

# MAINE STATE LEGISLATURE

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*State Of Maine  
120th Legislature*

*First Regular Session*

*Bill Summaries*

*Joint Standing Committee  
on  
State and Local Government*

*August 2001*

**Members:**

*Sen. Peggy A. Pendleton, Chair  
Sen. Edward M. Youngblood  
Sen. Margaret Rotundo*

*Rep. Martha A. Bagley, Chair  
Rep. John F. McDonough  
Rep. Paul R. Hatch  
Rep. Paul J. Lessard  
Rep. Janet L. McLaughlin  
Rep. Susan Kasprzak  
Rep. Eleanor M. Murphy  
Rep. Peter D. Chase  
Rep. Anita P. Haskell  
Rep. Philip Cressey, Jr.*

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**120th Legislature**  
**First Regular Session**

**Summary Of Legislation Before The Joint Standing Committees**  
**August 2001**

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. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located 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](http://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 **September 21, 2001**.

*David E. Boulter, Director*  
 Offices Located in the State House, Rooms 101/107/135

# Joint Standing Committee on State and Local Government

## *Enacted law summary*

Private and Special Law 2001, chapter 1 establishes the Washington County Emergency Medical Services Authority. The law authorizes the Authority to purchase and lease emergency medical services equipment and vehicles. The law allows the authority to accept private gifts from individuals. P&S 2001, chapter 1 also requires that the authority be audited annually and clarifies that debts incurred by the authority do not create any debt liability on the part of the State.

Private and Special Law 2001, chapter 1 was enacted as an emergency measure effective January 25, 2001.

**LD 103**

**An Act to Amend Eminent Domain Powers**

**PUBLIC 328**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAVERDIERE DOUGLASS	OTP-AM MAJ ONTP MIN	H-528

LD 103 proposed to allow a person whose land was taken by a municipality by eminent domain to reacquire the property at the price the municipality paid to that person for the property if the municipality does not start development of the property for the purpose for which it was taken within 5 years of the time it was taken.

**Committee Amendment "A" (H-528)**, which replaced the bill and applied to all eminent domain proceedings under Maine law, proposed that if land taken under eminent domain is not used for the purpose of the taking within 8 years, the entity that took the property must reaffirm the need to retain the property. Property taken for development purposes is considered to be used for its intended purpose if substantial on-site construction has been commenced. The amendment also recognized that the purpose of a taking may be for conservation purposes to prevent development of a piece of land. Following the initial reaffirmation, additional reaffirmations must take place every 3 years as long as the purpose of the taking remains unaccomplished. If the project for which the taking was accomplished is ever abandoned or if reaffirmation fails to occur, the taking entity must provide a right of first refusal to reacquire the property to the condemnee or condemnee's heir. The reacquisition price is the original condemnation price plus adjustments for improvements to the property and for changes in the Consumer Price Index since the taking. Written notice is required to the condemnee or the condemnee's heirs by certified mail, return receipt requested. If the address of the condemnee or the condemnee's heir cannot be determined after reasonable diligence, notice may be by 2 newspaper publications. The condemnee or the condemnee's heir has 90 days to respond or the taking entity may sell the property for fair market value. The condemnee or the condemnee's heir may relinquish his or her rights at any time and full ownership rights transfer to the taking entity. The amendment also added a fiscal note to the bill.

## *Enacted law summary*

Public Law 2001, chapter 328 applies to all eminent domain proceedings under Maine law. Under chapter 328, if land taken by eminent domain is not used for the purpose for which taken within 8 years, the entity that took the property must reaffirm the need to retain the property. Property taken for development purposes is considered to be used for its intended purpose if substantial on-site construction has been commenced. The amendment also recognizes that the purpose of a taking may be for conservation purposes to prevent development of land. Following the initial reaffirmation of the public need, additional reaffirmations must take place every 3 years as long as the purpose of the taking remains unaccomplished. Subsequently, if the project for which the taking was

## Joint Standing Committee on State and Local Government

accomplished is abandoned or if reaffirmation fails to occur, the taking entity must provide a right of first refusal to the condemnee or condemnee's heir to reacquire the property. The reacquisition price is the original condemnation price plus adjustments for improvements to the property and for changes in the Consumer Price Index since the taking. Written notice must be provided to the condemnee or the condemnee's heir by certified mail, return receipt requested. If the address of the condemnee or the condemnee's heir cannot be determined after reasonable diligence, notice may be by 2 newspaper publications. The condemnee or the condemnee's heir then has 90 days to respond or the taking entity may sell the property for fair market value. The condemnee or the condemnee's heir may relinquish his or her rights at any time and full ownership rights transfer to the taking entity.

**LD 106**

**An Act to Establish Maine Lighthouse Week**

**PUBLIC 5  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCNEIL SAVAGE C	OTP	

LD 106 proposed to establish Maine Lighthouse Week during the 3rd full week in June, beginning in 2001.

### *Enacted law summary*

Public Law 2001, chapter 5 designates the 3rd full week in June as Maine Lighthouse Week beginning in 2001.

Public Law 2001, chapter 5 was enacted as an emergency measure effective March 13, 2001.

**LD 112**

**An Act to Designate the First Saturday in September as Colonel  
Freeman McGilvery Day**

**PUBLIC 7**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY D	OTP      MAJ ONTP     MIN	

LD 112 proposed to establish the first Saturday in September as Colonel Freeman McGilvery Day.

### *Enacted law summary*

Public Law 2001, chapter 7 designates the first Saturday in September as Colonel Freeman McGilvery Day.