

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).

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

LD 796

An Act to Amend the Laws Governing Municipal Citizen Initiatives and Referenda **DIED BETWEEN BODIES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAGGETT	OTP-AM MAJ ONTP MIN	

LD 796 proposed to prohibit municipal ordinances or bylaws enacted by citizen initiative or referendum from containing retroactivity provisions that have the effect of invalidating, repealing, revoking or modifying any building permit, land use approval or other action having the effect of permitting development if that permit or approval was issued or that action was taken prior to enactment of the ordinance or bylaw.

Committee Amendment "A" (S-167), which was not adopted, was the majority report of the Joint Standing Committee on State and Local Government. It proposed to strike the text of the bill, including the emergency preamble and emergency clause. The amendment also proposed to prohibit a municipal ordinance or bylaw enacted by citizen initiative or referendum from containing a retroactive clause that would invalidate, repeal, revoke or modify, or have the effect of invalidating, repealing, revoking or modifying, any action having the effect of permitting development if that permit or approval was issued prior to the enactment of the ordinance or bylaw.

House Amendment "A" to Committee Amendment "A" (H-635), which was not adopted, proposed to prohibit a municipal ordinance or bylaw enacted by citizen initiative or referendum from containing a retroactive clause that would invalidate, repeal, revoke or modify, or have the effect of invalidating, repealing, revoking or modifying, any building permit, zoning permit, land use approval, subdivision approval, site plan approval, rezoning, certification, variance or other action having the effect of permitting development if that permit or approval was issued or that action was taken at least 60 days prior to the initial application for an initiative or referendum petition.

House Amendment "B" to Committee Amendment "A" (H-648), which was not adopted, proposed to prohibit a municipal ordinance or bylaw enacted by citizen initiative or referendum from containing a retroactive clause that would invalidate, repeal, revoke or modify, or have the effect of invalidating, repealing, revoking or modifying, any building permit, zoning permit, land use approval, subdivision approval, site plan approval, rezoning, certification, variance or other action having the effect of permitting development if that permit or approval was issued or that action was taken at least 90 days prior to the initial application for an initiative or referendum petition.

House Amendment "C" to Committee Amendment "A" (H-681), which was not adopted, proposed to limit the restriction on retroactive citizen initiatives to those initiatives that invalidate or have the effect of invalidating any building permit, zoning permit, land use approval, subdivision approval or site plan approval. The amendment proposed to allow a citizen initiative that is not related to previously issued permits or land use approvals. The amendment also proposed to require a citizen initiative that contains a retroactive clause that has the effect of invalidating a building permit, zoning permit, land use approval, subdivision approval or site plan approval to be submitted for certification within 60 days of the issuance of the permit or approval that the citizen initiative is attempting to revoke. Under the amendment, the citizen initiative must be voted on at the next regularly scheduled election for that area.

House Amendment "D" to Committee Amendment "A" (H-697), which was not adopted, proposed to prohibit citizen initiatives that invalidate or have the effect of invalidating retroactively any building permit, zoning permit, land use approval, subdivision approval or site plan approval. The amendment proposed to allow a citizen initiative that is not related to previously issued permits or land use approvals.

Joint Standing Committee on State and Local Government

A committee of conference was appointed but reported that members were unable to agree on a resolution of their differences on the bill.

LD 800 **An Act to Amend the Laws Governing the Kennebec County
Advisory Budget Committee** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MATTHEWS	ONTP	

LD 800 proposed to amend the Kennebec County Advisory Budget Committee by allowing rather than requiring the committee to have a subcommittee of members from the Kennebec County legislative delegation. The bill also proposed to reduce the time within which the commissioners must submit an itemized budget estimate to the advisory budget committee from 60 days to 30 days. The bill also proposed to change the date by which the commissioners submit the budget to the Legislature from January 15th to February 1st.

LD 832 **An Act to Clarify Mutual Aid Agreements Between Law
Enforcement Agencies** **PUBLIC 65**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPLESSIE O'GARA	OTP	

LD 832 proposed to allow a law enforcement agency to request assistance from a municipality, a county or the State for jointly planned collaborative activities or for major unplanned incidents without a written agreement specifying liability.

Enacted law summary

Public Law 2001, chapter 65 allows a law enforcement agency to request assistance from a municipality, a county or the State for jointly planned collaborative activities or for major unplanned incidents without an agreement specifying liability.