

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

- 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	

Joint Standing Committee on State and Local Government

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