

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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Maine State Legislature
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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 1387 **An Act to Require the Secretary of State to Make Available at Cost the Laws of Maine on CD-ROM** **ONTP**

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

LD 1387 proposed to require the Secretary of State to make the Maine Revised Statutes available to the public on CD-ROM at cost.

LD 1388 **An Act to Protect Maine Land Titles by Bringing Finality to Zoning and Subdivision Decisions of Municipalities and the Maine Land Use Regulation Commission** **ONTP**

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

LD 1388 proposed to provide that subdivision decisions made by a municipality or by the Maine Land Use Regulation Commission are final and are not subject to judicial review. The bill also proposed that the issuance of a building permit creates a conclusive presumption that the lot in question does not create an unapproved subdivision provided that 30 days have elapsed since the issuance of the permit and written notice of the permit application was given to abutters, mortgagors and lien holders. At the public hearing, the sponsor offered an amendment to the bill that would have eliminated the provision that subdivision decisions not be subject to judicial review.

LD 1430 **An Act to Expand Participation Between Adjoining Towns for Approval of Subdivisions** **ONTP**

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

LD 1430 proposed to amend current planning law that requires a joint review by the planning boards in abutting municipalities whenever a proposed subdivision crosses a municipal boundary unless this hearing is waived by the municipalities. Under LD 1430, a joint review also could be requested by an abutting municipality when a proposed subdivision is situated within 1,000 feet of the abutting municipality and is reasonably expected to affect traffic, infrastructure, storm water flow or drainage, the environment or the delivery of municipal services in the abutting municipality. Additionally, the bill proposed to clarify that when a joint review is conducted, the applicant must meet all applicable requirements in the local laws and regulations of both municipalities.

Committee Amendment "A" (H-237), which was the minority report and was not adopted, proposed to strike the text of the original bill. The amendment also proposed to require that the municipality in which a proposed subdivision is located provide notice to property owners in a neighboring municipality when the proposed

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subdivision is to be located within 200 feet of the boundary line of that neighboring municipality. It also proposed to require that property owners and residents of the neighboring community who have been given notice be permitted to participate in any public hearing of the reviewing authority to the same extent as property owners and residents of the reviewing authority's municipality. The amendment also proposed to allow the reviewing authority to consider development-related impacts on the abutting municipality in its review of the subdivision application. It also proposed to add a fiscal note to the bill.

LD 1444 An Act to Enhance Local Accountability

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KASPRZAK	ONTP A OTP-AM B OTP-AM C	

LD 1444 proposed to repeal the State's growth management program and to direct the Director of the State Planning Office and the Commissioner of Economic and Community Development to jointly report in January of 2002 to the Joint Standing Committee on State and Local Government with a list and description of all state laws and rules that impose planning mandates on towns. The bill also required the Joint Standing Committee on State and Local Government to report a bill to the Second Regular Session of the 120th Legislature that would repeal all the mandates identified in that report, by other persons or by the committee.

Committee Amendment "A" (H-453), which was a minority report of the Joint Standing Committee on State and Local Government and was not adopted, proposed to replace the bill. The amendment proposed to target the resources for growth management by establishing that all municipal requirements placed on municipalities by the growth management laws would be strictly voluntary for those municipalities that experience less than average residential growth rates over the last 10-year period according to U. S. Census data. The amendment also proposed that penalties, sanctions or preemptions of home rule authority that may be part of the growth management laws also would not apply to those municipalities, except that the system of preference for certain state-administered grants would continue to apply to all municipalities. The amendment also proposed to add a fiscal note to the bill.

Committee Amendment "B" (H-454), which was not adopted, also was a minority report of the Joint Standing Committee on State and Local Government. It proposed to add an appropriation section and a fiscal note to the original bill.

LD 1445 An Act to Allow a Legislator to Opt Out of the Partisan Staff System

NOT PROPERLY BEFORE BODY

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

LD 1445, which was suggested for referral to the Joint Standing Committee on State and Local Government, proposed to allow a Legislator to decline the services of partisan staff and receive a pro rata share of the budgeted costs of the partisan offices to be used directly by the Legislator for constituent services. The bill would have taken