

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
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

MEMBERS:

SEN. NED CLAXTON, CHAIR

SEN. SUSAN A. 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

REP. MAUREEN FITZGERALD TERRY*

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/>

*Committee member for a portion of the session

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.

Joint Standing Committee on State and Local Government

- 11. Salary of the Chief Judge of the District Court from \$94,000 per year to \$160,000 per year;
- 12. Salary of the Deputy Chief Judge of the District Court from \$92,000 per year to \$155,000 per year; and
- 13. Salary of the Associate Judges of the District Court from \$90,000 per year to \$150,000 per year.

The bill gives the Chief Justice of the Supreme Judicial Court the authority to develop criteria and rates for longevity pay for all justices and judges. It moves the initial meeting of the State Compensation Commission from within 15 days after appointment of the members to within 15 days after adjournment of a legislative session. It requires the President of the Senate and the Speaker of the House to appoint the fifth member of the commission in alternating odd-numbered years. It removes the following positions from the commission's review: Secretary and Assistant Secretary of the Senate and Clerk and Assistant Clerk of the House of Representatives.

By reporting out this bill, the committee is not suggesting and does not intend to suggest that it agrees or disagrees with any aspect of this bill. The committee is reporting out the bill for the sole purpose of having a bill printed and referred back to the committee for an appropriate public hearing and subsequent processing in the normal course.

This bill, which had not yet been voted by committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

LD 2132 Resolve, Regarding Legislative Review of Chapter 104: Certain CARRIED OVER
Payments Not Immediate, a Late-filed Major Substantive Rule of the
Office of the Treasurer of State

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

This resolve provides for legislative review of Chapter 104: Certain Payments Not Immediate, a major substantive rule of the Office of the Treasurer of State that was filed outside the legislative rule acceptance period.

This bill, which had been voted but not yet reported out of committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

LD 2167 An Act To Implement Provisions Necessary to the Health, Welfare and PUBLIC 617
Safety of the Citizens of Maine in Response to the COVID-19 Public EMERGENCY
Health Emergency

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T GIDEON S		

This bill was not referred to committee. This bill provides the Governor, on a temporary basis, with additional powers for the duration of the state of emergency declared by the Governor in accordance with the Maine Revised Statutes, Title 37-B, section 742 due to the outbreak of COVID-19 to enable the Governor to reduce the impact of the pandemic.

Part A allows the Governor or the Governor's designee, in consultation with the Commissioner of Education, to:

Joint Standing Committee on State and Local Government

1. Waive the compulsory school attendance requirements, including the minimum number of school days, or allow the compulsory attendance requirements to be met through nontraditional learning systems, including but not limited to remote access; and
2. Continue to provide nutrition services to students of schools that are closed due to COVID-19.

The authorization in Part A continues for the duration of the state of emergency and 30 days after the termination of the state of emergency.

Part B revises certain unemployment insurance eligibility and benefit charging provisions under the Employment Security Law to protect public health during the state of emergency by allowing an individual who takes a temporary leave of absence due to COVID-19 to qualify for unemployment benefits.

Part C allows for the Department of Public Safety, Maine Emergency Medical Services' Board to delegate functions and authority to Maine Emergency Medical Services staff without requiring rulemaking. This modification will allow for the board to respond quickly to emergencies by convening emergency board meetings and empowering the Director of Maine Emergency Medical Services to undertake specific activities that the board delegates.

Part C also allows the Medical Direction and Practices Board to use videoconferencing and other technologies to conduct its meetings and, until December 31, 2020, to delegate its duties to the statewide emergency medical services medical director and the statewide associate emergency medical services medical director.

Part D affects municipal budgets and elections by:

1. Establishing the prior year's budget as the budget for the ensuing year if an annual municipal budget meeting is delayed beyond the date the annual budget is customarily submitted to the legislative body of that municipality for approval due to public health concerns arising from COVID-19 until a final budget is approved. If a final budget is not approved in a timely manner and the municipal officers determine that property taxes must be committed in a timely manner to the collector, the municipal assessor or assessors may commit property taxes on the basis of the budget deemed approved;
2. Allowing a municipal treasurer to disburse money on the authority of a warrant that is seen and signed by individual municipal officers outside of a public meeting;
3. Allowing the municipal officers to postpone the date of a scheduled municipal secret ballot election when nomination papers have already been issued or filed by posting notice in a conspicuous public location at least two days prior to the date of the election. The notice must be signed by a majority of the board and must contain specific information regarding the election; and
4. If ballots have been printed for the postponed election, allowing the municipality to use those ballots despite inclusion of the original election date. If absentee ballots have been issued and returned, the municipality is required to use the ballots printed for the originally scheduled election. The municipal clerk is required to safeguard and secure any absentee ballots already returned until the date of the rescheduled election and is required to process them as required by the Maine Revised Statutes, Title 21-A. During the interim period between the originally scheduled election and rescheduled election, the clerk may continue to issue and accept absentee ballots and applications and allow voting in the presence of the clerk pursuant to the Maine Revised Statutes, Title 21-A.

