

MAINE STATE LEGISLATURE

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*State Of Maine
120th Legislature*

Second Regular Session

Bill Summaries

*Joint Standing Committee
on
Judiciary*

May 2002

Members:

Sen. Anne M. Rand, Chair

Sen. Michael J. McAlevey

Sen. Norman K. Ferguson, Jr.

Rep. Charles C. LaVerdiere, Chair

Rep. Thomas D. Bull

Rep. Patricia T. Jacobs

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Rep. Roger L. Sherman

Rep. Donna M. Loring

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Maine State Legislature
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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).

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 & 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&S XXX</i>	<i>Chapter # of enacted Private & 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

Joint Standing Committee on Judiciary

LD 2101

An Act to Allow a Lessee to Purchase Leased Premises When the Lessor Decides to Sell

PUBLIC 653

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	ONTP MAJ	H-1041 CARR
	OTP-AM MIN	H-1070 CARR
		H-973

LD 2101 proposed to enact the minority recommendations of the Committee to Study Issues Concerning Changes to the Traditional Uses of Maine Forests and Lands. The minority recommendation includes the majority recommendations and an additional provision relating to commercial sporting camps.

The additional provision proposed to require the Bureau of Parks and Lands within the Department of Conservation to take land by eminent domain if the landowner refuses to sign a lease for a term of at least 10 years with a commercial sporting camp owner. The bureau would then lease the land to the commercial sporting camp owner in order to continue the business.

The provisions common to the minority and the majority reports propose to regulate the relationship between landowners within jurisdiction of the Maine Land Use Regulation Commission and persons who have leases or other agreements with the landowners to occupy or construct residential, recreational or commercial structures on that land.

The bill proposed to require that such agreements be made in the form of written leases. It proposed to require the leases to provide a description of the boundaries of the leased land and to provide at least 90 days' notice of termination, nonrenewal or change in terms of the lease. It also proposed to require the landowner to give the structure owner at least one year to remove the structure from the property if the lease is terminated or not renewed, unless it is terminated or not renewed for cause.

The bill also proposed to give the lessees the right of first refusal to purchase the lot on which the structure sits, provided the lessor offers or intends to offer the lot for sale.

Committee Amendment "A" (H-973) proposed to replace the bill. It proposed to strike all provisions of the bill except the provision giving lessees a right of first refusal, and clarify that the right exists when the lessor is willing to sell the leased premises as a separate parcel, not when the lessor is selling a larger parcel of which the leased premises is a small part. It also proposed to specify that the lease must specify a method of determining the value of the leased premises.

Enacted law summary

Public Law 2001, chapter 653 is based on a recommendation of the Committee to Study Issues Concerning Changes to the Traditional Uses of Maine Forests and Lands. Chapter 653 provides for a right of first refusal in leases between persons who own land within jurisdiction of the Maine Land Use Regulation Commission and persons who lease the land and occupy or construct residential, recreational or commercial structures on it. The lessee would have the right to purchase the leased lot if the landowner chooses to offer the parcel for sale. Leases must contain a provision for determining the price at which the lot could be purchased. This law applies to leases entered into on or after July 25, 2002.