

# MAINE STATE LEGISLATURE

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*State Of Maine  
122nd Legislature*

*Second Regular Session*

*Bill Summaries*

*Joint Standing Committee  
on  
State and Local Government*

*July 2006*

**Members:**

*Sen. Elizabeth M. Schneider, Chair  
Sen. Margaret Rotundo  
Sen. Mary Black Andrews*

*Rep. Christopher R. Barstow, Chair  
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  
Rep. William P. Browne*

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# Maine State Legislature



## Office of Policy and Legal Analysis Office of Fiscal and Program Review

### 122nd Maine Legislature Second Regular Session

#### Summary of Legislation Before The Joint Standing Committees

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing 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/billsumm.htm](http://www.state.me.us/legis/opla/billsumm.htm)).

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:

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
P&S XXX.....	Chapter # of enacted Private & Special Law
PASSED.....	Joint Order passed in both bodies
PUBLIC XXX.....	Chapter # of enacted Public Law
RESOLVE XXX.....	Chapter # of finally passed Resolve
UNSIGNED (Pocket Veto).....	Bill held by Governor
VETO SUSTAINED.....	Legislature failed to override Governor's Veto

Please note that the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is August 23, 2006.

## Joint Standing Committee on State and Local Government

**LD 1414**                      **An Act To Authorize Municipalities To Create Municipal Fire Districts**                      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPLESSIE	ONTP      MAJ	
PERRY J	OTP-AM    MIN	

LD 1414 proposed to authorize municipalities to create municipal fire districts that may, by ordinance, charge service charges for fire protection. The bill proposed to amend a statute to authorize municipalities to collect regional fire district service charges in addition to taxes.

**Committee Amendment "A" (H-773)**, which was the minority report, proposed to replace the bill. The amendment proposed to direct Maine Revenue Services to establish a working group to examine options for reevaluating the distribution of property tax within municipalities and between service center and nonservice center municipalities. The working group would include members from the Maine Municipal Association, the Maine Service Centers Coalition, institutions of higher education in the State, the Maine Hospital Association, the YMCA, the Maine Council of Churches and other representatives of charitable or tax-exempt organizations.

**LD 1481**                      **An Act To Amend the Laws Governing the Enactment Procedures for Ordinances**                      **POCKET VETO**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROMLEY	OTP-AM    MAJ	S-437
KOFFMAN	ONTP      MIN	S-554    SCHNEIDER

LD 1481 proposed to establish the procedures for ordinances enacted by citizen's initiative so that all ordinances apply prospectively and the procedure for people's veto of ordinances enacted by a municipality.

**Committee Amendment "A" (S-242)** proposed to establish procedures for the enactment of local ordinances and ordinance amendments by direct initiative and prohibits the application of a new local ordinance enacted by direct initiative to construction or projects for which permits or approvals have been granted. The bill and this amendment were recommitted to committee to be carried over into the second session.

**Committee Amendment "B" (S-243)**, which is the minority report, proposed to establish procedures for the enactment of local ordinances and ordinance amendments by direct initiative and prohibits the application of a new local ordinance to construction projects for which a permit or municipal approval has been granted and finally decided. The bill and this amendment were recommitted to committee to be carried over into the second session.

**Committee Amendment "C" (S-437)** proposed to prohibit a municipality from nullifying or amending a municipal land use permit by a subsequent enactment, amendment or repeal of a local ordinance more than 30 days after approval of the permit.

**House Amendment "I" to Committee Amendment "C" (H-1051)** proposed to incorporate the provisions of Senate Amendment "C" to Committee Amendment "C", except this amendment also specifies the procedure for a

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change by citizen-initiated petition to an ordinance that would nullify or amend a previously issued municipal land use permit. The ordinance must be filed with the municipality within 30 days of the final approval of the permit, any registered voter may circulate the petition, and following the certification of the question by the municipality, the petitioners have 75 days to gather the requisite number of signatures and submit the signed petition to the municipality for certification of the signatures. This amendment was not adopted.

**House Amendment "N" to Committee Amendment "C" (H-1098)** proposed to add a mandate preamble. This amendment was not adopted.

House Amendments "A" to "H" and "J" to "M" were not introduced.

