept draft pursuant to Joint Rule 208. It proposes to require the collection and cataloging of data on the history of public buildings regarding abatement and contaminant testing, create new standards regarding the level of contaminants allowed in public buildings, improve testing requirements and better reinforce oversight of those buildings identified as having contaminant issues. This bill also seeks to improve the ability of state workers in public buildings to raise and resolve safety concerns.

This bill, which had been voted but not yet reported out of committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

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**LD 1973 An Act To Amend the Laws Regarding Municipal Conservation Commissions**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARSON B	ONTP	

This bill makes several changes to the law that permits municipal officers to establish a conservation commission. It adds the requirement that the commissioners appoint a chair and a secretary. It allows municipal officers to appoint alternate commissioners when necessary to ensure a quorum for voting purposes. It allows the commission to establish ad hoc committees and to appoint members to those committees that are not members of the commission. It changes the duties and powers of the commission to include developing an open area plan; assisting in drafting the municipality's comprehensive plan; advising any municipal reviewing authority in its deliberation related to effects on the municipality's environment and natural resources; educating community members; and developing and recommending to bodies politic a program for the better use of open areas. It repeals the provision that addressed park commissions established under previous law.

**LD 1979 An Act To Allow Public Members of the Maine-Canadian Legislative Advisory Commission To Receive Reimbursement for Travel Expenses**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAWRENCE M MARTIN J		

This bill allows the expenses of members of the Maine-Canadian Legislative Advisory Commission to be reimbursed.

This bill, which had been voted but not yet reported out of committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1989 An Act To Amend the Laws Governing Recounts in Municipal Elections**

**PUBLIC 558  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LIBBY N MCCREIGHT J	OTP-AM	S-375

This bill corrects an error in Public Law 2019, chapter 288 by applying the provisions enacted in chapter 288 beyond recounts in the election of a municipal officer to recounts in the election for any municipal office.

**Committee Amendment "A" (S-375)**

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

**Enacted Law Summary**

Public Law 2019, chapter 558 corrects an error in Public Law 2019, chapter 288 by applying the provisions enacted in chapter 288 beyond recounts in the election of a municipal officer to recounts in the election for any municipal office.

Public Law 2019, chapter 558 was enacted as an emergency measure effective February 14, 2020.

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**LD 2018     An Act To Require That Parking Lots for State Agencies Meet the Standards Set Forth in the Federal Americans with Disabilities Act of 1990**

**PUBLIC 573  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RILEY T LIBBY N	OTP	

This bill requires each state department, state agency and quasi-independent state entity to ensure, by November 1, 2020, that parking areas serving state-owned or state-leased buildings housing a state department, state agency or quasi-independent state entity meet the 2010 federal standards related to the marking of parking space access aisles under the federal Americans with Disabilities Act of 1990. It requires each state department, state agency or quasi-independent state entity to examine each parking area by June 1, 2020.

**Enacted Law Summary**

Public Law 2019, chapter 573 requires each state department, state agency and quasi-independent state entity to ensure, by November 1, 2020, that parking areas serving state-owned or state-leased buildings housing a state department, state agency or quasi-independent state entity meet the 2010 federal standards related to the marking of parking space access aisles under the federal Americans with Disabilities Act of 1990. It requires each state department, state agency or quasi-independent state entity to examine each parking area by June 1, 2020.

Public Law 2019, chapter 573 was enacted as an emergency measure effective February 27, 2020.

**LD 2028     An Act Regarding the Sale of Information by the Secretary of State**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WOODSOME D TUELL W		

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to address the sale of information by the Office of the Secretary of State by establishing a process to be used by the office to restrict or prohibit the sale of certain information or the sale of certain information for specific purposes, such as commercial use.

This bill was carried over to any special session of the 129th Legislature by joint order, S.P. 788. It was tabled in the Senate pending reference.

**LD 2029     An Act To Make March Maine Childhood Cancer Awareness Month**

**PUBLIC 569  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KEIM L	OTP-AM	S-378

This bill establishes March of each year as Maine Childhood Cancer Awareness Month and requires the Governor to issue a proclamation inviting and urging the people of the State to observe the month through appropriate activities and to become informed about childhood cancer.

