

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

**STATE OF MAINE
116TH LEGISLATURE**

FIRST REGULAR SESSION

**BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
STATE AND LOCAL GOVERNMENT**

JULY 1993

Staff:

***Roy Lenardson, Legislative Analyst
David C. Elliott, Principal Analyst***

***Office of Policy and Legal Analysis
Room 101, State House Station 13
Augusta, ME 04333
(207)287-1670***

MEMBERS:

****Sen. Georgette B. Berube
Sen. Donald E. Esty, Jr.
Sen. Jeffrey H. Butland***

****Rep. Ruth Joseph
Rep. Marge L. Kilkelly
Rep. Glenith C. Gray
Rep. Lucien A. Dutremble
Rep. Douglas J. Ahearne
Rep. G. Steven Rowe
Rep. Ellen W. Walker
Rep. Theone F. Look
Rep. Richard A. Bennett
Rep. Paul R. Young***

****Denotes Chair***

MARTHA E. FREEMAN, DIRECTOR
WILLIAM T. GLIDDEN, JR., PRINCIPAL ANALYST
JULIE S. JONES, PRINCIPAL ANALYST
DAVID C. ELLIOTT, PRINCIPAL ANALYST
MARION HYLAN BARR
JON CLARK
LISA COPENHAVER
DEBORAH C. FRIEDMAN
MICHAEL D. HIGGINS
JILL IPPOLITI



JOHN B. KNOX
ROY W. LENARDSON
PATRICK NORTON
JANE ORBETON
MARGARET J. REINSCH
PAUL J. SAUCIER
JOHN G. KELLEY, RESEARCHER
DARLENE A. SHORES LYNCH, RESEARCHER
CARRIE C. McFADDEN, RESEARCHER

STATE OF MAINE
OFFICE OF POLICY AND LEGAL ANALYSIS
ROOM 101/107/135
STATE HOUSE STATION 13
AUGUSTA, MAINE 04333
TEL: (207) 287-1670
FAX (207) 287-1275

**ONE HUNDRED AND SIXTEENTH LEGISLATURE
FIRST REGULAR SESSION**

**JOINT STANDING COMMITTEE
BILL SUMMARIES**

JULY 1993

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 volume is organized alphabetically by committee; within each committee, the summaries are arranged by LD number. A subject index is provided at the beginning of each committee's summaries.

The committee report or reports, the prime sponsor for each bill and the lead co-sponsor in each house if one has been designated are listed below each bill title. All adopted amendments are listed, by paper number (e.g., H-584 or S-222), together with the sponsor for floor amendments. Final action on each bill is listed to the right of the title. Various types of final action are abbreviated as follows:

<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of enacted Resolve</i>
<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>CARRIED OVER</i>	<i>Bill carried over to Second Session</i>
<i>ONTP</i>	<i>Ought Not to Pass report accepted</i>
<i>ENACTMENT FAILED</i>	<i>Bill failed to get majority vote</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed</i>
<i>FAILED EMERGENCY ENACTMENT</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>DIED BETWEEN BODIES</i>	<i>House & Senate disagree; bill died</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference formed but unable to agree</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>
<i>UNSIGNED</i>	<i>Not signed by Governor within 10 days</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>

These summaries were prepared by the analyst or analysts assigned to the committee. But, this document was produced by the efforts of all the office staff, including secretaries: Charlene Raymond and Valarie Parlin.

If you have any suggestions or comments on these summaries, please let us know.

4693NRG

LD 1339 An Act to Allow for the Recall of Municipal Officials

PUBLIC 369

SPONSOR(S)
SIMONEAU**COMMITTEE REPORT**
OTP-AM**AMENDMENTS ADOPTED**
H-527**SUMMARY**

This bill provides for citizen recall of elected municipal officials for malfeasance, misfeasance or violation of oath while in office. A petition setting forth the complaint must be signed by 35% of the total number of votes cast for that office in the preceding election. An election must be held within 30 days of verification of the petition.

The committee amendment (H-527) replaces the original bill. The amendment deletes from law the requirement that municipalities must have charters in order to provide for the recall of their municipal officers such as selectmen and councilors. Municipalities are thus free to use their home rule powers to establish recall provisions by ordinance, which is an easier procedure than adopting a charter.

LD 1343 Resolve, to Clear Title to Land Owned by James Mercier in Unity, Maine

RESOLVE 24

SPONSOR(S)
GOULD R R
CLEMENT**COMMITTEE REPORT**
OTP-AM**AMENDMENTS ADOPTED**
S-174**SUMMARY**

This resolve authorizes the Director of the Bureau of Public Lands to convey the State's interest in land in Unity to James Mercier.

The committee amendment (S-174) requires James Mercier to pay \$250 to the State to cover the costs associated with the transfer of interest in the land in Unity and to be responsible for the preparation of the transfer documents. The amendment also adds a fiscal note.

LD 1350 An Act to Provide for the Recall of the Governor, State Senators and State Representatives

ONTP

SPONSOR(S)
COFFMAN**COMMITTEE REPORT**
ONTP**AMENDMENTS ADOPTED****SUMMARY**

This bill provides for citizen recall of the Governor, a State Senator or a State Representative for misfeasance, malfeasance or violation of oath while in office by a petition signed by a number of qualified voters equal to 35% of the total number of votes cast for all candidates in the preceding gubernatorial election or Senate or House District election.

LD 1360 An Act to Clarify the Powers and Duties of Municipal Officials of the New Town of Long IslandP & S 46
EMERGENCY**SPONSOR(S)**
RAND**COMMITTEE REPORT**
OTP**AMENDMENTS ADOPTED**
H-624 JOSEPH

SUMMARY

This bill retroactively adds language to Private and Special Law 1991, chapter 100 to clarify the powers and duties of municipal officials and school board members of the Town of Long Island.

The House amendment (H-624) clarifies the intent of the bill to define the authority of local officials to act before the incorporation of the Town of Long Island on July 1, 1993.

LD 1367 Resolve, to Grant an Easement from the Maine Technical College System to Darling's, Incorporated to Construct and Use an Access Road on the Campus of Eastern Maine Technical College RESOLVE 17

SPONSOR(S) **COMMITTEE REPORT** **AMENDMENTS ADOPTED**
BALDACCI OTP

SUMMARY

This resolve authorizes the Maine Technical College System to grant an easement to Darling's, Incorporated for the passage of vehicles and pedestrians over an access road to be constructed on the property of Eastern Maine Technical College. Darling's owns land that abuts the property of Eastern Maine Technical College. By separate easement deed, Darling's is granting to Eastern Maine Technical College an easement for the passage of vehicles and pedestrians over an access road to be constructed on the property of Darling's, which access road will connect with the access road on the property of Eastern Maine Technical College. Authorization of this easement enables Eastern Maine Technical College to proceed with construction of the road whenever resources are identified by the college for that purpose.

LD 1388 An Act Concerning Reasonable Standards and Procedures for Contracting Services by the State ENACTMENT FAILED

SPONSOR(S) **COMMITTEE REPORT** **AMENDMENTS ADOPTED**
DAGGETT OTP-AM MAJ H-545
 ONTP MIN

SUMMARY

This bill establishes standards that must be met by State Government before it contracts for services outside of the civil service system. Notice of intent to contract must be given to employee representatives, the Joint Standing Committee on Appropriations and Financial Affairs and interested parties.

The committee amendment (H-545) makes several changes to the bill for clarification purposes and shortens a request for notification to 3 business days from 5 days. The amendment removes environmental violations as one of the contract conditions and adds the Joint Standing Committee on State and Local Government in the procedure for notification. The amendment also adds an appropriations section and a fiscal note.