

MAINE STATE LEGISLATURE

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STATE OF MAINE
126TH LEGISLATURE
SECOND REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

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

May 2014

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STAFF:

ALYSON MAYO, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670

STATE OF MAINE
126TH LEGISLATURE
SECOND REGULAR SESSION
LEGISLATIVE DIGEST OF BILL SUMMARIES AND
ENACTED LAWS

The *Digest* is arranged within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee.

Final action on each LD is noted to the right of the LD title. The following describes the various final actions.

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; legislation died
DIED BETWEEN HOUSESHouse & Senate disagreed; legislation died
DIED IN CONCURRENCE defeated in each house, but on different motions; legislation died
DIED ON ADJOURNMENT action incomplete when session ended; legislation died
EMERGENCYenacted law takes effect sooner than 90 days after session adjournment
FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE.....emergency failed to receive required 2/3 vote
FAILED, ENACTMENT or FINAL PASSAGE..... failed to receive final majority vote
FAILED, MANDATE ENACTMENT.....legislation proposing local mandate failed required 2/3 vote
HELD BY GOVERNOR..... Governor has not signed; final disposition to be determined at subsequent session
LEAVE TO WITHDRAW.....sponsor's request to withdraw legislation granted
NOT PROPERLY BEFORE THE BODY.....ruled out of order by the presiding officer; legislation died
INDEF PP..... indefinitely postponed; legislation died
ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X... ought-not-to-pass report accepted; legislation died
P&S XXX..... chapter # of enacted private & special law
PUBLIC XXX chapter # of enacted public Law
RESOLVE XXX chapter # of finally passed resolve
VETO SUSTAINED.....Legislature failed to override Governor's veto

The effective date for non-emergency legislation enacted in the Second Regular Session of the 126th Legislature is August 1, 2014. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

Joint Standing Committee on State and Local Government

LD 211 An Act To Amend the Laws Governing the Limitation on County Assessments

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON R THOMAS	ONTP	

This bill was carried over from the First Regular Session of the 126th Legislature.

This bill changes the definition of "property growth factor," which is integral in the calculation of a county's annual assessment limitation, in the laws governing the limitation on county assessments. The revised definition uses state valuation data in determining the property growth factor rather than relying on municipal reporting of data based on the assessed valuation of real and personal property.

LD 1152 Resolve, To Continue Consultation and Conditions Prerequisite to the Sale or Lease of Certain Real Property in Hallowell

Accepted Majority (ONTP) Report

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

This bill was carried over from the First Regular Session of the 126th Legislature.

Current law authorizes the State to sell or lease certain real property in the City of Hallowell and establishes conditions on the sale or transfer of the property. This resolve directs the State to enter into a lease to extend the current terms of School Administrative District 16 or any successor school administrative unit that includes the City of Hallowell as a tenant at the site through June 30, 2017. This resolve also specifies that a subgroup of stakeholders must be invited to participate in interviews of qualified developers and to participate in interviews with developers prior to the transfer of any portion of the site to a developer. This resolve also directs the Commissioner of Administrative and Financial Services to provide a written report to the Joint Standing Committee on State and Local Government on the status of all efforts toward the sale or transfer of the property.

Committee Amendment "A" (H-679)

This amendment is the minority report of the committee. It changes the title and strikes and replaces the resolve to clarify legislation regarding the sale or lease by the State of real estate located in the City of Hallowell.

Part A repeals all prior legislation governing the sale or lease of the Stevens School property located in the City of Hallowell.

It repeals the following:

1. Resolve 2003, chapter 92, Part A, which authorized the sale or lease of the Stevens School property located in the City of Hallowell and was repealed under its own terms on September 13, 2011;
2. Resolve 2009, chapter 102, which imposed conditions on the sale or transfer of property authorized by Resolve 2003, chapter 92, Part A;
3. Resolve 2011, chapter 70, Part B, which authorized the sale or lease of the Stevens School property located in the City of Hallowell, without mention of conditions, and which is to be repealed under its own terms on September

Joint Standing Committee on State and Local Government

13, 2016;

- 4. Resolve 2011, chapter 99, which amended Resolve 2009, chapter 102 to remove reference to the authority for sale and to impose the conditions on the sale of the property regardless of the authority for sale; and
- 5. Resolve 2013, chapter 53, section 6, which required that any proceeds from sales of the Stevens School property located in the City of Hallowell be deposited in the Department of Administrative and Financial Services, Bureau of General Services capital repair and improvement account for capital improvements as designated by the Commissioner of Administrative and Financial Services.

Part B of the amendment:

- 1. Authorizes the sale or lease of the Stevens School property located in the City of Hallowell as authorized in Resolve 2011, chapter 70;
- 2. Includes conditions from Resolve 2009, chapter 102; and
- 3. Incorporates the provisions from Resolve 2013, chapter 53 regarding the proceeds from the sales of the Stevens School property.

LD 1177 An Act To Implement the Recommendations from the Discontinued and Abandoned Roads Stakeholder Group Died Between Houses

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO KESCHL	OTP-AM OTP-AM	

This bill was carried over from the First Regular Session of the 126th Legislature.

This bill implements the recommendations of the stakeholder group established by the Department of Agriculture, Conservation and Forestry pursuant to Resolve 2011, chapter 120 to review discontinued and abandoned roads.

This bill provides that if a municipality decides to retain a public easement after the municipality discontinues a town way, the municipality must vote in the affirmative to retain the public easement and that if the municipality fails to maintain the public easement for two years, the public easement is discontinued and the public's interest in the easement is abolished.

The bill requires that a municipality give an easement to a property owner that requires access to the property owner's property if the municipality discontinues a town way. Current law allows a municipality to discontinue a town way by giving notice to all abutting property owners and the municipal planning board and filing an order of discontinuance with the municipal clerk.

The bill, beginning on January 1, 2016, requires that a municipality must vote in order to discontinue a town way.

The bill also requires that by January 1, 2016, every municipality prepare a list of all municipal town ways that the municipality intends to keep in repair with public funds pursuant to the Maine Revised Statutes, Title 23, chapter 304 and to publish the list on its publicly accessible website. If a town way has not been included on the list by January 1, 2016, the town way is discontinued with no public easement and the abutters of the town way have two years to file a claim against the municipality pursuant to Title 23, section 3027-A, subsection 2.

Committee Amendment "A" (S-435)