

MAINE STATE LEGISLATURE

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*State Of Maine
120th Legislature*

First Regular Session

*Bill Summaries
Joint Standing Committee
on
Natural Resources*

August 2001

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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**.

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Joint Standing Committee on Natural Resources

LD 1693

An Act to Amend the Comprehensive Planning and Land Use Regulation Laws

PUBLIC 406

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT DAIGLE	OTP-AM	S-265

LD 1693 proposed to amend the comprehensive planning and land use regulation laws. The bill proposed to amend deadlines in the law. The bill enabled multimunicipal planning efforts and allowed for municipalities within the Maine Land Use Regulation Commission's jurisdiction to participate if desired. The bill extended the exemption for designating residential growth areas to commercial and industrial areas in small, slow-growing municipalities. Procedural adjustments were proposed in the state review and financial assistance program guidelines. The bill proposed to reinstate preferences in state grant programs and investments for municipalities with certified growth management programs and comprehensive plans that were inadvertently eliminated in the amendments adopted in the last legislative session and clarified that the State Planning Office has rule-making authority to administer the Maine Revised Statutes, Title 30-A, chapter 187.

Committee Amendment "A" (S-265) proposed to replace the original bill and to amend the comprehensive planning and land use regulation laws.

Enacted law summary

Public Law 2001, chapter 406 amends the comprehensive planning and land use regulation laws in the following ways.

1. It authorizes the State Planning Office within the Executive Department to adopt rules.
2. It clarifies that if a town wants to have a shoreland zone larger than Department of Environmental Protection guidelines, then the shoreland zone ordinance must be based on a comprehensive plan. If the ordinance is not consistent with a comprehensive plan within 24 months after adoption of the plan, the ordinance will no longer be in effect.
3. It provides that after January 1, 2003, rate of growth, zoning and impact fee ordinances must be consistent with a comprehensive plan.
4. It provides that only those portions of a rate of growth, zoning or impact fee ordinance that are not consistent with a comprehensive plan are subject to being deemed no longer in effect.
5. It temporarily exempts from the consistency requirement ordinances of a town that is in the process of preparing a comprehensive plan or implementation program and ordinances that conflict with a newly adopted comprehensive plan or plan amendment.
6. It temporarily exempts from the consistency requirement ordinances of a town that previously requested planning or implementation grants but was denied due to lack of state funds.
7. It exempts slow growing areas from having to establish any growth areas.

Joint Standing Committee on Natural Resources

8. It exempts certain financial assistance programs from rules adopted by the Department of Administrative and Financial Services for use in the purchase of services and the awarding of grants and contracts.
9. It allows the State Planning Office to require a higher matching requirement for grants to update comprehensive plans.
10. It requires a recipient of a financial assistance grant to cooperate with the State Planning Office in performing program evaluations.
11. It requires coordination among state agencies.
12. It amends the comprehensive plan and growth management program review process undertaken by the State Planning Office.
13. It provides that the State Planning Office's decision on consistency of a comprehensive plan or growth management program constitutes final agency action.
14. It authorizes the State to make growth-related capital investments in a designated growth area if it is identified in a certified growth management program.
15. It deletes the definition of "service center" from the growth management laws.
16. It requires state agencies to contribute to the implementation of comprehensive plans and growth management programs by making investments, delivering programs and awarding grants in a manner that reinforces the policies and strategies within the comprehensive plans or growth management programs.

LD 1700

Resolve, to Encourage State Monitoring and Management of Conservation Easements

RESOLVE 31

Sponsor(s)
CARR

Committee Report
OTP-AM

Amendments Adopted
H-303

LD 1700 proposed to direct the State Planning Office to compile and maintain information on conservation easements held by state agencies. It also would have appropriated funds for costs associated with this requirement.

Committee Amendment "A" (H-303) proposed to encourage certain state agencies to pool existing resources to monitor and manage conservation easements they hold. It also directed the Executive Department, State Planning Office to the extent practicable within existing resources to coordinate the state monitoring and management of conservation easements. The amendment also added a fiscal note to the bill.

Enacted law summary

Resolve 2001, chapter 31 encourages certain state agencies to pool existing resources to monitor and manage conservation easements they hold. It also directs the Executive Department, State Planning Office to the extent practicable within existing resources to coordinate the state monitoring and management of conservation easements.