

STATE OF MAINE
127TH LEGISLATURE
SECOND REGULAR SESSION



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

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

May 2016

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Joint Standing Committee on State and Local Government

LD 6 Resolve, To Implement Recommendations of the Government Oversight Committee To Strengthen the Ethics Practices and Procedures for Executive Branch Employees **Died On Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-52
	ONTP	H-87 KRUGER C

This resolve was reported out of committee in the prior session and then carried over on the Special Appropriations Table.

This resolve implements the recommendations of the Government Oversight Committee stemming from two reports of the Office of Program Evaluation and Government Accountability: "Public Utilities Commission" and "Healthy Maine Partnerships' FY13 Contracts and Funding." The resolve directs the Department of Administrative and Financial Services to take certain steps to strengthen the ethics standards and practices for executive branch employees by developing a consolidated code based in part on recommendations contained in a December 2009 report to the Legislature from the Commission on Governmental Ethics and Election Practices entitled "Report on Ethics Laws for Executive Branch Employees." This resolve also requires the department to implement procedures for employees to seek guidance on ethics and to report potential ethics violations. The committee is also authorized to recommend to the Legislative Council a similar code of ethics and conduct for use by the Legislature.

Committee Amendment "A" (H-52)

This amendment is the majority report of the committee. It adds an appropriations and allocations section to the resolve.

House Amendment "A" To Committee Amendment "A" (H-87)

This amendment reduces from five to one the number of new positions authorized in the committee amendment and reduces the costs appropriated accordingly. This amendment also amends the reporting language to allow for the possibility that there may be implementation work going on beyond December 1, 2015.

LD 166 An Act To Allow Counties To Better Provide Rescue Services **Died Between Houses**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BEAVERS R DUTREMBLE D	OTP-AM	H-513

This bill was carried over from the First Regular Session of the 127th Legislature.

This bill allows York County Government to provide rescue services pursuant to the law governing counties' provision of ambulance services.

Committee Amendment "B" (H-513)

This amendment replaces the substance of the bill, which applies only to York County. It changes the title and removes language in current law that provides that a county may provide rescue services through the sheriff's department and instead provides that each county may provide rescue services to the entire county, omitting municipalities that ask to be excluded, or by municipal-county contracts to municipalities that enter into contracts as long as county tax revenues are not used to support the services. It also makes minor nonsubstantive technical

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changes to reflect current usage.

LD 1190 An Act To Amend the Androscoggin County Charter ONTP

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

This bill was carried over from the First Regular Session of the 127th Legislature.

This bill is a concept draft pursuant to Joint Rule 208 and proposes to amend the Androscoggin County charter.

LD 1206 An Act To Allow County Corrections Officers To Participate in the Retired County and Municipal Law Enforcement Officers and Municipal Firefighters Health Insurance Program ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUCKER R PATRICK J	ONTP	

This bill was carried over from the First Regular Session of the 127th Legislature.

This bill allows county corrections officers to participate in the Retired County and Municipal Law Enforcement Officers and Municipal Firefighters Health Insurance Program and renames the program and related fund accordingly.

LD 1286 An Act To Ensure the Use of Environmentally Responsible Insulation Materials in Taxpayer-funded Building Projects Died Between Houses

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

This bill was carried over from the First Regular Session of the 127th Legislature.

This bill requires the use of insulation with a low global-warming potential for all state-funded new building construction and substantial renovations of existing buildings. This bill also specifies that school administrative units; the Department of Administrative and Financial Services, Bureau of General Services, Division of Purchases; University of Maine System; Maine Community College System; the Maine State Housing Authority; and the Efficiency Maine Trust must use or require to be used low global-warming potential insulation in any state-funded new building construction or substantial renovation or any building constructed for the purpose of leasing or the substantial renovation of a leased building.

Committee Amendment "A" (S-386)

This amendment is the majority report of the committee. The amendment adds a mandate preamble. It provides that the requirement in the bill for the installation of insulation with a global warming potential of 10 or less for state-funded new construction or substantial renovations begins on October 1, 2017. It also provides that the requirement in the bill for the installation of insulation with a global warming potential of 10 or less for any building constructed or substantially renovated that is leased or will be leased to the specific entities listed in the bill

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begins on October 1, 2017.

This amendment was not adopted.

LD 1298 An Act Relating to the Creation of Public-private Facilities and Infrastructure

Died Between Houses

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

This bill was carried over from the First Regular Session of the 127th Legislature.

This bill authorizes and establishes a framework for governmental entities to enter into agreements with private entities and persons to develop or operate qualifying projects, including, but not limited to, ferries, mass transit facilities, vehicle parking facilities, port facilities, power generation facilities, fuel supply facilities, oil or gas pipelines, water supply facilities, public works facilities, waste treatment facilities, hospitals, schools, medical facilities, nursing care facilities and recreational facilities.

Committee Amendment "A" (H-575)

This amendment is the minority report and strikes and replaces the bill. It changes the title and amends Maine's procurement laws instead of, as in the bill, establishing a framework for governmental entities to enter into agreements with private entities and persons to develop or operate qualifying projects.

