### STATE OF MAINE 131<sup>st</sup> Legislature Second Regular Session



Disposition of bills and summaries of all laws enacted or finally passed

# JOINT STANDING COMMITTEE ON STATE AND LOCAL GOVERNMENT

June 2024

MEMBERS:

SEN. TIM NANGLE, CHAIR SEN. JOSEPH BALDACCI SEN. PETER LYFORD

REP. HOLLY B. STOVER, CHAIR REP. LYNN H. COPELAND REP. DEQA DHALAC REP. MANA ABDI REP. RANDALL ADAM GREENWOOD REP. JEFFREY SEAN ADAMS REP. KIMBERLY J. POMERLEAU REP. JOSEPH F. UNDERWOOD REP. WALTER N. RISEMAN REP. DAVID SINCLAIR

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	LD 2152	An Act to Allow Equitable Compensation of Certain Board Members	PUBLIC 665
	LD 2241	An Act to Eliminate Inactive Boards and Commissions	PUBLIC 607
Not Enacted	LD 471	An Act to Establish the Maine State Flag Commission	HELD BY GOVERNOR
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Enacted	LD 2068	Resolve, to Adopt Conceptual Elements of the 2023 Augusta State Facilities Master Plan	RESOLVE 143
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	LD 2248	An Act to Reduce the Reporting Requirements for Special Utility Districts and to Repeal the Maine Public Utility Financing Bank Act	PUBLIC 608
Not Enacted	LD 910	An Act to Amend the Laws of Maine	CARRIED OVER
	LD 983	An Act to Exempt Maine from Daylight Saving Time	ONTP
	LD 1442	An Act to Expand Health Insurance Options to Child Care Providers	HELD BY GOVERNOR

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		Public Purchasing and Contracting	
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	LD 2047	An Act to Increase the Expenditure Limit for Informal Bidding Processes and Update References to the Office of Procurement Services	PUBLIC 516
Not Enacted	LD 1983	An Act to Establish the Maine Buy American and Build Maine Act	Died Between Houses
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	LD 1100	Resolve, to Modify Security Screenings in the State House and Implement Security Screenings in the Burton M. Cross Building	CARRIED OVER
	LD 1432	An Act to Increase the Inclusion of Demographic Data from State Agencies in the Legislative Process	HELD BY GOVERNOR
	LD 1668	An Act to Provide Staffing for Ongoing Study Commissions During Legislative Sessions and to Support the Work of the Legislature	CARRIED OVER
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Not Enacted	LD 1100	Resolve, to Modify Security Screenings in the State House and Implement Security Screenings in the Burton M. Cross Building	CARRIED OVER
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Enacted	LD 86	An Act to Restore the Former State of Maine Flag	PUBLIC 487
	LD 2222	An Act Establishing a State Calendar for the State of Maine	PUBLIC 569
Not Enacted	LD 471	An Act to Establish the Maine State Flag Commission	HELD BY GOVERNOR

#### DIGEST OF BILLS 131ST LEGISLATURE SECOND REGULAR SESSION - 2024

### Joint Standing Committee on State and Local Government

Comm	LD	Title	Committee Action	Date of last Comm Action	Disposition upon R2 Adjournment	Law	Ch	Analyst Note?
SLG	86	An Act to Restore the Former State of Maine Flag	OTP-AM/ONTP	5/24/2023	Enacted	PL	487	
SLG	165	An Act to Increase the Governor's Salary	OTP-AM	6/1/2023	Enacted	PL	488	
SLG	360	An Act to Amend the Androscoggin County Charter	ONTP	1/11/2024	Ought Not to Pass Pursuant to Joint Rule 310			
SLG	371	An Act to Address Certain Local Zoning Ordinances	ONTP	2/15/2024	Ought Not to Pass Pursuant to Joint Rule 310			
SLG	380	An Act to Transfer the Monhegan Water Company to Monhegan Plantation and to Repeal the Monhegan Water Company Charter	OTP-AM	2/8/2024	Emergency Enacted	P&S	17	
SLG	471	An Act to Establish the Maine State Flag Commission	OTP-AM/ONTP	3/27/2024	Held by Governor			
SLG	577	An Act to Increase Availability and Security of Election Information on Government Websites	OTP-AM/ONTP	6/9/2023				
SLG	794	An Act to Expand the Membership of the Permanent Commission on the Status of Women	OTP-AM/ONTP	4/26/2023	Enacted	PL	656	
SLG	877	An Act to Increase Cybersecurity in Maine	OTP-AM/ONTP	3/29/2024	Enacted	PL	681	
SLG	909	An Act to Amend the Laws Regulating the Operation of the Legislature	Not Reported Out	5/10/2024				
SLG	910	An Act to Amend the Laws of Maine	Not Reported Out	5/10/2024				
SLG	983	An Act to Exempt Maine from Daylight Saving Time	ONTP	1/4/2024	Ought Not to Pass Pursuant to Joint Rule 310			

