

STATE OF MAINE
128TH LEGISLATURE
FIRST SPECIAL, SECOND REGULAR AND SECOND SPECIAL SESSIONS



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

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

October 2018

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Joint Standing Committee on State and Local Government

LD 105 An Act To Create the Substance Use Disorders Cabinet

Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HYMANSON P	OTP-AM	H-645

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

This bill was reported out of committee in the Second Regular Session. It was carried over on the Special Appropriations Table to the next special session by joint order S.P. 748.

The bill establishes an office within the Department of Health and Human Services to coordinate efforts in the State to combat addiction to opiates.

Committee Amendment "A" (H-645)

This amendment replaces the bill and changes the title. The amendment establishes the Substance Use Disorders Cabinet for a time-limited period, with a sunset date of June 30, 2022. The cabinet consists of the commissioners of Corrections, Education, Health and Human Services, Labor and Public Safety; the Chief Justice of the Supreme Judicial Court; and, at the discretion of the Governor, one member of the public. The initial chair of the cabinet is the Commissioner of Health and Human Services or the commissioner's designee. The cabinet is established to promote interdepartmental collaboration on substance use disorders policy development, program implementation and service delivery in an integrated manner. The duties of the cabinet include coordinating funding, conducting long-term planning and policy development, coordinating service delivery, assessing resource capacity, reviewing programs and policies and communicating the work of the cabinet. The cabinet is authorized to solicit, receive and pool funds from the Federal Government, subdivisions of the State or individuals, foundations or corporations. The cabinet is required to submit an annual report to the joint standing committees of the Legislature having jurisdiction over appropriations and financial affairs, criminal justice and public safety matters, education and cultural affairs, health and human services matters, judiciary matters, labor matters and state and local government matters and to make the report available to the public. The cabinet is required to carry out its duties within existing resources.

LD 288 An Act To Limit Questions Regarding Criminal History on State Employment Applications

Died On Adjournment

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHEATS B MIRAMANT D	OTP-AM	H-242

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature. The bill was reported out of committee in the Second Regular Session. It was carried over, on the Special Appropriations Table, from the Second Regular Session to the next special session by joint order S.P. 748.

The bill prohibits any application form for employment for any position in State Government from including questions about an applicant's criminal history.

Committee Amendment "A" (H-242)

The amendment replaces the bill. Like the bill, the amendment prohibits the State from including questions about criminal history on its employment application forms. The amendment provides an exception to that prohibition when, due to the nature and requirements of the position, a person who has a criminal history record may be

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disqualified from eligibility, such as for a law enforcement officer, corrections officer, child protective and adult protective services caseworker or child development services worker. The amendment applies to state employment positions in the legislative, executive or judicial branches of State Government and positions with quasi-independent state entities or public instrumentalities of the State; it does not apply to positions in school administrative units, municipalities, counties or other political subdivisions of the State. This amendment also provides funding to the Department of Administrative and Financial Services for computer modifications made necessary by the amendment.

LD 328 An Act To Encourage Regional Planning and Reorganization

PUBLIC 313

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GRANT G BELLOWS S	OTP-AM	H-150 S-344 HAMPER J

This bill was reported out of committee in First Regular Session and then carried over to the Second Regular Session on the Special Appropriations Table.

The bill provides funding of \$25,000,000 in fiscal year 2017-2018 and \$0 in fiscal year 2018-2019 to the Fund for the Efficient Delivery of Local and Regional Services to encourage regional planning and reorganization for towns and municipalities to decrease the duplication of services.

Committee Amendment "A" (H-150)

This amendment replaces the bill. The amendment provides funding of \$5,000,000 in fiscal year 2017-18 and \$5,000,000 in fiscal year 2018-19 to the Fund for the Efficient Delivery of Local and Regional Services. The amendment shifts responsibility for the administration of the Fund for the Efficient Delivery of Local and Regional Services from the Department of Administrative and Financial Services to the Department of Economic and Community Development. The amendment also adds "capital grants" as a third type of grant available from the fund; current law provides for "planning grants" and "cooperative services" grants.

Senate Amendment "A" To Committee Amendment "A" (S-344)

This amendment strikes the appropriations and allocations section from the committee amendment.

Enacted Law Summary

Public Law 2017, chapter 313 shifts responsibility for the administration of the Fund for the Efficient Delivery of Local and Regional Services from the Department of Administrative and Financial Services to the Department of Economic and Community Development. This law also adds "capital grants" as a third type of grant available from the fund, in addition to the "planning grants" and "cooperative services" grants available in existing law.

LD 473 An Act To Quantitatively Evaluate State Contracts

ONTP

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

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

The bill is a concept draft pursuant to Joint Rule 208.

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This bill proposes to create a process to quantitatively evaluate competitive bids for state contracts in terms of the total economic value to the State. The process established by this bill would apply to state service contracts expected to exceed \$100,000 in total value and would include scoring criteria that evaluate the economic impact of the proposer's bid on the state economy and state revenues. In evaluating economic impact, the process would use economic multipliers to measure the impact of the use of raw materials from in-state sources, the employment of state residents and the use of in-state vendors, consultants and subcontractors. The process established by the bill would be consistent with the terms of Executive Order 2012-004, An Order Directing Certain Evaluation Criteria in Competitive Bidding.