This amendment expands what can be purchased cooperatively by the State for other public entities. It adds "goods" and "commodities" to the list of terms under the scope of the purchasing authority of the Department of Administrative and Financial Services, Bureau of General Services. It replaces the term "services" with "labor, time or effort" by a contractor or vendor and removes the definition of "services." It provides that the Director of the Bureau of General Services may enter into or participate in multistate agreements when it is in the best interests of the State. The director may also enter into or participate in competitively awarded agreements from the United States Government, other state and local governments or other public entities when the competitive process is similar to the State's.

The amendment updates language regarding reasons for which a waiver of competition can be granted by the bureau. The language provides consistency and updates current practices to better reflect current markets, including the addition of natural gas and electricity. It also increases from \$10,000 or less to \$25,000 or less the amount of expenditures under which the director may waive competitive bidding if procurement from a single source is the most economical, effective and appropriate.

The amendment expands what the bureau must consider when determining the best-value bidder for any goods or services to be consistent with competitive bidding documents. It clarifies how to remedy tie bids.

The amendment provides that rules of the State Purchasing Agent that govern the procedure for reviewing competitive bids include the requirement that written records of the evaluation of bids be kept.

This amendment was not adopted.

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**LD 1325 An Act To Ensure a Public Process When Discontinuing or Abandoning
a Public Road**

PUBLIC 464

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NADEAU C VALENTINO L	OTP-AM	H-558 S-414 LIBBY N

This bill was carried over from the First Regular Session of the 127th Legislature.

This bill changes the laws governing discontinued and abandoned roads.

Under current law, a presumption of abandonment exists if a municipality fails to keep a way passable for the use of motor vehicles at the expense of the municipality for a period of 30 or more years. This bill eliminates that presumption for ways that have not met that statutory requirement by January 1, 2020. Instead, for all other public ways, the bill provides a new discontinuance process, which is the only means for a municipality to actively terminate its interests in a public way. The new discontinuance process specifies five steps a municipality must follow to discontinue a road: the notification of proposed discontinuance to the abutting property owners; a meeting of municipal officers to discuss the proposed discontinuance and the filing of an order of discontinuance specifying whether or not there will be a public easement and any public use restrictions or municipal maintenance and liability responsibilities for the public easement; a public hearing on the discontinuance; approval of the order of discontinuance by the municipal legislative body; and the filing of the certificate of discontinuance by the municipal clerk in the registry of deeds and with the municipality. The bill requires the abutters of a public easement that is discontinued to be granted a right-of-way. The municipality may charge a reasonable fee to fulfill any request for records obtained by the municipality from the registry of deeds.

The bill continues to exempt a municipality from liability for nonperformance of a legal duty with respect to a town or county way that has not been kept passable for the use of motor vehicles at the expense of that municipality for a period of 30 or more years.

It requires that a public easement must be retained in a discontinued road if abutting property owners need to use it to access their property. It also provides that a public utility easement will be in place whenever a road is discontinued, regardless of whether a public easement is retained.

A way that is presumptively abandoned retains a public easement, as is the default position under current law. The bill does not modify common law abandonment.

The bill allows a municipality to prepare a list of all town ways in that municipality that are currently maintained with public funds; a list of all town ways that have been discontinued since 1965 and whether or not a public easement was retained, if known; and a list of all town ways that have been abandoned since 1965 and whether or not a public easement was retained, if known. If a municipality prepares a list, the municipality must publish the list on its publicly accessible website or make copies available at the municipal office, for which the municipality may charge a reasonable fee. The municipality must record the list at the county registry of deeds.

Committee Amendment "A" (H-558)

This amendment retains the new discontinuance process proposed in the bill for a municipality to actively terminate its interests in a public way. The bill requires that if a public easement is to be retained the municipal officers identify the extent of municipal maintenance and liability responsibilities and any restrictions on how the public may use the public easement. The amendment instead specifies that when filing an order of discontinuance the municipal officers must specify whether or not a public easement is retained, and, if this is not specified, the public easement is retained. The new discontinuance process proposed in the bill specifies steps a municipality must

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follow to discontinue a road: the notification of proposed discontinuance to the abutting property owners; a meeting of municipal officers to discuss the proposed discontinuance and the filing of an order of discontinuance; a public hearing on the discontinuance; approval of the order of discontinuance by the municipal legislative body; and the filing of the certificate of discontinuance by the municipal clerk in the registry of deeds and with the municipality. The amendment adds that the municipal clerk must provide a photocopy of the certificate to the Department of Transportation, Bureau of Maintenance and Operations and removes the requirement that the clerk file the certificate with the municipality.

The amendment removes from the bill the requirement that abutters of a public easement must be granted a right-of-way prior to the filing of a certificate of discontinuance if a discontinuance order is approved.

The amendment removes language in the bill that eliminates presumption of abandonment for ways that do not meet the statutory requirements by January 1, 2020. Statutory abandonment remains a means for a municipality to actively terminate its interests in a public way.

The amendment retains the provision of the bill that provides that a public utility easement is in place whenever a road is discontinued, regardless of whether a public easement is retained.

The amendment retains the provision of the bill that provides that a municipal clerk must file a record with the registry of deeds that a town way has been discontinued by abandonment if, either on their own or after being presented with evidence of abandonment, the municipal officers determine that a town way has been discontinued by abandonment. The amendment requires the municipal clerk to provide a copy of the document to the Department of Transportation, Bureau of Maintenance and Operations.

