

MAINE STATE LEGISLATURE

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*State Of Maine
122nd Legislature*

*First Regular Session and
First Special Session*

Bill Summaries

*Joint Standing Committee
on
State and Local Government*

August 2005

Members:

*Sen. Elizabeth M. Schneider, Chair
Sen. Margaret Rotundo
Sen. Mary Black Andrews*

*Rep. Christopher R. Barstow, Chair
Rep. Sonya G. Sampson
Rep. Richard D. Blanchard
Rep. Charles William Harlow
Rep. James M. Schatz
Rep. Robert H. Crosthwaite
Rep. George R. Bishop, Jr.
Rep. Howard E. McFadden
Rep. Bradley S. Moulton
Rep. Roberta M. Muse*

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Maine State Legislature

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122nd Legislature
First Regular Session and First Special Session

Summary of Legislation Considered by the Joint Standing Committees
August 2005

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing 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 organized by committees 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. A subject index for each committee is included immediately before the bill summaries for that committee, and a numerical index by LD number is included 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:

- CARRIED OVER Bill Carried Over to Second Regular Session
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
OTP ND/NT..... Committee report Ought To Pass In New Draft/New Title
P&S XXX..... Chapter # of enacted Private & Special Law
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 the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is June 29, 2005; and for non-emergency legislation enacted in the First Special Session is September 17, 2005.

Joint Standing Committee on State and Local Government

LD 900 **Resolve, Directing the State Planning Office To Establish a Process for the Collection of Municipal and County Data** **RESOLVE 15**

<u>Sponsor(s)</u> MILLS P		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-91
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LD 900 proposed to require the Executive Department, State Planning Office to collect all municipal and county spending data. Municipal and county governments will be required to submit data in formats approved by the United States Census Bureau. The State Planning Office would review the possibility of selling the data and report its findings to the Joint Standing Committee on State and Local Government.

Committee Amendment "A" (S-91) proposed to replace the bill with a resolve that directs the Executive Department, State Planning Office to establish a process for collecting municipal and county revenue and spending data by cooperating with the Department of Audit, the Maine County Commissioners' Association, the Maine Municipal Association and others determined appropriate in order to convert that data into the United States Census forms for the Annual Survey of Local Government Finances, Municipalities and Townships, and the Annual Survey of County Government Finances.

Enacted law summary

Resolve 2005, chapter 15 directs the Executive Department, State Planning Office to establish a process for collecting municipal and county revenue and spending data by cooperating with the Department of Audit, the Maine County Commissioners' Association, the Maine Municipal Association and others determined appropriate in order to convert that data for the United States Census forms for the Annual Survey of Local Government Finances, Municipalities and Townships, and the Annual Survey of County Government Finances.

LD 925 **An Act To Fairly Apportion the Cost of Sheriff Patrol Services** **CARRIED OVER**

<u>Sponsor(s)</u> BARSTOW		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 925 proposes to require the county commissioners to calculate the budgeted cost of noncontracted sheriff patrol services in the proportion to which those services are provided to municipalities and unorganized territories in the county. This bill would require that the routine provision of sheriff patrol services be subject to the terms of a contract with the municipality receiving these services.

This bill was carried over by H.P. 1203 to the next special or regular session of the 122nd Legislature.

LD 937 **Resolve, To Study the Feasibility of Dividing Maine into 2 States** **ONTP**

<u>Sponsor(s)</u> JOY		<u>Committee Report</u> ONTP MAJ OTP-AM MIN		<u>Amendments Adopted</u>
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Joint Standing Committee on State and Local Government

LD 937 proposed to require the Executive Department, State Planning Office to study the feasibility of dividing Maine into 2 separate states based upon the current districts for the election of representatives from Maine to the United States Congress.

Committee Amendment "A" (H-202), which is the minority report, proposed to add an appropriations and allocations section to the resolve.

LD 968 **RESOLUTION, Proposing an Amendment to the Constitution of** **ONTP**
Maine To Prohibit the Imposition of Any New or Increased Tax or
Fee through the Citizen Initiative Process

<u>Sponsor(s)</u> CRESSEY	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 968 proposed to amend the Constitution of Maine to prohibit the imposition of any new or increased taxes or fees through the citizen initiative process.

LD 990 **Resolve, To Allow the Somerset County Jail To Be Built within** **DIED ON**
One Mile of the County Seat **ADJOURNMENT**

<u>Sponsor(s)</u> MILLS P DAVIS P	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 990 proposed to allow the Somerset County jail to be built within one mile of the county seat, Skowhegan. Current law requires a county building to be located within the county seat unless the voters in the county vote to locate the building elsewhere.

LD 991 **An Act To Restore Municipal Authority To Review Development** **PUBLIC 244**
Using Flexible Standards

<u>Sponsor(s)</u> MILLS P	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-174
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LD 991 proposed to amend planning and land use regulation standards by allowing a municipality to grant to its planning board or other development board the authority to approve developmental proposals with smaller dimensional standards, even if the municipality has a zoning board, for the purpose of promoting neighborhood development. Current law prohibits the granting of a variance by any entity other than a zoning board of appeals in those municipalities that have zoning boards.