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*Summary of the*  
**128<sup>th</sup> Maine Legislature**  
**1st Regular Session**

*Prepared for:*

**American Council of Engineering Companies**

*All laws have an effective date of November 1, 2017, unless otherwise noted.*

Eaton  
Peabody  
Consulting Group

## Bonds

**LD [139](#)      **An Act To Authorize a General Fund Bond Issue for Maine's Community Colleges**  
**Status: Carried Over****

The funds provided by this bond issue, in the amount of \$15,000,000, will be used to strengthen and expand business and industry training, upgrade and renovate instructional technology facilities and laboratories at Maine's 7 community colleges in order to strengthen educational programming and workforce development and install energy efficiency upgrades across the system.

This bill has been carried over to next session.

**LD [318](#)      **An Act To Authorize a General Fund Bond Issue to Support Economic Development with High-Resolution Geospatial Data**  
**Status: Carried Over****

The funds provided by this bond issue, in the amount of \$6,000,000, will be used to provide partnership funds and matching grants for geospatial data acquisition to communities that are creating or improving digital parcel maps to accurately identify existing boundaries and land use, identify potential community development areas and protect environmental resources.

It has been carried over to next session.

**LD [376](#)      **An Act To Authorize a General Fund Bond Issue for a New Engineering Design and Education Center at the University of Maine**  
**Status: Carried Over****

The funds provided by this bond issue, in the amount of \$80,000,000, will be used for the construction of an engineering design and education center at the University of Maine in Orono.

This bill has been carried over to next session.

**LD [1510](#)      **An Act To Authorize a General Fund Bond Issue To Fund Wastewater Infrastructure Projects for Ratification by Voters in the June 2017 Election**  
**Status: Carried Over****

The funds provided by this bond issue, in the amount of \$50,000,000, will be used to fund the replacement of malfunctioning septic systems, wastewater treatment facility planning, construction grants and hydrographic modeling in coastal watersheds, prioritizing areas with high-value shellfish resources, and assistance to homeowners whose homes are served by substandard or malfunctioning wastewater treatment systems.

This bill has been carried over to next session.

**LD [1552](#)**      **An Act To Authorize a General Fund Bond Issue To Improve Highways, Bridges and Multimodal Facilities and Upgrade Municipal Culverts**  
**Status: [Public Law, Chapter 299](#)**  
**(Emergency bill: this legislation took effect when approved)**

The bond will provide \$105 million for transportation related projects, including \$80 million for roads and bridges, \$20 million for alternate modes (ports, airports, rail and transit), and \$5 million for culvert replacements. It will go before voters for final approval this November.

**LD [1614](#)**      **An Act To Authorize a General Fund Bond Issue To Fund the Maine Science, Technology, Engineering and Mathematics Loan Program**  
**Status: Carried Over**

The funds provided by this bond issue, in the amount of \$10,000,000, will be used by the Maine Science, Technology, Engineering and Mathematics Loan Program within the Finance Authority of Maine to provide loans in amounts up to \$7,500 per year for a maximum of 5 years to selected students in this State pursuing undergraduate and graduate degrees in the fields of science, computer science, technology, engineering and mathematics. It has been carried over to next session.

## **Budget - State General Fund**

**LD [390](#)**      **An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2018 and June 30, 2019**  
**Status: [Public Law, Chapter 284](#)**  
**(Emergency bill: this legislation took effect when approved)**

With the finalization of the state budget, the University of Maine saw a \$2M a year appropriation to support a revenue bond to bring facilities into compliance while improving the safety, accessibility and general condition of the university's aging facilities (Sec. ZZZZZZ-17). As well, for the 2020-2021 biennial budget, the University of Maine System baseline budget increased by \$3,000,000 per year for debt service costs to support a 10-year revenue bond for the construction of an engineering building on the Orono campus, with the first year of debt service starting in fiscal year 2019-20 (PART PTTTTT).

Debt Service for the State Treasurer's office increased significantly to cover bonds, including transportation.

Also, the Legislature rejected the governor's recommendation to move the MUBEC Board from the Dept. of Public Safety to the Dept. of Economic and Community Development.

## Capital Improvements - State

### **LD [1068](#)      An Act To Require That State-funded Buildings Be Constructed with Wood Products Status: Carried Over**

This bill requires a person that engages in the construction or repair of public buildings or works to use wood products, including cross-laminated timber, for structural components to the extent that suitable wood products are feasible for use, competitively priced and permitted under state or local building codes.