The amendment retains language in the bill regarding a cause of action for a property owner whose property abuts a discontinued or abandoned road with a public easement. The property owner may bring a civil action in Superior Court for damages and injunctive relief against a person who causes damage to the road. The amendment excludes from civil liability law enforcement officers and emergency responders who damage the road while responding to an emergency.

Instead of, as in the bill, allowing a municipality to prepare a list of all town ways in the municipality maintained with public funds, a list of all town ways discontinued since 1965 and whether or not a public easement was retained and a list of all town ways abandoned since 1965 and whether or not a public easement was retained, the amendment allows a municipality to develop or update publicly available inventories of all known town ways and former town ways or segments of town ways, that have been discontinued or discontinued by abandonment within its borders. Municipalities may include the following information on discontinued town ways: a description of the town way or former town way; any known judicial determination regarding the status of a public easement on the former town way; the date of the discontinuance; and the governmental entity effecting the discontinuance. Municipalities may include the following for town ways discontinued by abandonment: a description of the town way or former town way; any known judicial determination regarding the status of a public easement on the former town way; and the last known date of regular, publicly funded maintenance of the town way or former town way or segment of the town way. Municipalities may share their inventories with the Department of Transportation, Bureau of Maintenance and Operations.

The Department of Transportation is required to update the joint standing committee of the Legislature having jurisdiction over state and local government matters by November 1, 2018 on the status of any road inventories developed by municipalities.

The fiscal note on the amendment identifies a requirement in this amendment as a potential insignificant state mandate. In order to be a mandate pursuant to the Constitution of Maine, 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 committee finds that the provisions identified as a potential mandate do not require a local unit of government to

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expand or modify its activities so as to necessitate additional expenditures from local revenue.

The requirement in the amendment that a municipality make an appropriate filing in the registry of deeds if it makes a final determination that a road has been abandoned does not require an expansion or modification of activities so as to necessitate additional expenditures from local revenue since there is no requirement that a municipality abandon one of its roads or determine the road has been abandoned. The amendment requires only that a municipality take the appropriate legal step of recording a determination of abandonment if the municipality chooses to make such a determination.

Senate Amendment "A" To Committee Amendment "A" (S-414)

This amendment restores the mandate preamble.

Enacted Law Summary

Public Law 2015, chapter 464 outlines specific steps a municipality must follow to discontinue a road: the notification of proposed discontinuance to the abutting property owners; a meeting of municipal officers to discuss the proposed discontinuance and the filing of an order of discontinuance; a public hearing on the discontinuance; approval of the order of discontinuance by the municipal legislative body; and the filing of the certificate of discontinuance by the municipal clerk in the registry of deeds and with the municipality. It specifies that when filing an order of discontinuance the municipal officers must specify whether or not a public easement is retained, and, if this is not specified, the public easement is retained. Public Law 2015, chapter 464 requires the municipal clerk to provide a photocopy of the certificate of discontinuance to the Department of Transportation, Bureau of Maintenance and Operations.

Public Law 2015, chapter 464 provides that a public utility easement is in place whenever a road is discontinued, regardless of whether a public easement is retained.

Public Law 2015, chapter 464 provides that a municipal clerk must file a record with the registry of deeds that a town way has been discontinued by abandonment if, either on their own or after being presented with evidence of abandonment, the municipal officers determine that a town way has been discontinued by abandonment. It requires the municipal clerk to provide a copy of the document to the Department of Transportation, Bureau of Maintenance and Operations.

LD 1328 An Act To Clarify the Ownership of and Access to Ancient and Family Burying Grounds ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CUSHING A TEPLER D	ONTP	

This bill was carried over from the First Regular Session of the 127th Legislature.

This bill creates the following provisions.

1. A municipality or its caretaker may access an ancient burying ground on privately owned land annually or as determined by the municipality or its designated caretaker.
2. A municipality or its designated caretaker may use photography, video recording, geographic positioning systems and transcription of grave marker inscriptions to document condition and preserve historic information in a burying ground.
3. A municipality or its designated caretaker may use ground-penetrating radar or other methods to determine the

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location of unmarked graves and cemetery boundaries.

