

MAINE STATE LEGISLATURE

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STATE OF MAINE
117TH LEGISLATURE

FIRST REGULAR SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
STATE AND LOCAL GOVERNMENT

AUGUST 1995

Staff:

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

Office of Policy and Legal Analysis
Room 101/107/135, 13 State House Station
Augusta, ME 04333
(207)287-1670

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**Maine State Legislature
OFFICE OF POLICY AND LEGAL ANALYSIS**

State House Station 13, Augusta, Maine 04333
Telephone (207) 287-1670
Telecopier (207) 287-1275

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

**SUMMARY OF LEGISLATION BEFORE
THE JOINT STANDING COMMITTEES**

AUGUST 1995

This document is a compilation of the bill summaries prepared by this office for the Joint Standing 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 publication, History and Final Disposition of Legislative Documents, is helpful in determining to which committee any particular bill was referred.

In this document, 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 categories of final action are abbreviated as follows:

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

These summaries were prepared by the analyst or analysts assigned to the committee. If more detailed information is needed on a bill, contact the committee analyst.

5581LHS

LD 1224 **RESOLUTION, Proposing an Amendment to the Constitution of
Maine to Provide for Runoff Elections** ONTP

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
CIANCHETTE	ONTP MAJ	
	OTP-AM MIN	

SUMMARY

This resolution proposes a Constitutional amendment to require that successful candidates for Governor, State Representative and State Senator receive more than 50% of the votes cast for their respective offices. This resolution would require a runoff election between the 2 persons who received the largest number of votes when none of the candidates received a majority of the total number of votes cast in their election. The person who received the larger number of votes in the runoff election would be declared the winner.

LD 1229 **An Act to Create the Emergency Management Advisory Board** ONTP

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
KILKELLY	ONTP	

SUMMARY

This bill establishes the Emergency Management Advisory Board to review the annual budget of the Maine Emergency Management Agency and advise the agency on matters involving the functions and objectives of the agency.

LD 1245 **An Act Limiting the Types of Municipal Investments** PUBLIC 206

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
RICHARDSON	OTP-AM	H-262

SUMMARY

This bill has 3 basic purposes: (1) to restrict municipalities' authority to invest in certain types of so-called derivative securities; (2) to introduce a new, more rigorous standard of prudence to municipal investment practices; and (3) to make certain technical corrections to accommodate current prudent municipal investment practices regarding repurchase agreements and investment management agreements.

COMMITTEE AMENDMENT "A" (H-262) corrects an existing incorrect reference to the Maine Revised Statutes, Title 11, article 9, as the source of the procedures to properly perfect a security interest in securities in favor of a municipality that has entered into a repurchase agreement with a financial institution. Title 11, sections 8-313 and 8-321 contain the procedures that are to be followed with respect to perfecting a security interest in any security under Maine law. The amendment also adds a mandate preamble and a fiscal note to the bill.

LD 1261 **An Act Concerning Fees Collected for the Restoration,
Recreation and Preservation of Records in the Register of
Deeds Offices** ONTP

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
O'DEA	ONTP	

SUMMARY

This bill establishes a surcharge for documents recorded in the registry of deeds. The surcharge is used to fund the restoration, recreation and preservation of records in the offices of registers of deeds.

LD 1273 **Resolve, to Ensure Standardization among State Agency Regulations** ONTP

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
WINN	ONTP	

SUMMARY

This resolve directs the Department of Agriculture, Food and Rural Resources and the Department of Human Services to review their rules applicable to the licensing of small businesses and restaurants and to prepare a proposal to standardize those rules.

LD 1282 **An Act to Correct Obsolete References to Justices of the Peace** PUBLIC 227

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
DAGGETT	OTP	

SUMMARY

During the 1980's, the Office of Justice of the Peace was merged with that of Notary Public, with the merger completed in 1988. Because of a constitutional problem, Public Law 1987, chapter 736, effective July 1, 1988, renamed the Office of Complaint Justice to that of Justice of the Peace, and changed most relevant statutes accordingly. Four statutes appear to have been overlooked. This bill makes the corrections.

LD 1283 **An Act to Update and Clarify Administrative Procedures** PUBLIC 373

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
DAGGETT	OTP-AM	H-496

SUMMARY

This bill provides a sunset provision for rules adopted under the Maine Administrative Procedure Act. It clarifies that copies of rules are under the statutory pricing schedule for the Secretary of State. It corrects the following ambiguities: it defines the "authorized representative" who signs the official original of the rule; it allows a more reasonable time period for extending a comment deadline; and it corrects an error, replacing "adoption" with "comment deadline" to establish the time before which interested persons must be provided with copies of rules.

COMMITTEE AMENDMENT "A" (H-496) clarifies ambiguous language in the bill and eliminates the provisions proposing automatic expiration of agency rules. The amendment also adds a fiscal note to the bill.

LD 1285 **An Act to Clarify and Expand the Powers and Duties of Lake Arrowhead Community, Incorporated** P & S 37
EMERGENCY

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
MCALEVEY LORD	OTP-AM	H-490