LD 780 An Act Authorizing the Deorganization of Cary Plantation

PUBLIC 403

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHERMAN R	OTP-AM ONTP	H-592

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

The bill provides for the deorganization of Cary Plantation in Aroostook County, subject to approval at local referendum.

Committee Amendment "A" (H-592)

This amendment is the majority report of the committee. This amendment shifts the dates in the bill forward by one year, from 2018 to 2019.

Enacted Law Summary

Public Law 2017, chapter 403 provides for the deorganization of Cary Plantation in Aroostook County, subject to approval at local referendum. If the legal voters of Cary Plantation approve the referendum, deorganization takes effect July 1, 2019.

LD 823 An Act To Promote Transparency with Respect to Surveillance Technology

ONTP

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

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

The bill requires a state entity to hold a public hearing and obtain legislative approval prior to engaging in certain activities relating to the acquisition and use of surveillance technology.

LD 890 An Act To Include a Representative of the Aroostook Band of Micmacs in the House of Representatives

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARPENTER M STEWART H	ONTP	

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This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

The bill makes the statutory changes necessary to include a representative of the Aroostook Band of Micmacs in the Maine House of Representatives beginning with the 129th Legislature. It requires the Tribal Clerk of the Aroostook Band of Micmacs to furnish the outgoing Clerk of the House of Representatives with a certification of the name and residence of the Representative-elect of the Aroostook Band of Micmacs to the Legislature. It also authorizes the Representative of the Aroostook Band of Micmacs to be compensated in the same manner as other members of the House of Representatives. It also provides that the changes do not take effect unless the Aroostook Band of Micmacs approves them and provides certification of that approval to the Secretary of State within 90 days of the adjournment of the First Regular Session of the 128th Legislature.

LD 1021 *Resolve, To Establish the Study Committee To Develop a Disposition Plan for Future Surplus State Property in York County* **Died On Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MASTRACCIO A DESCHAMBAULT S	OTP-AM	H-67

This resolve was reported out of committee in the First Regular Session and then carried over to the Second Regular Session on the Special Study Table. It was then again carried over, still on the Special Study Table, from the Second Regular Session to the next special session by joint order S.P. 748.

The resolve establishes the Study Committee To Develop a Disposition Plan for Future Surplus State Property in York County to study and plan the disposition of the three district courthouses in York County to be vacated when the courts are consolidated into one building in 2021 and of associated surplus state property.

Committee Amendment "A" (H-67)

This amendment makes a technical correction to the resolve. The language "notwithstanding Joint Rule 353" is not necessary and is removed.

LD 1068 *An Act To Require That State-funded Buildings Be Constructed with Wood Products* **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAMPBELL R DAVIS P	ONTP	

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

The bill requires a person that engages in the construction or repair of public buildings or works to use wood products, including cross-laminated timber, for structural components to the extent that suitable wood products are feasible for use, competitively priced and permitted under state or local building codes.

LD 1345 *An Act To Amend the Laws Governing Employer Recovery of Overcompensation Paid to an Employee* **Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DOORE D DAVIS P	OTP-AM	H-610

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This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature. This bill was reported out of committee in the Second Regular Session. It was carried over, on the Special Appropriations Table, to the next special session by joint order S.P. 748.

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to establish an alternative method for an employee to pay back an employer for overcompensation of the employee due to the employer's error that is less of a hardship on the employee than the present requirements of law, which allow an employer to deduct up to 10% of an employee's wages to pay back the overcompensation of the employee.

Committee Amendment "A" (H-610)

This amendment replaces the bill, which is a concept draft. It amends the definition of "overcompensation" by an employer to include compensation in the form of paid leave. It changes the maximum amount an employer can withhold from an employee's pay to recover overcompensation from 10% to 5%. It prohibits an employer from recovering more than the amount of overcompensation paid to an employee in the three years preceding the discovery of the overcompensation. The amendment also specifies that the section of law regarding overcompensation by employers that includes these provisions does not limit or affect an employee's general civil remedies against an employer.

LD 1484 An Act Authorizing the Deorganization of the Town of Atkinson

P & S 14

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HIGGINS N	OTP-AM ONTP	H-698 S-432 LANGLEY B

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

The bill provides for the deorganization of the Town of Atkinson in Piscataquis County subject to approval at local referendum and execution of a withdrawal agreement from School Administrative District No. 41, also known as Regional School Unit No. 41. It also provides that townships deorganized on or after July 1, 2019, continue to receive school subsidies through general purpose aid to local schools, subject to approval at local referendum.

Committee Amendment "A" (H-698)

This amendment is the majority report of the committee. The amendment incorporates a fiscal note.

Senate Amendment "A" (S-432)

This amendment removes the provisions in the bill that enabled townships deorganized on or after July 1, 2019, to continue to receive school subsidies through general purpose aid to local schools.

Enacted Law Summary

Private and Special Law 2017, chapter 14 provides for the deorganization of the Town of Atkinson in Piscataquis County subject to approval at local referendum and execution of a withdrawal agreement from School Administrative District No. 41, also known as Regional School Unit No. 41. If the legal voters of the Town of Atkinson approve the referendum, deorganization takes effect July 1, 2019.

