

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
120TH LEGISLATURE  
FIRST REGULAR SESSION

HOUSE AMENDMENT "B" to COMMITTEE AMENDMENT "A" to S.P. 380, L.D. 1278, Bill, "An Act to Implement the Recommendations of the Task Force to Study Growth Management"

Amend the amendment by inserting after the title the following:

'Amend the bill by inserting after the title and before the enacting clause the following:

'Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the current law concerning the authority of municipalities to regulate subdivisions is potentially ambiguous; and

Whereas, this legislation seeks to provide immediate clarification; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, ' '

Further amend the amendment in the first line after the title (page 1, line 23 in amendment) by striking out the following: "Amend" and inserting in its place the following: 'Further amend'

HOUSE AMENDMENT

**RdS**

HOUSE AMENDMENT "B" to COMMITTEE AMENDMENT "A" to S.P. 380, L.D.  
1278

2 Further amend the amendment in section 5 in paragraph H by  
inserting at the end a new blocked paragraph to read:

4 'This paragraph is repealed October 1, 2002.'

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8 Further amend the amendment by striking out all of the last  
paragraph before the summary and inserting in its place the  
following:

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12 'Further amend the bill by striking out all of sections 7 to  
10 and inserting in their place the following:

14 '**Sec. 7. Application.** This Act does not invalidate any  
municipal ordinance that expands the definition of "subdivision"  
16 if that ordinance took effect prior to the effective date of this  
Act.

18  
20 **Sec. 8. Study by State Planning Office.** The Executive  
Department, State Planning Office shall conduct a study of the  
22 status of municipal subdivision ordinances with respect to the  
local review of subdivisions as defined by municipal ordinance  
and the process of conducting a title search in the furtherance  
24 of a real estate transaction and providing an opinion on the  
quality of title. At a minimum the study must include: the  
26 cataloging of municipal subdivision ordinances according to the  
definitions of "subdivision" used, an analysis of the legislative  
28 history of Maine's subdivision law with a focus on its  
relationship to home rule authority and a list of possible  
30 strategies to coordinate the subdivision review and title search  
procedures. The office shall consult with interested parties as  
32 necessary. The office shall submit its report to the Joint  
Standing Committee on Natural Resources before December 15, 2001,  
34 and the committee is authorized to report out legislation during  
the Second Regular Session of the 120th Legislature that will  
36 properly coordinate the subdivision review and real estate title  
search procedures.'

38  
40 Further amend the bill by inserting at the end before the  
summary the following:

42 '**Emergency clause.** In view of the emergency cited in the  
preamble, this Act takes effect when approved.'

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46 Further amend the bill by relettering or renumbering any  
nonconsecutive Part letter or section number to read  
consecutively.'

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### FISCAL NOTE

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The additional costs associated with conducting a study related to municipal subdivision ordinances can be absorbed by the State Planning Office within the Executive Department utilizing existing budgeted resources.

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### SUMMARY

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This amendment adds an emergency preamble and emergency clause to the bill.

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The amendment repeals the law concerning the authority of a municipality to expand the definition of a subdivision as of October 1, 2002. The amendment clarifies that a municipal ordinance enacted before this emergency legislation is not invalidated by the legislation.

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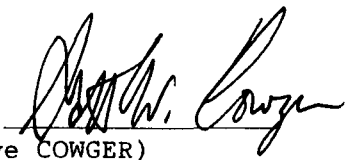
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The amendment also requires the State Planning Office to study the status of municipal subdivision ordinances and to report to the Joint Standing Committee on Natural Resources before December 15, 2001. The joint standing committee is authorized to submit legislation to the Second Regular Session of the 120th Legislature based on that study.

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SPONSORED BY:

  
(Representative COWGER)

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TOWN: Hallowell

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