

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
127<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



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

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

August 2015

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# STATE OF MAINE

127<sup>TH</sup> LEGISLATURE

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## 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 First 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.

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

The effective date for non-emergency legislation enacted in the First Regular Session of the 127<sup>th</sup> Legislature is October 15, 2015. 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 681** An Act To Increase the Effectiveness of the Legislature

**PUBLIC 102**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EVES THIBODEAU	OTP-AM	H-93

This bill makes changes to the statutes governing the Legislature.

1. It clarifies that the floor leaders and assistants are from the two political parties with the greatest number of members in each body.
2. It removes the current requirement that the Legislative Council meet at least monthly when the Legislature is not in session. Instead, this bill allows the chair of the Legislative Council to cancel a meeting when the Legislature is not in session if the chair determines that a meeting is not necessary. It retains the ability of the chair of the Legislative Council or the membership of the Legislative Council to call a meeting.
3. Current law provides that the Executive Director of the Legislative Council, the State Law Librarian and other nonpartisan office directors appointed by the Legislative Council are appointed to three-year terms and that reappointment "shall be based on performance in the office;" that language is open to different interpretations. The bill removes the element of the three-year term and specifies that the executive director, the State Law Librarian and other nonpartisan office directors serve at the pleasure of the Legislative Council. It also specifies that both the appointment and the removal of the executive director, the State Law Librarian and other nonpartisan office directors must be by a vote of no fewer than eight members of the Legislative Council.
4. It repeals a transition section for persons holding certain named positions in legislative staff offices in 1985 that no longer exist, making the law unnecessary.
5. It specifies that the executive director coordinates the activities of the nonpartisan legislative staff offices.
6. Current law specifies that a duty of the executive director is to appoint nonpartisan legislative staff; by delegating the authority to officially appoint staff, the Legislative Council is not itself required to officially appoint each staff member. The bill specifies that the appointments must be done in conformity with the policies adopted by the Legislative Council and further specifies that the appointing authority of the executive director applies only to nonpartisan legislative staff.
7. Although the term "legislative staff" is used a number of times in the Maine Revised Statutes, Title 3, chapter 7, the term is not defined to indicate that it is limited to nonpartisan legislative staff when describing the duties of the nonpartisan staff offices and the executive director. The bill corrects that.
8. It removes outdated and duplicative language regarding the updating of the Maine Revised Statutes, which is already required by the Maine Revised Statutes, Title 1, section 92.
9. It removes a reference to a committee that no longer exists and standardizes the reference to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs.
10. It specifies that the directors and staff of the Law and Legislative Reference Library, the Office of Program Evaluation and Government Accountability and the Office of Legislative Information Technology are subject to the same restrictions regarding testifying before legislative committees as the members of the other nonpartisan staff offices of the Legislature.

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11. It removes outdated language regarding the printing of the Laws of the State of Maine, also referred to as the session laws, but retains and clarifies the language regarding a revision of the entire Maine Revised Statutes.
12. It removes an outdated provision regarding reporting by the Maine Human Rights Commission.
13. It changes the wording of the statutes regarding the receipt by the executive director of reports from boards and commissions to clarify that the executive director merely forwards the report to the appropriate joint standing committee, instead of referring it, since "refer" has a specific meaning in the Legislature.
14. It specifies that the term of a person appointed to a three-year term as the executive director, the State Law Librarian or a director of a nonpartisan staff office of the Legislature before October 1, 2015 is not affected by the bill's removal of that specified term.
15. It makes other nonsubstantive changes to grammar and format.

### **Committee Amendment "A" (H-93)**

This amendment clarifies that the eight or more members of the Legislative Council required to vote to appoint or to remove from office an Executive Director of the Legislative Council, a State Law Librarian and other office directors must be present at a public meeting to vote and makes a correction to punctuation.

### **Enacted Law Summary**

Public Law 2015, chapter 102 does the following.

