

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
108TH LEGISLATURE  
FIRST REGULAR SESSION

(Filing No. H-645)

COMMITTEE AMENDMENT "A" to H.P. 1279, L.D. 1510, Bill,  
"AN ACT to Repeal Certain Laws Relating to Local and County  
Government."

Amend the Bill by striking out all of the title and  
inserting in its place the following: 'AN ACT to Amend or  
Repeal Certain Laws Relating to Local and County Government.'

Further amend the Bill by inserting before the enacting  
clause the following:

'Emergency preamble. Whereas, Acts of the Legislature do  
not become effective until 90 days after adjournment unless  
enacted as emergencies; and

Whereas, Acts of this and previous Legislatures have  
resulted in certain errors and inconsistencies in the laws  
of Maine; and

Whereas, these errors and inconsistencies have created  
uncertainties and confusion in interpreting legislative intent;  
and

Whereas, it is vitally necessary to resolve these  
uncertainties and confusion to prevent any injustice or hardship  
on the people of Maine; and

Whereas, in the judgment of the Legislature, these facts  
create an emergency within the meaning of the Constitution of  
Maine and require the following legislation as immediately  
necessary for the preservation of the public peace, health and  
safety; now, therefore, '

Further amend the bill by striking out everything after the enacting clause and inserting in its place the following:

'Sec. 1. 1 MRSA §72, sub-§12, is repealed and the following enacted in its place:

12. Municipal officers. "Municipal officers" means the mayor and aldermen or councillors of a city, the selectmen or councillors of a town and the assessors of a plantation.

Sec. 2. 19 MRSA §92, 2nd sentence, as amended by PL 1977, c. 14, is further amended to read:

Then, if either party applies to enter such notice, the clerk shall withhold the certificate until a decision is made by the probate court judge from the ~~district~~ county involved, approving the marriage, after due notice to and hearing all concerned, provided the person filing the caution shall within 7 days thereafter procure the decision of such probate court judge unless he certifies that further time is necessary for the purpose.

Sec. 3. 20 MRSA §226, sub-§5, as repealed and replaced by PL 1971, c. 611, §5, is amended to read:

5. Registration. Registration of voters for the district budget meeting shall be held in each member municipality in accordance with the time schedule specified in Title 21, section 6317-~~subsection-37-regardless-of-population7-notwith-~~  
~~standing-any-other-provision-of-statute.~~

Sec. 4. 23 MRSA §3028, as enacted by PL 1975, c. 711, §8, is amended by adding after the 2nd sentence a new sentence to read:

A proceeding to discontinue a town or county way shall not prevent or stop a municipality from asserting a presumption of abandonment.

Sec. 5. 23 MRSA §3029, 1st ¶, as enacted by PL 1975, c. 711, §8, is amended to read:

Damages shall be determined using the methods in sections 154 through 154E, as far as practicable, except that references to the "commission" or the "board" shall mean the "municipal officers" and references to the "state" shall mean the "municipality."

Sec. 6. 26 MRSA §968, sub-§5, ¶D, 1st sentence, as last amended by PL 1975, c. 564, §27, is further amended to read:

If after the issuance of an order by the board requiring any party to cease and desist or to take any other affirmative action, said party fails to comply with the order of the board then the party in whose favor the order operates or the board may file a civil action in the Superior Court of Kennebec County, or the county in which the prohibited practice has occurred, to compel compliance with the order of the board.

Sec. 7. 26 MRSA §968, sub-§5, ¶F, <sup>1st sentence,</sup> as amended by PL 1975, c. 564, §28, is further amended to read:

Either party may seek a review by the Superior Court of Kennebec County or of the county in which the prohibited practice is alleged to have occurred of a decision of the Maine Labor

Relations Board by filing a complaint in accordance with the Rules of Civil Procedure, Rule 80B, provided the complaint shall be filed within 15 days of the effective date of the decision.

