

# State Of Maine 122nd Legislature

First Regular Session and First Special Session

# **Bill Summaries**

# Joint Standing Committee on State and Local Government

## August 2005

<u>Members:</u> Sen. Elizabeth M. Schneider, Chair Sen. Margaret Rotundo Sen. Mary Black Andrews

Rep. Christopher R. Barstow, Chair Rep. Sonya G. Sampson Rep. Richard D. Blanchard Rep. Charles William Harlow Rep. James M. Schatz Rep. Robert H. Crosthwaite Rep. George R. Bishop, Jr. Rep. Howard E. McFadden Rep. Bradley S. Moulton Rep. Roberta M. Muse

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### Maine State Legislature



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### 122nd Legislature First Regular Session and First Special Session

#### Summary of Legislation Considered by the Joint Standing Committees August 2005

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. A subject index for each committee is included immediately before the bill summaries for that committee, and a numerical index by LD number is included at the back of the document. A separate publication, <u>History and Final Disposition of Legislative Documents</u>, 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	Bill Carried Over to Second Regular Session 
CONF CMTE UNABLE TO AGREE	
DIED BETWEEN BODIES	House & Senate disagree; bill died
DIED IN CONCURRENCE	One body accepts ONTP report; the other indefinitely postpones the bill
	Action incomplete when session ended; bill died
EMERGENCY	Enacted law takes effect sooner than 90 days
FAILED EMERGENCY ENACTMENT/FINAL PAS	SAGE Emergency bill failed to get 2/3 vote
FAILED ENACTMENT/FINAL PASSAGE	Bill failed to get majority vote
FAILED MANDATE ENACTMENT	
NOT PROPERLY BEFORE THE BODY	
INDEF PP	
ONTP	
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
	Chapter # of finally passed Resolve
	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 *June 29, 2005*; and for non-emergency legislation enacted in the First Special Session is *September 17, 2005*.

#### Joint Standing Committee on State and Local Government

LD 937 proposed to require the Executive Department, State Planning Office to study the feasibility of dividing Maine into 2 separate states based upon the current districts for the election of representatives from Maine to the United States Congress.

**Committee Amendment "A" (H-202)**, which is the minority report, proposed to add an appropriations and allocations section to the resolve.

#### LD 968 RESOLUTION, Proposing an Amendment to the Constitution of ONTP Maine To Prohibit the Imposition of Any New or Increased Tax or Fee through the Citizen Initiative Process

Sponsor(s)	Committee Report	Amendments Adopted
CRESSEY	ONTP	_

LD 968 proposed to amend the Constitution of Maine to prohibit the imposition of any new or increased taxes or fees through the citizen initiative process.

# LD 990Resolve, To Allow the Somerset County Jail To Be Built withinDIED ONOne Mile of the County SeatADJOURNMENT

Sponsor(s)	Committee Report	Amendments Adopted
MILLS P	OTP	
DAVIS P		

LD 990 proposed to allow the Somerset County jail to be built within one mile of the county seat, Skowhegan. Current law requires a county building to be located within the county seat unless the voters in the county vote to locate the building elsewhere.

LD 991An Act To Restore Municipal Authority To Review DevelopmentPUBLIC 244Using Flexible Standards

Sponsor(s)	Committee Report	Amendments Adopted
MILLS P	OTP-AM	<b>S-174</b>

LD 991 proposed to amend planning and land use regulation standards by allowing a municipality to grant to its planning board or other development board the authority to approve developmental proposals with smaller dimensional standards, even if the municipality has a zoning board, for the purpose of promoting neighborhood development. Current law prohibits the granting of a variance by any entity other than a zoning board of appeals in those municipalities that have zoning boards.

## Joint Standing Committee on State and Local Government

**Committee Amendment "A" (S-174)** proposed to replace the bill and define "cluster development" as development in which individual lot sizes and setbacks may be reduced in exchange for areas of common space and recreation and environmental purposes. It would allow a zoning ordinance to delegate to the municipal reviewing authority the ability to approve development proposals that do not meet dimensional standards in order to promote cluster development, accommodate lots with insufficient frontage or provide for reduced setbacks for lots or buildings. The amendment would specify that the delegation of authority does not authorize the reduction of shoreland zoning dimensional requirements.

#### Enacted law summary

Public Law 2005, chapter 244 defines "cluster development" as development in which individual lot sizes and setbacks may be reduced in exchange for areas of common space and recreation and environmental purposes. It allows a zoning ordinance to delegate to the municipal reviewing authority the ability to approve development proposals that do not meet dimensional standards in order to promote cluster development, accommodate lots with insufficient frontage or provide for reduced setbacks for lots or buildings. This law specifies that the delegation of authority does not authorize the reduction of shoreland zoning dimensional requirements.

#### LD 992 An Act To Reform County Governance

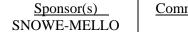
ONTP

Sponsor(s)	Committee Report	Amendments Adopted
MILLS P	ONTP	

LD 992 is a concept draft pursuant to Joint Rule 208 that proposed to create a uniform structure for county government, to be effective on election day in November 2006. Specifically, this bill proposed to:

- 1. Increase the number of county commissioners from 3 to 5. Of the 5 commissioners, 4 would serve from districts of uniform size within the county and the 5th would be elected from the county at large;
- 2. Establish the terms of office for county commissioners at 4 years. 3 of the 5 county commissioners would be elected in even-numbered years and the remaining 2 commissioners would be elected in odd-numbered years;
- 3. Authorize the county commissioners to appoint the county sheriff, register of deeds and county treasurer;
- 4. Dissolve the office of judge of probate and transfer probate judicial functions to the Superior Court and District Court; and
- 5. Give the clerk of the Superior Court immediate supervisory authority over the register of probate and make the position of register of probate subject to state civil service law.

#### LD 1003 An Act To Establish the Androscoggin County Budget Advisory CARRIED OVER Committee and the Somerset County Budget Advisory Committee



Committee Report

Amendments Adopted