

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

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

Committee Amendment "A" (S-174) proposed to replace the bill and define "cluster development" as development in which individual lot sizes and setbacks may be reduced in exchange for areas of common space and recreation and environmental purposes. It would allow a zoning ordinance to delegate to the municipal reviewing authority the ability to approve development proposals that do not meet dimensional standards in order to promote cluster development, accommodate lots with insufficient frontage or provide for reduced setbacks for lots or buildings. The amendment would specify that the delegation of authority does not authorize the reduction of shoreland zoning dimensional requirements.

Enacted law summary

Public Law 2005, chapter 244 defines "cluster development" as development in which individual lot sizes and setbacks may be reduced in exchange for areas of common space and recreation and environmental purposes. It allows a zoning ordinance to delegate to the municipal reviewing authority the ability to approve development proposals that do not meet dimensional standards in order to promote cluster development, accommodate lots with insufficient frontage or provide for reduced setbacks for lots or buildings. This law specifies that the delegation of authority does not authorize the reduction of shoreland zoning dimensional requirements.

LD 992

An Act To Reform County Governance

ONTP

Sponsor(s)
MILLS P

Committee Report
ONTP

Amendments Adopted

LD 992 is a concept draft pursuant to Joint Rule 208 that proposed to create a uniform structure for county government, to be effective on election day in November 2006. Specifically, this bill proposed to:

1. Increase the number of county commissioners from 3 to 5. Of the 5 commissioners, 4 would serve from districts of uniform size within the county and the 5th would be elected from the county at large;
2. Establish the terms of office for county commissioners at 4 years. 3 of the 5 county commissioners would be elected in even-numbered years and the remaining 2 commissioners would be elected in odd-numbered years;
3. Authorize the county commissioners to appoint the county sheriff, register of deeds and county treasurer;
4. Dissolve the office of judge of probate and transfer probate judicial functions to the Superior Court and District Court; and
5. Give the clerk of the Superior Court immediate supervisory authority over the register of probate and make the position of register of probate subject to state civil service law.

LD 1003

An Act To Establish the Androscoggin County Budget Advisory Committee and the Somerset County Budget Advisory Committee

CARRIED OVER

Sponsor(s)
SNOWE-MELLO

Committee Report

Amendments Adopted