

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
123<sup>RD</sup> LEGISLATURE  
SECOND REGULAR AND FIRST SPECIAL SESSIONS



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

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

May 2008

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**STATE OF MAINE**  
123<sup>RD</sup> LEGISLATURE  
SECOND REGULAR & FIRST SPECIAL SESSIONS



**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 Second Regular or First Special Sessions of the 123<sup>rd</sup> Maine Legislature.

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:

<i>CON RES XXX</i> .....	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i> .....	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i> .....	<i>House &amp; Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i> .....	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i> .....	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i> .....	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i> .....	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i> .....	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i> .....	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>NOT PROPERLY BEFORE THE BODY</i> .....	<i>Ruled out of order by the presiding officers; bill died</i>
<i>INDEF PP</i> .....	<i>Bill Indefinitely Postponed; bill died</i>
<i>ONTP (or Accepted ONTP report)</i> .....	<i>Ought Not To Pass report accepted; bill died</i>
<i>P&amp;S XXX</i> .....	<i>Chapter # of enacted Private &amp; Special Law</i>
<i>PUBLIC XXX</i> .....	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i> .....	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i> .....	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i> .....	<i>Legislature failed to override Governor's Veto</i>

The effective date for non-emergency legislation enacted in the Second Regular Session (R2) is June 30, 2008. The effective date for non-emergency legislation enacted in the First Special Session (S1) is July 18, 2008.<sup>1</sup> The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills. Any bill summarized in this document having an LD number less than 1932 was a bill carried over from the First Regular Session of the 123<sup>rd</sup> Legislature.

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<sup>1</sup> The session in which each law was enacted or finally passed (R2 or S1) is included in Appendix C.

## Joint Standing Committee on State and Local Government

parcel of land in Frenchville within the next 3 years if it is determined that it is not necessary for the statewide radio and network system. The commissioner shall report to the joint standing committee of the Legislature having jurisdiction over state and local government matters on any action taken pursuant to this resolve by February 1, 2011. The commissioner may also negotiate with the landowner for an alternative site for the radio tower.

### LD 1962 An Act To Amend the Informed Growth Act

DIED BETWEEN  
HOUSES

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

LD 1962 provides an option for a municipality to waive the right to apply the provisions of the Informed Growth Act at any time by a vote of its legislative body. If the vote is taken at a town meeting or by a city council, it must also be approved by the citizens at a referendum.

#### Committee Amendment "A" (S-436)

This amendment, which the minority report, retains the provisions of the bill allowing a municipality to waive the requirements of the Informed Growth Act by a vote of its legislative body but does not require a subsequent referendum.

### LD 1965 An Act To Amend the Lucerne-in-Maine Village Corporation Charter

P & S 33

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROSEN R	OTP-AM	S-404

LD 1965 amends the Lucerne-in-Maine Village Corporation's charter by adding certain parts of Peakes Hill Road to the territory of the village corporation.

#### Committee Amendment "A" (S-404)

This amendment changes the width of the road to be added to the territory contained in the charter of Lucerne-in-Maine from 50 feet in width to 33 feet and 16.5 feet on each side of the centerline rather than 25 feet.

#### Enacted Law Summary

Private and Special Law 2007, chapter 33 amends the Lucerne-in-Maine Village Corporation's charter by adding certain parts of Peakes Hill Road to the territory of the village.

### LD 1968 An Act To Clarify the Election of Municipal Charter Commission Members

PUBLIC 495  
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRANNIGAN	OTP-AM	S-426

LD 1968 amends the procedure for the election of members to a municipal charter commission. It gives a municipality the option to either include the election of voter members on the same ballot as the question authorizing the commission or have members elected no later than the first regular or special municipal or state election that occurs at least 90 days after the vote authorizing the charter commission. The bill also provides for a third method

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

for electing voter members on a charter commission for a municipality that has municipal officers elected both at-large and by district. That number would be equal to the total number of elected municipal officers on the board or council of that municipality.

### **Committee Amendment "A" (S-426)**

This amendment clarifies that a municipality is authorized to elect the members of a municipal charter commission by the procedure in the bill but that it is not mandatory for municipalities that have both at-large and district or ward municipal officers on the town or city council to use this method. The amendment adds an emergency preamble and emergency clause so that the City of Portland can include a question about the need for a new charter commission at the next regularly scheduled election in June 2008, and the members of that commission can be elected at the November 2008 election if the commission question is approved. It also clarifies that a community may hold an election for commission members at the next regularly scheduled election no more than 200 days after the referendum authorizing the charter commission.

### **Enacted Law Summary**

Public Law 2007, chapter 495 amends the procedure for the election of members to a municipal charter commission. It gives a municipality the option to either include the election of voter members on the same ballot as the question authorizing the commission or have members elected no later than the first regular or special municipal or state election that occurs no more than 200 days after the vote authorizing the charter commission. It also provides for a third method for electing voter members on a charter commission for a municipality that has municipal officers elected both at-large and by district. That number would be equal to the total number of elected municipal officers on the board or council of that municipality.

Public Law 2007, chapter 492 was enacted as an emergency measure effective March 14, 2008.

### **LD 1974    Resolve, To Prevent the Closing of Store Road in Somerset County**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARRACHE	ONTP	

LD 1974 directs the county commissioners of Somerset County to keep Store Road in Rockwood, Somerset County open throughout the year.

### **LD 2020    An Act To Amend the Laws Governing the Granting of Disability Variances from the Zoning Laws**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CASAVANT	ONTP	

LD 2020 amends the laws governing when a variance from the zoning laws may be granted to an owner of a dwelling for the purpose of making that dwelling accessible to a person with a disability. It provides that such a variance may be granted for the construction of a garage or similar structure that will assist the person with the disability.