Part D applies retroactively to March 1, 2020, and is repealed January 15, 2021.

Part E authorizes a school board, if, due to the state of emergency declared by the Governor, the level of state subsidy for the 2020-2021 school year is not finalized in accordance with the Maine Revised Statutes, Title 20-A,

Joint Standing Committee on State and Local Government

chapter 606-B before June 1, 2020, or if school board meetings are delayed, to delay a school budget meeting otherwise required to be held before July 1, 2020, to a date on or after July 1, 2020. If a school board elects to delay a school budget meeting, the meeting must be held and the budget approved within 30 days of the date the Commissioner of Education notifies the school board of the amount allocated to the school administrative unit under the Maine Revised Statutes, Title 20-A, section 15689-B or following the end of the state of emergency.

Part E applies retroactively to March 1, 2020, and is repealed January 15, 2021.

Part F affects licenses and registrations, such as for motor vehicles, all-terrain vehicles, watercraft and dogs, issued by a municipality by extending until 30 days after the end of the state of emergency any registration or license issued by that municipality that expires during the state of emergency. The registration and licensing fees that would have been payable but for the extension are due within 30 days following the end of the state of emergency.

Part F also allows a municipality, without conducting a hearing, to grant a request for a renewal of a license to sell alcohol. This does not affect the ability of a municipality to deny a request for renewal for specified cause and is valid only during the state of emergency and the 30 days following the end of the state of emergency.

Part F also requires the Secretary of State, Bureau of Motor Vehicles and the Department of Inland Fisheries and Wildlife to allow a resident of this State to renew the registration of a motor vehicle, trailer, all-terrain vehicle or watercraft, regardless of whether the municipality in which that resident resides participates in the online registration service maintained by the bureau or department, for the duration of the state of emergency and 30 days following the end of the state of emergency.

Part G amends the Freedom of Access Act to allow entities subject to that Act, not including the Legislature, a legislative committee or the legislative body of a county, municipality or other public entity, to conduct a public proceeding through telephonic, video, electronic or other similar means of communication as long as certain specified conditions are met, including notice of the means of holding the meeting, ensuring that members of the body can speak and be heard by the other members of the body and requiring that all votes are taken by roll call. This authorization applies only during the state of emergency.

Part H provides the Governor additional powers under the Maine Emergency Management Act including:

1. To reasonably adjust time frames and deadlines imposed by law for state, county and municipal governments and other entities when such an adjustment is reasonably necessary to mitigate a substantial effect of the state of emergency;
2. In consultation with the Public Utilities Commission, to suspend the termination of residential electricity and water services during the period of the state of emergency and up to 60 days after the state of emergency is terminated; and
3. To modify or suspend the requirements for professional or occupational licensing or registration by any agency, board or commission if strict compliance with such requirements would in any way prevent, hinder or delay necessary action in dealing with the state of emergency.

These additional powers terminate 30 days after the termination of the state of emergency, except for the suspension of termination of electricity and water services.

Part I establishes the Loan Guarantee Program. The program, administered by the Finance Authority of Maine, provides easier access to no-interest loans for residents of this State, including self-employed residents, who experience a reduction in income due to the state of emergency arising from COVID-19. The program guarantees up to 10% of the loans eligible credit unions and financial institutions make to affected employees. Under the

Joint Standing Committee on State and Local Government

program, affected employees are eligible for up to three loans, each equal to their monthly after-tax pay, up to \$5,000, less unemployment benefits. Repayment is due starting 90 days after the end of the state of emergency and during the subsequent six months; during that period, interest may not be charged or accrue on the loan. Following the end of the 270 days, a credit union or financial institution that made a loan under the program, after a good faith effort to collect the principal amount of the loan, may apply to the authority for repayment of the uncollected amount of the loan in default. The authority is required to make reasonable efforts to recoup the amount of any payments made to credit unions and financial institutions from the employee who defaulted on the loan. The authority may not make any loans after December 31, 2020, and the program ends once all obligations for payment, repayment or discharge of the loans are satisfied. The bill gives the Joint Standing Committee on Appropriations and Financial Affairs authority to report out legislation to address any funding needs of the program.