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**Committee Amendment "A" (S-378)**

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

**Enacted Law Summary**

Public Law 2019, chapter 569 establishes March as Maine Childhood Cancer Awareness Month and requires the Governor to issue a proclamation inviting and urging the people of the State to observe the month through appropriate activities and to become informed about childhood cancer.

Public Law 2019, chapter 569 was enacted as an emergency measure effective February 25, 2020.

**LD 2055      An Act To Require State Agencies To Use Renewable and Sustainable Energy and Reduce Greenhouse Gas Emissions      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LIBBY N MARTIN D		

This bill requires renewable and sustainable energy use and greenhouse gas emissions reduction targets and timelines to be established for state agencies by February 1, 2021. Solar panels or similar solar technologies must be considered and included as a method to achieve the targets and timelines as appropriate. The bill requires the Governor's Energy Office, the Governor's Office of Policy Innovation and the Future, the Department of Environmental Protection, the Efficiency Maine Trust, the Department of Administrative and Financial Services and the Department of Transportation to work together to establish these targets and timelines and to submit a biennial progress report to the Governor and the Legislature. Each of these offices and departments, and each other state agency, must designate a sustainability coordinator who is responsible to develop and implement the agency's plan to meet or exceed the targets and timelines. State agencies are required to procure environmentally preferable products and services as long as certain conditions are met. State agencies are encouraged to adopt and implement practices to decrease waste in the workplace. State agencies are required to account for climate change when siting or designing new state facilities or other construction projects.

This bill, which had been voted but not yet reported out of committee, was carried in committee over to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 2074      An Act To Update the Mileage Allowance Paid to State Employees Not Subject to a Collective Bargaining Agreement      CARRIED OVER**

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

This bill requires the mileage allowance for state employees, officers and officials not subject to a collective bargaining agreement to be consistent with the rate for employees covered under collective bargaining.

This bill, which had been voted but not yet reported out of committee, was carried over to any special session of the 129th Legislature by joint order, S.P. 788.

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**LD 2101    An Act To Implement the Recommendations of the Right To Know  
Advisory Committee Concerning Membership of the Archives Advisory  
Board**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
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This bill implements the recommendations from the Fourteenth Annual Report of the Right to Know Advisory Committee concerning the membership of the Archives Advisory Board. This bill adds three members to the Archives Advisory Board to ensure that journalists, newspapers, broadcasters and other news media as well as personal privacy protection advocates are represented in the expertise involved in the development of records retention schedules.

This bill, which had been voted but not yet reported out of committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 2115    An Act To Implement the Recommendations of the State Compensation  
Commission**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
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This bill is reported out by the Joint Standing Committee on State and Local Government pursuant to the Maine Revised Statutes, Title 3, section 2, subsection 2 and then referred back to committee for processing in the normal course. This bill includes all the recommendations of the State Compensation Commission's January 2020 final report including increases in the:

1. Salary of the Governor from \$70,000 per year to \$135,000 per year to take effect after the election of a Governor not in office on December 2, 2020;
2. The expense account of the Governor from \$30,000 per year to \$40,000 per year;
3. Salary of Maine Legislators, beginning with the 130th Maine Legislature, from \$14,862 in the first year and \$10,582 in the second year of a biennium, after adjustment for inflation, to \$16,000 in each year of the biennium;
4. Mileage allowance for Maine Legislators from 44¢ per mile to 58¢ permile;
5. Lodging rate for Maine Legislators from \$38 per day to \$50 per day;
6. Salary of the Chief Justice of the Supreme Judicial Court from \$116,000 per year to \$184,000 per year;
7. Salary of the Associate Justices of the Supreme Judicial Court from \$96,000 to \$169,000 per year;
8. Per diem compensation for Active Retired Justices from \$350 per day to \$500 per day;
9. Salary of the Chief Justice of the Superior Court from \$94,000 per year to \$160,000 per year;
10. Salary of the Justices of the Superior Court from \$90,000 per year to \$150,000 per year;

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- 11. Salary of the Chief Judge of the District Court from \$94,000 per year to \$160,000 per year;
- 12. Salary of the Deputy Chief Judge of the District Court from \$92,000 per year to \$155,000 per year; and
- 13. Salary of the Associate Judges of the District Court from \$90,000 per year to \$150,000 per year.

