

MAINE STATE LEGISLATURE

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*State Of Maine
121st Legislature*

*Second Regular Session and
Second Special Session*

Bill Summaries

*Joint Standing Committee
on
State and Local Government*

May 2004

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

Staff:

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Maine State Legislature



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

*121st Maine Legislature
Second Regular Session and
Second Special 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/billsumm.htm).

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:

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

Please note that the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is April 30, 2004; and non-emergency legislation enacted in the Second Special Session is July 30, 2004. Four bills (LD's 1572, 1629, 1636 and 1637) that were considered at the First Special Session in August 2003 are also included in these summaries.

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

Joint Standing Committee on State and Local Government

LD 1872

An Act To Extend the Deadline for Reconsideration by Boards of Appeals

PUBLIC 635

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL MCGOWAN	OTP-AM	S-444

LD 1872 proposed to require a request to reconsider a decision to be filed within 20 days of the decision and extend the time for the board to reconsider the decision to 60 days. Current law requires a decision of a board of appeals to be appealed within 30 days of the decision.

Committee Amendment "A" (S-444) proposed to change the time period for a request to a board of appeals to reconsider a decision to within 10 days of the decision and extend the time for the board to reconsider the decision to 45 days. It also proposed to require that any party that chooses to appeal a reconsidered decision have 15 days from the date of the reconsidered decision to appeal the decision to Superior Court.

Enacted Law Summary

Public Law 2003, chapter 635 requires a request to a board of appeals to reconsider a decision to be filed within 10 days of the decision and extends the time for the board to reconsider the decision to 45 days. It also requires that any party that chooses to appeal a reconsidered decision have 15 days from the date of the reconsidered decision to appeal the decision to Superior Court.

LD 1873

An Act To Amend the Requirements for Status as Publisher of Legal Notices

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL MCGOWAN	ONTP MAJ OTP-AM MIN	

LD 1873 proposed to remove the requirement that a newspaper be mailed as 2nd-class postal matter in the United States mails in order to qualify as a medium for the publication of legal notices and legal advertising.

Committee Amendment "A" (S-459) was the minority report of the committee and proposed to update language by changing the term "2nd class" to "periodical." It also proposed to permit a municipality to publish notices in a newspaper that is mailed as 3rd class mail if the legislative body approves use of the newspaper for that purpose, the newspaper meets other standards of existing law, the municipality retains a record of all published notices and the publisher of the newspaper has an archival system.