**Senate Amendment "A" to Committee Amendment "C" (S-489)** proposed to extend the period within which a municipality may nullify or amend a land use permit to 45 days. This amendment also proposed to specify that the requirements of the bill do not affect any municipal ordinance that provide for a lapse of the permit or authority granted pursuant to the permit after a certain period of time. This amendment was not adopted.

**Senate Amendment "B" to Committee Amendment "C" (S-550)** proposed to prevent a municipality, either through traditional ordinance amendment procedures or as a result of citizen-initiated procedures, from nullifying or amending a municipal land use permit that has been issued for an affordable housing project after the permit has received lawful final approval, a period of 45 days has passed and if required a public hearing was held on the permit. This amendment was not adopted.

**Senate Amendment "C" to Committee Amendment "C" (S-554)** proposed to extend the period within which a municipality may nullify or amend a land use permit to 75 days. This amendment also proposed to specify that the requirements of the bill do not affect any municipal ordinance that provides for a lapse of the permit or authority granted pursuant to the permit after a certain period of time.

**Senate Amendment "D" to Committee Amendment "C" (S-555)** proposed to extend the period within which a municipality can nullify or amend a land use permit to 90 days after the permit received final approval and requires a public hearing to be held on the permit. This amendment was not adopted.

**Senate Amendment "E" to Committee Amendment "C" (S-558)** proposed to extend the period within which a municipality can nullify or amend a land use permit to 75 days after the permit received final approval and requires a public hearing to be held on the permit. This amendment was not adopted.

**Senate Amendment "F" to Committee Amendment "C" (S-599)** proposed to incorporate the provisions of Senate Amendment "C" to Committee Amendment "C" but changes the period within which a municipality may nullify or amend a land use permit from 75 days to 100 days. This amendment was not adopted.

**Senate Amendment "G" to Committee Amendment "C" (S-631)** proposed to extend the period within which a municipality may propose to nullify or amend a land use permit to 75 days. This amendment would also specify that if the proposed change to the ordinance that would nullify or amend a previously issued land use permit is the result of a citizen-initiated petition, the petition for an article in the warrant must be submitted within 75 days or a time period specified in municipal charter following approval of the permit in order to allow the nullification or amendment of the permit. The time that the petition is held by the municipality for certification of the question is not counted in determining the 75-day or other limitation period. This amendment would require the change in ordinance, whether proposed by the municipality or by citizen initiative, to be submitted for consideration at the next regularly scheduled town meeting, meeting of the town or city council or election. This amendment also

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proposed to specify that, in the event of a conflict between a municipal charter and the provisions of this amendment, the provisions of the municipal charter prevail. This amendment was not adopted.

**LD 1694**                      **An Act To Allow the Towns of Mapleton, Castle Hill and Chapman To Deposit All Tax Revenues, Grant Revenues and Other Income and Revenues into One Depository Account**                      **P & S 31  
EMERGENCY**

<u>Sponsor(s)</u> MARTIN		<u>Committee Report</u> OTP		<u>Amendments Adopted</u> S-445 MARTIN
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LD 1694 proposed to authorize the towns of Mapleton, Castle Hill and Chapman to create and maintain a common ownership depository account in the name of the 3 towns for the deposit of all tax revenues, grant revenues and other income and revenues received by the individual towns.

**Senate Amendment "A" (S-445)** proposed to add an emergency preamble and clause to the bill.

### *Enacted law summary*

Private and Special Law 2005, chapter 31 authorizes the towns of Mapleton, Castle Hill and Chapman to create and maintain a common ownership depository account in the name of the 3 towns for the deposit of all tax revenues, grant revenues and other income and revenues received by the individual towns.

Private and Special Law 2005, chapter 31 was enacted as an emergency measure effective March 2, 2006.

**LD 1712**                      **An Act To Restore the Funding to the Fund for the Efficient Delivery of Local and Regional Services**                      **INDEF PP**

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-741
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LD 1712 proposed to restore the funding for the Fund for the Efficient Delivery of Local and Regional Services by repealing the section of Public Law 2005, chapter 457 that would have transferred the money to the General Fund by June 30, 2006 and by June 30, 2007.

**Committee Amendment "A" (H-741)** proposed to restore the funding for the Fund for the Efficient Delivery of Local and Regional Services for the second year only.

(Public Law 2005, chapter 519, Part HH, section 1, restored \$1 million to the Fund for the Efficient Delivery of Local and Regional Services.)