The bill gives the Chief Justice of the Supreme Judicial Court the authority to develop criteria and rates for longevity pay for all justices and judges. It moves the initial meeting of the State Compensation Commission from within 15 days after appointment of the members to within 15 days after adjournment of a legislative session. It requires the President of the Senate and the Speaker of the House to appoint the fifth member of the commission in alternating odd-numbered years. It removes the following positions from the commission's review: Secretary and Assistant Secretary of the Senate and Clerk and Assistant Clerk of the House of Representatives.

By reporting out this bill, the committee is not suggesting and does not intend to suggest that it agrees or disagrees with any aspect of this bill. The committee is reporting out the bill for the sole purpose of having a bill printed and referred back to the committee for an appropriate public hearing and subsequent processing in the normal course.

This bill, which had not yet been voted by committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 2132      Resolve, Regarding Legislative Review of Chapter 104: Certain      CARRIED OVER**  
**Payments Not Immediate, a Late-filed Major Substantive Rule of the**  
**Office of the Treasurer of State**

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

This resolve provides for legislative review of Chapter 104: Certain Payments Not Immediate, a major substantive rule of the Office of the Treasurer of State that was filed outside the legislative rule acceptance period.

This bill, which had been voted but not yet reported out of committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 2167      An Act To Implement Provisions Necessary to the Health, Welfare and      PUBLIC 617**  
**Safety of the Citizens of Maine in Response to the COVID-19 Public      EMERGENCY**  
**Health Emergency**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T GIDEON S		

This bill was not referred to committee. This bill provides the Governor, on a temporary basis, with additional powers for the duration of the state of emergency declared by the Governor in accordance with the Maine Revised Statutes, Title 37-B, section 742 due to the outbreak of COVID-19 to enable the Governor to reduce the impact of the pandemic.

Part A allows the Governor or the Governor's designee, in consultation with the Commissioner of Education, to:

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

1. Waive the compulsory school attendance requirements, including the minimum number of school days, or allow the compulsory attendance requirements to be met through nontraditional learning systems, including but not limited to remote access; and
2. Continue to provide nutrition services to students of schools that are closed due to COVID-19.

The authorization in Part A continues for the duration of the state of emergency and 30 days after the termination of the state of emergency.

Part B revises certain unemployment insurance eligibility and benefit charging provisions under the Employment Security Law to protect public health during the state of emergency by allowing an individual who takes a temporary leave of absence due to COVID-19 to qualify for unemployment benefits.

Part C allows for the Department of Public Safety, Maine Emergency Medical Services' Board to delegate functions and authority to Maine Emergency Medical Services staff without requiring rulemaking. This modification will allow for the board to respond quickly to emergencies by convening emergency board meetings and empowering the Director of Maine Emergency Medical Services to undertake specific activities that the board delegates.

Part C also allows the Medical Direction and Practices Board to use videoconferencing and other technologies to conduct its meetings and, until December 31, 2020, to delegate its duties to the statewide emergency medical services medical director and the statewide associate emergency medical services medical director.

Part D affects municipal budgets and elections by:

