

MAINE STATE LEGISLATURE

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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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STATE OF MAINE

128TH LEGISLATURE

FIRST SPECIAL, SECOND REGULAR AND SECOND SPECIAL SESSIONS



LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contain summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Special, Second Regular and Second Special Sessions of the 128th 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 FINAL 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 dates for non-emergency legislation enacted in the First Special, Second Regular or Second Special Sessions of the 128th Legislature are: Monday, February 5, 2018; Wednesday, August 1, 2018; and Thursday, December 13, 2018, respectively. 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 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.

Joint Standing Committee on State and Local Government

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.
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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.