

MAINE STATE LEGISLATURE

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STATE OF MAINE
129TH LEGISLATURE
FIRST SPECIAL AND SECOND REGULAR SESSIONS



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

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

November 2020

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STATE OF MAINE

129TH 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 129th 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 129th 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.

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that the public easement retained in a town way discontinued by abandonment is limited to rights of access by foot or motor vehicle, which are the limits of public easements laid out by a municipality through its eminent domain powers in the Maine Revised Statutes, Title 23, section 3022.

The fiscal note on this amendment identifies a requirement in the amendment as a potential state mandate with a moderate statewide cost. The committee finds that the provisions identified as a potential mandate do not require a local unit of government to expand or modify its activities so as to necessitate additional expenditures from local revenue. In order to be a mandate pursuant to the Constitution of Maine, Article IX, Section 21, a provision must require a local unit of government to expand or modify its activities so as to necessitate additional expenditures from local revenue.

The requirements in this amendment that a municipality or county provide notice and the opportunity for hearing if the municipality or county takes the step of declaring a town way abandoned does not require an expansion or modification of activities because there is no requirement that a municipality or county abandon a town way or declare a town way abandoned. Additionally, a municipality or county that chooses to abandon a town way may do so under the common law presumption of abandonment recognized by the Maine Supreme Judicial Court since 1916.

This bill was carried over on the Special Appropriations Table to any special session of the 129th Legislature by joint order, S. P. 788.

LD 1458 An Act To Protect Taxpayers in the Privatization of State Services CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BELLOWS S MARTIN D		

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill creates a process by which a state agency can enter a privatization contract with a nongovernmental entity to perform basic agency services for up to five years if a number of criteria are met, including:

1. Wages and benefits for employees of the contractor are comparable to state employees performing the same services;
2. The contractor endeavors to hire agency employees terminated due to the privatization;
3. The agency provides an estimate of its costs in providing the subject services in the most efficient manner;
4. The agency provides support and resources to allow agency employees to submit a competing bid to provide the privatized services;
5. The agency considers as a contract cost any income tax revenue lost to the State as a result of services to be performed out of state under the contract; and
6. The Attorney General performs a review to determine that all of the requirements of the bidding process and privatization contract have been met.

This bill, which had been voted but not yet reported out of committee, was carried over in committee to any special

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session of the 129th Legislature by joint order, S.P. 788.

**LD 1733 An Act To Ensure Comprehensive Interdepartmental Planning,
Coordination and Collaboration on Aging Policy**

CARRIED OVER

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

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill creates the position of Director of Aging in the Governor's Office of Policy and Management to oversee the planning and policy development for all functions and activities conducted or supported in the State that relate to aging, older adults and family care partners of older adults, including, but not limited to, promoting intergovernmental collaboration in meeting established aging policy objectives and managing the coordination of multiple-agency initiatives related to policy objectives. The bill amends the requirements for preparing and implementing a comprehensive state plan relating to Maine's aging population and incapacitated and dependent adults. The bill establishes a State Commission on Aging to advise the Governor, Legislature and state agencies on planning, research and intergovernmental cooperation related to the needs of older adults in the State. The bill authorizes the Revisor of Statutes, in preparing legislation, to change any terms that refer to "elderly," "elder" or "senior" individuals to refer instead to "older" individuals.

Committee Amendment "A" (H-682)

This amendment was the majority report of the committee. It creates the Cabinet on Aging to promote intergovernmental collaboration in meeting aging policy objectives and managing the coordination of multiple-agency initiatives related to the needs of older adults in the State. The Cabinet on Aging will provide input to the Department of Health and Human Services on the department's comprehensive state plan for Maine's aging population and incapacitated and dependent adults and on the new state plan on Alzheimer's disease and other dementias. This amendment was not adopted.

This bill was reported out of committee and then recommitted back to committee with accompanying papers. This bill was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1799 Resolve, Authorizing the Department of Agriculture, Conservation and
Forestry To Convey Certain Land in the Little Moose Unit of
Moosehead Junction Township**

RESOLVE 126

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STEARNS P	OTP-AM	H-728

This resolve was carried over in the Agriculture, Conservation and Forestry Committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322. This resolve was re-referred to the State and Local Government Committee during the Second Regular Session.

This resolve authorizes the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry to convey 0.23 acre of land in Little Moose Unit, Moosehead Junction Township to an abutter, Charles Benevento, to resolve a boundary issue.