#### DIGEST OF BILLS 131ST LEGISLATURE SECOND REGULAR SESSION - 2024

Comm	LD	Title	Committee Action	Date of last Comm Action	Disposition upon R2 Adjournment	Law	Ch	Analyst Note?
SLG	1100	Resolve, to Modify Security Screenings in the State House and Implement Security Screenings in the Burton M. Cross Building	OTP-AM/ONTP	6/9/2023				
SLG	1233	An Act Regarding the Maine State Cemetery Preservation Commission	OTP-AM/ONTP	4/10/2024	Enacted	PL	677	
SLG	1409	Resolve, to Establish a Task Force to Study Sharing the Costs of Training First Responders Among Governmental Entities	OTP-AM	3/11/2024				
SLG	1432	An Act to Increase the Inclusion of Demographic Data from State Agencies in the Legislative Process	OTP-AM/ONTP	3/29/2024	Held by Governor			
SLG	1442	An Act to Expand Health Insurance Options to Child Care Providers	OTP-AM	6/21/2023	Held by Governor			
SLG	1667	An Act Regarding Recommendations for Changing Place Names in the State	OTP-AM/ONTP	3/27/2024	Held by Governor			
SLG	1668	An Act to Provide Staffing for Ongoing Study Commissions During Legislative Sessions and to Support the Work of the Legislature	OTP-AM/ONTP	6/6/2023				
SLG	1725	An Act to Strengthen Legislative Oversight of Government Agencies and Programs by Providing the Government Oversight Committee Access to Confidential Records	Not Reported Out	5/10/2024				
SLG	1948	An Act to Amend the State's Data Governance Program	OTP-AM/ONTP	3/15/2024	Enacted	PL	581	
SLG	1983	An Act to Establish the Maine Buy American and Build Maine Act	OTP-AM/ONTP	4/9/2024	Died Between Houses			
SLG	2011	An Act Regarding the State Auditor's Reporting Requirements on State Agencies' Financial Activities	OTP	1/24/2024	Enacted	PL	500	
SLG	2047	An Act to Increase the Expenditure Limit for Informal Bidding Processes and Update References to the Office of Procurement Services	OTP/OTP-AM	2/13/2024	Enacted	PL	516	
SLG	2068	Resolve, to Adopt Conceptual Elements of the 2023 Augusta State Facilities Master Plan	OTP/ONTP	2/22/2024	Finally Passed	RESLV	143	
SLG	2101	An Act to Strengthen Shoreland Zoning Enforcement	OTP-AM/ONTP	3/25/2024	Enacted	PL	602	
SLG	2102	An Act to Support Municipalities by Repealing the Law Limiting the Municipal Property Tax Levy	OTP-AM/ONTP	3/6/2024	Enacted	PL	603	

