

MAINE STATE LEGISLATURE

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L.D. 36

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(Filing No. H- 242)

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
113TH LEGISLATURE
FIRST REGULAR SESSION

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COMMITTEE AMENDMENT "^A" to H.P. 35, L.D. 36,
Bill, "AN ACT to Make Substantive Corrections in the
County and Municipal Laws."

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Amend the bill by striking out all of the emer-
gency preamble.

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Further amend the bill by adding after the enact-
ing clause the following:

14

'PART A'

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Further amend the bill by striking out all of
section 1.

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Further amend the bill in section 24 in paragraph
B, in the 5th line (page 11, line 10 in L.D.) by in-
serting after the word "name" the following: 'and mu-
nicipality of residence'

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25

Further amend the bill in section 43 in that part
designated "\$2252." in the first paragraph in the 3rd
line (page 20, line 6 in L.D.) by striking out the
underlined figure "30" and inserting in its place the
underlined figure '20'

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Further amend the bill by striking out all of
section 44.

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Further amend the bill in section 51 in that part
designated "\$2471." in the first paragraph in the 2nd
line (page 22, line 27 in L.D.) by inserting after
the underlined word "permit" the underlined words
'under this chapter'

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Further amend the bill by striking out all of
section 57.

COMMITTEE AMENDMENT "A" to H.P. 35, L.D. 36

1 Further amend the bill in section 67 in that part
2 designated "\$4004." in the first paragraph by adding
3 at the end the following: 'The limitations set forth
4 in this section do not apply to any taking authorized
5 by any other law.'

6 Further amend the bill in section 75 in subsec-
7 tion 1-A in the 2nd line (page 30, line 29 in L.D.)
8 by adding after the underlined word "name" the under-
9 lined words 'and municipality of residence'

10 Further amend the bill by striking out all of
11 section 76.

12 Further amend the bill by striking out all of the
13 emergency clause.

14 Further amend the bill by renumbering the sec-
15 tions to read consecutively.

16 Further amend the bill by adding before the
17 statement of fact the following:

18 'PART B

19 Sec. 1. 30 MRSA §2061, sub-§2, 1A is amended to
20 read:

21 A. The municipal officers in the warrant for a
22 town meeting under this section may designate the
23 date of the election and designate ~~the next suc-~~
24 ~~ceeding-secular-day~~ another date within 14 days
25 of the date set for elections as the time for
26 considering the other articles of business in the
27 warrant.

28 Sec. 2. 30 MRSA §4751, 5th is amended by PL
29 1985, c. 737, Pt. A, §87, is repealed.

30 PART C

COMMITTEE AMENDMENT "A" to H.P. 35, L.D. 36

1 Sec. 1. Savings clause. Nothing in this Act may
2 be construed to affect any substantive right or obli-
3 gation gained by any person under the provisions of
4 any law repealed or amended by this Act. All sub-
5 stantive rights and obligations created under the
6 provisions of any law repealed or amended by this Act
7 continue in effect. This Act does not apply to any
8 action or proceeding pending on or filed after the
9 effective date of this Act which arises out of any
10 action or failure to act occurring before the effec-
11 tive date of this Act.

12 All actions taken in compliance with provisions
13 repealed or amended by this Act shall be deemed to
14 have been taken in compliance with the provisions of
15 this Act. All ordinances, regulations, bylaws or
16 other official actions taken under provisions re-
17 pealed or amended by this Act shall continue in ef-
18 fect until repealed or amended, except for those
19 which are contrary to the provisions of this Act.

20 All officers, officials or other persons elected,
21 appointed, hired or otherwise selected to act in any
22 capacity under provisions repealed or amended by this
23 Act shall continue in that capacity under the provi-
24 sions of this Act.

25 Sec. 2. Effective date. This Act shall take ef-
26 fect on February 1, 1988, except that Part B, section
27 2, shall take effect 90 days after the Legislature
28 adjourns.'

COMMITTEE AMENDMENT "A" to H.P. 35, L.D. 36

STATEMENT OF FACT

This amendment removes the emergency preamble and emergency clause from the bill and gives it a delayed effective date of February 1, 1988, except that one section repealing an outdated provision takes effect 90 days after the Legislature adjourns. This delay provides enough time for the Legislature to update the pending recodification of the Maine Revised Statutes, Title 30 in response to any changes in the law that are made in this legislative session. The amendment also makes several corrections, deletions and additions to the bill.

Section 1 of the bill is deleted so that the Manufactured Housing Board retains jurisdiction over any existing cases governed by any provision of the repealed Industrialized Housing Law and may enforce any provision that still applies in such a case.

Sections 24 and 75 are amended to require a write-in vote in a municipal election to contain the municipality of residence as well as the name of the person whose name is written in on the ballot.

Section 43 is amended to reduce the time period within which a candidate for municipal office may file a court challenge over the election results from 30 to 20 days. This reduces potential confusion over the status of elected municipal officials while permitting enough time for a ballot inspection and recount to be completed before a candidate is required to file a court challenge.

Section 44 is deleted. By deleting this section, the Legislature expresses no opinion on the extent to which resumes are confidential under existing law.

Section 51 is amended to clarify that the provision establishing a uniform standard for setting fees for municipally issued licenses and permits applies

COMMITTEE AMENDMENT "A" to H.P. 35, L.D. 36

1 only to those fees and permits described in Title 30,
2 chapter 215. Fees for all other municipal permits
3 and licenses continue to be governed by present law.

4 Section 57 is deleted. That section repealed the
5 laws regarding fence viewers. This amendment deletes
6 the repealing provisions and ensures that the fence
7 viewer law remains in effect.

8 Section 67 is amended to clarify that the limita-
9 tions on a municipality's general eminent domain pow-
10 ers do not limit a municipality's exercise of eminent
11 domain powers when acting under another law.

12 Two new provisions were added to the original
13 bill as Part B. The first of these amends current
14 law which permits a town to hold its annual town
15 meeting on 2 different days. Any necessary elections
16 are held on the first day and the remaining articles
17 of business are acted upon on the 2nd day. Current
18 law requires the 2nd part of the town meeting to be
19 held on the next succeeding secular day. This amend-
20 ment changes that requirement to allow a town to hold
21 the 2nd day of town meeting on any date set in the
22 warrant, provided that it is held within 14 days of
23 the first meeting. This amendment comports with the
24 current practice of many towns which have been
25 unknowingly violating the law.

26 The 2nd addition to the bill repeals a provision
27 governing the allocation of tax exempt bonds to the
28 Maine State Housing Authority. This provision has
29 been superseded by more recent enactments made to
30 conform state law with recent changes in federal tax
31 laws.

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