

# MAINE STATE LEGISLATURE

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*State Of Maine  
120th Legislature*

*Second Regular Session*

*Bill Summaries*

*Joint Standing Committee  
on  
Natural Resources*

*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 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.

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:

- 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
PASSED..... Joint Order passed in both bodies
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 Second Regular Session (unless otherwise specified in a particular law) is July 25, 2002.

Patrick T. Norton, Interim Director
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## Joint Standing Committee on Natural Resources

**Committee Amendment "A" (H-912)** proposed that a single municipality may enact a transfer of development rights program for the transfer of development rights within the municipality's boundaries. Two or more municipalities may only provide for the transfer of development rights between municipalities if the municipalities have entered into an interlocal agreement.

### *Enacted law summary*

Public Law 2001, chapter 592 provides that a single municipality may enact a transfer of development rights program for the transfer of development rights within the municipality's boundaries. Two or more municipalities may only provide for the transfer of development rights between municipalities if the municipalities have entered into an interlocal agreement. (See Public Law 2001, chapter 667, Part H, which corrected a conflict between chapter 592 and chapter 578.)

**LD 2059**

**An Act Regarding Site Selection Criteria for Parking for State Facilities**

**PUBLIC 593**

Sponsor(s)

Committee Report  
OTP-AM

Amendments Adopted  
H-916

LD 2059 was a recommendation of the Joint Study Committee to Study Growth Management. It proposed to clarify that site selection criteria for state facilities may require on-site parking only if it is necessary to meet critical program needs and to ensure reasonable access for agency clients and persons with disabilities. It also clarified that employee parking that is within reasonable walking distance may be located off site.

**Committee Amendment "A" (H-916)** proposed to require the Department of Administrative and Financial Services to consult with the authorized bargaining agent of the employees if there is a change in employee parking at a state facility from on-site parking to off-site parking. The amendment also added a fiscal note to the bill.

### *Enacted law summary*

Public Law 2001, chapter 593 clarifies that site selection criteria for state facilities may require on-site parking only if it is necessary to meet critical program needs and to ensure reasonable access for agency clients and persons with disabilities. It also clarifies that employee parking that is within reasonable walking distance may be located off site. Finally, it requires the Department of Administrative and Financial Services to consult with the authorized bargaining agent of the employees if there is a change in employee parking at a state facility from on-site parking to off-site parking.

**LD 2061**

**An Act to Provide Incentives for Multimunicipal Development**

**PUBLIC 621**

Sponsor(s)

Committee Report  
OTP-AM MAJ  
ONTP MIN

Amendments Adopted  
H-944

## Joint Standing Committee on Natural Resources

LD 2061 proposed to implement a recommendation of the Joint Study Committee to Study Growth Management. It proposed to direct the Land and Water Resources Council to set up a pilot project program to provide incentives for towns to work together on development issues by giving them the opportunity to share costs and benefits of development. Under the bill, towns that were certified by the council as meeting the requirements of the pilot project program would have been eligible to receive priority in state transportation funding, growth management funding, Municipal Investment Trust Fund grants and community development block grants.

**Committee Amendment "A" (H-944)** changed the title of the bill. It proposed to amend the priorities for preferences for loans and grants from the Municipal Investment Trust Fund. It added to the highest priority for these funds projects undertaken by 2 or more municipalities.

### *Enacted law summary*

Public Law 2001, chapter 621 amends the priorities for preferences for loans and grants from the Municipal Investment Trust Fund. It adds to the highest priority for these funds projects undertaken by 2 or more municipalities.

**LD 2062**

**An Act to Clarify the Use of Municipal Rate of Growth Ordinances**

**PUBLIC 591**

Sponsor(s)

Committee Report  
OTP-AM

Amendments Adopted  
H-918

LD 2062 was a recommendation of the Joint Study Committee to Study Growth Management. It proposed to outline the parameters within which a municipality may adopt a rate of growth ordinance. Under the proposed bill, temporary rate of growth ordinances may be enacted only to slow development while a community works toward solving the problems necessitating the rate of growth ordinance. A permanent rate of growth ordinance may be enacted inside a designated growth area only if the ordinance requires that the number of permits issued annually under the rate of growth ordinance be determined according to a formula specified in rules adopted by the State Planning Office. A permanent rate of growth ordinance may be enacted inside a designated rural area only if the ordinance is recommended in the municipality's comprehensive plan as a mechanism for guiding growth and the comprehensive plan lays out policies and strategies for accommodating most of the community's future growth in designated growth areas.

**Committee Amendment "A" (H-918)** replaced the bill. It proposed to require any municipality that enacts a rate of growth ordinance to review that ordinance at least every 3 years.

### *Enacted law summary*

Public Law 2001, chapter 591 requires any municipality that enacts a rate of growth ordinance to review that ordinance at least every 3 years.