Sec. 8. 29 MRSA §354, sub-§5, 1st sentence, as repealed and replaced by PL 1975, c. 770, §147, is amended to read:  
No mobile home, as defined in Title 36, section 1481, shall be moved over the highways of this State unless the operator of the vehicle hauling such mobile home has in his possession a written certificate from the tax collector of the municipality ~~from which the mobile home is being moved~~ in which the mobile home is situated on the day of the move, identifying the mobile home and stating that all property taxes applicable to the mobile home, including those for the current tax year, have been paid or that the mobile home is exempt from such taxes.

Sec. 9. 30 MRSA c. 3, as amended, is repealed.

Sec. 10. 30 MRSA §1953, 1st sentence, is amended to read:

Any power or powers, privileges or authority exercised or capable of exercise by a public agency of this State may be exercised and enjoyed jointly with any other public agency of this State, or of the United States to the extent that the laws of the United States permit such joint exercise.

Sec. 11. 30 MRSA §1953, sub-§6, is enacted to read:

6. Limitation. Notwithstanding any other provision of this chapter:

A. No powers, privileges or authority may be jointly exercised unless each type of power, privilege or

authority exercised is capable of being exercised by at least one of the parties within the entire jurisdictional area of the contract, or by each of the several of parties within each of their several jurisdictions if all of the several jurisdictions make up the total jurisdictional area of the contract; or

B. No essential legislative powers, taxing authority, or eminent domain power may be delegated by contract to a joint authority or administrative entity.

Sec. 12. 30 MRSA §2061, sub-§3, ~~is enacted to read:~~ <sup>this subsection, where</sup>

D. Notwithstanding the provisions of/ the municipal officers determine to fill a vacancy under the terms of section 2253, which must be filled by election, the municipal officers may designate a shorter time period for the availability of nomination papers but not less than 10 days prior to the final date for filing, and may designate a shorter time period for the final date for filing nomination papers but not less than the 14th day next prior to the day of election. Notice of the designation shall be posted in the same place or places as town meeting warrants are posted and local representatives of the media shall be notified of the designation.

Sec. 13. 30 MRSA §2311, sub-§2, 2nd sentence, as enacted by PL 1969, c. 590, §58-B, is amended to read:

In addition ~~the following~~ town officials may be elected by ballot, including without limitation: Moderator, assessors, overseers of the poor, clerk and treasurer.

Sec. 14. 30 MRSA §2312, last sentence, as enacted by PL 1969, c. 438, §1, is amended to read:

A town manager may not serve as moderator, selectman~~-assessor~~ or member of the school committee.

Sec. 15. 30 MRSA §2411, sub-§4, as enacted by PL 1971, c. 455, §1, is amended by adding at the end a new sentence to read:

No board created under this section may assert jurisdiction over any matter unless the municipality has by ordinance specified the precise subject matter that may be appealed to the board and the official or officials whose action or non-action may be appealed to the board.

Sec. 16. 30 MRSA §5110, 1st 2 sentences, as enacted by PL 1975, c. 651, §3, are repealed and the following enacted in their place:

A municipality or plantation may raise one or 2 taxes during a single valuation if the taxes raised are based on appropriations made for a municipal fiscal year that does not exceed 18 months. A municipal or plantation fiscal year may extend beyond the end of the current tax year and the municipal officers or assessors of a plantation, when changing the municipality's or plantation's fiscal year, may for transition purposes adopt one or more fiscal years not longer than 18 months each.

Sec. 17. 36 MRSA §841, 3rd ¶, is amended by adding after the first sentence the following new sentence:

If an abatement is made after a tax lien has been placed on

real property, the amount of the abatement shall be used as a credit by the tax collector when computing the amount necessary to discharge the lien.

Sec. 18. 36 MRSA §841-A, 2nd ¶, as amended by PL 1973, c. 788, § 185, is further amended by adding after the first sentence a new sentence to read:

If an abatement is made after a tax lien has been placed on real property, the amount of the abatement shall be used as a credit by the tax collector when computing the amount necessary to discharge the lien.

