

MAINE STATE LEGISLATURE

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STATE OF MAINE
ONE HUNDRED AND THIRTEENTH LEGISLATURE
FIRST REGULAR SESSION

JOINT STANDING COMMITTEE ON
STATE AND LOCAL GOVERNMENT
Part II County and Local

BILL SUMMARY



JUNE 1987

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ONE HUNDRED AND THIRTEENTH LEGISLATURE
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JOINT STANDING COMMITTEE
BILL SUMMARIES
JUNE 1987

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. The summaries are arranged by LD number under each committee.

All Adopted 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 "COMMITTEE" if it is a committee amendment.

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

Please let us know if you would prefer a different format or additional information and if the summaries are helpful.

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-A	Ought to Pass as Amended
ONTP	Ought Not to Pass
LVWD	Leave to Withdraw
INDEF PP	Indefinitely Postponed

LD AN ACT TO MAKE SUBSTANTIVE CORRECTIONS IN THE CARRY-OVER
36 COUNTY AND MUNICIPAL LAWS (REPORTED PURSUANT TO
A STUDY BY THE LOCAL AND COUNTY GOVERNMENT
COMMITTEE)

Sponsor:
Committee Report: OTP-A
Amendments Adopted:
H-242 COMMITTEE

SUMMARY: The purpose of this bill is to make corrective changes in the laws relating to counties and municipalities. It is intended to be a companion bill to the bill which recodifies the local government laws and makes necessary or desirable substantive change in current law which could not be made in the nonsubstantive recodification bill. It streamlines current provisions of law, addresses problems which exist under current law and repeals archaic provisions of law which no longer serve a useful state interest. The recodification bill was not introduced this year.

LD AN ACT TO CLARIFY A SEWER DISTRICT'S PL 1987
54 RESPONSIBILITY FOR THE MAINTENANCE AND REPAIR c. 23
OF PUBLIC DRAINS OR COMMON SEWERS

Sponsor: MCHENRY, Tuttle
Committee Report: OTP

SUMMARY: This bill adds sewer districts to towns as the bodies having responsibility for maintaining drains and sewers.

LD AN ACT CONCERNING THE FEES RECOVERABLE BY A PL 1987
57 MUNICIPALITY IN A NUISANCE ABATEMENT c. 26

Sponsor: MCHENRY, Tuttle, Ridley, Willey
Committee Report: OTP-A
Amendments Adopted:
H-14 COMMITTEE

SUMMARY:

This bill refers to the nuisance created by a malfunctioning septic system. Currently, under Title 30, section 4359 a municipality may receive actual and direct expenses, including attorney's fees if the municipality prevails, in abating such a nuisance.

This bill defines direct expenses and does so to include reasonable attorney's fees and other costs incurred to create and prosecute a collection action.

Currently, a municipality may impose a tax in lieu of attempting to collect these expenses. This bill allows the municipality to charge interest on such a tax when it is unpaid.

There are 2 sections currently in statute that closely relate to this issue but only apply if accepted thru voter referendum. These are: 30 § MRSA 4453, which gives the municipality authority to charge interest on any unpaid tax having to do with sewers and in particular, the tax cited in this bill; and 30 § MRSA 4454, which authorizes the town to bring a civil suit for uncollected assessments and interest for construction of a town sewer.

The Committee amendment requires that expenses incurred by a municipality in repairing a malfunctioning private septic system be recovered from the owner of the system. In the past such recovery has been allowed but not required. The amendment also makes it clear that attorney's fees and other legal costs shall be collected both for abating the septic system problem and for legal action that might be necessary in collecting the cost of the abatement.

LD AN ACT TO REPEAL THE AUTHORITY OF COUNTY COMMISSIONERS TO ORDER THE REPAIR OF WAYS MAINTAINED BY A MUNICIPALITY H-ENG W/CA S-ONTP

Sponsor: STROUT, D., Boutilier, Macomber, Tuttle
Committee Report: OTP-A (Majority)
ONTP (Minority)

SUMMARY: Currently, upon petition, county commissioners may declare a town street or way to be unsafe and assess the municipality the costs of repairing it. This bill removes entirely this provision.

The Committee amendment H-32 replaces the entire bill restricts the authority of county commissioners by prohibiting exercise of that authority when petitioners are seeking to overturn or otherwise interfere with a legal action authorized by a town meeting.

LD AN ACT TO AUTHORIZE DEPARTMENT HEADS IN WASHINGTON COUNTY TO MAKE COMPETITIVE BIDDING PURCHASES OF ITEMS WHICH ARE IN THE COUNTY BUDGET ONTP

Sponsor: VOSE, Moholland, Randall
Committee Report: ONTP (Majority)
OTP (Minority)

SUMMARY: At the beginning of the fiscal year county commissioners prepare a budget for the year which when approved governs county expenditures for the year. Currently purchases of over \$1,000 against this budget must be made by the county commissioners.