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LD 1588 An Act To Maintain Access to Property on Discontinued Roads

PUBLIC 345

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HILLIARD G	OTP-AM	H-646

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

The bill prohibits a municipality from discontinuing a road on which there is a residential structure that depends upon the road for its sole access and requires the municipality to plow snow from that road and keep it passable. The bill allows for the rebuttal of the presumption of abandonment of a public way if there is a residential structure that depends on the way for its sole access. The bill requires municipalities to maintain mail routes in accordance with United States Postal Service regulations.

Committee Amendment "A" (H-646)

This amendment replaces the bill and makes the following changes to the law governing discontinuance of town ways.

1. It requires that notice of a proposed discontinuance of a town way include information regarding the potential discontinuance or retention of a public easement, including maintenance obligations for and the right of access to the way under the discontinuance or retention of a public easement, and information regarding the rights of abutting property owners to enter into agreements regarding maintenance of and access to the discontinued way.
2. It requires that for a proposed discontinuance of a town way abutted by property not otherwise accessible by a public way the municipal officers provide additional notice to abutting property owners regarding their right to create private easements.
3. It prohibits the municipality from proceeding with discontinuance of a town way abutted by property not otherwise accessible by a public way unless the municipal officers have first given the additional notice to abutting property owners and allowed one year for the abutting property owners to grant easements that run with the title of the property owners' land for the purpose of allowing travel along that way for all abutting property owners and their lessees and guests. If after one year the abutting property owners have not created such private easements, the town may discontinue the way, but only if a public easement is retained. If after one year the abutting property owners have created such private easements, the town officers may proceed with discontinuance without retaining a public easement.
4. It specifies that for a municipality in which the municipal legislative body is the town meeting, a vote on the order of discontinuance of a town way must be conducted at the next regularly scheduled annual town meeting.
5. It provides that the above changes apply only to town ways not discontinued as of October 1, 2018.

The amendment also requires a seller of nonresidential real estate to provide the purchaser a property disclosure statement that includes information about any abandoned or discontinued roads, public easements or private roads on or abutting the property, if known by the seller. The disclosure must also include information about who is responsible for maintenance of such roads or easements, including any responsible road association, if known by the seller. It exempts certain property transfers that do not involve a traditional seller and purchaser from these requirements.

Enacted Law Summary

Public Law 2017, chapter 345 makes the following changes to the law governing discontinuance of town ways.

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1. It requires that notice of a proposed discontinuance of a town way include information regarding the potential discontinuance or retention of a public easement, including maintenance obligations for and the right of access to the way under the discontinuance or retention of a public easement, and information regarding the rights of abutting property owners to enter into agreements regarding maintenance of and access to the discontinued way.
2. It requires that for a proposed discontinuance of a town way abutted by property not otherwise accessible by a public way the municipal officers provide additional notice to abutting property owners regarding their right to create private easements.
3. It prohibits the municipality from proceeding with discontinuance of a town way abutted by property not otherwise accessible by a public way unless the municipal officers have first given the additional notice to abutting property owners and allowed one year for the abutting property owners to grant easements that run with the title of the property owners' land for the purpose of allowing travel along that way for all abutting property owners and their lessees and guests. If after one year the abutting property owners have not created such private easements, the town may discontinue the way, but only if a public easement is retained. If after one year the abutting property owners have created such private easements, the town officers may proceed with discontinuance without retaining a public easement.
4. It specifies that for a municipality in which the municipal legislative body is the town meeting, a vote on the order of discontinuance of a town way must be conducted at the next regularly scheduled annual town meeting.
5. It provides that the above changes apply only to town ways not discontinued as of October 1, 2018.

This law also requires a seller of nonresidential real estate to provide the purchaser a property disclosure statement that includes information about any abandoned or discontinued roads, public easements or private roads on or abutting the property, if known by the seller. The disclosure must also include information about who is responsible for maintenance of such roads or easements, including any responsible road association, if known by the seller. It exempts certain property transfers that do not involve a traditional seller and purchaser from these requirements.

LD 1604 Resolve, To Amend Authorization To Sell Certain Property in Augusta

INDEF PP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POULIOT M KATZ R	OTP-AM	H-587

This resolve was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

Resolve 2013, chapter 98 authorized the State to sell property located in Augusta to a nonprofit organization to be used exclusively for transitional housing for veterans. This resolve removes the restriction on the exclusive use of the property for transitional housing for veterans.

Committee Amendment "A" (H-587)

This amendment replaces the resolve. It authorizes the State to sell the property that is the subject of the resolve to a public-private partnership. The amendment preserves the authorization in current law to sell the property to a nonprofit organization. Rather than remove restrictions on the use of the property for transitional housing for veterans as in the resolve, the amendment modifies the existing restrictions on its use. The amendment requires the property to be used for veterans for transitional housing or substance abuse services.

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LD 1668 An Act To Change Certain Gender-specific Terminology in the Laws Regarding Municipalities and Counties

Died Between Houses

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MALABY R	ONTP OTP	

This bill changes the terms "selectman" and "selectmen" to "selectperson" and "selectpersons" in the Maine Revised Statutes, Title 30-A.

LD 1673 An Act Authorizing the Deorganization of Codyville Plantation

P & S 11

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TURNER B	OTP-AM	H-609

This bill provides for the deorganization of Codyville Plantation in Washington County, subject to approval at local referendum.