This bill has been carried over to next session.

## Contracting/Procurement - State

### **LD [1193](#)      An Act To Ensure the Cost-efficiency of Contracting out Services by the State Status: Dead**

This bill implemented a statutory process for the review of privatization contracts, which are agreements with a term of no more than 5 years by which a nongovernmental person or entity agrees to provide services valued at \$200,000 or more, which are substantially similar to and in lieu of services previously provided in whole or in part by state agency employees. Under this process, the State Auditor was given 30 days from the date that the agency designates the bidder to which it proposes to award the privatization contract to object to, and thereby invalidate, the proposed contract for failure to comply with statutory requirements. The State Auditor was also authorized to seek a review by the Office of Program Evaluation and Government Accountability of any privatization contract.

The Committee voted this bill ought not to pass.

### **LD [1535](#)      An Act To Modernize the State's Procurement Laws Status: Dead**

This bill changed, from State Purchasing Agent to Chief Procurement Officer, the title of the position responsible for administering the procurement process for the State. It also made several changes to the laws governing the procurement process, including the following.

1. Authorized the Chief Procurement Officer to enter into multistate agreements and requests for proposals and bids for goods and services.
2. Authorized the Chief Procurement Officer, with the approval of the Commissioner of Administrative and Financial Services, to adopt rules to provide a process under which a department or agency that purchases goods or services contrary to the State's procurement laws may have funding removed from that department or agency's budget.
3. Provided that costs for an unsuccessful appeal of a contract or grant award decision must be borne by the person requesting the appeal.

The Legislature accepted the Committee's ought not to pass report.

## Department of Environmental Protection Statutes

**LD [1473](#)**      **An Act To Make Minor Changes and Corrections to Statutes Administered by the Department of Environmental Protection**  
**Status: [Public Law Chapter 137](#)**

Changes are made to DEP statutes. The Department of Environmental Protection's right of inspection is clarified in reaction to recent litigation. Employees and agents of the department may:

- Enter any property at reasonable hours in order to inspect the property to take samples, inspect records relevant to any regulated activity or conduct tests as appropriate to determine compliance with any laws administered by the department or the terms and conditions of any order, regulation, license, permit, approval or decision of the commissioner or of the board; and
- Enter any building with the consent of the property owner, occupant or agent, or pursuant to an administrative search warrant, in order to inspect the property or structure, including the premises of an industrial user of a publicly owned treatment works, and to take samples, inspect records relevant to any regulated activity or conduct tests as appropriate to determine compliance with any laws administered by the department or the terms and conditions of any order, regulation, license, permit, approval or decision of the commissioner or of the board.

The jurisdiction of the department and the Board of Environmental Protection is clarified in the laws regulating discharges into the waters of the State. The names of these various bodies of water are listed in 38 MRSA §465-A Sec. B.

Federal publication references are updated and collector systems are allowed to be included in state grants for pollution abatement.

The limit on the alcohol volume allowed in hard cider is increased.

## Environmental Preservation

**LD [1262](#)**      **An Act To Protect Monhegan Island by Limiting Wind Turbines**  
**Status: Dead**

This bill prohibited the permitting of an offshore wind energy project within the Monhegan Lobster Conservation Area or within 10 nautical miles of the Monhegan Lobster Conservation Area. The provisions of the bill applied retroactively to January 1, 2009.

The Committee voted this bill ought not to pass.

## Historic Properties

**LD [1140](#)**      **An Act To Preserve the Economic Viability of Maine's Historic Properties**  
**Status: Dead**

This bill and authorized the owner of a historic property, being operated as a lodging place, to appeal the decision of a municipal inspection officer that the property does not meet the standards of the fire and life

safety codes adopted by the Commissioner of Public Safety or a provision in locally adopted fire and life safety codes that is identical to a provision in the fire and life safety code adopted by the commissioner within 30 days. It required the appeal to be submitted in writing to the Office of the State Fire Marshal. If an informal hearing was requested, it would have had to been conducted within 30 days and could have been held at the site of the affected property. The Office of the State Fire Marshal would have been required to issue a written decision within 30 days of the appeal or hearing, whichever was later, explaining the reasons for affirming or reversing the municipal enforcement decision. The decision of the Office of the State Fire Marshal constituted final agency action and could have been appealed to the Superior Court.

