

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

**STATE OF MAINE**  
129<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 2019

**MEMBERS:**

SEN. NED CLAXTON, CHAIR  
SEN. SUSAN DESCHAMBAULT  
SEN. PAUL T. DAVIS

REP. ROLAND DANNY MARTIN, CHAIR  
REP. MARK E. BRYANT  
REP. ARTHUR C. VEROW  
REP. SARAH PEBWORTH  
REP. ROGER E. REED  
REP. FRANCES M. HEAD  
REP. MARYANNE KINNEY  
REP. WILLIAM R. TUELL  
REP. JEFFREY EVANGELOS  
REP. WALTER N. RISEMAN

**STAFF:**

LYNNE CASWELL, LEGISLATIVE ANALYST  
OFFICE OF POLICY AND LEGAL ANALYSIS  
13 STATE HOUSE STATION  
AUGUSTA, ME 04333  
(207) 287-1670  
<http://legislature.maine.gov/opla/>

# STATE OF MAINE

129<sup>TH</sup> LEGISLATURE  
FIRST 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 First Regular Session of the 129<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.

*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 129<sup>th</sup> Legislature is Thursday, September 19, 2019. 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*

withdrawal equals or exceed 25% of the total votes cast in the municipality for Governor in the last gubernatorial election. A vote to adopt or revise a charter is valid if the number of votes cast in favor of the proposed change equals or exceeds 15% of the total votes cast in the municipality in the last gubernatorial election. A vote to deorganize is valid if the number of votes cast in favor of deorganization equals or exceeds 1/3 of the total votes cast in the municipality for Governor in the last gubernatorial election.

**LD 489      An Act To Allow Municipalities To Enforce New Noise Ordinances on Existing Shooting Ranges      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHENETTE J BAILEY D	ONTP	

This bill gives municipalities the authority to adopt noise control or other ordinances for sport shooting ranges if the Commissioner of Public Safety approves the ordinance pursuant to criteria and a process established through rulemaking. Rules adopted by the Commissioner of Public Safety are major substantive.

**LD 520      An Act To Resolve Tie Votes by the Washington County Budget Advisory Committee      PUBLIC 23  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUELL W	OTP-AM	H-27

This bill provides that in the event of a tie vote on a budget item by the Washington County Budget Advisory Committee, the committee is required to present the item to the Washington County commissioners to decide by majority vote.

**Committee Amendment "A" (H-27)**

This amendment prevents a tie vote from occurring in the Washington County Budget Adviosry Committee by making the legislative member of the committee a nonvoting member, leaving an odd number of voting members.

**Enacted Law Summary**

Public Law 2019, chapter 23 makes the legislative delegate of the Washington County Budget Advisory Committee a nonvoting member.

Public Law 2019, chapter 23 was enacted as an emergency measure effective April 11, 2019.

**LD 521      An Act To Amend the Archives and Records Management Law      PUBLIC 50**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JORGENSEN E DAVIS P	OTP-AM	H-52

This bill makes the following changes to the archives and records management law.

1. It specifies that it is the policy of the State to ensure that nonpermanent records are preserved for the time required by an approved records retention schedule.

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

2. It includes the advice from the Archives Advisory Board in the State Archivist's consideration of what constitutes an archival record.
3. It changes the definition of "state agency" or "agency" to include all government agencies, including the Legislature and the judicial branch.
4. It changes the definition of "electronic records".
5. It adds language regarding the powers and duties of the State Archivist that was previously stricken.
6. It changes the laws governing the State Archivist to reflect the two organizational units of the Maine State Archives: archives services and records management.
7. It adds language to strengthen the records management practices for all state and local government agencies by using four criteria in the development of a guiding records retention schedule: administrative use, legal requirements, fiscal and audit requirements and historical and research value.
8. It specifies when local government records may be destroyed.
9. It changes the expertise of Archives Advisory Board members, the appointment of the members and the term.
10. It changes the reporting requirement for the Maine Historical Records Advisory Board report from the joint standing committee of the Legislature having jurisdiction over education and cultural affairs to the joint standing committee of the Legislature having jurisdiction over the Maine State Archives.
11. It removes reference to a position that was eliminated in Public Law 2015, chapter 480.

### **Committee Amendment "A" (H-52)**

This amendment removes the judicial branch from the requirements of the Archives and Records Management Law, as in current law.

### **Enacted Law Summary**

Public Law 2019, chapter 50 makes the following changes to the Archives and Records Management Law in Maine Revised Statutes, Title 5, chapter 6.

1. It specifies that it is the policy of the State to ensure that nonpermanent records are preserved for the time required by an approved records retention schedule.
2. It includes the advice from the Archives Advisory Board in the State Archivist's consideration of what constitutes an archival record.
3. It expands the definition of "state agency" or "agency" to include the Legislature.
4. It changes the definition of "electronic records".
5. It adds language regarding powers and duties of the State Archivist that was stricken.
6. It changes the laws governing the State Archivist to reflect the two organizational units of the Maine State Archives: archives services and records management.
7. It adds language to strengthen the records management practices for all state and local government agencies by using four criteria in the development of a guiding records retention schedule: administrative use, legal

*Joint Standing Committee on State and Local Government*

requirements, fiscal and audit requirements and historical and research value.

8. It specifies when local government records may be destroyed.

9. It changes the expertise of Archives Advisory Board members, the appointment of the members and the term.

10. It changes the reporting requirement for the Maine Historical Records Advisory Board report from the joint standing committee of the Legislature having jurisdiction over education and culture affairs to the joint standing committee of the Legislature having jurisdiction over the Maine State Archives.

11. It removes reference to a position that was eliminated in Public Law 2015, chapter 480.

**LD 554 An Act To Clarify the Authority To Recall Municipal Officials**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLAXTON N	ONTP	

This bill repeals the provision in Maine Revised Statute, Title 30-A, section 2505 that limits the recall process for elected municipal officials to cases where the official is convicted of a crime, the conduct of which occurred during the official's term of office and the victim of which is the municipality.

**LD 563 An Act To Help Municipalities Prepare for Sea Level Rise**

**PUBLIC 153**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLUME L BREEN C	OTP-AM ONTP	H-180

This bill amends the State's growth planning and land use laws to reflect that addressing the effects of sea level rise is a state planning and regulatory goal. The bill amends the laws regarding the State's coastal management policies to direct state, local and certain federal agencies responsible for regulating, planning, developing or managing coastal resources to conduct their activities affecting the coastal area consistent with the policy of encouraging the assessment of and planning for the effects of the rise in sea level. The bill provides that a coastal municipality or multimunicipal region that includes a coastal municipality, if the municipality or region adopts a growth management program under the State's growth planning and land use laws, may include in its comprehensive plan projections regarding sea level changes and the potential effects of the rise in sea level and may develop a coordinated plan for addressing the effects of the rise in sea level. The bill also provides that "coastal municipality" means a municipality or township in the coastal zone as identified by a coastal program administered by the Department of Marine Resources.

**Committee Amendment "A" (H-180)**

This amendment in the majority report of the committee. It clarifies that a municipality or multimunicipal region that is in the "coastal area" as defined in Maine Revised Statutes, Title 38, section 1802 is subject to the bill. This amendment strikes the language in the bill requiring the state, local and federal agencies responsible for regulating, planning, developing or managing coastal resources conduct their activities affecting the coastal area consistent with the policy of encouraging the assessment of and planning for the effects of the rise in sea level.

**Enacted Law Summary**

Public Law 2019, chapter 153 encourages municipalities and multimunicipal regions to assess and plan for the