Committee Amendment "A" (H-609)

This amendment adds language to the bill to provide for the withdrawal of Codyville Plantation from the East Range II Community School District on June 30, 2019, if the legal voters of Codyville Plantation approve the referendum to deorganize as provided in the bill.

Enacted Law Summary

Private and Special Law 2017, chapter 11 provides for the deorganization of Codyville Plantation in Washington County, subject to approval at local referendum. If the legal voters of Codyville Plantation approve the referendum to deorganize, Codyville Plantation withdraws from the East Range II Community School District effective June 30, 2019, and deorganization takes effect July 1, 2019.

LD 1679 An Act Regarding the Registry of Deeds in Oxford County

**PUBLIC 330
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WINSOR T	OTP-AM	H-598

This bill provides that the Oxford County commissioners may close the office of the register of deeds at Fryeburg.

Committee Amendment "A" (H-598)

This amendment replaces the bill, which authorizes the Oxford County commissioners to close the office of the western district register of deeds in Fryeburg. Instead, the amendment does the following:

1. It repeals the provision of law providing for the Oxford County western registry district and eliminates the associated position of western district register of deeds effective December 31, 2018.
2. It provides for the election of a single register of deeds to serve all of Oxford County at the next general election in November 2018.

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3. It specifies that the current register of deeds of the western district and the western district office operate and function without change between the effective date of this legislation and the repeal date of December 31, 2018. It requires that, effective January 1, 2019, the Oxford County register of deeds maintain a western subregistry of deeds that includes all records of the former western registry district. It also requires that the county register of deeds operate a subregistry office at the location of the former western registry district office in Fryeburg, unless the Oxford County commissioners fulfill the following requirements: conduct two public hearings in the area served by the office; vote to close the office on a date certain; duplicate all historical maps and plot plans and provide copies to the member towns; make provisions for preservation of and access to the record books; provide online access to all documents; make electronic recording of documents available; and provide electronic recording at no additional cost or surcharge for municipal governments. Upon fulfilling these requirements, the county commissioners may close the Fryeburg Office.

The amendment adds an emergency preamble and emergency clause.

Enacted Law Summary

Public Law 2017, chapter 330 does the following:

- 1. It repeals the provision of law providing for the Oxford County western registry district and eliminates the associated position of western district register of deeds effective December 31, 2018.
- 2. It provides for the election of a single register of deeds to serve all of Oxford County at the next general election in November 2018.
- 3. It specifies that the current register of deeds of the western district and the western district office operate and function without change between the effective date of this legislation and the repeal date of December 31, 2018. It requires that, effective January 1, 2019, the Oxford County register of deeds maintain a western subregistry of deeds that includes all records of the former western registry district. It also requires that the county register of deeds operate a subregistry office at the location of the former western registry district office in Fryeburg, unless the Oxford County commissioners fulfill the following requirements: conduct two public hearings in the area served by the office; vote to close the office on a date certain; duplicate all historical maps and plot plans and provide copies to the member towns; make provisions for preservation of and access to the record books; provide online access to all documents; make electronic recording of documents available; and provide electronic recording at no additional cost or surcharge for municipal governments. Upon fulfilling these requirements, the county commissioners may close the Fryeburg Office.

Public Law 2017, chapter 330 was enacted as an emergency measure effective March 7, 2018.

LD 1764	An Act To Streamline Advocacy for Maine Small Businesses by Relocating the Bureau of the Special Advocate within the Department of the Secretary of State to the Department of Economic and Community Development	Died Between Houses
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STETKIS J	ONTP OTP-AM	

This bill relocates the Bureau of the Special Advocate from the Department of the Secretary of State to the Department of Economic and Community Development.

Committee Amendment "A" (H-638)

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This amendment is the minority report of the committee. The amendment adds an appropriations and allocations section to the bill.

LD 1776 An Act To Establish Requirements for Civil Deputies

PUBLIC 332

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DION M	OTP-AM	S-361

This bill enacts a definition of "civil deputy," codifies the designation and duties of civil deputies, requires payment to civil deputies at a reasonable rate of compensation established by the county commissioners and authorizes sheriffs to adopt rules, procedures and requirements applicable to civil deputies.

Committee Amendment "A" (S-361)

This amendment specifies that a sheriff may adopt rules, procedures and requirements related to the training of a civil deputy, as well as related to the qualifications of a civil deputy as provided in the bill.

Enacted Law Summary

Public Law 2017, chapter 332 enacts a definition of "civil deputy," codifies the designation and duties of civil deputies, requires payment to civil deputies at a reasonable rate of compensation established by the county commissioners and authorizes sheriffs to adopt rules, procedures and requirements related to the qualifications and training of a civil deputy and the service of civil process.

LD 1794 An Act To Allow the Efficient and Responsible Acquisition and Sale of Property by the Department of Administrative and Financial Services

Accepted Majority (ONTP) Report

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS P	ONTP OTP	

This bill authorizes the Department of Administrative and Financial Services, Bureau of General Services to acquire real estate determined necessary to meet the needs of the State. It authorizes the sale or disposition of real property determined necessary to maximize financial return and to manage the long-term planning needs of the State. It requires that a current opinion of value by a real estate appraiser be obtained and that the purchase or sale price reflect the opinion and current market conditions when the State enters into a real estate transaction.