#### DIGEST OF BILLS 131ST LEGISLATURE SECOND REGULAR SESSION - 2024

Comm	LD	Title	Committee Action	Date of last Comm Action	Disposition upon R2 Adjournment	Law	Ch	Analyst Note?
SLG	2121	An Act to Address Chronic Understaffing of State Government Positions	OTP-AM/OTP- AM/ONTP	4/2/2024				
SLG	1145	Resolve, to Add Members to the Maine Semiquincentennial Commission and Set the Compensation Rate for Commission Members	OTP- AM/ONTP/OTP- AM	3/26/2024				
SLG	2146	An Act to Prohibit Certain Municipalities from Adopting Moratoria on Emergency Shelters	OTP-AM/ONTP	2/20/2024				
SLG	12150	An Act to Require Constitutional Officers to Complete Harassment Training	ONTP/OTP	2/22/2024	Enacted	PL	545	
SLG	2152	An Act to Allow Equitable Compensation of Certain Board Members	OTP-AM/ONTP	3/6/2024	Enacted	PL	665	
SLG	116/	An Act to Develop Maine's Economy and Strengthen Its Workforce by Establishing an Office of New Americans	Not Reported Out	5/10/2024				
SLG	2201	An Act Regarding the Placement of Portable Toilets	OTP-AM	3/19/2024	Enacted	PL	614	
SLG	2222	An Act Establishing a State Calendar for the State of Maine	OTP/ONTP	3/11/2024	Enacted	PL	569	
SLG	2228	An Act to Establish the Wabanaki Veterans Memorial	OTP-AM/ONTP	3/21/2024	Enacted	PL	606	
SLG	2241	An Act to Eliminate Inactive Boards and Commissions	OTP-AM	3/28/2024	Enacted	PL	607	
SLG	//4×	An Act to Reduce the Reporting Requirements for Special Utility Districts and to Repeal the Maine Public Utility Financing Bank Act	OTP-AM	3/27/2024	Enacted	PL	608	
SLG	2264	An Act to Clarify the Use of Public Equipment on Public Easements	OTP-AM	3/29/2024	Enacted	PL	642	

#### LD 86 An Act to Restore the Former State of Maine Flag

#### ENACTED LAW SUMMARY

Public Law 2023, chapter 487 changes the current State of Maine flag to the flag that was in use before 1909, subject to design approval by the Secretary of State and a referendum vote in November, 2024. The flag must be buff, charged with the emblem of the State, a pine tree proper, in the center, and the North Star, a mullet of five points, in blue in the upper corner; the star to be equidistant from the hoist and the upper border of the flag, the distance from the two borders to the center of the star being equal to about one-quarter of the hoist, this distance and the size of the star being proportionate to the size of the flag.

Public Law 2023, chapter 487 was finally enacted in both the House and the Senate prior to the adjournment sine die of the First Special Session in 2023 but was not signed by the Governor. Pursuant to the Constitution of Maine, Public Law 2023, chapter 487 became law without the Governor's signature on January 7, 2024.

#### LD 165 An Act to Increase the Governor's Salary

#### ENACTED LAW SUMMARY

Public Law 2023, chapter 488 increases the Governor's annual salary from \$70,000 to \$125,000 beginning the first Wednesday of January 2027 and allows the Governor to receive a nontaxable expense account of \$40,000 annually.

Public Law 2023, chapter 488 was finally enacted in both the House and the Senate prior to the adjournment sine die of the First Special Session in 2023 but was not signed by the Governor. Pursuant to the Constitution of Maine, Public Law 2023, chapter 488 became law without the Governor's signature on January 7, 2024.

# LD 380 An Act to Transfer the Monhegan Water Company to Monhegan Plantation and to Repeal the Monhegan Water Company Charter

#### ENACTED LAW SUMMARY

Private and Special Law 2023, chapter 17 requires, upon approval by referendum of the voters of Monhegan Plantation, that the Monhegan Water Company transfer to Monhegan Plantation and Monhegan Plantation acquire from the Monhegan Water Company, all the assets, property, rights, privileges, obligations and liabilities of the Monhegan Water Company. Upon the transfer and acquisition, Monhegan Plantation is required to establish and operate the Monhegan Plantation water district and file paperwork with the office of the Secretary of State terminating the corporate existence of the Monhegan Water Company. The transfer and acquisition and the establishment and operation of the water district must occur before January 1, 2025 and is subject to the approval

of the Public Utilities Commission. The law also repeals, effective January 1, 2025, the law that created the Monhegan Water Company, Private and Special Law 1913, chapter 35.

Private and Special Law 2023, chapter 17 was enacted as an emergency measure effective February 29, 2024.

# LD 794 An Act to Expand the Membership of the Permanent Commission on the Status of Women

#### ENACTED LAW SUMMARY

Public Law 2023, chapter 656 increases the membership of the Permanent Commission on the Status of Women from 17 members to 19 members and requires the Governor to appoint the two additional members, one member representing the interests of lesbian, gay, bisexual, transgender, queer, questioning, intersex or asexual persons and one member who is a person who has not attained 25 years of age.

