

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
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Rep. Robert H. Crosthwaite
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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

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

Joint Standing Committee on State and Local Government

LD 1003 proposes to repeal the existing process of adoption of a budget in Androscoggin County and in Somerset County and establish the Androscoggin County Budget Advisory Committee and the Somerset County Budget Advisory Committee. This bill was recommitted to the Joint Standing Committee on State and Local Government after initially reporting it out with the following committee amendment.

Committee Amendment "A" (S-295) proposed to amend the dates to reflect the fiscal year beginning on January 1st. It would reconvene the apportionment commission that conducted the apportionment in 2003 to reapportion Androscoggin County Commissioner Districts from 3 districts to 5 districts. The first election held in the new districts must be the statewide election in November 2006. The current Androscoggin County budget committee would be repealed September 15, 2007 and the Androscoggin County Budget Advisory Committee take effect on the same day. The amendment also proposed to remove Somerset County from the bill so that the bill only affects Androscoggin County.

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

LD 1029 An Act To Allow Municipalities To Acquire Title to Abandoned Cemeteries PUBLIC 225

<u>Sponsor(s)</u> PINGREE DAMON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-265
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LD 1029 proposed to allow municipalities to take title to abandoned cemeteries, which are cemeteries in which no burial has taken place for at least 40 years and whose lots or grave sites have not been maintained for at least 10 years. The municipality shall attempt to identify and notify the owner of the municipality's intention to acquire the cemetery. If no owner is identified, the municipality shall publish notice in a newspaper of general circulation of the municipality's intention to acquire the cemetery. If an owner objects and reasserts ownership rights, the owner shall promptly conform to any municipal ordinance concerning the cemetery. If no owner objects within 14 days of the last published notice, then title to the cemetery reverts to the municipality.

Committee Amendment "A" (H-265) proposed to require a municipality to file a confirmation of acquisition in the registry of deeds in the county in which the municipality is located. It would clarify the language and require the municipality to record the confirmation in the registry in the county in which the cemetery is located. It also proposed to require municipalities that acquire title to abandoned cemeteries to keep title of the land forever and not sell the property. The municipality must maintain the existing use of the land as a cemetery. The municipality may have a survey done to determine the extent of the cemetery and may develop a preservation plan with a local cemetery association and archaeologists.

Enacted law summary

Public Law 2005, chapter 225 allows municipalities to take title to abandoned cemeteries, which are cemeteries in which no burial has taken place for at least 40 years and whose lots or grave sites have not been maintained for at least 10 years. The municipality shall attempt to identify and notify the owner of the municipality's intention to acquire the cemetery. If no owner is identified, the municipality shall publish notice in a newspaper of general circulation of the municipality's intention to acquire the cemetery. If an owner objects and reasserts ownership rights, the owner shall promptly conform to any municipal ordinance concerning the cemetery. If no owner objects within 14 days of the last published notice, then title to the cemetery reverts to the municipality.