

MAINE STATE LEGISLATURE

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STATE OF MAINE
116TH LEGISLATURE

SECOND REGULAR SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
STATE AND LOCAL GOVERNMENT

MAY 1994

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Sen. Jeffrey H. Butland*

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**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

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.