4. A person who owns land that contains an ancient burying ground must provide a descendant or relative of a person buried in the ancient burying ground, or a descendant or relative's designated agent, access to the ancient burying ground for the purposes of protecting or preserving it.
5. A municipal clerk of the municipality where an ancient burying ground is located must notarize a document allowing access to an ancient burying ground on privately owned land to a descendant or relative of a person buried in an ancient burying ground or the designated agent of the descendant or relative by the person who owns the parcel of land.
6. A descendant or relative of a person buried in an ancient burying ground, or the agent of a descendant or relative, may use photography, video recording, geographic positioning systems and transcription of grave marker inscriptions to document condition and preserve historic information in the burying ground. A descendant or relative of a person buried in an ancient burying ground, or the designated agent of a descendant or relative, may also erect and repair fencing and repair gravestones.
7. A descendant or relative of a person buried in an ancient burying ground or the designated agent of a descendant or relative may employ a person to use ground-penetrating radar or other methods to determine the location of unmarked graves and cemetery boundaries.
8. The inability to locate a record of a burying ground at a registry of deeds in the county in which the burying ground is located or in the records of the municipal clerk of the municipality in which the burying ground is located does not negate ownership of the burying ground.
9. If a descendant or relative of a person buried in the burying ground, or the designated agent of a descendant or relative, a municipality or its designated agent, a historical society, a lineage society or the faculty of an educational institution is unable to locate records of a burying ground, that individual or entity may file a description of the location and boundaries of the burying ground, along with supporting documentation, with the municipal clerk of the municipality where the burying ground is located.
10. The inability to locate a record of a family burying ground at a registry of deeds of the county in which the family burying ground is located or in the records of the municipal clerk of the municipality in which the family burying ground is located does not negate ownership of a family burying ground by descendants or relatives of a person buried in the family burying ground.
11. A descendant or relative of a person buried in a family burying ground, or the designated agent of a descendant or relative, may file a description of the location and boundaries of the burying ground, along with supporting documentation, with the municipal clerk of the municipality where the burying ground is located. If a descendant or relative of a person buried in a family burying ground cannot be located, the municipality or its designated agent, a historical society, a lineage society or the faculty of an educational institution may file the description of the burying ground.
12. A descendant or relative of a person buried in a family burying ground, or the designated agent of a descendant or relative, may use photography, video recording, geographic positioning systems and transcription of grave marker inscriptions to document condition and preserve historic information in the burying ground. A descendant or relative of a person buried in a family burying ground, or the designated agent of a descendant or relative, may also erect and repair fencing and repair gravestones.
13. A descendant or relative of a person buried in a family burying ground, or the designated agent of a descendant or relative, may employ a person to use ground-penetrating radar or other methods to determine the location of unmarked graves and cemetery boundaries.

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14. A relative of a person interred in a family burying ground is given an easement to access the burying ground if a property surrounding the burying ground is conveyed in a way that makes it inaccessible from any public way. Current statute already gives this benefit to the spouse, ancestors and descendants of a person interred in a family burying ground. Under this bill, the easement may be used only during daylight hours, and the property owner must designate the direct route a person must use to access the family burying ground.

15. The property owner who gives access to the spouse, ancestors, descendants and relatives of a person interred in a family burying ground is not liable for any injuries sustained by a person accessing the burying ground by the designated direct route or within the boundaries of the burying ground.

LD 1456 Resolve, Authorizing the Commissioner of Administrative and Financial Services To Convey Approximately 0.75 Acre of Land in Madrid Township to the Madrid Historical Society RESOLVE 67

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO T	OTP-AM	S-377

This resolve authorizes the Commissioner of Administrative and Financial Services to convey a parcel of land of about 0.75 acre that abuts the Madrid Historical Society to the Madrid Historical Society.

Committee Amendment "A" (S-377)

This amendment retains the substance of the resolve and adds the following provisions.

1. It defines "state property" and "commissioner" for the purposes of the resolve.
2. It makes a clarification regarding the ownership of a parcel of land abutting the parcel to be sold.
3. It clarifies that the State acquired the parcel of land upon the deorganization of the Town of Madrid.
4. It authorizes the Commissioner of Administrative and Financial Services to negotiate and execute purchase and sale agreements and provides that the title of the property must be transferred from the State by quitclaim deed without covenant or release deed to the Madrid Historical Society.
5. It exempts the transfer from any statutory or regulatory requirement that the property be offered to a state or local agency or offered through competitive bidding.
6. It specifies that any proceeds from a sale must be deposited in the Unorganized Territory Education and Services Fund.
7. It provides that the resolve is repealed five years after its effective date.

Enacted Law Summary

Resolve 2015, chapter 67 authorizes the Commissioner of Administrative and Financial Services to convey a parcel of land of about 0.75 acre that abuts the Madrid Historical Society to the Madrid Historical Society. It authorizes the Commissioner of Administrative and Financial Services to negotiate and execute purchase and sale agreements and provides that the title of the property must be transferred from the State by quitclaim deed without covenant or release deed to the Madrid Historical Society. Resolve 2015, chapter 67 exempts the transfer from any statutory or regulatory requirement that the property be offered to a state or local agency or offered through competitive bidding and specifies that any proceeds from a sale must be deposited in the Unorganized Territory Education and Services Fund. It also provides that the resolve is repealed five years after its effective date.

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LD 1504 An Act To Establish November 1st as Veterans in the Arts and Humanities Day

PUBLIC 399

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUCHESNE R	OTP-AM	H-535

This bill establishes November 1st as Veterans in the Arts and Humanities Day to celebrate the significant contributions of veterans of the United States Armed Forces in the arts and humanities.

Committee Amendment "A" (H-535)

This amendment provides that the Governor may annually issue a proclamation urging the people of the State to observe Veterans in the Arts and Humanities Day with appropriate celebration and activity instead of requiring the Governor to do so as stated in the bill.

Enacted Law Summary

Public Law 2015, chapter 399 establishes November 1st as Veterans in the Arts and Humanities Day to celebrate the significant contributions of veterans of the United States Armed Forces in the arts and humanities. Public Law 2015, chapter 399 provides that the Governor may annually issue a proclamation urging the people of the State to observe Veterans in the Arts and Humanities Day with appropriate celebration and activity.

