

MAINE STATE LEGISLATURE

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STATE OF MAINE
127TH LEGISLATURE
SECOND REGULAR SESSION



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

JOINT STANDING COMMITTEE ON STATE AND
LOCAL GOVERNMENT

May 2016

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STATE OF MAINE

127TH LEGISLATURE

SECOND REGULAR SESSION



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 Second 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 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 July 29, 2016. 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

interests of the municipality pass to the abutting property owners to the center of the town way and the municipality is not required to keep the town way passable. As defined in current law, a town way includes a county way not discontinued prior to July 29, 1976.

This bill also requires a municipality to maintain a mail route located on a right-of-way held by the municipality to the standard required by United States Postal Service regulations.

Committee Amendment "A" (H-607)

This amendment is the minority report of the committee. This amendment removes the section of the bill relating to maintenance of public easements if retained or not retained at the time of discontinuance. It replaces "right-of-way" with "public easement" in the mail route section and retains current statutory language regarding the removal of snow fences by a municipality.

This amendment was not adopted.

LD 1652 An Act Regarding Municipal Immigration Policies

**Died On
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LOCKMAN L BRAKEY E		

This bill was not referred to committee.

This bill provides that a municipality is ineligible to receive general purpose aid for local schools, municipal general assistance and state-municipal revenue sharing if that municipality prohibits or restricts, formally or informally, the exchange of information with the federal Immigration and Naturalization Service or any other federal, state or local government entity regarding the immigration status, lawful or unlawful, of any individual or the maintenance of such information.

This amendment was not adopted.

LD 1658 An Act To Reform the Veteran Preference in State Hiring and Retention

PUBLIC 438

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HANINGTON S CYRWAY S	OTP-AM	H-622

Current law provides that, in making appointments to positions in the classified service, preference in the form of points added to test scores must be given to honorably separated veterans of the Armed Forces of the United States and to the spouse of a disabled veteran, the widow or widower of a veteran and the parents of a deceased veteran who lost his or her life under honorable conditions while serving on active duty. This bill repeals that language and provides preference in the form of an interview to any person who has served on active duty in the United States Armed Forces including the Reserves of the United States Armed Forces and the National Guard and received a discharge other than dishonorable and who meets the minimum qualifications established for a position.

The bill also repeals the provision that authorizes certain veterans and certain family members of disabled or deceased veterans to file an application for and reopen an open competitive examination during the life of an eligible register resulting from a published announcement.

Joint Standing Committee on State and Local Government

Committee Amendment "A" (H-622)

This amendment expands the benefits in the bill for veterans to apply to gold star spouses. A gold star spouse is a widow or widower of a veteran who is eligible to receive a gold star lapel pin under 10 United States Code, Section 1126 (2010).

Enacted Law Summary

Public Law 2015, chapter 438 repeals statutory language regarding preference given to veterans in making appointments to positions in the classified service, preference in the form of points added to test scores that must be given to honorably separated veterans of the Armed Forces of the United States and to the spouse of a disabled veteran, the widow or widower of a veteran and the parents of a deceased veteran who lost his or her life under honorable conditions while serving on active duty. It also repeals the provision that authorizes certain veterans and certain family members of disabled or deceased veterans to file an application for and reopen an open competitive examination during the life of an eligible register resulting from a published announcement.

Public Law 2015, chapter 438 instead gives preference in the form of an interview to any person who has served on active duty in the United States Armed Forces, including the Reserves of the United States Armed Forces and the National Guard, and received a discharge other than dishonorable and who meets the minimum qualifications established for a position. The preference also applies to gold star spouses, widows or widowers of veterans who are eligible to receive a gold star lapel pin under 10 United States Code, Section 1126 (2010).

LD 1663 An Act To Promote Recruitment and Retention of State Employees

Died Between Houses

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

This bill makes the following changes to the law relating to recruitment, hiring and retention of state employees.

1. Current law provides that the laws governing the state civil service system are not intended to limit or restrict the rights of state employees to bargain collectively. This bill strikes that language and instead provides that the laws governing the state civil service system provide a framework under which collective bargaining can take place.
2. Current law provides that, except as provided in statute, a position may not be assigned a salary that is greater than the maximum or lower than the minimum rates fixed in the compensation plan. This bill repeals that prohibition.
3. It changes the law governing recruitment and retention adjustments to remove the requirement that, if applicable, the Director of Human Resources within the Department of Administrative and Financial Services obtain the agreement of the bargaining agent.
4. It amends the law governing the conditions that justify the payment of a recruitment and retention adjustment by adding the existence of other documentable recruitment and retention difficulties as a condition warranting the adjustment, and eliminating the existence of a clear, geographically definable labor market within which the State must compete as a condition warranting the adjustment.
5. It specifies that, if a subsequent review of any recruitment and retention adjustment results in an adjustment being decreased or discontinued, an affected employee may not be subject to a reduction in pay.
6. It eliminates the requirement that, if a funding request is necessary to implement an approved adjustment, the