

MAINE STATE LEGISLATURE

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STATE OF MAINE
128TH LEGISLATURE
FIRST SPECIAL, SECOND REGULAR AND SECOND SPECIAL SESSIONS



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

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

October 2018

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STATE OF MAINE

128TH LEGISLATURE

FIRST SPECIAL, SECOND REGULAR AND SECOND SPECIAL SESSIONS



LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contain summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Special, Second Regular and Second Special Sessions 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 dates for non-emergency legislation enacted in the First Special, Second Regular or Second Special Sessions of the 128th Legislature are: Monday, February 5, 2018; Wednesday, August 1, 2018; and Thursday, December 13, 2018, respectively. 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 provides that municipal ordinances that regulate the use of pesticides do not apply to commercial applicators and spray contracting firms and to private applicators when the private applicators are producing agricultural or horticultural commodities.

Committee Amendment "A" (S-431)

This amendment is a minority report of the committee and replaces the bill and changes the title. The amendment requires the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control to review any proposed municipal ordinance to regulate pesticide storage, distribution or use. Specifically, it requires municipalities to submit a proposed pesticide ordinance to the board at least 90 days prior to adoption, rather than seven days in current law. It requires the board to review the proposed ordinance and, within 60 days of receiving the proposed ordinance, to provide advice and comments on the proposed ordinance, including recommended revisions to ensure the safe and consistent regulation of pesticides. It requires the municipality to review and consider the board's advice and recommendations prior to adoption of the ordinance.

The amendment also requires the board to review existing municipal pesticide ordinances in place as of the effective date of this Act and, no later than December 31, 2018, provide advice and comments, including any recommended revisions to ensure the safe and consistent regulation of pesticides, to each municipality that has an existing ordinance. It requires the municipal officers to review and take under consideration the board's comments and recommended revisions to the existing ordinance.

LD 1877

An Act To Expand and Clarify the Areas Subject to Municipal Residency Restrictions for Sex Offenders

PUBLIC 393

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN D DAVIS P	OTP-AM	H-709

This bill allows a municipality to prohibit a sex offender from residing within 750 feet of any municipally owned or state-owned property, regardless of its use. Current law allows a municipality to prohibit a sex offender from residing within 750 feet of municipally owned or state-owned property that is leased to a nonprofit organization for use as a park, athletic field or recreational facility open to the public where children are the primary users.

Committee Amendment "A" (H-709)

This amendment replaces the bill and expands the area from which a sex offender may be excluded by enactment of a municipal ordinance to include 750 feet from a municipally owned or state-owned park, athletic field or recreational facility that is open to the public where children are the primary users, even if that property is not leased to a nonprofit organization. When the Maine Revised Statutes, Title 30-A, section 3014, subsection 2, paragraph B was amended in 2013, the legislation inadvertently omitted the ability of a municipality, by ordinance, to prohibit a sex offender from residing within 750 feet of property comprising a municipally owned or state-owned park, athletic field or recreational facility that is open to the public where children are the primary users; the exclusion was permitted only if that municipally owned or state-owned property was leased to a nonprofit organization.

Enacted Law Summary

Public Law 2017, chapter 393 expands the area from which a sex offender may be excluded by enactment of a municipal ordinance to include 750 feet from a municipally owned or state-owned park, athletic field or recreational facility that is open to the public where children are the primary users, even if that property is not leased to a nonprofit organization. When the Maine Revised Statutes, Title 30-A, section 3014, subsection 2, paragraph B was amended in 2013, the legislation inadvertently omitted the ability of a municipality, by ordinance, to prohibit a sex offender from residing within 750 feet of property comprising a municipally owned or state-owned park, athletic

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field or recreational facility that is open to the public where children are the primary users; the exclusion was permitted only if that municipally owned or state-owned property was leased to a nonprofit organization.

LD 1878 An Act To Increase the Annual Salary of the Governor and To Increase the Per Diem Meal and Housing Allowances Paid to Legislators Died On Adjournment

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

This bill was carried over from the Second Regular Session to the next special session by joint order S.P. 748.

This bill increases the Governor's salary from \$70,000 per year to \$150,000 per year beginning January 2019. The bill also increases the legislative meal and housing allowances from \$32 and \$38 to \$50 and \$75, respectively.

Committee Amendment "A" (H-752)

This amendment clarifies that the increase in the Governor's salary contained in the bill will not affect the calculation of the retirement allowance of the current Governor. The amendment also increases the daily maximum mileage allowance for legislators from \$38 to \$75, which aligns with the increase in the daily maximum housing allowance in the bill.

This amendment requires that, no later than September 1, 2018, the State Compensation Commission be appointed and convened and that the commission review the compensation of legislators, representatives of Indian tribes, Secretary and Assistant Secretary of the Senate and Clerk and Assistant Clerk of the House of Representatives and submit a report that includes its recommendations to the Legislature by January 2, 2019. The amendment also adds an appropriations and allocations section.

LD 1901 Resolve, To Recognize the 100th Anniversary of the American Legion on the Capitol Grounds RESOLVE 55 EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BELLOWS S	OTP-AM	S-462

This resolve requires the Department of the Secretary of State to work with the American Legion Department of Maine to secure a plaque for display on the immediate grounds of the State House to honor the 100th Anniversary of the American Legion. The department is authorized to accept from outside sources, including the American Legion Department of Maine, donated goods, services and funding for the design and construction of the plaque. Prior to the creation of the plaque, the proposed design and location of the plaque must be submitted to the Executive Director of the Legislative Council for approval by the Legislative Council, and final authorization for the placement of the plaque must be made by the Legislative Council.

Committee Amendment "A" (S-462)

This amendment adds an emergency preamble and emergency clause to the resolve.

Enacted Law Summary

Resolve 2017, chapter 55 requires the Department of the Secretary of State to work with the American Legion Department of Maine to secure a plaque for display on the immediate grounds of the State House to honor the 100th Anniversary of the American Legion. The department is authorized to accept from outside sources, including the