

MAINE STATE LEGISLATURE

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STATE OF MAINE
129TH 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

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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 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.

Joint Standing Committee on State and Local Government

**LD 1517 An Act To Facilitate the Deployment of Small Wireless Facilities in
Maine**

PUBLIC 223

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PIERCE T BREEN C	OTP-AM	H-363

This bill provides that a small wireless facility must be a permitted use within the public right-of-way subject to any duly adopted, nondiscriminatory conditions otherwise applicable to permitted uses within the municipality and consistent with state and federal law, including, without limitation, any permitting requirements in the Maine Revised Statutes, Title 35-A, chapter 25.

Committee Amendment "A" (H-363)

This amendment states that small wireless facilities are subject to permitting requirements and duly adopted nondiscriminatory conditions otherwise applicable to permitted uses within the municipality. This amendment clarifies that this legislation does not alter a franchise agreement between a cable television company and a municipality.

Enacted Law Summary

Public Law 2019, chapter 223 provides that a small wireless facility must be a permitted use within the public right-of-way, subject to permitting requirements and duly adopted, nondiscriminatory conditions otherwise applicable to permitted uses.

**LD 1536 An Act To Require Municipalities To Maintain Access on Public
Rights-of-way**

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KESCHL D	ONTP	

This bill:

1. Provides that when a municipality discontinues a road it may not retain a public easement if the municipal officers verify that private easements for the purpose of allowing travel along the way for all abutting property owners have been filed with the registry of deeds. If the municipal officers are unable to verify those easements, they may discontinue the road only if a public easement is retained and the public use for which the easement is retained is specified. If the municipality retains a public easement, the municipality must provide sufficient public maintenance of the public easement to allow the specified use;
2. Modifies the road abandonment law to provide that a presumption of abandonment of a way is fully rebutted and removed by evidence that records maintained by the Department of Transportation indicate that a municipality received funds under the Maine Revised Statutes, Title 23, chapter 19, subchapter 6 based on any mileage of the way during any portion of the 30 or more consecutive years of apparent discontinuance;
3. Modifies the road abandonment law to provide that a municipality may not intentionally cease to maintain a way as a means of creating a presumption of abandonment and a presumption of abandonment is fully rebutted and removed by evidence that a municipality intentionally ceased maintenance as a means of creating a presumption of abandonment;
4. Modifies the road abandonment law to provide that a municipality may not assert a presumption of abandonment