LD 1525 An Act To Encourage the Purchase of Products Made in Maine and in the United States and To Give Preference to Maine Businesses When Awarding Contracts

Died Between Houses

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

This bill requires that all contracts for the construction, reconstruction, alteration, repair, improvement or maintenance of a public building or public work made by a state department, agency, board, commission or institution contain a provision that the manufactured goods, including iron and steel, used or supplied in the performance of the contract or any subcontract under the contract must be manufactured in Maine or in the United States. This requirement does not apply to counties, municipalities or school administrative units.

The bill requires that, in the case of a manufactured good other than an iron or steel product, all of the manufacturing processes take place in Maine or in the United States and the origin of the manufactured good's components or subcomponents meet a minimum level of domestic content as established by rule.

The bill provides that a public agency 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 Maine or in the United States in sufficient and reasonably available quantities and of a satisfactory quality or that inclusion of manufactured goods made in Maine or 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 regarding this legislation, including rules to guide the waiver process and the process for public review and comment regarding requests for a waiver.

The bill requires that if the Department of Administrative and Financial Services has reason to believe that any person, business or other entity has intentionally made fraudulent representations about the domestic content of a

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manufactured good or has intentionally violated any provision of this legislation, 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 gives preference in the awarding of contracts to businesses located in the State.

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.

Committee Amendment "A" (S-459)

This amendment, which is the majority report of the committee, makes the following changes to the bill.

1. It changes the title of the bill.
2. It amends the bill to clarify that the law's application must be consistent with all applicable trade obligations and not only with the State's international trade obligations.
3. It amends the bill to include the University of Maine System, the Maine Community College System and the Maine Maritime Academy in the definition of "public agency."
4. It establishes the seven-member Procurement Review Board, which must review proposals, bids, contract renewals and amendments to, extensions of and changes to existing contracts valued over \$1,000,000 and, upon a majority vote of the board, may review proposals, bids, contract renewals and amendments to, extensions of and changes to existing contracts valued under \$1,000,000. The Attorney General and Treasurer of State serve as nonvoting members of the board.
5. It requires the Procurement Review Board to meet at least twice per month in person and make records and minutes of meetings accessible to the public.
6. It sets out requirements for sole source contracts under review by the board.
7. It requires each applicable state department and agency to notify the board and applicable legislative committee of jurisdiction within three months of determining that a contract has resulted in a cost overrun.
8. It adds an appropriations and allocations section.

This amendment was not adopted.

Committee Amendment "B" (S-460)

This amendment is the minority report of the committee and strikes and replaces the bill. It changes the title and requires the use of scoring criteria on service contracts expected to exceed \$100,000 and printing service contracts expected to exceed \$5,000 to evaluate a bidder's economic impact on Maine's economy and state revenues.

This amendment was not adopted.

LD 1560 An Act To Strengthen Intragovernment Communication

**Died On
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KATZ R POULIOT M	OTP ONTP	

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This bill requires the commissioner or director of a state agency, which includes executive branch departments and quasi-independent agencies, to appear before a joint standing committee of the Legislature or a study commission or work group formed by legislative action and to participate in the hearing and work sessions of that committee, commission or work group. The committee, commission or work group must request the attendance of the commissioner or director in writing and provide the date and time of the hearing or work session.

LD 1588 An Act To Require That Public Postsecondary Educational Institutions in the State Give Preference to Maine Producers When Entering into Contracts Related to Heating Fuel **Died Between Houses**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAUCIER R CUSHING A	OTP-AM ONTP	

This bill requires the University of Maine System, the Maine Maritime Academy and the Maine Community College System, when entering into a contract for heating fuel, to give preference to companies producing that type of heating fuel in the State.

Committee Amendment "A" (H-564)

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

This amendment was not adopted.

LD 1600 An Act Regarding Consent to Land Transfers to the Federal Government **PUBLIC 458**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STANLEY S	ONTP OTP-AM	H-571

This bill amends the laws governing the consent that is given by the State to the Federal Government to acquire land to require that such an acquisition include a reverter clause to apply in the event the Federal Government attempts to designate such land a national monument.

Committee Amendment "A" (H-571)

This amendment is the minority report of the committee. It removes the requirement for a reverter clause in a deed and conveyance or title papers in the event that land is given by the State to the Federal Government and the Federal Government attempts to designate such land a national monument. It adds language specifying that, in the case of designation of property as a national monument, the consent of the Legislature is not given to the Federal Government for the acquisition of land.

Enacted Law Summary

Public Law 2015, chapter 458 specifies that, in the case of designation of property as a national monument, the consent of the Legislature is not given to the Federal Government for the acquisition of land.

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LD 1609 An Act To Designate the Maine Lobster as the State Crustacean

PUBLIC 426

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

This bill designates the Maine lobster as the official state crustacean.

Enacted Law Summary

Public Law 2015, chapter 426 designates the Maine lobster as the official state crustacean.

