

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 264

S.P. 68

In Senate, January 23, 2001

An Act Regarding the State's Land Use Mediation Program.

Submitted by the State Planning Office pursuant to Joint Rule 204.
Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator TREAT of Kennebec.
Cosponsored by Representative COWGER of Hallowell and
Senator RAND of Cumberland, Representatives: BULL of Freeport, KOFFMAN of Bar
Harbor, LaVERDIERE of Wilton, MADORE of Augusta.

2 **Be it enacted by the People of the State of Maine as follows:**

4 **Sec. 1. 2 MRSA §8**, as amended by PL 1997, c. 393, Pt. A, §1,
is further amended to read:

6 **§8. Land use mediation; obligation to participate**

8 Agencies within the executive branch shall participate in
mediation under Title 5, chapter 314, subchapter II, when
10 requested to participate by the Court Alternative Dispute
Resolution Service. ~~This section is repealed October 1, 2001.~~

12 **Sec. 2. 4 MRSA §18-B, sub-§10**, as enacted by PL 1997, c. 393,
14 Pt. A, §5, is amended to read:

16 **10. Land use mediation.** The land use mediation program is
a program within the Court Alternative Dispute Resolution Service.

18
20 A. The Director of the Court Alternative Dispute Resolution
Service shall administer the land use mediation program
established in Title 5, chapter 314, subchapter II.

22
24 B. A land use mediation fund is established as a
nonlapsing, dedicated fund within the Administrative Office
of the Courts. Fees collected for mediation services
26 pursuant to Title 5, chapter 314, subchapter II must be
deposited in the fund. The Administrative Office of the
28 Courts shall use the resources in the fund to cover the
costs of providing mediation services as required under
30 Title 5, chapter 314, subchapter II.

32 ~~This subsection is repealed October 1, 2001.~~ Any balances
remaining in the land use mediation fund must be transferred to a
34 nonlapsing account within the Judicial Department to be used to
defray mediation expenses.

36
38 **Sec. 3. 5 MRSA §3331, sub-§5**, as amended by PL 1997, c. 393,
Pt. A, §10, is further amended to read:

40 **5. Reporting on the land use mediation program.** The
council shall report by December 1, 1998 and, December 1, 2000,
42 December 1, 2003 and every 2 years thereafter to the Governor,
the Administrative Office of the Courts, the Executive Director
44 of the Legislative Council and the Director of the Court
Alternative Dispute Resolution Service on the operation and
46 effectiveness of the land use mediation program established under
subchapter II. The reports must list the number and type of
48 mediation requests received, the number of mediation sessions
conducted, the number of signed mediation agreements, a summary
50 of the final disposition of mediation agreements, a narrative

2 discussion of the effectiveness of the program as determined by
the council, a summary of deposits and expenditures from the land
4 use mediation fund created in Title 4, section 18-B, subsection
10 and any proposals by the council with respect to the
operation, improvement or continuation of the mediation program.
6 ~~This subsection is repealed October 1, 2001.~~

8 **Sec. 4. 5 MRSA §3341, sub-§14**, as enacted by PL 1995, c. 537,
§5, is repealed.

12 SUMMARY

14 This bill removes sunset provisions that, effective October
1, 2001, repeal the State's Land Use Mediation Program,
16 administered by the Judicial Department's Court Alternative
Dispute Resolution Service. The bill also provides for a
18 biennial report from the Land and Water Resources Council to the
Legislature, Governor and Judicial Department on the program's
20 effectiveness.