

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 768

H.P. 564

House of Representatives, March 14, 1989

Approved by a Majority of the Legislative Council pursuant to Joint Rule 27.
Reference to the Committee on State and Local Government suggested and
ordered printed.

Ed Pert

EDWIN H. PERT, Clerk

Presented by Representative JOSEPH of Waterville.
Cosponsored by Senator BERUBE of Androscoggin.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-NINE

An Act Concerning the Effective Date of County and Municipal Laws.

(AFTER DEADLINE)

(EMERGENCY)



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

5 **Whereas,** the recodification of the county and municipal laws
6 was to take effect on March 1, 1989; and

7 **Whereas,** while that date was extended by Public Law 1989,
8 chapter 6, to April 15, 1989, that extension was not finalized
9 until March 1, 1989; and

11 **Whereas,** that sequence of events has created technical
12 questions as to the applicability and effective dates of the
13 county and municipal laws; and

15 **Whereas,** it is vitally important that any uncertainty as to
16 the applicability and effective dates of the county and municipal
17 laws be immediately resolved; and

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

25 **Be it enacted by the People of the State of Maine as follows:**

27 **Sec. 1. Purpose and findings.** The Legislature finds that there
28 is current uncertainty as to the effect and effective dates of
29 the county and municipal laws as contained in the Maine Revised
30 Statutes, Title 30 and as contained in Public Law 1987, chapter
31 737, which had been scheduled to take effect on March 1, 1989.
32 The Legislature further finds that this uncertainty is
33 detrimental to the economic and social well-being of the citizens
34 of the State and that it is necessary to remove any reasonable
35 question as to the effect of these provisions. The purposes of
36 this Act are to clarify the applicability and effective dates of
37 these provisions, to ensure the continuity of the county and
38 municipal laws and to clarify the validity of actions taken
39 pursuant to them.

41 **Sec. 2. PL 1987, c. 737, Pt. C, §106,** as amended by PL 1989, c. 6,
42 is further amended to read:

44 **Sec. 106. Retroactivity and effective date.** This Act shall take
45 effect on ~~April 15~~ February 28, 1989 and shall be retroactive to
46 that date.

48 **Sec. 3. Transition and savings clause.** The following provisions
49 apply to the transition from the Maine Revised Statutes, Title 30
50 to Title 30-A, and to the transition between Public Law 1989,
51 chapter 6 and this Act.

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3 1. **Personnel.** This Act does not affect the term or
4 appointment of any officer, official, employee or other personnel
5 of any county, municipality, plantation, village, quasi-municipal
6 corporation or any state agency, department or board governed by
7 the Maine Revised Statutes, Titles 30 and 30-A.

8
9 2. **Agreements, leases, contracts, authorizations or bonds.**
10 All agreements, leases, contracts, authorizations, notes or bonds
11 issued under the Maine Revised Statutes, Titles 30 and 30-A,
12 before the effective date of this Act shall continue to be valid
13 under the terms of issuance until they expire or are rescinded,
14 amended or revoked.

15 3. **Ordinances, rules and regulations.** All ordinances,
16 rules and regulations enacted or adopted by any county,
17 municipality, plantation, village, quasi-municipal corporation or
18 any state agency, department or board under the authority of the
19 Maine Revised Statutes, Titles 30 or 30-A shall continue in force
20 until they are repealed, rescinded, amended or revoked.

21 4. **Dedicated revenues.** This Act shall not be construed to
22 change the status of any dedicated revenues. All dedicated
23 revenues existing prior to this Act shall not lapse because of
24 this Act, but shall be transferred to the funds of the same name
25 which are created by this Act.

26
27 5. **Ratification.** All acts of any state, county or
28 municipal officer or official and of any governmental, municipal
29 or quasi-municipal entity taken in compliance with the Maine
30 Revised Statutes, Titles 30 and 30-A, between February 28, 1989,
31 and the effective date of this Act are ratified and validated.

32
33 **Sec. 4. Legislative intent.** It is the intent of the Legislature
34 that this Act shall be considered a revision of certain laws
35 concerning state and local government and shall not in any way be
36 considered to change or revise the meaning or intent of those
37 laws. It is the further intent of the Legislature that this Act
38 shall be liberally construed to effectuate the purposes set forth
39 in section 1 of this Act.

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

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47 **STATEMENT OF FACT**

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49 This bill will make the recodification of the municipal and
50 county laws, the Maine Revised Statutes, Title 30-A,
51 retroactively effective to February 28, 1989. Technical
questions about the effect and effective dates of Titles 30 and

1 30-A were created because the extension of the original effective
date from March 1st to April 15th did not receive final approval
3 until March 1st. This bill will eliminate uncertainties about
the effective date of Title 30-A and will clearly set out the
5 intent of the Legislature for the benefit of bond counsel, courts
and others who may have to interpret the law.