

MAINE STATE LEGISLATURE

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*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*

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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, 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

Municipalities that acquire title to abandoned cemeteries are required to keep title of the land forever and not sell the property. The municipality must maintain the existing use of the land as a cemetery. The municipality may have a survey done to determine the extent of the cemetery and may develop a preservation plan with a local cemetery association and archaeologists.

LD 1040 **An Act To Prevent the Short-term Rental of Unlicensed Properties** **ONTP**

<u>Sponsor(s)</u> BRYANT B		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1040 proposed to require a person who makes available for rental a room, apartment, condominium, cottage or house for less than one month to obtain a license from the municipal authorities.

LD 1092 **An Act To Increase County Filing Fees** **PUBLIC 246**

<u>Sponsor(s)</u> LERMAN		<u>Committee Report</u> OTP A OTP-AM B OTP-AM C		<u>Amendments Adopted</u>
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LD 1092 proposed to increase the fee for recording an instrument with a register of deeds by \$5.

Committee Amendment "A" (H-268) proposed to raise the fee for recording an instrument from \$8 for the first page to \$12 and the fee for an instrument that refers to more than one previously recorded instrument from \$8 to \$12. The fee for recording plans would be raised to \$12 from \$12. This amendment was not adopted.

Committee Amendment "B" (H-269) proposed to replace the bill and impose a \$6 surcharge on fees for recording documents in the registry of deeds, half of which is retained by the county and half of which is used to provide funding for the New Century Community Program. The New Century Community Program provides seed money grants to communities, with a local match, for the preservation of archives, historic records, artifacts and libraries and related structures. The amendment adds a mandate preamble and an appropriations and allocations section. This amendment was not adopted.

Enacted law summary

Public Law 2005, chapter 246 increases the fee for recording an instrument with a register of deeds by \$5.

LD 1096 **An Act To Make Technical and Minor Changes in the Capitol Planning Commission** **PUBLIC 123**

<u>Sponsor(s)</u> LERMAN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-219
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Joint Standing Committee on State and Local Government

LD 1096 proposed to change the composition of the resident membership of the Capitol Planning Commission from 2 residents of the Capitol Planning District and one resident of the City of Augusta not a resident of the Capitol Planning District to one resident of the Capitol Planning District and 2 residents of the City of Augusta not residents of the Capitol Planning District. The bill also proposed to change the term of the resident members from 2 years to 5 years.

Committee Amendment "A" (H-219) proposed to change the term of the members-at-large of the Capitol Planning Commission from 2 years to 5 years to match the terms given the resident members in the bill.

Enacted law summary

Public Law 2005, chapter 123 changes the composition of the resident membership of the Capitol Planning Commission from 2 residents of the Capitol Planning District and one resident of the City of Augusta not a resident of the Capitol Planning District, to one resident of the Capitol Planning District and 2 residents of the City of Augusta not residents of the Capitol Planning District. It changes the term of the resident members and the members-at-large of the Capitol Planning Commission from 2 years to 5 years.

LD 1105 **An Act To Impose Liability for the Illegal Withholding or Transfer of Public Funds or Property** **ONTP**

<u>Sponsor(s)</u> TRAHAN COURTNEY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1105 proposed to provide that any state, county or municipal officer, official or employee that wrongfully withholds or unlawfully distributes public money or public property is liable for all costs of recovery of the money or property.

LD 1127 **Resolve, To Establish a Pilot Project To Assist Towns Interested in Multitown Cooperation and Governance** **CARRIED OVER**

<u>Sponsor(s)</u> ANDREWS BARSTOW		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1127 proposes to require the Executive Department, State Planning Office, working with state and local government and education officials, to develop a municipal service district pilot project. Following a competitive process to determine the participating municipalities, the State Planning Office would continue to provide technical assistance, as well as grants, incentives and direct financial assistance to the municipalities participating in the pilot project. A timeline is provided for the development and submission of proposals and the design and implementation of the municipal service districts. Funding is provided through the Fund for the Efficient Delivery of Local and Regional Services and a separate appropriation.

This bill was carried over by H.P. 1203 to the next special or regular session of the 122nd Legislature.