

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

*State Of Maine
122nd Legislature*

*First Regular Session and
First Special Session*

Bill Summaries

*Joint Standing Committee
on
State and Local Government*

August 2005

Members:

*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*

Staff:

Anna Broome, Legislative Analyst

*Office of Policy and Legal Analysis
13 State House Station
Augusta, ME 04333
(207) 287-1670*



Maine State Legislature

OFFICE OF POLICY & LEGAL ANALYSIS

13 State House Station, Room 215 Cross State Office Building
Augusta, Maine 04333-0013
Telephone: (207) 287-1670
Fax: (207) 287-1275

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, 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:

- CARRIED OVER Bill Carried Over to Second Regular Session
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
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 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

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
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 990 **Resolve, To Allow the Somerset County Jail To Be Built within** **DIED ON**
One Mile of the County Seat **ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS P DAVIS P	OTP	

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 991 **An Act To Restore Municipal Authority To Review Development** **PUBLIC 244**
Using Flexible Standards

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

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)
MILLS P

Committee Report
ONTP

Amendments Adopted

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 Committee and the Somerset County Budget Advisory Committee

CARRIED OVER

Sponsor(s)
SNOWE-MELLO

Committee Report

Amendments Adopted