Part J delays from April 22, 2020, to January 15, 2021, the requirement that a retail establishment charge a fee of at least 5¢ per recycled paper or reusable plastic bag used at the point of sale.

Part J also moves up from April 22, 2020, to March 17, 2020, the date on which the State occupies the whole field of regulation of single-use carry-out bags at retail establishments, but delays until January 15, 2021, the voiding of any municipal ordinance in conflict with state law.

Part K authorizes the Department of Health and Human Services to require a designated health care facility to report specific information to the department, such as the health care facility's emergency management plan and, on a daily basis, the number of beds available within that facility.

Part L authorizes the Governor, only for the elections scheduled to be held on June 9, 2020, to take any reasonable administrative actions the Governor considers necessary to facilitate voting by all residents registered to vote in this State in a manner that preserves and protects public health in response to COVID-19, including, but not limited to, issuance and receipt of absentee ballots for the June 9, 2020 elections.

Enacted Law Summary

Public Law 2019, chapter 617 provides the Governor, on a temporary basis, with additional powers for the duration of the state of emergency declared by the Governor in accordance with the Maine Revised Statutes, Title 37-B, section 742 due to the outbreak of COVID-19 to enable the Governor to reduce the impact of the pandemic.

Part A allows the Governor or the Governor's designee, in consultation with the Commissioner of Education, to:

1. Waive the compulsory school attendance requirements, including the minimum number of school days, or allow the compulsory attendance requirements to be met through nontraditional learning systems, including but not limited to remote access; and
2. Continue to provide nutrition services to students of schools that are closed due to COVID-19.

The authorization in Part A continues for the duration of the state of emergency and 30 days after the termination of the state of emergency.

Part B revises certain unemployment insurance eligibility and benefit charging provisions under the Employment Security Law to protect public health during the state of emergency by allowing an individual who takes a temporary leave of absence due to COVID-19 to qualify for unemployment benefits.

Part C allows for the Department of Public Safety, Maine Emergency Medical Services' Board to delegate functions and authority to Maine Emergency Medical Services staff without requiring rulemaking. This modification will allow for the board to respond quickly to emergencies by convening emergency board meetings and empowering the Director of Maine Emergency Medical Services to undertake specific activities that the board delegates.

Joint Standing Committee on State and Local Government

Part C also allows the Medical Direction and Practices Board to use videoconferencing and other technologies to conduct its meetings and, until December 31, 2020, to delegate its duties to the statewide emergency medical services medical director and the statewide associate emergency medical services medical director.

Part D affects municipal budgets and elections by:

1. Establishing the prior year's budget as the budget for the ensuing year if an annual municipal budget meeting is delayed beyond the date the annual budget is customarily submitted to the legislative body of that municipality for approval due to public health concerns arising from COVID-19 until a final budget is approved. If a final budget is not approved in a timely manner and the municipal officers determine that property taxes must be committed in a timely manner to the collector, the municipal assessor or assessors may commit property taxes on the basis of the budget deemed approved;
2. Allowing a municipal treasurer to disburse money on the authority of a warrant that is seen and signed by individual municipal officers outside of a public meeting;
3. Allowing the municipal officers to postpone the date of a scheduled municipal secret ballot election when nomination papers have already been issued or filed by posting notice in a conspicuous public location at least two days prior to the date of the election. The notice must be signed by a majority of the board and must contain specific information regarding the election; and
4. If ballots have been printed for the postponed election, allowing the municipality to use those ballots despite inclusion of the original election date. If absentee ballots have been issued and returned, the municipality is required to use the ballots printed for the originally scheduled election. The municipal clerk is required to safeguard and secure any absentee ballots already returned until the date of the rescheduled election and is required to process them as required by the Maine Revised Statutes, Title 21-A. During the interim period between the originally scheduled election and rescheduled election, the clerk may continue to issue and accept absentee ballots and applications and allow voting in the presence of the clerk pursuant to Title 21-A.

Part D applies retroactively to March 1, 2020, and is repealed January 15, 2021.

Part E authorizes a school board, if, due to the state of emergency declared by the Governor, the level of state subsidy for the 2020-2021 school year is not finalized in accordance with the Maine Revised Statutes, Title 20-A, chapter 606-B before June 1, 2020 or if school board meetings are delayed, to delay a school budget meeting otherwise required to be held before July 1, 2020 to a date on or after July 1, 2020. If a school board elects to delay a school budget meeting, the meeting must be held and the budget approved within 30 days of the date the Commissioner of Education notifies the school board of the amount allocated to the school administrative unit under the Maine Revised Statutes, Title 20-A, section 15689-B or following the end of the state of emergency.

