

# MAINE STATE LEGISLATURE

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*State Of Maine  
120th Legislature*

*Second Regular Session*

*Bill Summaries*

*Joint Standing Committee  
on  
State and Local Government*

*May 2002*

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**120th Legislature**  
**Second Regular Session**

**Summary Of Legislation Before The Joint Standing Committees**  
**May 2002**

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 arranged alphabetically by committee name 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:

<i>CON RES XXX</i> .....	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i> .....	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i> .....	<i>House &amp; Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i> .....	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i> .....	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i> .....	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i> .....	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i> .....	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i> .....	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>NOT PROPERLY BEFORE THE BODY</i> .....	<i>Ruled out of order by the presiding officers; bill died</i>
<i>INDEF PP</i> .....	<i>Bill Indefinitely Postponed</i>
<i>ONTP</i> .....	<i>Ought Not To Pass report accepted</i>
<i>OTP ND</i> .....	<i>Committee report Ought To Pass In New Draft</i>
<i>OTP ND/NT</i> .....	<i>Committee report Ought To Pass In New Draft/New Title</i>
<i>P&amp;S XXX</i> .....	<i>Chapter # of enacted Private &amp; Special Law</i>
<i>PASSED</i> .....	<i>Joint Order passed in both bodies</i>
<i>PUBLIC XXX</i> .....	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i> .....	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i> .....	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i> .....	<i>Legislature failed to override Governor's Veto</i>

Please note the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is July 25, 2002.

**Patrick T. Norton, Interim Director**  
**Offices located in Room 215 of the Cross Office Building**

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occurring after 12 months, municipal officers up for election are elected and serve at large until a new ordinance is adopted.

**LD 1952**                      **Resolve, Authorizing the Director of the Bureau of Parks and Lands within the Department of Conservation to Convey a Crossing Easement**                      **RESOLVE 75**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMITH MARTIN	OTP-AM	H-804

LD 1952 proposed to grant an easement giving Irving Woodlands, LLC, a permanent right to cross the state-owned, abandoned railroad right-of-way running between Stockholm and Van Buren. Irving Woodlands, LLC, has assembled a new access corridor from their lands in T17R3 WELS to the Bangor and Aroostook railroad siding in Van Buren that will avoid making an impact on public roads and will increase activity at the siding. The state-owned abandoned railroad corridor must be crossed at a site approximately one mile from Van Buren in order to complete this access corridor.

**Committee Amendment "A" (H-804)** proposed to add a fiscal note.

### *Enacted law summary*

Resolve 2001, chapter 75 grants Irving Woodlands, LLC, a permanent right to cross the state-owned, abandoned railroad right-of-way running between Stockholm and Van Buren. This will permit Irving Woodlands, LLC, to complete assembly of a new access corridor from their lands in T17R3 WELS to the Bangor and Aroostook railroad siding in Van Buren that will avoid using public roads and increase economic activity at the siding. The abandoned railroad corridor will be crossed at a site approximately one mile from Van Buren.

**LD 1967**                      **An Act to Assist Municipalities of Sagadahoc County with the Change in the County Budget Year**                      **PUBLIC 499  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMALL PEAVEY	OTP-AM	S-417 S-440 SMALL

LD 1967 proposed that county officers in Sagadahoc County be authorized to borrow money for purposes of carrying out the transitional county budget authorized for the county's switch to a July-June fiscal year in 2002. While waiting for payment by municipalities of their share of the transitional budget, the bill proposed that county officers be allowed to issue bonds or notes in anticipation of taxes from the transitional budget, the total face amount of which does not exceed 80% of the taxes anticipated from the transitional budget and the period of borrowing of which does not exceed 5 years.

**Committee Amendment "A" (S-417)** proposed to authorize municipalities to spread payment to the county of their portion of the county transitional budget over a period from one to 5 years and to direct municipalities that do so to make their payment of their annual share of the transitional budget at the same time they pay their share of the

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current year's county budget. A municipality not paying its full share of the transitional budget in 2002 would be required to pay the interest incurred by the county for borrowing in anticipation of taxes on behalf of the municipality. The amendment also proposed to add a fiscal note to the bill.

**Senate Amendment "A" (S-440)** proposed to add a mandate preamble to the bill.

### *Enacted law summary*

Public Law 2001, chapter 499 authorizes Sagadahoc County to borrow money by issuing bonds or notes in anticipation of taxes to fund county services while transitional budgets are carried out to implement the new county fiscal year enacted last year. The total face amount of municipal bonds or notes may not exceed 80% of the taxes anticipated from the transitional budgets. Municipalities are authorized to spread payment to the county of their portion of the transitional budget over a period from one to 5 years and are required to make their payment of their annual share of the transitional budget at the same time they pay their share of the current year's county budget. A municipality not paying its full share of the transitional budget in 2002 is required to pay the interest incurred by the county for borrowing in anticipation of taxes on behalf of the municipality.

Public Law 2001, chapter 499 was enacted as an emergency measure effective March 5, 2002.

**LD 1991**                      **Resolve, to Develop a Living Memorial in Capitol Park in Honor of**                      **RESOLVE 110**  
**the Victims and Heroes of the September 11, 2001 Tragedy**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ETNIER EDMONDS	OTP-AM	H-801 S-544 GOLDTHWAIT

LD 1991 proposed to establish the Commission to Erect a Memorial to the Victims and Heroes of the September 11, 2001 Tragedy.

**Committee Amendment "A" (H-801)** proposed to:

1. Provide that the commission shall focus on development of a living memorial consistent with the natural elements of the existing architectural plans for Capitol Park, such as plantings of vegetation or development or restoration of pathways;
2. Prohibit the memorial from being in the form of a statue, monument or similar structure and require any identification of the memorial to be unobtrusive and dignified;
3. Require the commission to hold a public hearing to receive public comment on the nature of the memorial; and
4. Add standard language regarding management of the commission's budget and change the reporting date for the commission to be consistent with the drafting guidelines adopted by the Legislative Council.

The amendment also proposed to add appropriation and allocation sections and a fiscal note to the resolve.

**Senate Amendment "A" to Committee Amendment "A" (S-544)** proposed to eliminate the commission and provide that the State House and Capitol Park Commission shall undertake the study.