#### LD 877 An Act to Increase Cybersecurity in Maine

#### ENACTED LAW SUMMARY

Public Law 2023, chapter 681 requires the Chief Information Officer in the Department of Administrative and Financial Services to establish and maintain two lists: a list of companies, including foreign adversaries, that pose a national security risk or a risk to the security and safety of persons of the United States; and a list of information and communications technology and services that pose a national security risk or a risk to the security and safety of persons of the United States. The lists must be published on the department's publicly accessible website and must be updated at least annually.

The Chief Information Officer must include on the lists companies and information and communications technology and services identified by statute, regulation or official guidance from appropriate federal agencies as posing a national security risk or a risk to the security and safety of persons of the United States. With certain exceptions, state agencies, local governmental entities, the judicial branch and the legislative branch are prohibited from contracting with a company or using, obtaining or purchasing information and communications technology and services included on the lists. Law enforcement agencies are exempt from the prohibitions in the law to the extent the prohibitions restrict law enforcement agencies' ability to protect the public or investigate criminal activity.

Public Law 2023, chapter 681 defines "foreign adversary" as a foreign government or foreign nongovernment person that the United States Secretary of Commerce has determined has engaged in a long-term pattern or serious instances of conduct significantly adverse to the national security of the United States or the security and safety of persons of the United States. It also requires a person that submits a bid for a contract with the State for goods or services to certify that the person

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is not a foreign adversary. If a person submits a false certification, that person commits a civil violation for which a fine may be adjudged in an amount that is twice the amount of the contract or \$250,000, whichever is greater. A contract entered into on or after the effective date of the law is void if the contract violates the prohibitions in the law.

#### LD 1233 An Act Regarding the Maine State Cemetery Preservation Commission

#### ENACTED LAW SUMMARY

Public Law 2023, chapter 677 changes the Maine State Cemetery Preservation Commission from an advisory board under the Maine Revised Statutes, Title 5, section 12004-I to an independent advisory board under Title 5, section 12004-J. It also makes the following changes to the commission in Title 13, section 1374.

- 1. It changes the duties of the commission from optional to mandatory.
- 2. It requires the commission to investigate complaints of violations of laws governing burying grounds and cemeteries reported to the commission.
- 3. It permits the commission to hire an executive director to carry out the functions of the commission and authorizes the executive director to hire additional staff as needed.
- 4. It requires the commission to develop a budget for each year and include the budget, income and expenses and details of the commission's activities in a report due to the joint standing committee of the Legislature having jurisdiction over state and local government matters by December 15th of each year.
- 5. It establishes the Cemetery Preservation Commission Fund for use by the commission to accomplish the duties of the commission.

The Department of Health and Human Services is required to amend its rules to increase the fee for a burial-transit permit by \$5 and the State Controller is required to deposit this amount into the fund, on a quarterly basis.

#### LD 1948 An Act to Amend the State's Data Governance Program

#### ENACTED LAW SUMMARY

Public Law 2023, chapter 581 makes the following changes to the law governing the data governance program for State Government under the Maine Revised Statutes, Title 1, section 547.

1. It replaces references to the Chief Information Officer with references to the Commissioner of Administrative and Financial Services, or the commissioner's designee.

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- 2. It requires that the data governance program adhere to the records retention schedule developed by the State Archivist pursuant to Title 5, section 95-C.
- 3. It requires each state agency to designate an employee with responsibility to oversee the agency's compliance with the data governance program.
- 4. It requires the Commissioner of Administrative and Financial Services, or the commissioner's designee, to work with the state agency designees to inventory the collection and availability of demographic data fields by the state agency, including, but not limited to, gender, location, race, ethnicity, birth sex, citizenship, socioeconomic status, education, sexual orientation, veteran status, disability status and age.
- 5. It requires the Commissioner of Administrative and Financial Services, or the commissioner's designee, to develop a definition and standard for certain demographic data fields, including, but not limited to, gender, location, race, ethnicity, birth sex, citizenship, socioeconomic status, education, sexual orientation, veteran status, disability status and age.
- 6. It requires that the definitions and standards be developed in consultation with the Department of the Secretary of State and the Permanent Commission on the Status of Racial, Indigenous and Tribal Populations.
- 7. It requires the Commissioner of Administrative and Financial Services, or the commissioner's designee, to the extent resources are available, to work with the Department of the Secretary of State and the Permanent Commission on the Status of Racial, Indigenous and Tribal Populations to convene a stakeholder group at least once each year to review progress in developing and implementing the data governance program. It requires the Commissioner of Administrative and Financial Services, or the commissioner's designee, when inviting members to the stakeholder group, to consider the racial, ethnic, gender, socioeconomic and other demographic diversity of the group.

