

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

SECOND REGULAR SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
STATE AND LOCAL GOVERNMENT

MAY 1994

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
SECOND REGULAR SESSION**

**JOINT STANDING COMMITTEE
BILL SUMMARIES**

MAY 1994

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, 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:

PUBLIC XXX

P&S XXX

RESOLVE XXX

CON RES XXX

EMERGENCY

ONTP

INDEF PP

FAILED ENACTMENT

FAILED EMERGENCY ENACTMENT

FAILED MANDATE ENACTMENT

DIED BETWEEN BODIES

CONF CMTE UNABLE TO AGREE

VETO SUSTAINED

UNSIGNED

DIED ON ADJOURNMENT

Chapter # of enacted Public Law

Chapter # of enacted Private & Special Law

Chapter # of enacted Resolve

Chapter # of Constitutional Resolution passed by both Houses

Enacted law takes effect sooner than 90 days

Ought Not to Pass report accepted

Bill Indefinitely Postponed

Bill failed to get majority vote

Emergency bill failed to get 2/3 vote

Bill imposing local mandate failed to get 2/3 vote

House & Senate disagree; bill died

Committee of Conference unable to agree; bill died

Legislature failed to override Governor's Veto

Not signed by Governor within 10 days

Action incomplete when session ended; bill died

These summaries were prepared by the analyst or analysts assigned to the committee. If you have any suggestions or comments on the summaries, please let us know.

5581LHS

LD 1527 An Act to Impose Limits on the Terms of Legislators, Constitutional Officers, Members of the Judiciary and Members of Congress and to Limit Lobbying in Successive Years

ONTP

SPONSOR(S)
JOSEPH

COMMITTEE REPORT
ONTP

AMENDMENTS ADOPTED

SUMMARY

This bill establishes limitations on terms for state legislators, the Secretary of State, the Treasurer of State, the Attorney General, the State Auditor, members of the Judiciary, members of the United States Congress. The bill would limit consecutive terms of office for those individuals beginning with terms of office commenced on or after December 3, 1996. The bill also limits lobbyists to 8 successive years of lobbying and imposes a 2-year disqualification period once the 8-year limit has been triggered.

LD 1589 Resolve, Regarding the Sale of State-owned Property

RESOLVE 46

SPONSOR(S)
CLARK

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
H-719

SUMMARY

This resolve authorizes the Commissioner of Defense and Veterans' Services to negotiate with George F. and Janet A. Bryant for the sale and subsequent conveyance by deed of a certain parcel of land in the Town of Millinocket.

COMMITTEE AMENDMENT "A" (H-719) specifies a sale amount of \$1 for the interest of the State in a parcel of land in the Town of Millinocket and adds a fiscal note.

LD 1665 An Act Regarding Access to Property via Abandoned Roads

PUBLIC 677

SPONSOR(S)
LIBBY J L

COMMITTEE REPORT
JT. RULE 13

AMENDMENTS ADOPTED
H-1075 LARRIVEE

SUMMARY

The purpose of this bill is to protect the rights of owners of land that abuts a discontinued public way. When a public way is discontinued, it is possible for the owner of land located on the former public road to lose all rights of legal access to the property, substantially diminishing the property's usefulness and value to the owner. Current law requires local officials to estimate the amount of these damages and to compensate the landowner for any decrease in the value of the land. This process is not always completed due to inaccurate records, miscommunication or misunderstanding. This is particularly true in the case of abandoned roads.

This bill ensures that the owner of land located on a public way that is discontinued or abandoned either receives a proper determination of damages and is paid those damages, if the land's value is diminished, or retains a private right-of-way sufficient to allow access and development of the land. Under the bill, if a landowner is paid damages for the decrease in value of the land, or if it is determined that no decrease occurred as a result of the discontinuance or abandonment, no private easement is retained by the landowner. If the landowner is denied either a determination of whether damages occurred or is denied payment of damages found to have resulted from the discontinuance, the landowner's rights are protected by providing a private easement for access to the land. The bill was removed from the committee under Joint Rule 13 without a committee report.

HOUSE AMENDMENT "A" (H-1075) replaces the bill. The amendment narrows the issue dealt with to that of landlocked property created by public ways abandoned prior to September 3, 1965. The amendment does not create any new property right in landlocked property owners. It creates an expedited court procedure for owners of landlocked property who acquired the property by gift, devise or the operation of the intestacy laws. The amendment permits these owners to use the expedited procedure to claim the existence of a prescriptive easement over the abandoned way permitting them access to their otherwise landlocked property.

The expedited procedure involves the filing of a notice of claim in court and the serving of the notice on the owner of the property over which the abandoned way passes, the use of a court-appointed referee to hear the claim with relaxed rules of evidence and procedure, a requirement that the referee attempt to mediate the dispute, sanctions for a party's failure to appear and the issuance of a written finding by the referee to be served on the parties and filed in the registry of deeds. The amendment permits any party to institute a quiet title action in court at the conclusion of the refereed procedure, or before if all parties agree, to preserve the possibility of a jury trial. The referee's finding will be admissible in the further court proceeding, and, if the court's decree or judgment conforms with the referee's finding and is against the party who initiated the additional court proceeding, the party who does not prevail will be ordered to pay the fees and costs of the prevailing party.

LD 1678 An Act to Amend the Law Regarding Patrolling Small Towns ONTP
by the County Sheriff

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
FARNUM LAWRENCE CARLETON	ONTP	

SUMMARY

Present law requires the sheriff's deputies to patrol areas in the county that do not have local law enforcement. This bill changes the law so that the sheriff's deputies now have the option to patrol those areas.

LD 1719 An Act to Provide Job-site Inspectors Representing the ONTP
Owner on Public Improvements

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
BUTLAND	ONTP	

SUMMARY

This bill allows the Bureau of General Services to hire contract inspectors to provide job-site coordination and inspection on public improvements. This will provide direct representation on behalf of the owner at all meetings pertaining to payment requisitions and change orders prior to approval by the Bureau of General Services.