Part E applies retroactively to March 1, 2020, and is repealed January 15, 2021.

Part F affects licenses and registrations, such as for motor vehicles, all-terrain vehicles, watercraft and dogs, issued by a municipality by extending until 30 days after the end of the state of emergency any registration or license issued by that municipality that expires during the state of emergency. The registration and licensing fees that would have been payable but for the extension are due within 30 days following the end of the state of emergency.

Part F also allows a municipality, without conducting a hearing, to grant a request for a renewal of a license to sell alcohol. This does not affect the ability of a municipality to deny a request for renewal for specified cause and is valid only during the state of emergency and 30 days following the end of the state of emergency.

Joint Standing Committee on State and Local Government

Part F also requires the Secretary of State, Bureau of Motor Vehicles and the Department of Inland Fisheries and Wildlife to allow a resident of this State to renew the registration of a motor vehicle, trailer, all-terrain vehicle or watercraft, regardless of whether the municipality in which that resident resides participates in the online registration service maintained by the bureau or department, for the duration of the state of emergency and 30 days following the end of the state of emergency.

Part G amends the Freedom of Access Act to allow entities subject to that Act, not including the Legislature, a legislative committee or the legislative body of a county, municipality or other public entity, to conduct a public proceeding through telephonic, video, electronic or other similar means of communication as long as certain specified conditions are met, including notice of the means of holding the meeting, ensuring that members of the body can speak and be heard by the other members of the body and requiring that all votes are taken by roll call. This authorization applies only during the state of emergency.

Part H provides the Governor additional powers under the Maine Emergency Management Act including:

1. To reasonably adjust time frames and deadlines imposed by law for state, county and municipal governments and other entities when such an adjustment is reasonably necessary to mitigate a substantial effect of the state of emergency;
2. In consultation with the Public Utilities Commission, to suspend the termination of residential electricity and water services during the period of the state of emergency and up to 60 days after the state of emergency is terminated; and
3. To modify or suspend the requirements for professional or occupational licensing or registration by any agency, board or commission if strict compliance with such requirements would in any way prevent, hinder or delay necessary action in dealing with the state of emergency.

These additional powers terminate 30 days after the termination of the state of emergency, except for the suspension of termination of electricity and water services.

Part I establishes the Loan Guarantee Program. The program, administered by the Finance Authority of Maine, provides easier access to no-interest loans for residents of this State, including self-employed residents, who experience a reduction in income due to the state of emergency arising from COVID-19. The program guarantees up to 10% of the loans eligible credit unions and financial institutions make to affected employees. Under the program, affected employees are eligible for up to three loans, each equal to their monthly after-tax pay, up to \$5,000, less unemployment benefits. Repayment is due starting 90 days after the end of the state of emergency and during the subsequent six months; during that period, interest may not be charged or accrue on the loan. Following the end of the 270 days, a credit union or financial institution that made a loan under the program, after a good faith effort to collect the principal amount of the loan, may apply to the authority for repayment of the uncollected amount of the loan in default. The authority is required to make reasonable efforts to recoup the amount of any payments made to credit unions and financial institutions from the employee who defaulted on the loan. The authority may not make any loans after December 31, 2020, and the program ends once all obligations for payment, repayment or discharge of the loans are satisfied. The bill gives the Joint Standing Committee on Appropriations and Financial Affairs authority to report out legislation to address any funding needs of the program.

Part J delays from April 22, 2020 to January 15, 2021, the requirement that a retail establishment charge a fee of at least 5¢ per recycled paper or reusable plastic bag used at the point of sale.

Part J also moves up from April 22, 2020 to March 17, 2020, the date on which the State occupies the whole field of regulation of single-use carry-out bags at retail establishments, but delays until January 15, 2021, the voiding of any municipal ordinance in conflict with state law.

Joint Standing Committee on State and Local Government

Part K authorizes the Department of Health and Human Services to require a designated health care facility to report specific information to the department, such as the health care facility's emergency management plan and, on a daily basis, the number of beds available within that facility.

Part L authorizes the Governor, only for the elections scheduled to be held on June 9, 2020, to take any reasonable administrative actions the Governor considers necessary to facilitate voting by all residents registered to vote in this State in a manner that preserves and protects public health in response to COVID-19, including, but not limited to, issuance and receipt of absentee ballots for the June 9, 2020 elections.

Public Law 2019, chapter 617 was enacted as an emergency measure effective March 18, 2020.