

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
123<sup>RD</sup> LEGISLATURE  
FIRST REGULAR SESSION



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

**JOINT STANDING COMMITTEE ON STATE AND LOCAL  
GOVERNMENT**

July 2007

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# STATE OF MAINE

123<sup>RD</sup> 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 123<sup>rd</sup> 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 State and Local Government*

This amendment, which is the minority report, is the same as Committee Amendment "A" (H-355) except that it requires the applicant for the permit to pay the \$40,000 fee to the municipality rather than to the State Planning Office. This amendment was not adopted.

### **House Amendment "A" (H-383)**

This amendment provides an exemption from the Informed Growth Act for a municipality that has adopted economic and community impact review criteria that apply to large-scale retail development land use permit applications and that require a study of the comprehensive economic and community impacts of the proposed large-scale retail development for consideration, among other evidence, in applying the review criteria to the application.

### **House Amendment "A" (H-409)**

This amendment allows a municipality to voluntarily adopt the Informed Growth Act and specifies that the Act does not apply to a municipality that chooses not to adopt it. It also replaces the requirement that the applicant for a permit pay a \$40,000 fee with language allowing the municipality to assess the fee necessary to conduct the impact study. This amendment was not adopted.

### **Senate Amendment "A" (S-236)**

This amendment clarifies that a municipality that, after the effective date of this Act, adopts economic and community impact review criteria that apply to large-scale retail development land use permit applications may be exempt from the provisions of the Informed Growth Act.

### **Enacted Law Summary**

Public Law 2007, chapter 347 enacts the Informed Growth Act to supplement existing municipal project application review criteria with a comprehensive impact study specifically related to the impact of large-scale retail development.

The law requires an applicant seeking a permit to build a large-scale retail development that is larger than 75,000 square feet to pay for a comprehensive economic impact study, a public hearing and related municipal staff support in order to estimate the effects of the project on the local area prior to permit approval. The study must be presented at a public hearing before the municipal reviewing authority held simultaneously with its review of the permit application. In order for approval for the application to be given, the municipal reviewing authority must determine, based on the comprehensive economic impact study, other materials and a public hearing, that the project would have no undue adverse impact on the local area. The preparer of the study must come from a list provided by the State Planning Office and must be mutually agreed upon by the municipal reviewing authority and the applicant for the permit. If there is no agreement after 15 days, the municipal reviewing authority has the authority to choose the preparer.

A municipality that has adopted economic and community impact review criteria that apply to large-scale retail development land use permit applications and that require a study of the comprehensive economic and community impacts of the proposed large-scale retail development for consideration as part of the review criteria for the application are exempt from the Informed Growth Act.

**LD 1814**

**An Act To Allow Legislative Pay To Be Set by the State Compensation Commission**

**DIED BETWEEN HOUSES**

Sponsor(s)

TUTTLE

Committee Report

Amendments Adopted

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

LD 1814 sets the level of compensation for Legislators to \$15,750 in the first year and \$11,250 in the 2nd year of each biennium beginning in December 2008 in accordance with the recommendations of the State Compensation Commission report of 1999. It also changes the State Compensation Commission so that its future recommendations do not require legislative approval. Any member of the House of Representatives or Senate may choose not to receive an increase in compensation that is recommended by the State Compensation Commission. This bill died on reference.

**LD 1835     An Act To Amend the Laws Relating to Notaries Public**

**PUBLIC 285**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HOBBS	OTP	

LD 1835 repeals and replaces the current law governing the appointment and renewal of commissions of notaries public. It includes a comprehensive process and criteria to evaluate a candidate for the office of notary public. It establishes a process for a resident of an adjoining state to be considered for the office of notary public. It also creates a review board to review a violation of notary law or a complaint concerning a notary public and provides a mechanism to deal with a violation or complaint.

**Enacted Law Summary**

Public Law 2007, chapter 285 repeals and replaces the current law governing the appointment and renewal of commissions of notaries public. It includes a comprehensive process and criteria to evaluate a candidate for the office of notary public. It establishes a process for a resident of an adjoining state to be considered for the office of notary public. It also creates a review board to review a violation of notary law or a complaint concerning a notary public and provides a mechanism to deal with a violation or complaint.

**LD 1840     An Act To Define the Process for a Municipality To Secede from a County**

**PUBLIC 401**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WESTON	OTP-AM	S-148

LD 1840 establishes a process by which a municipality may secede from one county and join another.

**Committee Amendment "A" (S-148)**

This amendment requires municipal officers to call a public hearing to discuss seceding from one county and joining another within 60 days of the petition rather than 30 days. It also requires the vote by the municipality to be held at a town meeting by written ballot if the municipal legislative body is the town meeting. The amendment changes the question for the county referendum to clarify that the voter is also approving the municipality continuing to pay debt service to the county that it is seceding from.

**Enacted Law Summary**

Public Law 2007, chapter 401 establishes a process by which a municipality may secede from one county and join another.