1. Establishing the prior year's budget as the budget for the ensuing year if an annual municipal budget meeting is delayed beyond the date the annual budget is customarily submitted to the legislative body of that municipality for approval due to public health concerns arising from COVID-19 until a final budget is approved. If a final budget is not approved in a timely manner and the municipal officers determine that property taxes must be committed in a timely manner to the collector, the municipal assessor or assessors may commit property taxes on the basis of the budget deemed approved;
2. Allowing a municipal treasurer to disburse money on the authority of a warrant that is seen and signed by individual municipal officers outside of a public meeting;
3. Allowing the municipal officers to postpone the date of a scheduled municipal secret ballot election when nomination papers have already been issued or filed by posting notice in a conspicuous public location at least two days prior to the date of the election. The notice must be signed by a majority of the board and must contain specific information regarding the election; and
4. If ballots have been printed for the postponed election, allowing the municipality to use those ballots despite inclusion of the original election date. If absentee ballots have been issued and returned, the municipality is required to use the ballots printed for the originally scheduled election. The municipal clerk is required to safeguard and secure any absentee ballots already returned until the date of the rescheduled election and is required to process them as required by the Maine Revised Statutes, Title 21-A. During the interim period between the originally scheduled election and rescheduled election, the clerk may continue to issue and accept absentee ballots and applications and allow voting in the presence of the clerk pursuant to the Maine Revised Statutes, Title 21-A.

Part D applies retroactively to March 1, 2020, and is repealed January 15, 2021.

Part E authorizes a school board, if, due to the state of emergency declared by the Governor, the level of state subsidy for the 2020-2021 school year is not finalized in accordance with the Maine Revised Statutes, Title 20-A,

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chapter 606-B before June 1, 2020, or if school board meetings are delayed, to delay a school budget meeting otherwise required to be held before July 1, 2020, to a date on or after July 1, 2020. If a school board elects to delay a school budget meeting, the meeting must be held and the budget approved within 30 days of the date the Commissioner of Education notifies the school board of the amount allocated to the school administrative unit under the Maine Revised Statutes, Title 20-A, section 15689-B or following the end of the state of emergency.

Part E applies retroactively to March 1, 2020, and is repealed January 15, 2021.

Part F affects licenses and registrations, such as for motor vehicles, all-terrain vehicles, watercraft and dogs, issued by a municipality by extending until 30 days after the end of the state of emergency any registration or license issued by that municipality that expires during the state of emergency. The registration and licensing fees that would have been payable but for the extension are due within 30 days following the end of the state of emergency.

Part F also allows a municipality, without conducting a hearing, to grant a request for a renewal of a license to sell alcohol. This does not affect the ability of a municipality to deny a request for renewal for specified cause and is valid only during the state of emergency and the 30 days following the end of the state of emergency.

Part F also requires the Secretary of State, Bureau of Motor Vehicles and the Department of Inland Fisheries and Wildlife to allow a resident of this State to renew the registration of a motor vehicle, trailer, all-terrain vehicle or watercraft, regardless of whether the municipality in which that resident resides participates in the online registration service maintained by the bureau or department, for the duration of the state of emergency and 30 days following the end of the state of emergency.

Part G amends the Freedom of Access Act to allow entities subject to that Act, not including the Legislature, a legislative committee or the legislative body of a county, municipality or other public entity, to conduct a public proceeding through telephonic, video, electronic or other similar means of communication as long as certain specified conditions are met, including notice of the means of holding the meeting, ensuring that members of the body can speak and be heard by the other members of the body and requiring that all votes are taken by roll call. This authorization applies only during the state of emergency.

Part H provides the Governor additional powers under the Maine Emergency Management Act including:

1. To reasonably adjust time frames and deadlines imposed by law for state, county and municipal governments and other entities when such an adjustment is reasonably necessary to mitigate a substantial effect of the state of emergency;
2. In consultation with the Public Utilities Commission, to suspend the termination of residential electricity and water services during the period of the state of emergency and up to 60 days after the state of emergency is terminated; and
3. To modify or suspend the requirements for professional or occupational licensing or registration by any agency, board or commission if strict compliance with such requirements would in any way prevent, hinder or delay necessary action in dealing with the state of emergency.

These additional powers terminate 30 days after the termination of the state of emergency, except for the suspension of termination of electricity and water services.

