

MAINE STATE LEGISLATURE

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STATE OF MAINE
123RD LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills and adopted amendments and laws enacted or finally passed during the First Regular Session of the 123rd Maine Legislature coming from the

JOINT STANDING COMMITTEE ON NATURAL RESOURCES

July 2007

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STATE OF MAINE

123RD LEGISLATURE

FIRST REGULAR SESSION

LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS



This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all bills and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 123rd Maine Legislature, which was in session from December 6, 2006 to June 21, 2007.

The *Digest* is arranged alphabetically by committee, and within each committee by LD number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. The appendices include a summary of relevant session statistics, an index of all bills by LD number and an index of enacted laws by law type and chapter number.

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 (or Accepted ONTP report).....	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.....	Bill held by Governor
VETO SUSTAINED.....	Legislature failed to override Governor's Veto

Please note that the effective date for non-emergency legislation enacted in the First Regular Session is **September 20, 2007**. The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills.

Joint Standing Committee on Natural Resources

LD 1803

An Act To Clarify Comprehensive Planning and Land Use Ordinances

PUBLIC 247

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KOFFMAN	OTP-AM	H-300

This bill makes the following changes to the laws governing growth management. It:

1. Clarifies that the portion of a rate of growth, zoning or impact fee ordinance not directly related to an inconsistency identified during a comprehensive plan review by the State Planning Office remains in effect after the inconsistency is identified;
2. Excludes certain ordinances from the definition of "zoning ordinance" thereby allowing towns to adopt those ordinances without having a consistent comprehensive plan;
3. Requires a comprehensive plan's implementation strategy and timetable to guide periodic review and revision of the comprehensive plan;
4. Exempts towns with no village or densely settled area and towns that identify as its growth area a growth area identified in another town's comprehensive plan from having to designate a growth area; and
5. Revises the review process for comprehensive plans.

Committee Amendment "A" (H-300)

This amendment adds a provision that clarifies that portions of rate of growth, zoning or impact fee ordinances not directly related to an inconsistency identified by a court remain in effect. It clarifies that cluster development ordinances and design ordinances that apply townwide are not included in the definition of "zoning ordinance." It removes the requirement in the bill that implementation strategies must guide revision of a comprehensive plan. It requires a finding of inconsistency made by the Executive Department, State Planning Office to identify sections of the growth management laws and rules that are not adequately addressed in the comprehensive plan and to make recommendations for resolving the inconsistency.

Enacted Law Summary

Public Law 2007, chapter 247 makes the following changes to the laws governing growth management. It:

1. Clarifies that the portion of a rate of growth, zoning or impact fee ordinance not directly related to an inconsistency identified by a court or during a comprehensive plan review by the State Planning Office remains in effect after the inconsistency is identified;
2. Excludes certain ordinances from the definition of "zoning ordinance" thereby allowing towns to adopt those ordinances without having a consistent comprehensive plan;
3. Requires a comprehensive plan's implementation strategy and timetable to guide periodic review of the comprehensive plan;
4. Exempts a town with no village or densely settled area and a town that identifies as its growth area a growth area identified in another town's comprehensive plan from having to designate a growth area; and
5. Revises the review process for comprehensive plans.