

MAINE STATE LEGISLATURE

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STATE OF MAINE
113TH LEGISLATURE
SECOND REGULAR SESSION



BILL SUMMARY
JOINT STANDING COMMITTEE
ON
STATE & LOCAL GOVERNMENT
PART II LOCAL GOVERNMENT

MAY 1988

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* Denotes Chair

Staff: John Knox, Legislative Analyst

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**ONE HUNDRED AND THIRTEENTH LEGISLATURE
FIRST & SECOND SPECIAL SESSIONS
SECOND REGULAR SESSION**

**JOINT STANDING COMMITTEE
BILL SUMMARIES
MAY 1988**

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 for floor amendments. Final action is listed to the right of the title. If final House and Senate action differ, both are listed. Committee Reports and Floor Action are indicated as follows::

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

Each individual summary was prepared by the analyst assigned, as noted for each committee. But, this document was produced by the efforts of all the office staff, including Secretaries: Charlene Brann, Janet Jean, Earl Knox, Valarie Parlin; Research Assistant Hartley Palleschi. Finally, Secretary Laurette Knox, Legal Assistant Carolyn Chick, and Research Assistant Robert Dunn had special responsibilities in the preparation of the overall document.

Please give us your suggestions and comments on these summaries and tell us of any inaccuracies.

Senate Amendment A (S-415) adds a necessary General Fund appropriation to the bill.

LD RESOLVE, for Laying of the County Taxes and Authorizing RESOLVE
2507 Expenditures of Franklin County for the Year 1988 (Reported 087
Pursuant to a Joint Order; HP1489) EMERGENCY

SPONSOR(S) COMMITTEE REPORT AMENDMENTS ADOPTED
OTP

SUMMARY

This Resolve is the annual county tax and authorization bill for Franklin County. Total appropriations for the County are \$1,774,000, an increase of 9% over the previous year.

LD An Act to Clarify the Authority of Harbor Masters PUBLIC
2536 655
EMERGENCY

SPONSOR(S) COMMITTEE REPORT AMENDMENTS ADOPTED
ANTHONY H-489 BROWN
CARROLL

SUMMARY

New Draft Of LD 2043

The original bill requires the Criminal Justice Academy to set up a program to train harbor masters. Harbor masters are empowered to make arrests unless prohibited by the municipality employing them. There is no requirement that harbor masters attend this Academy course. The bill adds a provision that harbor masters may refuse to assign moorings to persons who have not paid a fee or penalty due under this chapter; adds a provision that the harbor master may cause the removal of fishing gear which impedes navigation, removes from the section dealing with vessels obstructing anchorage a provision for dealing with failure to obey a harbor master and creates a separate section which will cover all activities of the chapter and makes failure to obey a harbor master concerning any of them a class E crime.

The new draft accomplishes the following:

Deletes the provision on harbor master training at the Maine Criminal Justice Academy, since this will be incorporated in legislation coming out of the study on law enforcement training from the Joint Standing Committee on Legal Affairs; indicates that municipal harbor commissions and port authorities have the same authorization as municipal officers to make rules regarding channel lines; gives the harbor master the authority to take action to obtain the removal of fishing gear placed in a location prohibited by municipal rules; removes the provision for harbor master compensation from the Maine Revised Statutes, Title 38, section 3 because it is already in Title 38, section 1; makes several changes in Title 38, section 7, for purposes of clarity and useability.

Further, it changes the requirement in Title 38, section 7, that moorings be assigned from a waiting list in order of listing to a requirement that they be assigned according to municipal rule, regulation or ordinance. The provision for nonresidents receiving at least a specified quota of moorings continues in effect. The bill adds several words to the list of items which would constitute harbor master liability. The purpose is to make this list consistent with statutes which deal with tort claims. Finally, the bill is placed on an emergency basis so that the provisions may go into effect before the effective date of April 1, 1988, when last year's harbor master bill is to take effect.

The bill leaves in place the provision that mooring rights to non conforming shore property only go to persons who owned such property prior to 1987.

LD 2538	An Act to Recodify the Laws on Municipalities and Counties (Reported Pursuant to a Study by the Committee on State and Local Government)	PUBLIC 737 EMERGENCY
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<u>SPONSOR(S)</u>	<u>COMMITTEE REPORT</u>	<u>AMENDMENTS ADOPTED</u>
		H-714 H-715 S-474

SUMMARY

LD 2538 recodifies Title 30 of the Revised Statutes which contains most of the laws governing counties and municipalities.

House Amendment A amends the LD to make technical corrections; to make additional revisions to existing statutory language in order to clarify current law; to add new provisions enacted during the Second Regular Session; and to provide a delayed effective date of March 1, 1989.

LD 2569	RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Sagadahoc County for the Year 1988 (Reported Pursuant to Joint Order; HP1489)	RESOLVE 090 EMERGENCY
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<u>SPONSOR(S)</u>	<u>COMMITTEE REPORT</u>	<u>AMENDMENTS ADOPTED</u>
	OTP	

SUMMARY

This Resolve is the annual county tax and authorization bill for Sagadahoc County. Total appropriations for the County are \$1,535,000, an increase of 10% over the previous year.