# LD 2011 An Act Regarding the State Auditor's Reporting Requirements on State Agencies' Financial Activities

#### ENACTED LAW SUMMARY

Public Law 2023, chapter 500 requires the State Auditor to submit annual reports to the Legislature regarding the administration of federal grants, programs and awards by state agencies. The report must be based on the most recent single audit conducted by the State Auditor pursuant to the Maine Revised Statutes, Title 5, section 243 and must describe all disputed findings from the past five single audit reports and any corrective action plans from those findings that were not implemented. Each joint standing committee of the Legislature has the authority to report out legislation related to the disputed findings and corrective action plans in the report pertaining to subject matter under the jurisdiction of the committee.

# LD 2047 An Act to Increase the Expenditure Limit for Informal Bidding Processes and Update References to the Office of Procurement Services

#### **ENACTED LAW SUMMARY**

Public Law 2023, chapter 516 increases the dollar threshold under which a state agency may procure goods or services through an informal bidding processes from \$10,000 or less to \$25,000 or less. It replaces the phrase "oral proposals" with "informal written quotes" in this provision on the informal bidding process. It also replaces, throughout the Maine Revised Statutes, the term "Bureau of Purchases" with "Office of Procurement Services" and the term "State Purchasing Agent" with "Chief Procurement Officer".

# LD 2068 Resolve, to Adopt Conceptual Elements of the 2023 Augusta State Facilities Master Plan

#### ENACTED LAW SUMMARY

Resolve 2023, chapter 143 facilitates the Legislature's adoption of the 2023 Augusta State Facilities Master Plan, which replaces the 2001 State Facilities Master Plan. A master plan for the orderly development of future state buildings and grounds in the capitol area of the City of Augusta, with the exception of the State House, is required to be established and maintained by the Capitol Planning Commission pursuant to the Maine Revised Statutes, Title 5, section 299.

#### LD 2101 An Act to Strengthen Shoreland Zoning Enforcement

#### ENACTED LAW SUMMARY

Public Law 2023, chapter 602 authorizes, but does not require, a municipality and the Maine Land Use Planning Commission to take the following actions when there is a violation of a law, ordinance, standard, rule, permit or order on land in a shoreland zone within the jurisdiction of the municipality or commission.

- 1. The municipality or the commission may deny the issuance of a permit to or suspend or revoke a permit of the owner or occupant for further development of all or a portion of the land on which the violation occurred until the violation is removed, abated or otherwise corrected and any penalties and court-awarded fees are paid.
- 2. The municipality or the commission may file a civil action against the owner or occupant to recover unpaid penalties, the cost to remove, abate or otherwise correct the violation and court costs and reasonable attorney's fees necessary to file and pursue the civil action.
- 3. The municipality or the commission may claim a lien against the land on which the violation occurred if the municipality or commission is the prevailing party in the civil action.

Prior to taking any of the above-listed actions, a municipality or the commission must provide the owner and any occupant with written notice of the violation and 10 days within which to remove, abate or otherwise correct the violation.

The law also requires persons selling property to disclose any actual or alleged violations of shoreland zoning statutes, ordinances, rules or regulations.

# LD 2102 An Act to Support Municipalities by Repealing the Law Limiting the Municipal Property Tax Levy

#### ENACTED LAW SUMMARY

Public Law 2023, chapter 603 repeals the law limiting the municipal property tax levy.

#### LD 2150 An Act to Require Constitutional Officers to Complete Harassment Training

#### ENACTED LAW SUMMARY

Public Law 2023, chapter 545 requires the Secretary of State, Treasurer of State and the Attorney General to attend and complete an annual course of in-person education and training regarding harassment, including, but not limited to, sexual and racial harassment.

