

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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Maine State Legislature
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120th Legislature
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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
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Joint Standing Committee on Natural Resources

LD 2119

An Act Relating to Subdivision Review and Title Search Procedures

PUBLIC 651

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	S-472
	OTP-AM MIN	S-487 MARTIN

LD 2119 proposed to place limits on the ability of municipalities to modify the definition of "subdivision." It also would have required that all subdivision plats or plans include a notation that indicates the definition of "subdivision" in effect in the municipality at the time the subdivision is created.

Committee Amendment "A" (S-472) was the majority report of the committee. It proposed that a municipality may not enact an ordinance that expands the definition of "subdivision" except as provided in state law. It also proposed that if, at the time the Act takes effect, a municipality has a definition of "subdivision" that conflicts with the statutory definition of "subdivision," that municipality must file its conflicting definition of "subdivision" at the registry of deeds by June 30, 2003 and must comply with the requirements of the statutory definition by January 1, 2006. The amendment also removed the 40-acre lot exemption to the definition of "subdivision," except that a municipality may affirmatively elect not to count 40-acre lots as lots for purposes of subdivision review.

Committee Amendment "B" (S-473) was the minority report of the committee. It proposed to require a municipality that adopts a definition of "subdivision" that is different from state law to file the local definition and any amendment to the local definition at the registry of deeds. It also removed the 40-acre lot exemption to the definition of "subdivision," except that a municipality may affirmatively elect not to count 40-acre lots as lots for purposes of subdivision review. This amendment was not adopted.

House Amendment "A" to Committee Amendment "A" (H-956) proposed to specify that a municipality's modification of the definition of subdivision must be collected and indexed in a separate book at the appropriate registry of deeds. The amendment also corrected a history line. This amendment was not adopted.

House Amendment "A" to Committee Amendment "B" (H-957) proposed to specify that a municipality's modification of the definition of subdivision must be collected and indexed in a separate book at the appropriate registry of deeds. The amendment also corrected a history line. This amendment was not adopted.

Senate Amendment "A" to Committee Amendment "A" (S-487) proposed to specify that a municipality's modification of the definition of subdivision must be collected and indexed in a separate book at the appropriate registry of deeds. The amendment also corrected a history line.

Senate Amendment "B" to Committee Amendment "A" (S-533) proposed to add a mandate preamble. This amendment was not adopted.

Enacted law summary

Public Law 2001, chapter 651 places limits on the ability of municipalities to modify the definition of "subdivision". It provides that a municipality may not enact an ordinance that expands the definition of "subdivision" except as provided in state law. If, at the time this Act takes effect, a municipality has a definition of "subdivision" that conflicts with the statutory definition of "subdivision," that municipality must file its conflicting definition of "subdivision" at the registry of deeds by June 30, 2003 and must comply with the requirements of the

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statutory definition by January 1, 2006. A definition filed at the registry of deeds must be collected and indexed in a separate book in the registry of deeds. Chapter 651 also removes the 40-acre lot exemption to the definition of "subdivision," except that a municipality may affirmatively elect not to count 40-acre lots as lots for purposes of subdivision review.

LD 2140 **Resolve, Regarding Legislative Review of Chapter 296: Patient Brochure and Poster on Dental Amalgam and Alternatives, a Major Substantive Rule of the Department of Human Services** **RESOLVE 125**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-1046 S-628 MARTIN

LD 2140 provides for legislative review of Chapter 296: Patient Brochure and Poster on Dental Amalgam and Alternatives, a major substantive rule of the Department of Human Services.

Committee Amendment "A" (H-1046) proposed to authorize the adoption of a major substantive rule proposed by the Bureau of Health regarding a brochure and poster on dental amalgam and alternatives, provided that certain changes are made to the poster and the rule.

The changes to the poster clarify that the law requires dentists to provide the brochure to their patients. The changes to the rule clarify the text of the brochure to incorporate recommendations made by the Bureau of Health.

The amendment also proposed to clarify that the Board of Dental Examiners is to print and distribute the brochure and poster and directs the State Treasurer to transfer \$50,000 from the Maine Rainy Day Fund to the board to fund the initial printing and distribution of the brochure and poster. The Board of Dental Examiners is required, using fees charged for the poster and brochure, to repay the Maine Rainy Day Fund for all costs associated with the transfer within 2 years.

The amendment also proposed to allow the Director of the Bureau of Health to make changes to the poster or brochure for the purpose of inserting or changing graphics or for improving readability and comprehensibility without requiring that those changes be reviewed by the Legislature as revisions to a major substantive rule.

House Amendment "A" to Committee Amendment "A" (H-1099) proposed to change the funding source for the brochure and poster from the Maine Rainy Day Fund to the Fund for a Healthy Maine.

House Amendment "B" to Committee Amendment "A" (H-1103) proposed to change the funding source for the brochure and poster from the Maine Rainy Day Fund to the Fund for a Healthy Maine. The amendment also removes the emergency preamble and emergency clause.

Senate Amendment "A" to Committee Amendment "A" (S-582) proposed to remove the emergency preamble and emergency clause from the resolve and changes the funding source.

Senate Amendment "B" to Committee Amendment "A" (S-608) proposed to remove the emergency preamble and emergency clause.