

MAINE STATE LEGISLATURE

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STATE OF MAINE
128TH LEGISLATURE
FIRST REGULAR SESSION



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

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

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STATE OF MAINE

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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 128th 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 128th Legislature is Wednesday, November 1, 2017. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

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This amendment was not adopted.

LD 956

An Act To Establish the Maine Buy America and Build Maine Act

**Died On
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T GIDEON S	OTP-AM OTP-AM	S-171 S-291 SAVIELLO T H-545 SPEAR J

This bill establishes the Maine Buy America and Build Maine Act and requires that all contracts for the construction, reconstruction, alteration, repair, improvement or maintenance of a public building or public work made by a state agency, board, commission or institution contain a provision that the manufactured goods, including iron and steel, used or supplied in the performance of the contract or any subcontract to the contract must be manufactured in the United States. This requirement does not apply to counties, municipalities or school administrative units.

The bill requires that, in the case of a manufactured good other than an iron or steel product, all of the manufacturing processes take place in the United States and the origin of the manufactured good's components or subcomponents meet a minimum level of domestic content as established by rule.

Under the Act, a public agency may apply to the Governor or the Governor's designee for a waiver of the requirement if the executive head of the public agency finds that the application of the requirement would be inconsistent with the public interest, that the necessary manufactured goods are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality or that inclusion of manufactured goods made in the United States will increase the cost of the overall project contract by an unreasonable amount. The Department of Administrative and Financial Services is directed to develop rules regarding the Act, including rules to guide the waiver process and the process for public review and comment regarding requests for a waiver.

The bill requires that if the Department of Administrative and Financial Services has reason to believe that any person, business or other entity has intentionally made fraudulent representations about the domestic content of a manufactured good or has intentionally violated any provision of the Act, the department must, after a hearing, debar that person, business or other entity from contracts or subcontracts with the State for two years.

The bill provides that the provisions of this legislation must be applied in a manner consistent with the State's obligations under any applicable international agreements pertaining to government procurement.

The bill also requires that, in the award of a bid for the construction, reconstruction, alteration, repair, improvement or maintenance of a public building or public work or for services to be provided to or on behalf of the State, if two or more bids are submitted that are substantially similar, preference must be given to the bid submitted by an in-state contractor. If the bid submitted by an in-state contractor is higher than the lowest bid submitted by a contractor that is not an in-state contractor, the in-state contractor must be given the opportunity to match the lowest bid submitted.

Committee Amendment "A" (S-171)

This amendment is the majority report of the committee. This amendment incorporates a fiscal note.

Committee Amendment "B" (S-172)

This amendment is the minority report of the committee. The amendment strikes the bill and instead requires the use of scoring criteria to evaluate a bid's economic impact on Maine's economy and state revenues for competitively

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bid service contracts expected to exceed \$100,000 in total value and competitively bid printing service contracts expected to exceed \$5,000 in total value. The amendment also provides funding to the Department of Administrative and Financial Services for costs associated with the amendment.

This amendment was not adopted.

Senate Amendment "A" (S-291)

This amendment adds a third way a business can qualify to be an in-state contractor for purposes of the Maine Buy America and Build Maine Act by including a business in which at least 60% of the employees are Maine residents.

House Amendment "A" (H-545)

This amendment includes cement used in the construction, reconstruction, alteration, repair, improvement or maintenance of a public building or public work as a good that must be manufactured in the United States.

LD 972 An Act To Modify the Lincoln County Budget Advisory Committee

**Accepted Majority
(ONTP) Report**

Sponsor(s)

HAWKE S
DOW D

Committee Report

ONTP
OTP-AM

Amendments Adopted

This bill changes the Lincoln County budget procedures in the following ways.

1. Current law requires an interim county budget before a final county budget is approved to be no more than 80% of the amount of the preceding county budget. This bill raises the level of the interim county budget to no more than the full amount of the preceding county budget.
2. Current law requires the Lincoln County Budget Advisory Committee to be comprised of three municipal officers per county commissioner district elected by their respective district caucuses and serving staggered three-year terms. This bill requires that each municipality has the option to have one municipal officer from that municipality selected by the municipality's governing body to serve on the committee for a one-year term.
3. Current law requires the committee to submit budget recommendations to the Lincoln County commissioners, who have the final say on the county budget. This bill gives the committee the authority to submit a budget to the commissioners, who need a unanimous vote to make any changes, and the power to veto any change to the budget by the commissioners by a 2/3 vote of the committee members present.

Committee Amendment "A" (H-78)

This amendment is the minority report of the committee. The amendment makes the following changes to the bill.

1. It provides for three-year terms of the advisory committee voting members, instead of one-year terms as proposed in the bill.
2. It makes the legislative member a nonvoting member, except in the case of a tie vote.
3. It requires a 2/3 vote of the advisory committee membership, rather than 2/3 of members present, to reject a change to the budget made by the county commissioners.

This amendment was not adopted.