Part I establishes the Loan Guarantee Program. The program, administered by the Finance Authority of Maine, provides easier access to no-interest loans for residents of this State, including self-employed residents, who experience a reduction in income due to the state of emergency arising from COVID-19. The program guarantees up to 10% of the loans eligible credit unions and financial institutions make to affected employees. Under the

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

program, affected employees are eligible for up to three loans, each equal to their monthly after-tax pay, up to \$5,000, less unemployment benefits. Repayment is due starting 90 days after the end of the state of emergency and during the subsequent six months; during that period, interest may not be charged or accrue on the loan. Following the end of the 270 days, a credit union or financial institution that made a loan under the program, after a good faith effort to collect the principal amount of the loan, may apply to the authority for repayment of the uncollected amount of the loan in default. The authority is required to make reasonable efforts to recoup the amount of any payments made to credit unions and financial institutions from the employee who defaulted on the loan. The authority may not make any loans after December 31, 2020, and the program ends once all obligations for payment, repayment or discharge of the loans are satisfied. The bill gives the Joint Standing Committee on Appropriations and Financial Affairs authority to report out legislation to address any funding needs of the program.

Part J delays from April 22, 2020, to January 15, 2021, the requirement that a retail establishment charge a fee of at least 5¢ per recycled paper or reusable plastic bag used at the point of sale.

Part J also moves up from April 22, 2020, to March 17, 2020, the date on which the State occupies the whole field of regulation of single-use carry-out bags at retail establishments, but delays until January 15, 2021, the voiding of any municipal ordinance in conflict with state law.

Part K authorizes the Department of Health and Human Services to require a designated health care facility to report specific information to the department, such as the health care facility's emergency management plan and, on a daily basis, the number of beds available within that facility.

Part L authorizes the Governor, only for the elections scheduled to be held on June 9, 2020, to take any reasonable administrative actions the Governor considers necessary to facilitate voting by all residents registered to vote in this State in a manner that preserves and protects public health in response to COVID-19, including, but not limited to, issuance and receipt of absentee ballots for the June 9, 2020 elections.

### **Enacted Law Summary**

Public Law 2019, chapter 617 provides the Governor, on a temporary basis, with additional powers for the duration of the state of emergency declared by the Governor in accordance with the Maine Revised Statutes, Title 37-B, section 742 due to the outbreak of COVID-19 to enable the Governor to reduce the impact of the pandemic.

Part A allows the Governor or the Governor's designee, in consultation with the Commissioner of Education, to:

1. Waive the compulsory school attendance requirements, including the minimum number of school days, or allow the compulsory attendance requirements to be met through nontraditional learning systems, including but not limited to remote access; and
2. Continue to provide nutrition services to students of schools that are closed due to COVID-19.

The authorization in Part A continues for the duration of the state of emergency and 30 days after the termination of the state of emergency.

Part B revises certain unemployment insurance eligibility and benefit charging provisions under the Employment Security Law to protect public health during the state of emergency by allowing an individual who takes a temporary leave of absence due to COVID-19 to qualify for unemployment benefits.

Part C allows for the Department of Public Safety, Maine Emergency Medical Services' Board to delegate functions and authority to Maine Emergency Medical Services staff without requiring rulemaking. This modification will allow for the board to respond quickly to emergencies by convening emergency board meetings and empowering the Director of Maine Emergency Medical Services to undertake specific activities that the board delegates.

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Part C also allows the Medical Direction and Practices Board to use videoconferencing and other technologies to conduct its meetings and, until December 31, 2020, to delegate its duties to the statewide emergency medical services medical director and the statewide associate emergency medical services medical director.

Part D affects municipal budgets and elections by:

1. Establishing the prior year's budget as the budget for the ensuing year if an annual municipal budget meeting is delayed beyond the date the annual budget is customarily submitted to the legislative body of that municipality for approval due to public health concerns arising from COVID-19 until a final budget is approved. If a final budget is not approved in a timely manner and the municipal officers determine that property taxes must be committed in a timely manner to the collector, the municipal assessor or assessors may commit property taxes on the basis of the budget deemed approved;
2. Allowing a municipal treasurer to disburse money on the authority of a warrant that is seen and signed by individual municipal officers outside of a public meeting;
3. Allowing the municipal officers to postpone the date of a scheduled municipal secret ballot election when nomination papers have already been issued or filed by posting notice in a conspicuous public location at least two days prior to the date of the election. The notice must be signed by a majority of the board and must contain specific information regarding the election; and
4. If ballots have been printed for the postponed election, allowing the municipality to use those ballots despite inclusion of the original election date. If absentee ballots have been issued and returned, the municipality is required to use the ballots printed for the originally scheduled election. The municipal clerk is required to safeguard and secure any absentee ballots already returned until the date of the rescheduled election and is required to process them as required by the Maine Revised Statutes, Title 21-A. During the interim period between the originally scheduled election and rescheduled election, the clerk may continue to issue and accept absentee ballots and applications and allow voting in the presence of the clerk pursuant to Title 21-A.

