

# 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**

Thomaston.

**Committee Amendment "A" (S-186)**

This amendment changes the title of the resolve. The resolve provides the authority to the Commissioner of Administrative and Financial Services to sell or lease properties in Augusta, Bangor and Thomaston. The amendment removes four properties in Augusta from the list. The properties removed are the property identified as the District Courthouse, the Daschlager House, the McLean House and the Smith-Merrill House.

**Senate Amendment "A" To Committee Amendment "A" (S-214)**

This amendment gives the Commissioner of Administrative and Financial Services authority to sell or lease the property formerly known as the Maine State Police Barracks in the Town of Orono.

**Enacted Law Summary**

Resolve 2015, chapter 28 gives the Commissioner of Administrative and Financial Services authority to sell or lease the property identified as the Elizabeth Levinson Center in Bangor, the Ship Street Houses in Thomaston and the Maine State Police Barracks in the Town of Orono.

**LD 741      An Act To Provide Expanded Powers to the Executive Director of the Kennebec Regional Development Authority      Leave to Withdraw Pursuant to Joint Rule**

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

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to provide expanded powers to the Executive Director of the Kennebec Regional Development Authority.

**LD 780      Resolve, Authorizing the Director of the Bureau of Parks and Lands To Convey the Parcel of Land in Kittery Known as John Paul Jones Memorial Park to the Town of Kittery      RESOLVE 24**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HILL RYKERSON	OTP-AM	S-80

This resolve authorizes the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry to gift the state property known as John Paul Jones Memorial Park to the Town of Kittery. It restricts the use of the property to public noncommercial governmental purposes, and the property reverts to the Department of Agriculture, Conservation and Forestry if used otherwise. The resolve also gives the department right of first refusal in perpetuity to take the property back if the Town of Kittery proposes to transfer the property to a third party not affiliated with the town.

**Committee Amendment "A" (S-80)**

This amendment specifies that the property to be conveyed pursuant to the resolve must continue to be used and managed for public noncommercial governmental purposes as a public park, replacing language that stated the property is to be used for public noncommercial governmental purposes only.

*Joint Standing Committee on State and Local Government*

**Enacted Law Summary**

Resolve 2015, chapter 24 authorizes the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry to gift the state property known as John Paul Jones Memorial Park to the Town of Kittery. The property must continue to be used and managed for public noncommercial governmental purposes as a public park, and the property reverts to the Department of Agriculture, Conservation and Forestry if used otherwise. Resolve 2015, chapter 24 also gives the department right of first refusal in perpetuity to take the property back if the Town of Kittery proposes to transfer the property to a third party not affiliated with the town.

**LD 785      An Act To Provide for Legislative Review of Federally Mandated Major      ONTP**  
**Substantive Rules under the Maine Administrative Procedure Act**

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

This bill repeals the provision of law that exempts from legislative review major substantive rules that must be adopted to comply with federal law or to qualify for federal funds.

**LD 857      An Act To Prohibit Public Endorsement of Candidates for Office by      ONTP**  
**County Employees and Elected Officials**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BAKER PIERCE J	ONTP	

This bill prohibits elected county officers, elected county officials and county employees from advocating expressly for the election or defeat of a candidate for a federal or constitutional office or of a candidate for partisan elective municipal, county or state office. The bill also prohibits elected county officers, elected county officials and county employees from soliciting contributions for a political campaign.

**LD 862      An Act To Clarify Who May Authorize Repairs in a Burying Ground      PUBLIC 294**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CUSHING MARTIN R	OTP-AM	S-285

This bill allows the next of kin of a deceased person, in addition to a lineal descendent, to authorize the repair, maintenance or removal of a memorial to the deceased. This bill also allows a memorial to be moved if it is in poor condition or the preservation of the memorial cannot be guaranteed in its present location.

**Committee Amendment "A" (S-285)**

This amendment makes the following changes to the bill.

1. It establishes an order of persons from whom authorization or approval must be sought prior to repairing or removing a memorial. After obtaining approval of the owner or operator of the cemetery or burial ground, if one exists, a person first must seek the authorization of the owner of the burial lot or a lineal descendant of the deceased buried there; if unable to obtain that authorization, the person must seek the authorization of a next of kin of the deceased; if unable to obtain that authorization, the person must obtain the approval of the municipality or, if the