LD 1804 Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell, Lease or Convey the Interests of the State in Certain Real Property Located in Augusta, Bucksport, Limestone, Brookton Township and Rockwood Strip Township

RESOLVE 34

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS P	OTP-AM	S-367

This resolve authorizes the Commissioner of Administrative and Financial Services to sell, lease or convey the interests of the State in certain property located in Augusta, Bangor, Limestone, Bucksport, T2 R8 NWP of the Unorganized Territory of Penobscot County, Brookton Township and Rockwood Strip, T1 R1 NBKP.

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Committee Amendment "A" (S-367)

This amendment removes the authority granted in the resolve to the Commissioner of Administrative and Financial Services to sell or lease state property located in Bangor and in T2 R8 NWP of the Penobscot County Unorganized Territory. The amendment also adds language to the resolve regarding the property authorized to be sold or leased in Rockwood Strip to include a parcel of land of approximately 6.35 acres in addition to the parcel of 0.36 acre specified in the resolve.

Enacted Law Summary

Resolve 2017, chapter 34 authorizes the Commissioner of Administrative and Financial Services to sell, lease or convey the interests of the State in certain property located in Augusta, Limestone, Bucksport, Brookton Township and Rockwood Strip, T1 R1 NBKP.

LD 1828 An Act To Validate Certain Proceedings Authorizing the Issuance of Bonds and Notes by the City of Bath

**P & S 15
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DECHANT J VITELLI E	OTP	

This bill validates the referendum conducted in the City of Bath on November 7, 2017. It authorizes the City of Bath to enter into contracts and issue bonds or notes of the city in an amount not to exceed \$2,800,000 to finance sidewalks and street and road construction, reconstruction and paving projects.

Enacted Law Summary

Private and Special Law 2017, chapter 15 validates the referendum conducted in the City of Bath on November 7, 2017. It authorizes the City of Bath to enter into contracts and issue bonds or notes of the city in an amount not to exceed \$2,800,000 to finance sidewalks and street and road construction, reconstruction and paving projects.

Private and Special Law 2017, chapter 15 was enacted as an emergency measure effective April 15, 2018.

LD 1840 An Act To Revise the Municipal Consolidation Referendum Process

PUBLIC 398

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRAKEY E ESPLING E	OTP-AM	S-418

This bill provides that if a municipality receives a petition proposing to form a joint charter commission for the purpose of consolidating with one or more municipalities, the municipal officers must hold a referendum to determine the willingness of the voters of the municipality to form a joint charter commission. If the referendum question is approved by a majority of voters in each municipality, a joint charter commission must be formed. It also provides that a municipality may not be a party to a consolidation agreement for 10 years, instead of three years as in current law, after the date a consolidation agreement is rejected. It also adds an exception to that 10-year period for when a majority of the municipal officers in each municipality subject to the rejected consolidation agreement vote to form a joint charter commission.

Committee Amendment "A" (S-418)

This amendment adds language to the bill to change the calculation of the number of signatures required for a petition for municipal consolidation to be based on the number of votes cast at the last gubernatorial election, rather

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than the number of voters in the municipality. It also adds language to allow a municipal charter to override the limit of 1,000 signatures that is set for certain municipalities. It also provides a cross-reference to the exception to the required number of signatures that applies in the period after a consolidation agreement is rejected by the voters.

The amendment specifies that the referendum on the formation of a joint charter commission must be at least 90 days after the petition is filed to allow for election preparation and deadlines. It also adds language to the referendum question to inform the voters that the consolidation agreement prepared by the commission would not be final unless approved by the voters.

The amendment adds language in the section of the bill regarding conditions for holding elections for a joint charter commission to cross-reference the vote by municipal officers to hold such elections.

The amendment sets the waiting period after a rejected consolidation agreement to six years, rather than 10 years as provided in the bill. It clarifies that the number of signatures required for a petition to obtain an exception to the waiting period is 30% of votes cast in the last gubernatorial election, rather than 30% of voters. It also clarifies the exception to the waiting period permitted by a vote of municipal officers, as provided in the bill, to specify that the vote is to hold elections of members to a joint charter commission.

Enacted Law Summary

Public Law 2017, chapter 398 provides that if a municipality receives a petition proposing to form a joint charter commission for the purpose of consolidating with one or more municipalities, the municipal officers must hold a referendum to determine the willingness of the voters of the municipality to form a joint charter commission. The law requires that the referendum on the formation of a joint charter commission must be held at least 90 days after the petition is filed to allow for election preparation and deadlines. If the referendum question is approved by a majority of voters in each municipality, a joint charter commission must be formed.

This law also changes the calculation of the number of signatures required for a petition for municipal consolidation to be based on the number of votes cast at the last gubernatorial election, rather than the number of voters in the municipality as in current law, and allows for a municipal charter to override the limit of 1,000 petition signatures that is set for certain municipalities.

It also provides that a municipality may not be a party to a consolidation agreement for six years, instead of three years as in current law, after the date a consolidation agreement is rejected. It specifies that the number of signatures required for a petition to obtain an exception to the waiting period after a rejected agreement is 30% of votes cast in the last gubernatorial election, rather than 30% of voters. It also adds an exception to that waiting period for when a majority of the municipal officers in each municipality subject to the rejected consolidation agreement vote to hold elections of members to a joint charter commission.

