

MAINE STATE LEGISLATURE

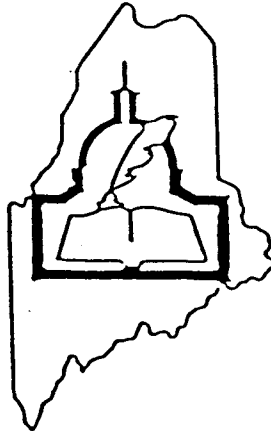
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STATE OF MAINE
ONE HUNDRED AND TWELFTH LEGISLATURE
SECOND REGULAR SESSION

JOINT STANDING COMMITTEE ON
LOCAL AND COUNTY GOVERNMENT
BILL SUMMARY



MAY 1986

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ONE HUNDRED AND TWELFTH LEGISLATURE
SECOND REGULAR SESSION

JOINT STANDING COMMITTEE
BILL SUMMARIES
MAY 1986

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees and Joint Select Committees of the Maine Legislature, covering the Second Regular Session of the 112th Legislature. The summaries are arranged by LD number under each committee.

All Amendments are listed, by paper number (e.g., H-584 or S-222), together with the sponsor if it is a floor amendment or the designation "CA" if it is a committee amendment. If the amendment was adopted in the House, the letter H appears after the sponsor. If it was adopted in the Senate, the letter S appears.

Final action for each bill is listed to the right of the title. If final House action and Senate action differ, both are listed.

Key to Committee Reports and Floor Action:

| | |
|-----------|---------------------------------------|
| OTP | Ought to Pass |
| OTP-ND | Ought to Pass in New Draft |
| OTP-ND-NT | Ought to Pass in New Draft, New Title |
| OTP-AM | Ought to Pass as Amended |
| ONTP | Ought Not to Pass |
| LVWD | Leave to Withdraw |
| INDEF PP | Indefinitely Postponed |

LD
1181

AN ACT TO STRENGTHEN STATE-LOCAL COOPERATION
THROUGH REGIONAL COUNCILS

PL 1985
c. 765

Sponsor: Study Bill
Committee Report: MAJ-OTP-AM, MIN-ONTP

| | | | |
|-------|---------|---|---|
| H-558 | CA | H | S |
| S-409 | TUTTLE | | |
| S-501 | PEARSON | H | S |

SUMMARY: This was a bill carried over so that individual committee members could meet with town officers and so that each regional council could talk individually with the committee members representing their area.

This was a somewhat lengthy bill, but most of the bill consisted of moving material from one section of the statutes to another. The bill itself is quite simple in terms of its substantive accomplishments. It is basically a funding bill.

The bill accomplishes the following:

1. The State Planning Office is to serve as the coordinator between the Councils and the State.
2. It is to administer State funds.
3. It may adopt rules for contracts and audits for the State funds.
4. The bill requires that to qualify for State funding at least 1/2 the members of Councils of Government shall be municipal officers. This is currently required of Regional Planning Commissions.
5. The bill appropriates \$500,000 annually to the Councils from the General Fund, in addition to the \$94,000 currently apportioned.

There were three areas of controversy between the Planning Office and MMA:

1. MMA did not support the requirement that Regional Planning Commissions be composed of 1/2 municipal officers to qualify for State funding.
2. The State Planning Office preferred a figure of \$315,000 of additional funding, not \$500,000, as recommended by MMA. The Planning Office also wanted a 25% local match on the funding.
3. The SPO report recommended the Office of Intergovernmental Relations as the lead agency, not the SPO.

The bill had its origin in a bill which was presented to the 111th Legislature to prohibit regional planning commissions from providing contractual service for municipalities which can be provided by the private sector. LD 763. The Committee felt that the statutes concerning the functions of regional planning agencies were not extensive and did not provide a detailed description of the operation of these agencies. The sponsors took a leave to withdraw and the Committee formed a study committee to deal with the subject of the nature and role of regional agencies. LD 1181 is an outgrowth of this study.

The study was entitled A Model for State-Regional Cooperation in Maine, Advisory Committee on Regional Councils, State Planning Office, Sept. 1984.

Recommendations were:

1. Redefine regional councils as councils of government.
2. Establish lead state agency responsibility for regional councils. Office of Intergovernmental Affairs was recommended.
3. Establish responsibility for developing and implementing regional investment plans by regional councils.
4. Establish funding and guidelines for local technical assistance to be provided by regional councils.
5. Adopt standardized formats and procedures to eliminate unnecessary costs in administering state/local contracts.
6. Draft a bill covering these points.

LD 1181 was drafted to accomplish those parts of the above points for which it was possible to reach a consensus of the various interest groups.

Committee Amendment A dropped from the original bill the provision that regional planning commissions be composed of 50% elected municipal officers to qualify for state funding. It was felt that in sparsely settled sections of the State it would be too difficult to get participation of these individuals. The amendment also changed the current statutory provisions which require that, regardless of funding sources, at least one representative for each municipality be a municipal officer or the chief administrative officer or his designee. The amendment requires that at least one representative be a municipal officer or the elected designee of the municipal officers. This provision conforms with and reaffirms the current statutory provision that all representatives be appointed by the municipal officers. The amendment required that regional planning commission membership be offered to all counties within the commission's district. Previously, such membership was allowed but not required. The amendment reduced the appropriated funds to \$315,000 a year

and indicates that these funds are to be used to support regional council assistance to members in implementing state-imposed laws and programs, such as shoreland zoning and solid waste management.

Senate Amendment A made changes clarifying membership.

Senate Amendment B reduced the appropriation to \$125,000.

LD AN ACT RELATING TO THE ACCEPTANCE OF LVWD
1802 PUBLIC EASEMENTS BY MUNICIPALITIES

Sponsor: FOSTER
Committee Report: LVWD

SUMMARY: L.D. 1802 attempted to solve the problem that arises when privately-owned "camp roads" are maintained illegally by a municipality, or when that maintenance ceases because the municipality becomes aware of the illegality and consequences of its actions. The bill allowed a town to accept these roads as "public easements"; to contract with adjacent landowners for a certain level of maintenance to be provided for those roads; and to use town materials to repair the roads. The bill was withdrawn upon the representation of the Maine Municipal Association that they would cooperate with the homeowners' group that proposed L.D. 1802 to study the problem over the summer.

LD AN ACT TO ADJUST THE BORROWING CAPACITY LVWD
1822 OF WASHINGTON COUNTY

Sponsor: VOSE, Brown D, Connors, Randall
Committee Report: LVWD

SUMMARY: L.D. 1822 allowed the county commissioners of Washington County to borrow, without going to referendum, up to 50% of the amount originally authorized for a bond issue to complete any project intended to be financed by the bonds. The additional bonds would be financed over the same period as the original issue. The commissioners were required to hold at least one public hearing on the additional borrowing in each county commissioner district of the county; if there was opposition raised at these hearings, they were authorized to submit the question to the voters. The bill was withdrawn when it was agreed that the additional bonds needed to complete additions to the new Washington County jail facility would be authorized under the county budget resolve. See L.D. 2369.