Sec. 19. 36 MRSA §942, 2nd ¶, 1st sentence, as amended by PL 1975, c. 770, §203, is further amended to read:

The tax collector may, after the expiration of 8 months and within one year after the date of original commitment of a tax, give to the person against whom said tax is assessed, or leave at his last and usual place of abode, or send by registered mail to his last known address, a notice in writing signed by said tax collector or bearing his facsimile signature, stating the amount of such tax, describing the real estate on which the tax is assessed, alleging that a lien is claimed on said real estate to secure the payment of the tax, and demanding the payment of said tax within 10 days after service or mailing of such notice with \$1 for said tax collector for making the demand together with the registered mail fee.



Sec. 20. 36 MRSA §942, 3rd ¶, 1st sentence, is amended to read:

After the expiration of said 10 days and within 10 days thereafter, the tax collector shall record in the registry of deeds of the county or registry district where said real estate is situated a tax lien certificate signed by said tax collector or bearing his facsimile signature, setting forth the amount of such tax, a description of the real estate on which the tax is assessed and an allegation that a lien is claimed on said real estate to secure the payment of said tax, that a demand for payment of said tax has been made in accordance with this section, and that said tax remains unpaid.

Sec. 21. 36 MRSA §1482, sub-~~§~~<sup>1st¶</sup>, as last amended by PL 1973, c. 588, §10, is further amended to read:

5. Credits. Any owner who has paid the excise or property tax for a vehicle the ownership of which is transferred, or which is subsequently totally lost by fire, theft or accident or which is subsequently totally junked or abandoned, in the same calendar year or registration year, shall be entitled to a credit to the maximum amount of the tax previously paid in such year or period for any one vehicle toward the tax for ~~such other-vehicles~~ any number of vehicles, regardless of the number of transfers which may be required of him in the same calendar year or registration year.

Sec. 22. Resolves, 1977, c. 20, §4 is repealed and the following enacted in its place:

Sec. 4. Antirecessional fiscal assistance expenditures authorized. Resolved: That the following additional sums, based on the county budget filed in the Office of the Secretary of State, are authorized as expenditures by the county during the calendar year 1977, from antirecessional fiscal assistance funds received by the county, in specific total amounts of expenditures for personal services, contractual services, commodities and capital expenditures for the accounts in the county budget:

Appropriation Account No.	Appropriations
Project 7-A - Register of Deeds - Microfilm	
Capital Expenditures	\$ 4,500
Project 7-A - Buildings	
Capital Expenditures	7,247
Project 16-A	
Personal Services	12,000
Contractual Services	3,928
Project 16-B - Excess Property Program	
Capital Expenditures	2,500
Project 16-C - County Laborer Program	
Personal Services	<u>1,721</u>
TOTAL ANTIRECESSIONAL FISCAL ASSISTANCE	\$31,896

; and be it further

Sec. 23. Resolves, 1977, c. 20, §5, is repealed and the following enacted in its place:

Sec. 5. Summary. Resolved: That the figures appearing in this resolve represent the total amount of taxes and the total specific expenditures authorized for the <sup>calendar</sup> year 1977. The following is a summary of receipts and appropriations:

Total Appropriations	\$768,968
Available Credits:	
Estimated Revenue	\$80,000
Transfer from Surplus	125,000
Federal Revenue Sharing	156,459
Antirecessional Fiscal Assistance	<u>31,896</u>
Total Available Credits	<u>393,355</u>
Amount to be raised by taxation	\$375,613

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.'

Statement of Fact

The purpose of this amendment is to repeal statutory provisions that are related to local and county government and which are no longer needed; and also to correct other provisions that have created inconsistencies and confusion. This amendment amends the Franklin County budget to reflect additional antirecessional fiscal assistance funds.

Reported by the Committee on Local and County Government.

Reproduced and distributed under the direction of the Clerk of the House.  
6/16/77

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