LD 1842 An Act To Require Education and Training Regarding Harassment for Legislators, Legislative Staff and Lobbyists

PUBLIC 443

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	S-387 S-484 LIBBY N

This bill was reported out of committee in the Second Regular Session of the 128th Legislature. It was carried over, on the Special Appropriations Table, to the next special session by joint order S.P. 748.

This bill requires legislators, legislative staff and lobbyists to attend and complete a course of in-person education and training regarding harassment, including sexual harassment, at the beginning of each regular session of the Legislature. It requires the Legislative Council to develop and implement the course.

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Committee Amendment "A" (S-387)

This amendment adds an appropriations and allocations section to the bill.

Senate Amendment "A" (S-484)

This amendment requires that lobbyists submit certification of completion of harassment training to the Maine Commission on Governmental Ethics and Election Practices at the time of registration, and directs the commission to reject registrations that do not include certification of completion of training. If completion of the required training prior to registration is not possible due to circumstances that are beyond a lobbyist's control, the commission may provide a limited extension to that lobbyist for completion of the training. This amendment also authorizes the commission to exempt lobbyists with a very limited physical presence in the State House complex from the requirement to complete harassment training prior to registration as lobbyists.

Enacted Law Summary

Public Law chapter 443 requires Legislators, legislative staff and lobbyists to attend and complete a course of in-person education and training regarding harassment, including sexual harassment, at the beginning of each regular session of the Legislature. It requires the Legislative Council to develop and implement the course. It requires that lobbyists submit certification of completion of harassment training to the Maine Commission on Governmental Ethics and Election Practices at the time of registration; directs the commission to reject registrations that do not include the training certification; and authorizes the commission to exempt lobbyists with a very limited physical presence in the State House complex from the training requirement.

LD 1849 An Act To Eliminate Inactive Boards and Commissions

**Died Between
Houses**

Sponsor(s)

Committee Report

Amendments Adopted

ONTP
OTP-AM

This bill was reported out by the committee pursuant to the Maine Revised Statutes, Title 5, section 12006, subsection 2, then referred back to the committee for processing in the normal course. As authorized by the law, and based on information provided by the Secretary of State, the bill eliminates boards and commissions that have not reported on their activities to the Secretary of State for the last two calendar years or have been inactive during the preceding 24 months. The bill also eliminates a statutory reference to the Interagency Review Panel, which was previously eliminated.

This bill eliminates the following boards and commissions:

1. The Advisory Board for the Licensing of Whitewater Guides;
2. The Advisory Committee on Fair Competition with Private Enterprise;
3. The Board of Licensing of Dietetic Practice;
4. The Commercial Fishing Safety Council;
5. The Maine Agricultural Water Management Board;
6. The Maine Biomedical Research Board;
7. The Maine Drug Enforcement Agency Advisory Board;
8. The Maine Quality Forum Advisory Council;
9. The Pollution Prevention and Small Business Assistance Advisory Panel;
10. The Prison Industries Advisory Council;
11. The Sex Offender Management and Risk Assessment Advisory Commission;
12. The State Education and Employment Outcomes Task Force;

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- 13. The Tobacco Prevention and Control Advisory Council;
- 14. The Board of Trustees of the Maine School for Marine Science, Technology, Transportation and Engineering; and
- 15. The St. Croix International Waterway Commission.

Committee Amendment "A" (H-671)

This amendment is the minority report of the committee. It removes from the bill the elimination of the following boards and commissions: the Advisory Board for the Licensing of Whitewater Guides, the Advisory Committee on Fair Competition with Private Enterprise, the Maine Agricultural Water Management Board, the Tobacco Prevention and Control Advisory Council, the Board of Trustees of the Maine School for Marine Science, Technology, Transportation and Engineering and the St. Croix International Waterway Commission. The amendment also adds an appropriations and allocations section.

LD 1850 An Act To Reorganize the Bureau of General Services in the Department of Administrative and Financial Services Died On Adjournment

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PICKETT R	OTP-AM	H-672

The bill was reported out of committee in the Second Regular Session. It was carried over on the Special Appropriations Table from the Second Regular Session to the next special session by joint order S.P. 748.

This bill was introduced in accordance with Public Law 2017, chapter 284, Part QQQQQ, section 3. The bill removes the Director of the Bureau of General Services from the list of state officials whose salaries are subject to adjustment by the Governor. It removes the authority and responsibility for general services functions and activities in the Department of Administrative and Financial Services from the Bureau of General Services and the Director of the Bureau of General Services and transfers that authority and responsibility to a Bureau of Business Management headed by the Chief Procurement Officer and a Bureau of Real Estate Management headed by the Chief Facilities Officer, a position created by the bill.

The bill removes and corrects references to the Bureau of Purchases, the State Purchasing Agent, the Director of Public Improvements and the Department of Administration, all of which no longer exist as a result of the creation of the Department of Administrative and Financial Services. It includes revision clauses to authorize the Revisor of Statutes to implement any necessary changes in statutory references when updating, publishing or republishing the statutes. The bill also updates an outdated reference to standards for the recycled content of paper and paper products and removes outdated references to the Office of Waste Reduction and Recycling, whose duties have been absorbed by the Department of Environmental Protection.

Committee Amendment "A" (H-672)

This amendment incorporates a fiscal note.