#### LD 2152 An Act to Allow Equitable Compensation of Certain Board Members

#### ENACTED LAW SUMMARY

Public Law 2023, chapter 665 allows members of boards and commissions currently excluded from compensation under the Maine Revised Statutes, Title 5, section 12002-D, to be compensated if the department or agency associated with the board or commission has sufficient funds. Compensation may not exceed the legislative per diem and is only available to members not otherwise compensated for their time serving on the board or commission by their employer or the entity they represent.

#### LD 2201 An Act Regarding the Placement of Portable Toilets

#### ENACTED LAW SUMMARY

Public Law 2023, chapter 614 allows a person not subject to regulation under the Maine Revised Statutes, Title 22, chapter 562 to place and use a temporary portable toilet as long as the temporary portable toilet is maintained and serviced in a reasonable manner to protect the public's health and safety and the environment. It clarifies that the Department of Health and Human Services may

adopt routine technical rules providing for the inspection of portable toilets for persons subject to regulation under Title 22, chapter 562.

#### LD 2222 An Act Establishing a State Calendar for the State of Maine

#### **ENACTED LAW SUMMARY**

Public Law 2023, chapter 569 requires the Secretary of State, or the secretary's designee, to establish a state calendar that includes important religious days and holidays of residents of the state and citizens of the United States. The calendar is intended to assist state agencies when scheduling public events. No new paid holidays are established for public or private employees.

Beginning April 15, 2034, and every 10 years thereafter, the Secretary of State, or the secretary's designee, must update the calendar every 10 years in consultation with persons representing the Christian, Muslim and Jewish faith communities, other religious traditions practicing in the State, immigrants in the State, the Permanent Commission on the Status of Racial, Indigenous and Tribal Populations and the federally recognized Indian nations, tribes and bands located in the State.

#### LD 2228 An Act to Establish the Wabanaki Veterans Memorial

#### ENACTED LAW SUMMARY

Public Law 2023, chapter 606 requires the State House and Capitol Park Commission to develop and implement a memorial to honor the Wabanaki's defense and protection of their homelands and their service in the United States Armed Forces. The memorial must be in Capitol Park, must fit within the plan for Capitol Park and is subject to available funding for the park.

#### LD 2241 An Act to Eliminate Inactive Boards and Commissions

#### ENACTED LAW SUMMARY

Public Law 2023, chapter 607 eliminates the following boards and commissions that either failed to file an annual report with the Secretary of State in both 2022 and 2023 or filed a report that indicated the board or commission was inactive during 2022 and 2023: the Advisory Committee on Fair Competition with Private Enterprise; the Science, Technology, Engineering and Mathematics Council; the Maine School for Marine Science, Technology, Transportation and Engineering, and its board of trustees; and the Advisory Committee on Medical Education.

# LD 2248 An Act to Reduce the Reporting Requirements for Special Utility Districts and to Repeal the Maine Public Utility Financing Bank Act

#### **ENACTED LAW SUMMARY**

Public Law 2023, chapter 608 implements the recommendations from the Legislature's review of the Maine Municipal Bond Bank pursuant to the State Government Evaluation Act. It repeals the Maine Public Utility Financing Bank, established in the Maine Revised Statutes, Title 5, section 12004-F, subsection 5 and further described in Title 35-A, chapter 29. It amends the requirement that special districts in the State file an annual report with the Maine Municipal Bond Bank to require a report only upon request from the Maine Municipal Bond Bank.

#### LD 2264 An Act to Clarify the Use of Public Equipment on Public Easements

#### **ENACTED LAW SUMMARY**

Public Law 2023, chapter 642 clarifies that a legislative body of a town or village corporation may authorize the use of the town's or village corporation's highway equipment to plow, maintain or repair private ways, otherwise known as public easements. It allows the Maine Abandoned and Discontinued Roads Commission to meet up to 12 times per year and directs the commission to consider the scope of property owner liability and public use of public easements, property owner liability on public easements, the benefits and costs of a road inventory and creating a right-of-way template for property owners of land along an abandoned or discontinued road.