

# 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  
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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 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.

## Joint Standing Committee on State and Local Government

Municipalities that acquire title to abandoned cemeteries are required 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.

**LD 1040**                      **An Act To Prevent the Short-term Rental of Unlicensed Properties**                      **ONTP**

<u>Sponsor(s)</u> BRYANT B		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1040 proposed to require a person who makes available for rental a room, apartment, condominium, cottage or house for less than one month to obtain a license from the municipal authorities.

**LD 1092**                      **An Act To Increase County Filing Fees**                      **PUBLIC 246**

<u>Sponsor(s)</u> LERMAN		<u>Committee Report</u> OTP            A OTP-AM       B OTP-AM       C		<u>Amendments Adopted</u>
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LD 1092 proposed to increase the fee for recording an instrument with a register of deeds by \$5.

**Committee Amendment "A" (H-268)** proposed to raise the fee for recording an instrument from \$8 for the first page to \$12 and the fee for an instrument that refers to more than one previously recorded instrument from \$8 to \$12. The fee for recording plans would be raised to \$12 from \$12. This amendment was not adopted.

**Committee Amendment "B" (H-269)** proposed to replace the bill and impose a \$6 surcharge on fees for recording documents in the registry of deeds, half of which is retained by the county and half of which is used to provide funding for the New Century Community Program. The New Century Community Program provides seed money grants to communities, with a local match, for the preservation of archives, historic records, artifacts and libraries and related structures. The amendment adds a mandate preamble and an appropriations and allocations section. This amendment was not adopted.

### *Enacted law summary*

Public Law 2005, chapter 246 increases the fee for recording an instrument with a register of deeds by \$5.

**LD 1096**                      **An Act To Make Technical and Minor Changes in the Capitol Planning Commission**                      **PUBLIC 123**

<u>Sponsor(s)</u> LERMAN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-219
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