LD 1853 An Act To Ensure the Safe and Consistent Regulation of Pesticides throughout the State by Providing Exemptions to Municipal Ordinances That Regulate Pesticides Accepted Report A (ONTP)

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

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This bill provides that municipal ordinances that regulate the use of pesticides do not apply to commercial applicators and spray contracting firms and to private applicators when the private applicators are producing agricultural or horticultural commodities.

Committee Amendment "A" (S-431)

This amendment is a minority report of the committee and replaces the bill and changes the title. The amendment requires the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control to review any proposed municipal ordinance to regulate pesticide storage, distribution or use. Specifically, it requires municipalities to submit a proposed pesticide ordinance to the board at least 90 days prior to adoption, rather than seven days in current law. It requires the board to review the proposed ordinance and, within 60 days of receiving the proposed ordinance, to provide advice and comments on the proposed ordinance, including recommended revisions to ensure the safe and consistent regulation of pesticides. It requires the municipality to review and consider the board's advice and recommendations prior to adoption of the ordinance.

The amendment also requires the board to review existing municipal pesticide ordinances in place as of the effective date of this Act and, no later than December 31, 2018, provide advice and comments, including any recommended revisions to ensure the safe and consistent regulation of pesticides, to each municipality that has an existing ordinance. It requires the municipal officers to review and take under consideration the board's comments and recommended revisions to the existing ordinance.

LD 1877 An Act To Expand and Clarify the Areas Subject to Municipal Residency Restrictions for Sex Offenders

PUBLIC 393

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN D DAVIS P	OTP-AM	H-709

This bill allows a municipality to prohibit a sex offender from residing within 750 feet of any municipally owned or state-owned property, regardless of its use. Current law allows a municipality to prohibit a sex offender from residing within 750 feet of municipally owned or state-owned property that is leased to a nonprofit organization for use as a park, athletic field or recreational facility open to the public where children are the primary users.

Committee Amendment "A" (H-709)

This amendment replaces the bill and expands the area from which a sex offender may be excluded by enactment of a municipal ordinance to include 750 feet from a municipally owned or state-owned park, athletic field or recreational facility that is open to the public where children are the primary users, even if that property is not leased to a nonprofit organization. When the Maine Revised Statutes, Title 30-A, section 3014, subsection 2, paragraph B was amended in 2013, the legislation inadvertently omitted the ability of a municipality, by ordinance, to prohibit a sex offender from residing within 750 feet of property comprising a municipally owned or state-owned park, athletic field or recreational facility that is open to the public where children are the primary users; the exclusion was permitted only if that municipally owned or state-owned property was leased to a nonprofit organization.

Enacted Law Summary

Public Law 2017, chapter 393 expands the area from which a sex offender may be excluded by enactment of a municipal ordinance to include 750 feet from a municipally owned or state-owned park, athletic field or recreational facility that is open to the public where children are the primary users, even if that property is not leased to a nonprofit organization. When the Maine Revised Statutes, Title 30-A, section 3014, subsection 2, paragraph B was amended in 2013, the legislation inadvertently omitted the ability of a municipality, by ordinance, to prohibit a sex offender from residing within 750 feet of property comprising a municipally owned or state-owned park, athletic

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field or recreational facility that is open to the public where children are the primary users; the exclusion was permitted only if that municipally owned or state-owned property was leased to a nonprofit organization.

LD 1878 An Act To Increase the Annual Salary of the Governor and To Increase the Per Diem Meal and Housing Allowances Paid to Legislators Died On Adjournment

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

This bill was carried over from the Second Regular Session to the next special session by joint order S.P. 748.

This bill increases the Governor's salary from \$70,000 per year to \$150,000 per year beginning January 2019. The bill also increases the legislative meal and housing allowances from \$32 and \$38 to \$50 and \$75, respectively.

Committee Amendment "A" (H-752)

This amendment clarifies that the increase in the Governor's salary contained in the bill will not affect the calculation of the retirement allowance of the current Governor. The amendment also increases the daily maximum mileage allowance for legislators from \$38 to \$75, which aligns with the increase in the daily maximum housing allowance in the bill.

This amendment requires that, no later than September 1, 2018, the State Compensation Commission be appointed and convened and that the commission review the compensation of legislators, representatives of Indian tribes, Secretary and Assistant Secretary of the Senate and Clerk and Assistant Clerk of the House of Representatives and submit a report that includes its recommendations to the Legislature by January 2, 2019. The amendment also adds an appropriations and allocations section.

LD 1901 Resolve, To Recognize the 100th Anniversary of the American Legion on the Capitol Grounds RESOLVE 55 EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BELLOWS S	OTP-AM	S-462

This resolve requires the Department of the Secretary of State to work with the American Legion Department of Maine to secure a plaque for display on the immediate grounds of the State House to honor the 100th Anniversary of the American Legion. The department is authorized to accept from outside sources, including the American Legion Department of Maine, donated goods, services and funding for the design and construction of the plaque. Prior to the creation of the plaque, the proposed design and location of the plaque must be submitted to the Executive Director of the Legislative Council for approval by the Legislative Council, and final authorization for the placement of the plaque must be made by the Legislative Council.

