

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

1
2

L.D. 36
(Filing No. H-442)

3
4
5
6

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

7
8
9

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

10
11

Amend the Bill by inserting after the enacting
clause the following:

12

'PART A'

13
14

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

15
16
17
18

Further amend the Bill in section 24 in paragraph
B in the 5th line (page 11, line 10 in L.D.) by
inserting after the word "name" the following: 'and
municipality of residence'

19
20
21
22
23

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'

24
25

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

26
27

Further amend the Bill in section 51 in that part
designated "§2471." in the first paragraph in the 2nd

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

1 line (page 22, line 27 in L.D.) by inserting after the
2 underlined word "permit" the following: 'under this
3 chapter'

4 Further amend the Bill by striking out all of
5 section 57.

6 Further amend the Bill in section 67 in that part
7 designated "§4004." in the first paragraph by adding
8 at the end the following: 'The limitations set forth
9 in this section do not apply to any taking authorized
10 by any other law.'

11 Further amend the Bill in section 75 in subsection
12 1-A in the 2nd line (page 30, line 29 in L.D.) by
13 inserting after the underlined word "name" the
14 following: 'and municipality of residence'

15 Further amend the Bill by striking out all of
16 section 76.

17 Further amend the Bill by renumbering the sections
18 to read consecutively.

19 Further amend the Bill by inserting at the end
20 before the emergency clause the following:

21 'PART B

22 Sec. 1. 30 MRS §2061, sub-§2, ¶A is amended to
23 read:

24 A. The municipal officers in the warrant for a
25 town meeting under this section may designate the
26 date of the election and designate the next
27 succeeding secular day another date within 14
28 days of the date set for elections as the time for
29 considering the other articles of business in the
30 warrant.

31 Sec. 2. 30 MRS §4751, 5th ¶, as amended by PL
32 1985, c. 737, Pt. A, §87, is repealed.

33 Sec. 3. 30 MRS §5623 is enacted to read:

1 \$5623. Land taken for parks, squares, open areas,
2 public libraries and playgrounds

3 A plantation may acquire real estate or easements
4 by using the condemnation procedure for town ways, as
5 provided in Title 23, chapter 304, subject to the
6 following provisions. The limitations set forth in
7 this section do not apply to any taking authorized by
8 any other law.

9 1. Purposes. A plantation may acquire real
10 estate or easements under this section for the
11 following purposes:

12 A. Public parks;

13 B. Squares;

14 C. Open areas, as defined in section 3851;

15 D. Playgrounds;

16 E. Buildings for plantation purposes; or

17 F. A public library building.

18 2. Limitation on use. Except as provided in
19 paragraph A, land taken under this section may not be
20 used for any purpose other than the purposes for which
21 it was originally taken.

22 A. Land in any plantation which is taken for a
23 public park, by authority of a majority vote of
24 the plantation, may be conveyed to the Federal
25 Government to become part of a national park.

26 3. Consent of owner required. A plantation may
27 not take any land without the consent of the owner if
28 at the time of the taking the land is occupied by a
29 dwelling house in which the owner or the owner's
30 family resides.

31

PART C

32 Savings clause. Nothing in this Act may be

1 construed to affect any substantive right or
2 obligation gained by any person under the provisions
3 of any law repealed or amended by this Act. All
4 substantive rights and obligations created under the
5 provisions of any law repealed or amended by this Act
6 shall continue in effect. This Act does not apply to
7 any action or proceeding pending on or filed after the
8 effective date of this Act which arises out of any
9 action or failure to act occurring before the
10 effective date of this Act.

11 All actions taken before the effective date of
12 this Act which were 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 action taken under provisions repealed
17 or amended by this Act shall continue in effect until
18 repealed or amended, except for those which are
19 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
24 provisions of this Act.'

25 STATEMENT OF FACT

26 This amendment makes several corrections,
27 deletions and additions to the bill.

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

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

COMMITTEE AMENDMENT "B" H.P. 35, L.D. 36

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

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

13 Section 51 of the bill is amended to clarify that
14 the provision establishing a uniform standard for
15 setting fees for municipally issued licenses and
16 permits applies only to those fees and permits
17 described in the Maine Revised Statutes, Title 30,
18 chapter 215. Fees for all other municipal permits and
19 licenses continue to be governed by present law.

20 Section 57 of the bill is deleted. That section
21 repealed the laws regarding fence viewers. This
22 amendment deletes the repealing provisions and ensures
23 that the fence viewer law remains in effect.

24 Section 67 of the bill is amended to clarify that
25 the limitations on a municipality's general eminent
26 domain powers do not limit a municipality's exercise
27 of eminent domain powers when acting under another law.

28 Three new provisions were added to the original
29 bill as Part B of the bill. The first of these amends
30 current law which permits a town to hold its annual
31 town meeting on 2 different days. Any necessary
32 elections are held on the first day and the remaining
33 articles of business are acted upon on the 2nd day.
34 Current law requires the 2nd part of the town meeting
35 to be held on the next succeeding secular day. This
36 amendment changes that requirement to allow a town to
37 hold the 2nd day of town meeting on any date set in
38 the warrant, provided it is held within 14 days of the
39 first meeting. This amendment agrees with the

COMMITTEE AMENDMENT "B" H.P. 35, L.D. 36

1 current practice of many towns which have been
2 unknowingly violating the law.

3 The 2nd addition to the bill repeals a provision
4 governing the allocation of tax-exempt bonds to the
5 Maine State Housing Authority. This provision has
6 been superseded by more recent enactments made to
7 conform state law with recent changes in federal tax
8 laws.

9 The 3rd addition to the bill retains the eminent
10 domain authority of plantations as provided under
11 existing law.

12

4749012688

Reported by the Committee on State and Local Government
Reproduced and distributed under the direction of the Clerk of the
House
2/8/88 (Filing No. H-442)