This bill died between the House and Senate.

## **Infrastructure**

### **LD 1149      An Act To Provide Revenue To Fix and Rebuild Maine's Infrastructure Status: Carried Over**

For the purpose of increasing the revenue to the Highway Fund, this bill:

1. Increases by \$3 to \$10 certain fees charged by the Secretary of State for driver's license examinations, temporary license plates, nondriver identification cards, issuance of duplicate registrations, titles, licenses and nondriver identification cards and transfers of registrations.
2. Imposes a \$200 surcharge, dedicated to the Highway Fund, on the registration of hybrid motor vehicles, battery-electric motor vehicles and hydrogen fuel cell motor vehicles.
3. Requires 10% of the sales tax imposed on transportation-related items, such as motor vehicles and the products for the repair and maintenance of motor vehicles, such as motor oil, batteries and tires, to be transferred to the Highway Fund on a monthly basis.
4. Increases the tax imposed on motor vehicle fuel by 7¢ per gallon, to 36.5¢ per gallon, beginning October 1, 2017.

It has been carried over to next session.

### **LD 1150      Resolve, To Establish the Road Usage Charge Task Force Status: Dead**

This bill was amended to establish the "Commission To Study Transportation Funding Reform." The commission was required to study how to reform and adequately supplement funding for the State's transportation infrastructure to promote equity, sustainability and predictability in a manner that allows the State to responsibly provide a safe and reliable transportation system. The commission was required to report its findings and recommendations, including suggested legislation, to the Transportation Committee no later than December 6, 2017. The Transportation Committee could have submitted legislation to the Second Regular Session of the 128th Legislature relating to the subject matter of the report.

It passed out of committee and was placed on the special highway table pending final passage, but died there, without being taken off the table.

## Licensing

### **LD 1165      An Act To Amend the Laws Regarding Licensure for Professional Engineers** **Status: Dead**

This bill would have made the following changes to the laws regarding licensure for professional engineers:

1. Amend the definition of "technology accreditation commission" to provide that it is an engineering technology accreditation commission.
2. Update references to codes and standards governing persons engaged in the design of minor construction.
3. Provide for the electronic updating of the roster of active licensed professional engineers.
4. Allow the State Board of Licensure for Professional Engineers to grant licensure to applicants from other jurisdictions who have been licensed in good standing for at least 10 years and whose qualifications are substantially equivalent to those required by the State. It also clarifies language usage and make changes to provide consistency.
5. Change the laws regarding practice by nonresidents by moving from allowing for exceptions to licensure to providing for temporary licensure.
6. Remove the requirement for 4 years of engineering work experience prior to taking the national examination on the principles and practices of engineering. It also removes the requirement for individuals who fail the exam 3 times to reapply and provide proof of further experience or study.
7. Remove the requirement for professional development. It also removes a reference to a subcommittee of the board.

The Committee voted this bill ought not to pass.

### **LD 1592      An Act To Remove Barriers to Professional Licensing for Veterans** **Status: Public Law Chapter 173**

The Director of the Office of Professional and Occupational Regulation (OPCR), within the Department of Professional and Financial Regulation, is granted the authority to modify licensing requirements of professional licensing boards administered by the OPCR on a case-by-case basis for applicants for licensure who are military veterans. Examination fees may be waived for military veterans.

This does not apply to engineers.

## MUBEC

**LD [1392](#)      **An Act To Allow Municipalities To Opt Not To Enforce the Maine Uniform Building and Energy Code**  
**Status: Dead****

Under current law, all municipalities that have more than 4,000 residents must enforce the Maine Uniform Building and Energy Code. This bill required a municipality with more than 4,000 residents to adopt and enforce either the Maine Uniform Building Code, the Maine Uniform Energy Code or the Maine Uniform Building and Energy Code.

The Committee voted it out with a majority ought not to pass report, and a minority ought to pass as amended report that allowed a municipality to affirmatively opt out of the Maine Uniform Energy Code by adopting MUBEC. The Legislature killed the bill entirely.

## Other

**LD [960](#)      **An Act To Use State Employees and Resources for Transportation Bond Projects**  
**Status: Dead****

This bill required the Department of Transportation to use to the extent practicable state employees and resources to perform the planning, designing and engineering required for transportation projects financed by bonding.

