

# 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*

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

**LD 1347    An Act To Implement Recommendations of the Government Oversight Committee To Clarify That Competitive Bid Provisions Apply to Grant Awards**

**PUBLIC 179**

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

This bill implements a recommendation of the Government Oversight Committee stemming from the Office of Program Evaluation and Government Accountability report on Healthy Maine Partnerships' fiscal year 2013 contracts and funding. The bill adds the word "grant" where applicable to clarify that the statutory provisions requiring competitive bidding, and related provisions, apply to grant awards as well as contracts.

**Enacted Law Summary**

Public Law 2015, chapter 179 implements a recommendation of the Government Oversight Committee stemming from the Office of Program Evaluation and Government Accountability report on Healthy Maine Partnerships' fiscal year 2013 contracts and funding. Public Law 2015, chapter 179 adds the word "grant" where applicable to clarify that the statutory provisions requiring competitive bidding, and related provisions, apply to grant awards as well as contracts.

**LD 1354    An Act To Improve the Maine Administrative Procedure Act**

**Died Between Houses**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FREDETTE	ONTP OTP-AM	

This bill amends the Maine Administrative Procedure Act as follows.

1. It repeals a requirement that rules be approved for form and legality by the Attorney General and adds a requirement that rules be submitted to the Attorney General for advice as to form and legality.
2. It changes a statutory provision, which previously provided that the Attorney General may not approve a rule if it is reasonably expected to result in a taking of private property except under certain conditions, to provide that an agency may not adopt a rule if it is reasonably expected to result in such a taking.
3. It changes notice requirements, which previously provided that notice and copies of proposed rules be provided by mail unless the requestor specified they be provided electronically, to provide that notice and copies of proposed rules be provided electronically unless the requestor specifies they be provided by mail.
4. It allows for electronic submission of certain rule-making information.
5. It enacts a provision that allows an agency to choose to incorporate by reference subsequent amendments to a code, standard, rule or regulation.
6. This bill also corrects cross-references.

**Committee Amendment "A" (H-301)**

***Joint Standing Committee on State and Local Government***

This amendment, which is the minority report of the committee, retains the provision in the bill that allows an agency to incorporate by reference subsequent amendments to a code, standard, rule or regulation and adds a requirement that the exact title, edition or version and date of publication containing the subsequently incorporated amendment are included in notification materials provided to required parties. The amendment also requires the agency to certify to the Secretary of State that the agency has provided notice to the general public on its publicly accessible website and indicated where copies of the amended material may be obtained at cost. It also specifies that the subsequently incorporated amendment will take effect five days after notice is filed with the Secretary of State. The amendment removes provisions in the bill that removed the Attorney General's authority in the rule-making process. The provisions in the bill that are retained in the amendment include provisions that change notice requirements to provide that notice and copies of proposed rules be provided electronically unless the requestor specifies they be provided by mail and allow for electronic submission of certain rule-making information.

**LD 1377      *Resolve, To Establish the Commission To Study the Reduction of Unfunded and Outdated Municipal Mandates*      **Died Between Houses****

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

This resolve establishes the Commission to Study the Reduction of Unfunded and Outdated Municipal Mandates. The commission is required to meet at least twice a year for two years to review unfunded and outdated municipal mandates in order to provide recommendations and to report out a list of mandates for the Legislature to consider eliminating or revising.

**Committee Amendment "A" (S-212)**

This amendment is the minority report of the committee and makes the following changes to the resolve.

1. It states that the commission must meet between two and four times per year instead of at least twice as stated in the bill.
2. It states that Legislative Council staff support is not authorized when the Legislature is in regular or special session.
3. It requires the commission to submit its report no later than December 6, 2017 instead of December 31, 2017 as in the resolve.
4. It allows the joint standing committee of the Legislature having jurisdiction over state and local government matters to report out a bill related to the report to the Second Regular Session of the 128th Legislature.

**LD 1378      *An Act To Amend the Laws Governing the Issuance of Bonds and To Effectuate the Issuance of Bonds To Support Maine's Natural Resource-based Economy*      **Veto Sustained****

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KATZ MARTIN J	OTP-AM ONTP	S-247

This bill makes the following changes to the laws governing the issuance of bonds.

1. It requires the Governor to issue a general obligation bond that has been ratified by the legal voters of the State