

MAINE STATE LEGISLATURE

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*State Of Maine
121st Legislature*

First Regular Session

Bill Summaries

*Joint Standing Committee
on
State and Local Government*

July 2003

Members:

Sen. Margaret Rotundo, Chair

Sen. Lloyd P. LaFountain III

Sen. Carolyn M. Gilman

Rep. Janet L. McLaughlin, Chair

Rep. George H. Bunker, Jr.

Rep. Christopher R. Barstow

Rep. Susanne P. Ketterer

Rep. Edward J. Suslovic

Rep. Anita Peavey-Haskell

Rep. Robert H. Crosthwaite

Rep. Stephen Bowen

Rep. Oscar C. Stone

Rep. Gary E. Sukeforth

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Maine State Legislature



Office Of Policy And Legal Analysis Office Of Fiscal And Program Review

121st Maine Legislature First Regular Session

Summary Of Legislation Before The Joint Standing Committees

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing and joint select committees of the Maine Legislature this past session. The document is a compilation of bill summaries which describe each bill and relevant amendments, as well as the final action taken. Also included are statistical summaries of bill activity this session for the Legislature and each of its joint standing committees.

The document is organized for convenient reference to information on bills considered by the committees. It is arranged alphabetically by committee name and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet (www.state.me.us/legis/opla).

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

<i>CARRIED OVER PURSUANT TO HP 1212</i>	<i>Bills carried over to the 2nd Regular Session</i>
<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i>	<i>House & Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i>	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i>	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>NOT PROPERLY BEFORE THE BODY</i>	<i>Ruled out of order by the presiding officers; bill died</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed</i>
<i>ONTP</i>	<i>Ought Not To Pass report accepted</i>
<i>OTP-ND</i>	<i>Committee report Ought To Pass In New Draft</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>PASSED</i>	<i>Joint Order passed in both bodies</i>
<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i>	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>

Please note that the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is September 13, 2003.

David C. Elliott, Director
Offices located in Room 215 of the Cross Office Building

Joint Standing Committee on State and Local Government

Committee Amendment "A" (S-26) proposed to replace the resolve with a bill. The amendment proposed to require any bureau or division head of a public entity to report improper or illegal transactions to the State Auditor.

Enacted Law Summary

Public Law 2003, chapter 82 requires any bureau or division head of a public entity to report improper or illegal transactions to the state auditor. This reporting requirement already exists for department and agency heads.

LD 389

An Act to Amend the Laws Governing Municipal Citizen Initiatives and Referenda

INDEF PP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SUSLOVIC	OTP-AM MAJ	H-354
DAGGETT	ONTP MIN	

LD 389 proposed to prohibit municipal ordinances or bylaws enacted by citizen initiative or referendum from containing retroactivity provisions that have the effect of invalidating, repealing, revoking or modifying any building permit, land use approval or other action having the effect of permitting development if that permit or approval was issued or that action was taken prior to enactment of the ordinance or bylaw.

Committee Amendment "A" (H-354), which was the majority report, proposed to replace the bill. The amendment required that if a municipality has an established approval process that includes at least one advertised public hearing, a municipal ordinance or bylaw enacted by citizen initiative or referendum may not invalidate, repeal, revoke or modify any building permit, zoning permit, land use approval, subdivision approval or site plan approval if the final municipal approval or issuance of the permit was taken prior to the enactment of the ordinance. The amendment also proposed to exempt sludge and septage ordinances from this limitation.

House Amendment "A" to Committee Amendment "A" (H-380) which was not adopted, proposed to remove the exemption of sludge and septage ordinances specified in Committee Amendment "A" from the limitation. This amendment also proposed to clarify the language in Committee Amendment "A" and specify that the applicant for municipal approval or issuance of a permit shall reimburse to the municipality the costs of advertising and mailing for the hearing or hearings conducted.

House Amendment "B" to Committee Amendment "A" (H-401), which was not adopted, proposed to provide that the limitation on the ability of a citizen initiative or referendum to retroactively alter final municipal approval does not apply if, not more than 3 weeks after that approval, notice is given to the municipality that a citizen initiative or referendum is being initiated.

House Amendment "C" to Committee Amendment "A" (H-549), which was not adopted, proposed to provide that the limitation on the ability of a citizen initiative or referendum to retroactively alter final municipal approval does not apply to a permit issued pursuant to a contract zone as long as the citizen petition to repeal or modify the contract zone is filed within 30 days after the contract zone is approved.

House Amendment "D" to Committee Amendment "A" (H-595), which was not adopted, proposed to provide that the limitation on the ability of a citizen initiative or referendum to retroactively alter final municipal approval does not apply if the petition for a citizen initiative or referendum is filed with the municipality, along with the requisite number of signatures, not more than 3 weeks after final approval or the issuance of the permit.

Joint Standing Committee on State and Local Government

Senate Amendment "B" to Committee Amendment "A" (S-272), which was not adopted, proposed to provide that the limitation on the ability of a citizen initiative or referendum to retroactively alter final municipal approval does not apply if the petition for a citizen initiative or referendum is filed with the municipality, along with the requisite number of signatures, not more than 90 days after final approval or the issuance of the permit.

Senate Amendment "C" to Committee Amendment "A" (S-282), which was not adopted, which is identical to House Amendment "D", proposed to provide that the limitation on the ability of a citizen initiative or referendum to retroactively alter final municipal approval does not apply if the petition for a citizen initiative or referendum is filed with the municipality, along with the requisite number of signatures, not more than 3 weeks after final approval or the issuance of the permit.

Senate Amendment "D" to Committee Amendment "A" (S-304), which was not adopted, proposed to provide that the limitation on the ability of a citizen initiative or referendum to retroactively alter final municipal approval does not apply if the petition for a citizen initiative or referendum is filed with the municipality, along with the requisite number of signatures, not more than 30 days after final approval or the issuance of the permit.

Senate Amendment "E" to Committee Amendment "A" (S-313), which was not adopted, proposed to remove the exemption of sludge and septage ordinances specified in Committee Amendment "A" from the limitation.

LD 399

An Act To Increase Civil Process Fees

PUBLIC 86

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVAGE	OTP-AM	S-17

LD 399 proposed to authorize the county commissioners of each county to increase the fee collected for service of civil processes, disclosure subpoenas, complaints for divorce, attachments of personal property, writs of replevin, tax summonses and warrants, sales or use tax warrants, income tax warrants and search for persons to serve from \$1 to \$5.

Committee Amendment "A" (S-17) proposed to add that collected fees may only be increased by \$1 for any state agency or department.

Enacted Law Summary

Public Law 2003, chapter 86 authorizes the county commissioners of each county to increase the fee collected for service of civil processes, disclosure subpoenas, complaints for divorce, attachments of personal property, writs of replevin, tax summonses and warrants, sales or use tax warrants, income tax warrants and search for persons to serve from \$1 to \$5, except that the fee paid by any state agency or department may only be increased by \$1.

LD 416

An Act To Amend the County Contingent Fund

PUBLIC 241

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCLAUGHLIN	OTP-AM MAJ ONTP MIN	H-237