Part D applies retroactively to March 1, 2020, and is repealed January 15, 2021.

Part E authorizes a school board, if, due to the state of emergency declared by the Governor, the level of state subsidy for the 2020-2021 school year is not finalized in accordance with the Maine Revised Statutes, Title 20-A, chapter 606-B before June 1, 2020 or if school board meetings are delayed, to delay a school budget meeting otherwise required to be held before July 1, 2020 to a date on or after July 1, 2020. If a school board elects to delay a school budget meeting, the meeting must be held and the budget approved within 30 days of the date the Commissioner of Education notifies the school board of the amount allocated to the school administrative unit under the Maine Revised Statutes, Title 20-A, section 15689-B or following the end of the state of emergency.

Part E applies retroactively to March 1, 2020, and is repealed January 15, 2021.

Part F affects licenses and registrations, such as for motor vehicles, all-terrain vehicles, watercraft and dogs, issued by a municipality by extending until 30 days after the end of the state of emergency any registration or license issued by that municipality that expires during the state of emergency. The registration and licensing fees that would have been payable but for the extension are due within 30 days following the end of the state of emergency.

Part F also allows a municipality, without conducting a hearing, to grant a request for a renewal of a license to sell alcohol. This does not affect the ability of a municipality to deny a request for renewal for specified cause and is valid only during the state of emergency and 30 days following the end of the state of emergency.

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Part F also requires the Secretary of State, Bureau of Motor Vehicles and the Department of Inland Fisheries and Wildlife to allow a resident of this State to renew the registration of a motor vehicle, trailer, all-terrain vehicle or watercraft, regardless of whether the municipality in which that resident resides participates in the online registration service maintained by the bureau or department, for the duration of the state of emergency and 30 days following the end of the state of emergency.

Part G amends the Freedom of Access Act to allow entities subject to that Act, not including the Legislature, a legislative committee or the legislative body of a county, municipality or other public entity, to conduct a public proceeding through telephonic, video, electronic or other similar means of communication as long as certain specified conditions are met, including notice of the means of holding the meeting, ensuring that members of the body can speak and be heard by the other members of the body and requiring that all votes are taken by roll call. This authorization applies only during the state of emergency.

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1. To reasonably adjust time frames and deadlines imposed by law for state, county and municipal governments and other entities when such an adjustment is reasonably necessary to mitigate a substantial effect of the state of emergency;
2. In consultation with the Public Utilities Commission, to suspend the termination of residential electricity and water services during the period of the state of emergency and up to 60 days after the state of emergency is terminated; and
3. To modify or suspend the requirements for professional or occupational licensing or registration by any agency, board or commission if strict compliance with such requirements would in any way prevent, hinder or delay necessary action in dealing with the state of emergency.

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Part K authorizes the Department of Health and Human Services to require a designated health care facility to report specific information to the department, such as the health care facility's emergency management plan and, on a daily basis, the number of beds available within that facility.

Part L authorizes the Governor, only for the elections scheduled to be held on June 9, 2020, to take any reasonable administrative actions the Governor considers necessary to facilitate voting by all residents registered to vote in this State in a manner that preserves and protects public health in response to COVID-19, including, but not limited to, issuance and receipt of absentee ballots for the June 9, 2020 elections.

Public Law 2019, chapter 617 was enacted as an emergency measure effective March 18, 2020.

