

# MAINE STATE LEGISLATURE

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**STATE OF MAINE  
114TH LEGISLATURE  
FIRST REGULAR SESSION**



**BILL SUMMARY  
JOINT STANDING COMMITTEE  
ON  
STATE AND LOCAL GOVERNMENT  
PART II - LOCAL GOVERNMENT**

**JULY 1989**

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ONE HUNDRED AND FOURTEENTH LEGISLATURE  
FIRST REGULAR SESSION

JOINT STANDING COMMITTEE  
BILL SUMMARIES  
AUGUST 1989

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 for 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 abbreviated 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 Research Assistant Barbara McGinn, and secretaries: Charlene Brann, and Valarie Parlin, and especially Laurette Knox who coordinated preparation of the overall document.

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

LD 383 An Act to Clarify Maintenance of Private Roads and Ways by Municipalities

INDEF PP

<u>SPONSOR(S)</u>	<u>COMMITTEE REPORT</u>	<u>AMENDMENTS ADOPTED</u>
CARROLL D MCKEEN GREENLAW DILLENBACK	OTP-AM	H-84

SUMMARY

LD 383 proposed to authorize municipalities to perform limited maintenance on privately-owned roads located within the municipality. Its application was limited to private roads on which at least 2 private residences were located. A vote by the municipality's legislative body was required to authorize maintenance. Municipalities were further authorized to raise and expend money for this maintenance, either through general revenue or special assessment, and were immunized from any liability connected with the maintenance.

Committee Amendment "A" (H-84) restricted the LD's application to private roads with 2 or more "year-round" private residences; required that the private roads not be marked or obstructed to hinder public access; required the municipality to have enacted an ordinance regulating the construction of new roads in the municipality and made a municipality liable for damages caused by the maintenance as provided under the Maine Tort Claims Act.

The LD was postponed after the Legislature sought and obtained an Opinion of the Justices that found the proposed law to be unconstitutional.

LD 390 An Act Converting Baring Plantation into the Town of Baring

P & S 18

<u>SPONSOR(S)</u>	<u>COMMITTEE REPORT</u>	<u>AMENDMENTS ADOPTED</u>
TAMMARO RANDALL MOHOLLAND TOWNSEND	OTP-AM	H-62

SUMMARY

LD 390 proposed to convert Baring Plantation into the Town of Baring, contingent upon ratification by the plantation voters in a local referendum.

Committee Amendment "A" (H-62) made technical drafting corrections to the bill.

**LD 399** An Act to Require 5 Commissioners in York County

PUBLIC 220

<u>SPONSOR(S)</u>	<u>COMMITTEE REPORT</u>	<u>AMENDMENTS ADOPTED</u>
SHELTRA LORD NADEAU G R MURPHY	OTP-AM	H-204

SUMMARY

LD 399 proposed to require 5 commissioners for York County beginning in 1993. The York County legislative delegation would appoint a special apportionment commission that would submit the necessary

redistricting of York County to the Legislature by 1990 for its approval.

Committee Amendment "A" (H-204) replaced the reapportionment provisions of the LD and provided that the necessary redistricting would occur during the regular statutorily-required reapportionment in 1993. The 5 commissioners will then take office in 1995.

**LD 401      An Act Requiring Reimbursement to Counties for Courthouse Facilities      INDEF PP**

<u>SPONSOR(S)</u>	<u>COMMITTEE REPORT</u>	<u>AMENDMENTS ADOPTED</u>
LOOK ROTONDI BRANNIGAN GAUVREAU	OTP-AM	H-174

SUMMARY

LD 401 proposed to repeal the requirement that counties continue to provide the space used by the Supreme Judicial and Superior Courts as of January 1, 1976.

Committee Amendment "A" (H-174) replaced the LD and retains the requirement that counties continue to provide courtroom space but provides that the State will pay a fair fee for that space, as negotiated by the counties and the Chief Justice of the Supreme Judicial Court.

**LD 402      An Act to Allow Flexibility in Establishing Regional Planning Commissions      PUBLIC 202**

<u>SPONSOR(S)</u>	<u>COMMITTEE REPORT</u>	<u>AMENDMENTS ADOPTED</u>
MARTIN J PARADIS J THERIAULT	OTP-AM	H-173

SUMMARY

LD 402 proposed to reduce the number of municipalities required to form a regional planning commission from 7 to 2 municipalities.

Committee Amendment "A" replaced the LD and provided that 4 to 6 municipalities may form a regional planning commission if they receive the approval of the county commissioners, after notice to any local regional planning commission and a public hearing.

**LD 419      An Act to Delay the Effective Date of the Recodification of County and Municipal Laws      PUBLIC 6 EMERGENCY**

<u>SPONSOR(S)</u>	<u>COMMITTEE REPORT</u>	<u>AMENDMENTS ADOPTED</u>
JOSEPH BERUBE		

SUMMARY

LD 419 delayed the effective date of the county and municipal law recodification from March 1, 1989, to April 15, 1989.

Also see LD 208, LD 768, LD 1089 and LD 1199.