1. It clarifies that the floor leaders and assistants are from the two political parties with the greatest number of members in each body.
2. It removes the requirement that the Legislative Council meet at least monthly when the Legislature is not in session, and allows the chair of the Legislative Council to cancel a meeting when the Legislature is not in session if the chair determines that a meeting is not necessary. It retains the ability of the chair of the Legislative Council or the membership of the Legislative Council to call a meeting.
3. Current law provides that the Executive Director of the Legislative Council, the State Law Librarian and other nonpartisan office directors appointed by the Legislative Council are appointed to three-year terms and that reappointment "shall be based on performance in the office;" that language is open to different interpretations. Public Law 2015, chapter 102 removes the element of the three-year term and specifies that the executive director, the State Law Librarian and other nonpartisan office directors serve at the pleasure of the Legislative Council. It also specifies that both the appointment and the removal of the executive director, the State Law Librarian and other nonpartisan office directors must be by a vote of no fewer than eight members present at a public meeting of the Legislative Council.
4. It repeals a transition section for persons holding certain named positions in legislative staff offices in 1985 that no longer exist, making the law unnecessary.
5. It specifies that the executive director coordinates the activities of the nonpartisan legislative staff offices.
6. Current law specifies that a duty of the executive director is to appoint nonpartisan legislative staff, by delegating the authority to officially appoint staff, the Legislative Council is not itself required to officially appoint each staff member. Public Law 2015, chapter 102 specifies that the appointments must be done in conformity with the policies adopted by the Legislative Council and further specifies that the appointing authority of the executive director applies only to nonpartisan legislative staff.
7. Although the term "legislative staff" is used a number of times in the Maine Revised Statutes, Title 3, chapter 7,

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the term is not defined to indicate that it is limited to nonpartisan legislative staff when describing the duties of the nonpartisan staff offices and the executive director. Public Law 2015, chapter 102 corrects that.

8. It removes outdated and duplicative language regarding the updating of the Maine Revised Statutes, which is already required by the Maine Revised Statutes, Title 1, section 92.
9. It removes a reference to a committee that no longer exists and standardizes the reference to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs.
10. It specifies that the directors and staff of the Law and Legislative Reference Library, the Office of Program Evaluation and Government Accountability and the Office of Legislative Information Technology are subject to the same restrictions regarding testifying before legislative committees as the members of the other nonpartisan staff offices of the Legislature.
11. It removes outdated language regarding the printing of the Laws of the State of Maine, also referred to as the session laws, but retains and clarifies the language regarding a revision of the entire Maine Revised Statutes.
12. It removes an outdated provision regarding reporting by the Maine Human Rights Commission.
13. It changes the wording of the statutes regarding the receipt by the executive director of reports from boards and commissions to clarify that the executive director merely forwards the report to the appropriate joint standing committee, instead of referring it, since "refer" has a specific meaning in the Legislature.
14. It specifies that the term of a person appointed to a three-year term as the executive director, the State Law Librarian or a director of a nonpartisan staff office of the Legislature before October 1, 2015 is not affected by the bill's removal of that specified term.
15. It makes other nonsubstantive changes to grammar and format.

**LD 724      An Act To Authorize Municipal Fire Districts To Impose Service Charges      ONTP**

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

This bill authorizes municipalities to create by ordinance municipal fire districts that may charge service charges for fire protection. The bill also authorizes municipalities to collect service charge revenue, as an alternative to property tax revenue, for the purpose of financing multimunicipal fire districts.

**LD 732      Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell or Lease the Interests of the State in Certain Real Property Located in Bangor, Orono and Thomaston      RESOLVE 28**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WILLETTE MARTIN R	OTP-AM	S-186 S-214 WILLETTE

This resolve gives the Commissioner of Administrative and Financial Services authority to sell or lease the property identified as the District Courthouse in Augusta, the Daschlager House in Augusta, the McLean House in Augusta, the Smith-Merrill House in Augusta, the Elizabeth Levinson Center in Bangor and the Ship Street Houses in