LD 1624 An Act To Eliminate Inactive Boards and Commissions

PUBLIC 491

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

This bill eliminates boards and commissions that have reported inactivity during 2014 and 2015. The boards and commissions eliminated for inactivity are:

1. The Aquaculture Advisory Council;
2. The ATV Trail Advisory Council;
3. The Citizens' Code of Conduct Working Group;
4. The Judicial Compensation Commission;
5. The Legislative Youth Advisory Council;
6. The Maine Agricultural Water Management Board;
7. The Maine Biomedical Research Board;
8. The Maine Quality Forum Advisory Council; and
9. The Tobacco Prevention and Control Advisory Council.

This bill is reported out by the Joint Standing Committee on State and Local Government pursuant to the Maine Revised Statutes, Title 5, section 12006, subsection 2. As authorized by the law, and based on the Secretary of State's submission of recommendations regarding which boards and commissions to eliminate, the bill eliminates boards and commissions that have been inactive during the preceding 24 months.

Committee Amendment "A" (H-598)

This amendment removes from the bill the Aquaculture Advisory Council, the Judicial Compensation Commission, the Maine Agricultural Water Management Board, the Maine Biomedical Research Board, the Maine Quality Forum Advisory Council and the Tobacco Prevention and Control Advisory Council. This leaves the ATV Trail Advisory Council, the Citizens' Code of Conduct Working Group and the Legislative Youth Advisory Council to be eliminated

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for inactivity, as proposed in the bill.

This amendment also deappropriates savings related to the elimination of the Legislative Youth Advisory Council.

Enacted Law Summary

Public Law 2015, chapter 491 eliminates the following boards and commissions due to inactivity during 2014 and 2015: the ATV Trail Advisory Council, the Citizens' Code of Conduct Working Group and the Legislative Youth Advisory Council.

LD 1633 An Act Authorizing the Deorganization of Cary Plantation ONTP

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

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

LD 1635 An Act Authorizing the Deorganization of Oxbow Plantation P & S 17

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J	OTP-AM	H-572

This bill provides for the deorganization of Oxbow Plantation in Aroostook County, subject to approval at local referendum and execution of a withdrawal agreement from School Administrative District No. 32, also known as Regional School Unit No. 32.

Committee Amendment "A" (H-572)

This amendment corrects the name in the bill of the deorganized township to Oxbow North Township.

Enacted Law Summary

Private and Special Law 2015, chapter 17 provides for the deorganization of Oxbow Plantation in Aroostook County, subject to approval at local referendum and execution of a withdrawal agreement from School Administrative District No. 32, also known as Regional School Unit No. 32. Upon successful deorganization, the former Oxbow Plantation will be identified as Oxbow North Township.

LD 1637 An Act To Assist Maine Citizens Residing along Public Easements Accepted Majority (ONTP) Report

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

This bill requires a municipality that discontinues a town way but that retains a public easement on that town way to continue to maintain that public easement, at the expense of the municipality, so that it is reasonably passable by motor vehicles if there are legal residences on the property abutting the town way at the time of discontinuance. If a municipality discontinues a town way and specifically discontinues the public easement on that town way, the

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interests of the municipality pass to the abutting property owners to the center of the town way and the municipality is not required to keep the town way passable. As defined in current law, a town way includes a county way not discontinued prior to July 29, 1976.

This bill also requires a municipality to maintain a mail route located on a right-of-way held by the municipality to the standard required by United States Postal Service regulations.

Committee Amendment "A" (H-607)

This amendment is the minority report of the committee. This amendment removes the section of the bill relating to maintenance of public easements if retained or not retained at the time of discontinuance. It replaces "right-of-way" with "public easement" in the mail route section and retains current statutory language regarding the removal of snow fences by a municipality.

This amendment was not adopted.

LD 1652 An Act Regarding Municipal Immigration Policies

**Died On
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LOCKMAN L BRAKEY E		

This bill was not referred to committee.

This bill provides that a municipality is ineligible to receive general purpose aid for local schools, municipal general assistance and state-municipal revenue sharing if that municipality prohibits or restricts, formally or informally, the exchange of information with the federal Immigration and Naturalization Service or any other federal, state or local government entity regarding the immigration status, lawful or unlawful, of any individual or the maintenance of such information.

This amendment was not adopted.

LD 1658 An Act To Reform the Veteran Preference in State Hiring and Retention

PUBLIC 438

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HANINGTON S CYRWAY S	OTP-AM	H-622

Current law provides that, in making appointments to positions in the classified service, preference in the form of points added to test scores must be given to honorably separated veterans of the Armed Forces of the United States and to the spouse of a disabled veteran, the widow or widower of a veteran and the parents of a deceased veteran who lost his or her life under honorable conditions while serving on active duty. This bill repeals that language and provides preference in the form of an interview to any person who has served on active duty in the United States Armed Forces including the Reserves of the United States Armed Forces and the National Guard and received a discharge other than dishonorable and who meets the minimum qualifications established for a position.

The bill also repeals the provision that authorizes certain veterans and certain family members of disabled or deceased veterans to file an application for and reopen an open competitive examination during the life of an eligible register resulting from a published announcement.

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Committee Amendment "A" (H-622)

This amendment expands the benefits in the bill for veterans to apply to gold star spouses. A gold star spouse is a widow or widower of a veteran who is eligible to receive a gold star lapel pin under 10 United States Code, Section 1126 (2010).