Despite being voted out of committee with an amendment, it died between the House and Senate.

## Residential Construction

**LD [1529](#)      **An Act To Protect Consumers during Residential Construction**  
**Status: [Public Law Chapter 166](#)****

The crime of home repair fraud is expanded to include fraud that occurs in connection with initial construction of a residence.

## Voluntary Response Action Program

**LD [1258](#)      **An Act To Modernize the Voluntary Response Action Program Funding Process**  
**Status: [Public Law Chapter 92](#)****

Effective January 1, 2018, the fee charged for assistance from the Department of Environmental Protection in submitting a voluntary response action plan is 1% of the assessed property value and is capped at \$15,000.



## Water Testing

### **LD [40](#)      An Act To Strengthen Requirements for Water Testing for Schools** **Status: Carried Over**

Current law requires schools that take drinking water from sources other than public water systems to have that water tested. This bill requires schools that take drinking water from public water systems to have the same tests performed on that water, except that school buildings less than 10 years old are exempt from this requirement. Under the bill, after receiving results of school water tests, the Department of Education must make the results available to the public. The Department of Health and Human Services must make test results from nursery schools available to the public.

This bill has been carried over to next session.

## Workforce Development

### **LD [312](#)      An Act To Support Workforce Development by Increasing Engineering Capacity** **Status: Dead**

This bill would have provided \$400,000 in fiscal year 2017-18 and \$400,000 in fiscal year 2018-19 to the Maine Economic Improvement Fund to strengthen the University of Maine System's engineering programs by seeding the development of competencies in areas such as industrial engineering, environmental engineering and biomedical engineering to meet the applied research and workforce needs of existing, growing and emerging industrial activity in southern Maine. The funds would have supported the acquisition of critical infrastructure at the University of Southern Maine such as laboratory equipment and personnel that are necessary to strengthen the University of Southern Maine's engineering program while promoting synergy with the University of Maine's engineering program. Ongoing equipment maintenance and personnel costs would have been absorbed within the University of Southern Maine's budgeted resources.

The Legislature accepted the majority ought not to pass report. USM and the University of Maine system did commit to consider expanding engineering at USM.

### **LD [669](#)      An Act To Address the Unmet Workforce Needs of Employers and To Improve the Economic Future of Workers** **Status: Carried Over**

This concept draft proposes to enact a comprehensive package of proposals designed to address the unmet workforce needs of employers and to improve the economic future of workers. These proposals may include, but are not limited to, proposals to:

1. Identify workforce needs;
2. Connect businesses with trained workers;
3. Maximize the benefits of educational assessment funding by focusing the funds on the students;

4. Provide incentives for educational institutions receiving state training funds to place graduates into the employment or school of the graduates' choice;
5. Strengthen the ability of the Maine Quality Centers, established in the Maine Revised Statutes, Title 20-A, section 12725, to fulfill their mission of meeting the workforce education and training needs of new and expanding businesses in the State and providing new employment and career advancement opportunities for Maine people;
6. Design diverse programs to meet the needs of Maine employers;
7. Prepare untrained workers to meet immediate and long-term needs;
8. Allow military training to count towards required training for certain certifications and licenses;
9. Establish a clearinghouse to connect workers with employers;
10. Identify educational programs necessary for specific types of employment and create a process to pre-employ prospective workers while they are being trained;
11. Provide to people receiving public assistance the opportunity to permanently leave poverty behind by providing skills training that offers academic degrees, certifications or credentials and leads to employment with wages that can sustain families;
12. Establish workforce training programs targeted exclusively at individuals who are on public assistance or whose incomes meet certain criteria and provide transitional benefits including child care, health care, transportation supports and educational supports;
13. Align Maine's system of learning results with technical skills for current employment needs, support technical courses in high schools and integrate those courses with the high school curriculum and identify for middle school and secondary school students career paths that include alternatives that do not require college educations;
14. Identify barriers to the reentry by older citizens into the workforce;
15. Establish a program to identify and eliminate unfavorable tax policies with respect to retirement income and pensions and tax policies that discourage older citizens and retirees from returning to the workforce; and
16. Promote education to allow seniors to develop new skills.

This bill has been carried over to next session.