*Joint Standing Committee on State and Local Government*

**SUBJECT INDEX**

**Boards and Commissions**

**Enacted**

<b>LD 1979</b>	<b>An Act To Allow Public Members of the Maine-Canadian Legislative Advisory Commission to Receive Reimbursement for Travel Expenses</b>	<b>CARRIED OVER</b>
<b>LD 2101</b>	<b>An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Membership of the Archives Advisory Board</b>	<b>CARRIED OVER</b>

**County Government - General**

**Not Enacted**

<b>LD 1852</b>	<b>An Act To Amend the Law That Increases the Number of Franklin County Commissioners</b>	<b>EMERGENCY Enactment Failed</b>
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**Local Government - General**

**Enacted**

<b>LD 390</b>	<b>An Act To Amend the Laws Governing Dangerous Buildings</b>	<b>PUBLIC 557 EMERGENCY</b>
<b>LD 1054</b>	<b>An Act To Amend the Laws Regarding Ancient Burying Grounds</b>	<b>PUBLIC 561</b>

**Not Enacted**

<b>LD 1973</b>	<b>An Act To Amend the Laws Regarding Municipal Conservation Commissions</b>	<b>ONTP</b>
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**Local Government – Roads**

**Not Enacted**

<b>LD 1415</b>	<b>An Act To Improve the Laws Regarding Abandoned Roads</b>	<b>CARRIED OVER</b>
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**Miscellaneous**

**Enacted**

LD 1989	An Act To Amend the Laws Governing Recounts in Municipal Elections	PUBLIC 558 EMERGENCY
LD 2167	An Act To Implement Provisions Necessary to the Health, Welfare and Safety of the Citizens of Maine in Response to the COVID-19 Public Health Emergency	PUBLIC 617 EMERGENCY

**Not Enacted**

LD 1969	An Act To Protect State Workers from Exposure to Carcinogens	CARRIED OVER
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**Public Employment Compensation**

**Not Enacted**

LD 1065	An Act To Expand Health Insurance Coverage To Certain State Employees	CARRIED OVER
LD 2074	An Act To Update the Mileage Allowance Paid to State Employees Not Subject to a Collective Bargaining Agreement	CARRIED OVER
LD 2115	An Act To implement the Recommendations of the State Compensation Commission	CARRIED OVER

**Public Purchasing and Contracting**

**Not Enacted**

LD 1280	An Act To Establish the Maine Buy American and Build Maine Act	CARRIED OVER
LD 1458	An Act To Protect Taxpayers in the Privatization of State Services	CARRIED OVER
LD 2055	An Act To Require State Agencies To Use Renewable and Sustainable Energy and Reduce Greenhouse Gas Emissions	CARRIED OVER

**Rulemaking**

**Not Enacted**

LD 2132	Resolve, Regarding Legislative Review of Chapter 104: Certain Payments Not Immediate, a Late-filed Major Substantive Rule of the Office of the Treasurer of State	CARRIED OVER
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**State Government – Agencies**

**Not Enacted**

LD 1733	An Act To Create the Cabinet on Aging	CARRIED OVER
LD 2028	An Act Regarding the Sale of Information by the Secretary of State	CARRIED

**State Government – General**

**Not Enacted**

LD 592	Resolve, To Establish a Background Check Consolidation Commission	CARRIED OVER
LD 1812	An Act To Make Necessary Changes to State Law	CARRIED OVER

**State Government – Holidays and Designations**

**Enacted**

LD 1908	An Act To Establish First Responders Day on September 11th	PUBLIC 570
LD 2029	An Act To Make March Maine Childhood Cancer Awareness Month	PUBLIC 569 EMERGENCY

**Not Enacted**

LD 431	An Act To Make Election Day a State Holiday	CARRIED OVER
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**State Government – Legislature**

**Not Enacted**

LD 1814	An Act To Amend the Laws Regarding the Legislature	CARRIED OVER
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**State Government – Property**

**Enacted**

LD 1799	Resolve, Authorizing the Department of Agriculture, Conservation and Forestry To Convey Certain Land in the Little Moose Unit of Moosehead Junction Township	RESOLVE 126
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**LD 2018    An Act To Require That Parking Lots for State Agencies Meet the  
Standards Set Forth in the Federal Americans with Disabilities Act of  
1990**

**PUBLIC 573  
EMERGENCY**