

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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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.

Joint Standing Committee on State and Local Government

LD 1346 An Act To Clarify Access to Landlocked Ancient and Family Burying Grounds and To Clarify the Definition of Ancient Burying Ground

Accepted Majority (ONTP) Report

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

This bill amends the law governing family burying grounds and ancient burying grounds in the following ways.

1. It amends the definition of "ancient burying ground."
2. It provides that a municipality or its caretaker may access an ancient burying ground surrounded by privately owned land annually or as determined necessary by the municipality or its designated caretaker.
3. It provides that a person who owns land that surrounds an ancient burying ground or a family burying ground must provide a descendant or other relative of a person buried in the burying ground, or a designated agent of the descendant or other relative, access to the burying ground for the purposes of protecting and preserving it.
4. If property surrounding a burying ground is conveyed causing the burying ground to be inaccessible from a public way, the bill provides that the conveyance is made subject to an easement for the benefit of the spouse, ancestors, descendants and other relatives or the designated agent of the spouse, ancestors, descendants and other relatives of any person interred in the burying ground. It also requires that the owner of the property surrounding the family burying ground designate the direct route a person must use to access the family burying ground and is not liable for injuries sustained by a person accessing the family burying ground.

Committee Amendment "A" (H-201)

This amendment is the minority report of the committee. The amendment requires owners of land surrounding ancient or family burying grounds to file a notarized listing of obstructions with the county registry of deeds rather than the municipal clerk as in the bill.

This amendment was not adopted.

LD 1361 An Act Regarding State Hiring and Retention for Persons with Disabilities

PUBLIC 261

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VOLK A HERBIG E	OTP	

This bill creates a preference in state hiring for persons with disabilities. This bill requires the employing agency to offer an interview to a person with a disability who is eligible for the Ticket to Work and Self-Sufficiency Program under the federal Social Security Act and who meets the minimum qualifications for the position and to a person who has been determined by a qualified professional to have a disability and who meets the minimum qualifications for the position. If the person is not selected for the position, the bill requires the Department of Administrative and Financial Services, Bureau of Human Resources provide guidance to the person regarding other available state positions, including opportunities in the bureau's special appointment program for which the person might qualify. It also authorizes, but does not require, the bureau to refer the person to the Department of Labor, Bureau of Rehabilitation Services for vocational rehabilitation services. The bill provides that in any reduction in personnel in the state service, employees who are eligible for the Ticket to Work and Self-Sufficiency Program or who are

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persons with disabilities must be retained in preference to all other competing employees in the same classification with equal seniority, status and performance reviews. It also provides that a person with a disability or who is eligible for Ticket to Work program has the right not to disclose their disability at the time of hire but may not assert a right to a retention preference at a later date.

Enacted Law Summary

Public Law 2017, chapter 261 creates a preference in state hiring for persons with disabilities. The law requires the employing state agency to offer an interview to a person with a disability who is eligible for the Ticket to Work and Self-Sufficiency Program under the federal Social Security Act and who meets the minimum qualifications for the position and to a person who has been determined by a qualified professional to have a disability and who meets the minimum qualifications for the position. If the person is not selected for the position, the law requires the Department of Administrative and Financial Services, Bureau of Human Resources provide guidance to the person regarding other available state positions, including opportunities in the bureau's special appointment program for which the person might qualify. It also authorizes, but does not require, the bureau to refer the person to the Department of Labor, Bureau of Rehabilitation Services for vocational rehabilitation services. The law provides that in any reduction in personnel in the state service, employees who are eligible for the Ticket to Work and Self-Sufficiency Program or who are persons with disabilities must be retained in preference to all other competing employees in the same classification with equal seniority, status and performance reviews. It also provides that a person with a disability or who is eligible for Ticket to Work program has the right not to disclose their disability at the time of hire but may not assert a right to a retention preference at a later date.

LD 1381 An Act To Clarify Appeals of Municipal Land Use Decisions

PUBLIC 241

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MONAGHAN K	OTP-AM	H-358

This bill amends the laws regarding municipal boards of appeal and regarding appeals of municipal land use decisions to reflect the holding of the Law Court in "Susan E. Bryant v. Town of Camden et al.," which relates to when a local land use decision is ripe for appeal. It provides that a final decision occurs when an application has received all required municipal administrative approvals by a municipality's board of appeals, planning board or municipal review authority, a site plan or design review board, a historic preservation review board and any other review board created by municipal charter or ordinance and that an appeal to the Superior Court may not be made until a final decision occurs.

Committee Amendment "A" (H-358)

This amendment makes a number of technical, clarifying edits to the bill. The amendment retains all substantive provisions of the bill that provide that a local land use decision is a final decision when an application has received all required municipal administrative approvals by a municipal board of appeals, a planning board or municipal reviewing authority, a site plan or design review board, a historic preservation review board and any other review board created by municipal charter or ordinance and that an appeal to the Superior Court may not be made until a final decision occurs.

Enacted Law Summary

Public Law 2017, chapter 241 provides that a local land use decision is a final decision when an application has received all required municipal administrative approvals by a municipal board of appeals, a planning board or municipal reviewing authority, a site plan or design review board, a historic preservation review board and any other review board created by municipal charter or ordinance and that an appeal to the Superior Court may not be made until a final decision occurs.