

# 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  
FIRST REGULAR SESSION

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

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.

This bill states that in Washington County department heads are to make all purchases of all budgeted services, supplies, materials and equipment regardless of price. If the bid price exceeds the budgeted amount, county commissioner approval must be obtained.

LD AN ACT TO ESTABLISH THE AROOSTOOK COUNTY BUDGET ND LD 1721  
88 COMMITTEE ON A PERMANENT BASIS

Sponsor: MCHENRY, Smith, Ingraham, Collins  
Committee Report: OTP-ND LD 1721

SUMMARY: See New Draft, LD 1721.

LD AN ACT TO ALLOW RECALL OF COUNTY OFFICERS ONTP  
111

Sponsor: VOSE, Moholland, Tammaro  
Committee Report: ONTP

SUMMARY: Some 15 Maine municipalities have recall provisions. There is currently no provision for recall of county or state officers.

This bill would allow the recall of all elected county officers except the Sheriff. The position of Sheriff is a Constitutionally created position. This recall is allowed only for the specific offenses of misfeasance, misconduct, incompetence or failure to perform prescribed duties. The recall requires an application for a recall petition requiring 25 signatures and a statement of the reason for recall. The recall itself must be supported by 25% of the registered voters.

The person to be recalled would have an opportunity to submit a statement which will appear on the recall ballot. He may also petition the superior court as to the sufficiency of the charge.

Recalled county commissioners would be replaced by election. The voters are to determine whether other recalled officers are to be replaced by appointment or election.