

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 I State Government

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

The commission's duties and responsibilities include:

- A. Formulating a growth and development strategy for the State;
- B. Developing and analyzing data and information and forecasting Maine's future growth and development;
- C. Examining long range plans of state agencies;
- D. Reporting on major state decisions;
- E. Submission of a final report to the Governor and Legislature on January 1, 1989.

LD
651

RESOLUTION, PROPOSING AN AMENDMENT TO THE
CONSTITUTION OF MAINE TO INSURE THE
PRESERVATION OF THE RIGHT TO KEEP AND BEAR ARMS

CON RES 1987
No. 2

Sponsor: MARTIN, J., Duffy, Ruhlin, Pray
Committee Report: OTP-A
Amendments Adopted:
H-230 COMMITTEE

SUMMARY: LD 651 proposes to amend the Maine Constitution to remove the restriction that gives Maine citizens "...the right to keep and bear arms for the common defense;..." The amendment gives every citizen the right to keep and bear arms without restriction.

The intent of the bill is to give citizens the right to keep and bear arms for any reason and not exclusively for the purpose of the common defense.

The Maine Supreme Court has ruled that the Constitution does not give, carte blanche, the right to Maine citizens to bear arms for any reason. The Maine Constitution qualifies this right which is based on the need for "a common defense." As a result, the Maine Supreme Court has ruled that it is not unconstitutional to establish laws that deny or limit the right to convicted felons and mentally incompetent people to keep and bear weapons. The Court also ruled in the case, "State v. McKinnon, decided in May 1957; that the constitutional guarantee does not apply to hunting.

LD 651 removes the specified purpose for the right to keep and bear arms. An opinion from the Attorney General, however, indicated that removal of this purpose from the constitutional provision does not prevent the State from

enacting legislation restricting arms to mentally incompetent persons and to convicted felons. In addition, the bill, as amended, allows the State to restrict the type of weapons that persons may carry; and allows for the regulation of concealed weapons.

LD 665 AN ACT TO REFORM REGULATORY PROCEEDINGS UNDER RULEMAKING OF THE MAINE ADMINISTRATIVE PROCEDURE ACT LVWD

Sponsor: McGOWAN, Carroll, Michaud, Usher
Committee Report: LVWD

SUMMARY: See LD 1651.

LD 668 AN ACT TO REVISE THE PERCENT FOR ART ACT IN PUBLIC BUILDINGS PL 1987 c. 469

Sponsor: COTE, Perkins, Diamond, Pines
Committee Report: OTP

SUMMARY: LD 668 changes current law concerning the appropriation of funds for art for public buildings. The new law

- A. removes the \$25,000 ceiling for expenditures on art for public buildings, but maintains the \$25,000 ceiling for school facilities. The 1% minimum for expenditures on art for public buildings is retained;
- B. adds renovations to the requirement for art for public buildings which is currently restricted to original construction;
- C. removes from the exclusion from the definition of public building or facility the current exclusion for buildings or facilities costing \$100,000 or less to construct;
- D. removes mosaics and calligraphy from the definition of "works of art" which currently qualify for inclusion in newly constructed public buildings;
- E. authorizes the Maine Arts Commission to adopt rules concerning administrative costs connected with the acquisition of works of art that may be used as part of the 1% minimum allocation for public buildings and the \$25,000 minimum for school buildings.