Committee Amendment "A" (S-462)

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

Enacted Law Summary

Resolve 2017, chapter 55 requires the Department of the Secretary of State to work with the American Legion Department of Maine to secure a plaque for display on the immediate grounds of the State House to honor the 100th Anniversary of the American Legion. The department is authorized to accept from outside sources, including the

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American Legion Department of Maine, donated goods, services and funding for the design and construction of the plaque. Prior to the creation of the plaque, the proposed design and location of the plaque must be submitted to the Executive Director of the Legislative Council for approval by the Legislative Council, and final authorization for the placement of the plaque must be made by the Legislative Council.

Resolve 2017, chapter 55 was finally passed as an emergency measure effective May 1, 2018.

LD 1918 An Act To Authorize the Installation of a Gold Star Family Memorial in PUBLIC 469
Capitol Park

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HERBIG E THIBODEAU M		

This bill was not referred to committee.

This bill authorizes the State House and Capitol Park Commission to arrange for the development and installation of a monument honoring Gold Star Families.

Enacted Law Summary

Public Law 2017, chapter 469 authorizes the State House and Capitol Park Commission to arrange for the development and installation of a monument honoring Gold Star Families.

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SUBJECT INDEX

Boards and Commissions

Not Enacted

LD 1849	An Act To Eliminate Inactive Boards and Commissions	Died Between Houses
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Capitol Area/Capitol Complex

Enacted

LD 1918	An Act To Authorize the Installation of a Gold Star Family Memorial in Capitol Park	PUBLIC 469
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County Government - General

Enacted

LD 1679	An Act Regarding the Registry of Deeds in Oxford County	PUBLIC 330 EMERGENCY
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LD 1776	An Act To Establish Requirements for Civil Deputies	PUBLIC 332
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Local Government - Deorganization, Consolidation and Secession

Enacted

LD 780	An Act Authorizing the Deorganization of Cary Plantation	PUBLIC 403
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LD 1484	An Act Authorizing the Deorganization of the Town of Atkinson	P & S 14
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LD 1673	An Act Authorizing the Deorganization of Codyville Plantation	P & S 11
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LD 1840	An Act To Revise the Municipal Consolidation Referendum Process	PUBLIC 398
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Local Government - General

Enacted

LD 1828	An Act To Validate Certain Proceedings Authorizing the Issuance of Bonds and Notes by the City of Bath	P & S 15 EMERGENCY
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Not Enacted

LD 1668	An Act To Change Certain Gender-specific Terminology in the Laws Regarding Municipalities and Counties	Died Between Houses
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Local Government - Planning and Regulation

Enacted

LD 328	An Act To Encourage Regional Planning and Reorganization	PUBLIC 313
LD 1877	An Act To Expand and Clarify the Areas Subject to Municipal Residency Restrictions for Sex Offenders	PUBLIC 393

Not Enacted

LD 1853	An Act To Ensure the Safe and Consistent Regulation of Pesticides throughout the State by Providing Exemptions to Municipal Ordinances That Regulate Pesticides	Report A (ONTP)
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Local Government - Roads

Enacted

LD 1588	An Act To Maintain Access to Property on Discontinued Roads	PUBLIC 345
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Public Employment - Compensation

Not Enacted

LD 1345	An Act To Amend the Laws Governing Employer Recovery of Overcompensation Paid to an Employee	Veto Sustained
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Public Employment - Hiring

Not Enacted

LD 288	An Act To Limit Questions Regarding Criminal History on State Employment Applications	Died On Adjournment
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Public Purchasing and Contracting

Not Enacted

LD 473	An Act To Quantitatively Evaluate State Contracts	ONTP
LD 1068	An Act To Require That State-funded Buildings Be Constructed with Wood Products	ONTP

State Government - Agencies

Not Enacted

LD 823	An Act To Promote Transparency with Respect to Surveillance Technology	ONTP
LD 1764	An Act To Streamline Advocacy for Maine Small Businesses by Relocating the Bureau of the Special Advocate within the Department of the Secretary of State to the Department of Economic and Community Development	Died Between Houses
LD 1850	An Act To Reorganize the Bureau of General Services in the Department of Administrative and Financial Services	Died On Adjournment

State Government - General

Enacted

LD 1901	Resolve, To Recognize the 100th Anniversary of the American Legion on the Capitol Grounds	RESOLVE 55 EMERGENCY
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Not Enacted

LD 105 An Act To Create the Substance Use Disorders Cabinet Veto Sustained

State Government - Legislature

Enacted

LD 1842 An Act To Require Education and Training Regarding Harassment for Legislators, Legislative Staff and Lobbyists PUBLIC 443

Not Enacted

LD 890 An Act To Include a Representative of the Aroostook Band of Micmacs in the House of Representatives ONTP

LD 1878 An Act To Increase the Annual Salary of the Governor and To Increase the Per Diem Meal and Housing Allowances Paid to Legislators Died On Adjournment

State Government - Property

Enacted

LD 1804 Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell, Lease or Convey the Interests of the State in Certain Real Property Located in Augusta, Bucksport, Limestone, Brookton Township and Rockwood Strip Township RESOLVE 34

Not Enacted

LD 1021 Resolve, To Establish the Study Committee To Develop a Disposition Plan for Future Surplus State Property in York County Died On Adjournment

LD 1604 Resolve, To Amend Authorization To Sell Certain Property in Augusta INDEF PP

LD 1794 An Act To Allow the Efficient and Responsible Acquisition and Sale of Property by the Department of Administrative and Financial Services Majority (ONTP) Report