

MAINE STATE LEGISLATURE

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STATE OF MAINE
127TH 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

127TH 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 127th 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 date for non-emergency legislation enacted in the First Regular Session of the 127th 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

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

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memorial is in unorganized territory, the county in which the cemetery or burial ground is located.

2. It requires that all costs associated with repair, maintenance or removal of a memorial must be paid by the person or entity requesting the repair, maintenance or removal.

3. It provides that the owner, operator or caretaker of a burial lot or a cemetery association that authorizes removal of a memorial is not responsible or liable for the location or care of the memorial.

Enacted Law Summary

Public Law 2015, chapter 294 does the following.

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 memorial is in unorganized territory, the county in which the cemetery or burial ground is located.

2. It requires that all costs associated with repair, maintenance or removal of a memorial must be paid by the person or entity requesting the repair, maintenance or removal.

3. It provides that the owner, operator or caretaker of a burial lot or a cemetery association that authorizes removal of a memorial is not responsible or liable for the location or care of the memorial.

LD 874 An Act To Provide Transparency and Accountability of Taxpayer Funds ONTP

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|------------------------|-------------------------|---------------------------|
| SUKEFORTH MCCORMICK | ONTP | |

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

This bill proposes to establish a public online registry of all state and federal grants and low-interest or no-interest loans given to residents, businesses, municipalities and nonprofit organizations in this State. The registry would be searchable by a resident's name, municipality name, business name or organization's name. The registry would include the state or federal agency giving the grant or loan and the amount, terms and purpose of the grant or loan.

LD 897 An Act To Move a Township from House District 150 to House District 151 INDEF PP

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| MARTIN J | OTP-AM | H-188 |

Currently, Township 14, Range 6 is located in House District 150. This bill places Township 14, Range 6 in House District 151.

Committee Amendment "A" (H-188)

This amendment clarifies that Township 14, Range 6 is included in the unorganized territory of Northwest Aroostook in House District 151.