Enacted Law Summary

Public Law 2015, chapter 438 repeals statutory language regarding preference given to veterans in making appointments to positions in the classified service, preference in the form of points added to test scores that must be given to honorably separated veterans of the Armed Forces of the United States and to the spouse of a disabled veteran, the widow or widower of a veteran and the parents of a deceased veteran who lost his or her life under honorable conditions while serving on active duty. It also repeals the provision that authorizes certain veterans and certain family members of disabled or deceased veterans to file an application for and reopen an open competitive examination during the life of an eligible register resulting from a published announcement.

Public Law 2015, chapter 438 instead gives preference in the form of an interview to any person who has served on active duty in the United States Armed Forces, including the Reserves of the United States Armed Forces and the National Guard, and received a discharge other than dishonorable and who meets the minimum qualifications established for a position. The preference also applies to gold star spouses, widows or widowers of veterans who are eligible to receive a gold star lapel pin under 10 United States Code, Section 1126 (2010).

LD 1663 An Act To Promote Recruitment and Retention of State Employees

Died Between Houses

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

This bill makes the following changes to the law relating to recruitment, hiring and retention of state employees.

1. Current law provides that the laws governing the state civil service system are not intended to limit or restrict the rights of state employees to bargain collectively. This bill strikes that language and instead provides that the laws governing the state civil service system provide a framework under which collective bargaining can take place.
2. Current law provides that, except as provided in statute, a position may not be assigned a salary that is greater than the maximum or lower than the minimum rates fixed in the compensation plan. This bill repeals that prohibition.
3. It changes the law governing recruitment and retention adjustments to remove the requirement that, if applicable, the Director of Human Resources within the Department of Administrative and Financial Services obtain the agreement of the bargaining agent.
4. It amends the law governing the conditions that justify the payment of a recruitment and retention adjustment by adding the existence of other documentable recruitment and retention difficulties as a condition warranting the adjustment, and eliminating the existence of a clear, geographically definable labor market within which the State must compete as a condition warranting the adjustment.
5. It specifies that, if a subsequent review of any recruitment and retention adjustment results in an adjustment being decreased or discontinued, an affected employee may not be subject to a reduction in pay.
6. It eliminates the requirement that, if a funding request is necessary to implement an approved adjustment, the

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Director of Human Resources submit the cost items for inclusion in the Governor's next operating budget within 10 days after action on the report recommending the adjustment.

7. It specifies that salary increases within an established range must be based upon meritorious performance, which is defined as performance that exceeds satisfactory performance.

8. It provides that, in hiring an employee who has not been employed by the executive branch within the immediately preceding 12 months, an agency may offer and pay a one-time recruitment bonus to the new employee that is subject to the discretion of the agency and is removed from collective bargaining.

LD 1664 An Act To Enable the State To Hire Qualified Applicants for Vital State Jobs **Accepted Majority (ONTP) Report**

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

This bill makes the following changes to the law relating to recruitment, hiring and retention of state employees.

Current law provides that the Director of Human Resources within the Department of Administrative and Financial Services may establish policies and procedures to allow departments and agencies to administer the tests and to interview persons taking the tests. This bill provides that the director may establish policies and procedures to allow departments and agencies to administer tests and conduct interviews.

Current law provides that an application for a position in State Government may not be rejected solely because the applicant lacks educational qualifications and specifies that acceptable equivalent combinations of appropriate experience or education may be substituted for formal educational qualifications, except where the educational qualifications are reflected in necessary registrations or federal standards. This bill repeals that provision.

LD 1668 An Act To Facilitate Internal Hiring by Reforming the Use of Registers in the State Civil Service System **PUBLIC 442**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VOLK A	OTP-AM	S-449

This bill makes the following changes to the law relating to recruitment, hiring and retention of state employees.

1. It specifies that, prior to implementing procedures regarding developing and implementing a system of registers of eligible persons, the Director of Human Resources within the Department of Administrative and Financial Services is required to meet and consult with collective bargaining representatives of affected employees.

2. Current law limits the length of time a person in a temporary position may remain in that temporary position to no more than one year. This bill removes that limitation.

3. It eliminates the requirement that the Director of Human Resources place the names of eligible persons on the register in order of their ratings.

4. It repeals language providing that a person may not be removed from the register of eligible persons for failure to respond in less than three months' time to a written inquiry of the Director of Human Resources or appointing authority regarding availability for appointment. It also repeals language providing that a person may not be

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removed from the register of eligible persons for failure to be appointed to a position following certification.

5. It specifies that the Director of Human Resources within the Department of Administrative and Financial Services may grant an extension of temporary employment beyond one year to a person in a temporary position when the extension is warranted by unusual circumstances.

Committee Amendment "A" (S-449)

This amendment specifies that the Director of Human Resources within the Department of Administrative and Financial Services may grant an extension of temporary employment beyond one year to a person in a temporary position when the extension is warranted by unusual circumstances.

Enacted Law Summary

Public law 2015, chapter 442 makes the following changes to the law relating to recruitment, hiring and retention of state employees.

