

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
127<sup>TH</sup> 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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# STATE OF MAINE

127<sup>TH</sup> LEGISLATURE

SECOND REGULAR SESSION



## LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contains summaries of all LDs and adopted amendments and all laws enacted or finally passed during the Second Regular Session of the 127<sup>th</sup> Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. An appendix provides a summary of relevant session statistics.

Final action on each LD is noted to the right of the LD title. The following describes the various final actions.

*CARRIED OVER*..... *carried over to a subsequent session of the Legislature*  
*CON RES XXX*..... *chapter # of constitutional resolution passed by both houses*  
*CONF CMTE UNABLE TO AGREE*..... *Committee of Conference unable to agree; legislation died*  
*DIED BETWEEN HOUSES*..... *House & Senate disagreed; legislation died*  
*DIED IN CONCURRENCE*..... *defeated in each house, but on different motions; legislation died*  
*DIED ON ADJOURNMENT*..... *action incomplete when session ended; legislation died*  
*EMERGENCY*..... *enacted law takes effect sooner than 90 days after session adjournment*  
*FAILED, EMERGENCY ENACTMENT or PASSAGE*..... *emergency failed to receive required 2/3 vote*  
*FAILED, ENACTMENT or FINAL PASSAGE*..... *failed to receive final majority vote*  
*FAILED, MANDATE ENACTMENT*..... *legislation proposing local mandate failed required 2/3 vote*  
*HELD BY GOVERNOR*..... *Governor has not signed; final disposition to be determined at subsequent session*  
*LEAVE TO WITHDRAW*..... *sponsor's request to withdraw legislation granted*  
*NOT PROPERLY BEFORE THE BODY*..... *ruled out of order by the presiding officer; legislation died*  
*INDEF PP*..... *indefinitely postponed; legislation died*  
*ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X*... *ought-not-to-pass report accepted; legislation died*  
*P&S XXX*..... *chapter # of enacted private & special law*  
*PUBLIC XXX*..... *chapter # of enacted public law*  
*RESOLVE XXX*..... *chapter # of finally passed resolve*  
*VETO SUSTAINED*..... *Legislature failed to override Governor's veto*

The effective date for non-emergency legislation enacted in the First Regular Session of the 127<sup>th</sup> Legislature is July 29, 2016. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

*Joint Standing Committee on State and Local Government*

**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

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

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	