

MAINE STATE LEGISLATURE

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STATE OF MAINE
124TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed during the First Regular Session of the 124th Maine Legislature coming from the

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

July 2009

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* Rep. William P. Browne replaced Rep. Michael Celli for part of the First Regular Session. Rep. Celli will return for the Second Regular Session.

STATE OF MAINE

124TH 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 124th 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:

CARRIED OVER.....	Carried over to a subsequent session of the Legislature
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; bill died
ONTP (or Accepted ONTP report).....	Ought Not To Pass report accepted; bill died
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

The effective date for non-emergency legislation enacted in the First Regular Session of the 124th Legislature is September 12, 2009. 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

seaward, except that the islands of Bluff and Stratton remain as part of the City of Saco. The change in the municipal boundary may not go into effect until the Town of Old Orchard Beach adopts a municipal zoning ordinance relating to marinas that is at least as strict as that adopted in the City of Saco at the time of the passage of this legislation. The City of Saco and the Town of Old Orchard Beach are authorized to convene a working group to examine regulatory jurisdictions, including zoning, parameters for future development in Saco Bay, uniform environmental regulations for Saco Bay and the feasibility of establishing an oversight group made up of residents from communities bordering Saco Bay. The working group is authorized to submit a report to the Joint Standing Committee on State and Local Government.

**LD 1145 RESOLUTION, Proposing an Amendment to the Constitution of Maine
To Amend the Time Frame for Towns To Certify Citizen Initiative**

CON RES 1

Signatures

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STRANG BURGESS DAVIS G	OTP-AM	H-176

This bill is a resolution proposing to amend the Constitution of Maine to increase the amount of time provided to officials of cities, towns and plantations to certify that signatures on petitions for a people's veto and on petitions for a direct initiative appear on voting lists for those cities, towns and plantations.

Committee Amendment "A" (H-176)

The constitutional resolution proposed to amend the Constitution of Maine to increase the amount of time provided to officials of cities, towns and plantations to certify that signatures on petitions for a direct initiative or people's veto appear on voting lists for those cities, towns and plantations. This amendment removes the increase with respect to people's vetoes and clarifies the petition process generally, including clarifying that "day" or "days" means any day that is not a Saturday, Sunday or legal holiday. It adds 10 days to the period of time before the written petitions for a direct initiative are due to the Secretary of State's office so that citizens have the same amount of time to collect signatures as they do currently.

Enacted Law Summary

Constitutional Resolution 2009, chapter 1 is a resolution to amend the Constitution of Maine to increase the amount of time provided to officials of cities, towns and plantations to certify that signatures on petitions for a direct initiative appear on voting lists for those cities, towns and plantations. It clarifies that for the petition process generally, "day" or "days" means any day that is not a Saturday, Sunday or legal holiday. The resolution adds 10 days to the period of time before the written petitions for a direct initiative are due to the Secretary of State's office so that citizens have the same amount of time to collect signatures as they do currently. This resolution must be approved by a majority of the legal votes cast at the statewide election in November in order for this amendment to become part of the Constitution of Maine.

**LD 1147 Resolve, To Allow the Secretary of State and the InforME Board To
Facilitate the Payment of Outstanding Parking Tickets When
Registering a Motor Vehicle**

ONTP

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

Joint Standing Committee on State and Local Government

This bill requires the Secretary of State and the InforME Board to develop a program that would allow a municipality to forward information concerning outstanding parking tickets to InforME. The Bureau of Motor Vehicles within the Department of the Secretary of State may use that information to advise a person that the person may pay any outstanding tickets at the time of registration of a motor vehicle.

LD 1172 An Act To Allow a Municipality To Grant a Variance for the Construction of a Parking Structure for a Person with a Permanent Disability

PUBLIC 342

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CASAVANT ALFOND	OTP-AM MAJ OTP-AM MIN	H-299

Current law allows a zoning board of appeals to grant a variance to a person with a disability for the construction of equipment or structures necessary for access to or egress from the dwelling. This bill allows a zoning board, if allowed by the municipal ordinance establishing the zoning board, to grant a variance for the construction of a structure for the storage of a motor vehicle owned by a person with a permanent disability and registered in this State with disability registration plates.

Committee Amendment "A" (H-299)

This amendment, which is the majority report of the committee, removes the provision of the bill that a variance may be granted for the construction of a place of storage and parking for a noncommercial vehicle only if the structure is attached to a dwelling owned by a person with a permanent disability by a foundation and has load-bearing walls. This allows the municipality maximum flexibility when granting a variance for a person with a permanent disability to construct a place of storage and parking for a vehicle owned by that person. The structure may be up to two times the length and width of the vehicle, rather than one and a half times as in the bill.

Committee Amendment "B" (H-300)

This amendment, which is the minority report of the committee, requires that the construction of a structure for the storage of a motor vehicle owned by a person with a permanent disability must be a temporary structure that is removed after that person no longer occupies the dwelling. This amendment was not adopted.

Enacted Law Summary

Public Law 2009, chapter 342 allows a zoning board, if allowed by the municipal ordinance establishing the zoning board, to grant a variance for the construction of a structure for the storage of a motor vehicle owned by a person with a permanent disability and registered in this State with disability registration plates. The structure may be no larger than two times the length and width of the vehicle.

LD 1212 An Act To Clarify the Role of Public Comment in the Agency Decision-making Process

ONTP

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

This bill amends the Maine Administrative Procedure Act to require an agency to report the ratio of the persons submitting comments in support of and persons in opposition to a proposed rule during the public comment period