1. It specifies that, prior to implementing procedures regarding developing and implementing a system of registers of eligible persons, the Director of Human Resources within the Department of Administrative and Financial Services is required to meet and consult with collective bargaining representatives of affected employees.
2. It specifies that the Director of Human Resources within the Department of Administrative and Financial Services may grant an extension of temporary employment beyond the one year limitation in current law to a person in a temporary position when the extension is warranted by unusual circumstances.
3. It eliminates the requirement that the Director of Human Resources place the names of eligible persons on the register in order of their ratings.
4. It repeals language providing that a person may not be removed from the register of eligible persons for failure to respond in less than three months' time to a written inquiry of the Director of Human Resources or appointing authority regarding availability for appointment. It also repeals language providing that a person may not be removed from the register of eligible persons for failure to be appointed to a position following certification.
5. It specifies that the Director of Human Resources within the Department of Administrative and Financial Services may grant an extension of temporary employment beyond one year to a person in a temporary position when the extension is warranted by unusual circumstances.

LD 1679 An Act To Increase the Salary of the Governor and the Salary of Legislators upon Reduction in the Size of the Legislature

Accepted Majority (ONTP) Report

Sponsor(s)
DUNPHY L

Committee Report
ONTP
OTP-AM

Amendments Adopted

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 salaries of members of the Senate and House of Representatives by 25% if the number of members of the Senate is reduced to 25 or fewer and the number of members of the House of Representatives is reduced to 100 or fewer.

Committee Amendment "A" (H-646)

This amendment is the minority report of the committee. It removes language from the bill that removes the

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SUBJECT INDEX

Boards and Commissions

Enacted

LD 1624 An Act To Eliminate Inactive Boards and Commissions PUBLIC 491

Cemeteries

Not Enacted

LD 1328 An Act To Clarify the Ownership of and Access to Ancient and Family Burying Grounds ONTP

County Government

Not Enacted

LD 166 An Act To Allow Counties To Better Provide Rescue Services Died Between Houses

LD 1190 An Act To Amend the Androscoggin County Charter ONTP

LD 1206 An Act To Allow County Corrections Officers To Participate in the Retired County and Municipal Law Enforcement Officers and Municipal Firefighters Health Insurance Program ONTP

Departments and Agencies of State Government

Enacted

LD 1658 An Act To Reform the Veteran Preference in State Hiring and Retention PUBLIC 438

LD 1668 An Act To Facilitate Internal Hiring by Reforming the Use of Registers in the State Civil Service System PUBLIC 442

Not Enacted

LD 6 Resolve, To Implement Recommendations of the Government Oversight Committee To Strengthen the Ethics Practices and Procedures for Executive Branch Employees Died On Adjournment

LD 1525 An Act To Encourage the Purchase of Products Made in Maine and in the United States and To Give Preference to Maine Businesses When Awarding Contracts Died Between Houses

LD 1560 An Act To Strengthen Intragovernment Communication Died On Adjournment

LD 1663 An Act To Promote Recruitment and Retention of State Employees Died Between Houses

LD 1664 An Act To Enable the State To Hire Qualified Applicants for Vital State Jobs Majority (ONTP) Report

Discontinued and Abandoned Roads

Enacted

LD 1325 An Act To Ensure a Public Process When Discontinuing or Abandoning a Public Road PUBLIC 464

Not Enacted

LD 1637 An Act To Assist Maine Citizens Residing along Public Easements Majority (ONTP) Report

Holidays

Enacted

LD 1504 An Act To Establish November 1st as Veterans in the Arts and Humanities Day PUBLIC 399

Legislature and Legislative Process

Not Enacted

LD 1680 RESOLUTION, PROPOSING AN AMENDMENT TO THE CONSTITUTION OF MAINE TO REDUCE THE NUMBER OF REPRESENTATIVES AND SENATORS IN THE LEGISLATURE ONTP

Miscellaneous

Enacted

LD 1600 An Act Regarding Consent to Land Transfers to the Federal Government PUBLIC 458
LD 1609 An Act To Designate the Maine Lobster as the State Crustacean PUBLIC 426

Not Enacted

LD 1286 An Act To Ensure the Use of Environmentally Responsible Insulation Materials in Taxpayer-funded Building Projects Died Between Houses
LD 1298 An Act Relating to the Creation of Public-private Facilities and Infrastructure Died Between Houses
LD 1588 An Act To Require That Public Postsecondary Educational Institutions in the State Give Preference to Maine Producers When Entering into Contracts Related to Heating Fuel Died Between Houses
LD 1652 An Act Regarding Municipal Immigration Policies Died On Adjournment
LD 1679 An Act To Increase the Salary of the Governor and the Salary of Legislators upon Reduction in the Size of the Legislature Majority (ONTP) Report
LD 1681 An Act To Clarify the Appointment Process Died Between Houses

Municipalities and Quasi-Municipalities

Enacted

LD 1635 An Act Authorizing the Deorganization of Oxbow Plantation P & S 17

Not Enacted

LD 1633 An Act Authorizing the Deorganization of Cary Plantation ONTP

State Property

Enacted

LD 1456 Resolve, Authorizing the Commissioner of Administrative and Financial Services To Convey Approximately 0.75 Acre of Land in Madrid Township to the Madrid Historical Society RESOLVE 67