

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

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.