

# MAINE STATE LEGISLATURE

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**STATE OF MAINE  
118TH LEGISLATURE**

**FIRST REGULAR SESSION  
AND  
FIRST SPECIAL SESSION**

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

**JULY 1997**

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*Sen. Jill M. Goldthwait*

*Sen. James D. Libby*

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**Maine State Legislature**

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**ONE HUNDRED EIGHTEENTH LEGISLATURE  
FIRST REGULAR AND FIRST SPECIAL SESSIONS**

**Summary Of Legislation Before The Joint Standing Committees  
August 1997**

We are pleased to provide this summary of bills that were considered by the 15 Joint Standing Committees of the Maine Legislature staffed by this office. The document is a compilation of bill summaries which describe each bill, committee amendments and other relevant amendments, as well as the final action taken on the bill. Also included are statistical summaries of bill activity this Session for the Legislature and each of its joint standing committees.

The document is organized for convenient reference to information on bills handled by the joint standing committees. It is organized alphabetically by committees and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet ([www.state.me.us/legis/opla](http://www.state.me.us/legis/opla)).

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

- CARRIED OVER*.....*Bill carried over to Second Regular Session*
- CON RES XXX*.....*Chapter # of Constitutional Resolution passed by both Houses*
- CONF CMTE UNABLE TO AGREE*.....*Committee of Conference unable to agree; bill died*
- DIED BETWEEN BODIES*.....*House & Senate disagree; bill died*
- DIED IN CONCURRENCE*.....*One body accepts ONTP report; the other indefinitely postpones the bill*
- DIED ON ADJOURNMENT*.....*Action incomplete when session ended; bill died*
- EMERGENCY*.....*Enacted law takes effect sooner than 90 days*
- FAILED EMERGENCY ENACTMENT/FINAL PASSAGE*.....*Emergency bill failed to get 2/3 vote*
- FAILED ENACTMENT/FINAL PASSAGE*.....*Bill failed to get majority vote*
- FAILED MANDATE ENACTMENT*.....*Bill imposing local mandate failed to get 2/3 vote*
- INDEF PP*.....*Bill Indefinitely Postponed*
- ONTP*.....*Ought Not To Pass report accepted*
- OTP ND*.....*Committee report Ought To Pass In New Draft*
- OTP ND/NT*.....*Committee report Ought To Pass In New Draft/New Title*
- P&S XXX*.....*Chapter # of enacted Private & Special Law*
- PUBLIC XXX*.....*Chapter # of enacted Public Law*
- RESOLVE XXX*.....*Chapter # of finally passed Resolve*
- UNSIGNED*.....*Bill held by Governor*
- VETO SUSTAINED*.....*Legislature failed to override Governor's Veto*

Please note the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is June 26, 1997 and September 19, 1997 for the First Special Session.

*David E. Boulter, Director*

Offices Located in the State House, Rooms 101/107/135

**LD 16**                      **An Act to Allow Municipalities to Advertise Public Legal Notices in Weekly Papers**                      **DIED BETWEEN BODIES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LIBBY	ONTP      MAJ OTP-AM    MIN	

LD 16 would have allowed municipalities to advertise public legal notices in weekly newspapers to satisfy notice requirements.

**Committee Amendment "A" (S-14)** would have replaced the bill, allowing municipalities to publish legal notices in publications that were not entered as 2nd class postal matter, as required by current law, if the publication was mailed by 3rd class mail to all residents and the municipality notified residents at least every 12 months of its intent to publish legal notices in that publication.

**LD 31**                      **An Act to Require That a Vacancy in the Office of Sheriff Be Filled by an Appointee from the Same Political Party**                      **PUBLIC 87**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FERGUSON BUNKER	OTP-AM    MAJ ONTP      MIN	S-20

LD 31 proposed that in the case of a vacancy in the term of a sheriff who was nominated by primary election before the general election, the sheriff appointed by the Governor to fill the vacancy until a successor is chosen at election must be enrolled in the same political party as the sheriff whose term is vacant.

**Committee Amendment "A" (S-20)** proposed to remove language describing the causes of vacancies in the office of sheriff from the bill.

***Enacted law summary***

Public Law 1997, chapter 87 provides that in the case of a vacancy in the term of a sheriff who was nominated by primary election before the general election, the sheriff appointed by the Governor to fill the vacancy until a successor is chosen at election must be enrolled in the same political party as the sheriff whose term is vacant.

**LD 33**                      **An Act to Change the Selection Process and Qualifications for State Auditor**                      **DIED IN CONCURRENCE**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
AMERO DONNELLY	ONTP      MAJ OTP-AM    MIN	

LD 33 would have provided for the appointment of the State Auditor by the Governor, subject to a two-thirds vote of the Legislature. The bill also would have established a seven-year term, with a one-term limit, and required the State Auditor to be a certified public accountant at the time of appointment.

**Committee Amendment "A" (S-75)** would have added language allowing a certified internal auditor to serve as State Auditor and removed the language increasing the State Auditor's term from four years to seven years and limiting service to one term.

**LD 34**                      **RESOLUTION, Proposing an Amendment to the Constitution of**                      **ONTP**  
**Maine to Change the Process for the Selection of the State**  
**Treasurer**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
AMERO DONNELLY	ONTP      MAJ OTP-AM    MIN	

LD 34 proposed to amend the Constitution of Maine to provide for appointment of the Treasurer of State by the Governor subject to confirmation by a two-thirds vote of the Legislature.

**LD 39**                      **An Act to Clarify the Authority of County Commissioners to Close**                      **PUBLIC 327**  
**Roads for Winter in the Unorganized Territories**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
AHEARNE	OTP-AM	H-417

LD 39 proposed to clarify existing law that the authority of county commissioners to close roads in the unorganized territories for maintenance includes the authority to close roads in winter.

**Committee Amendment "A" (H-417)** proposed to require the commissioner, in closing roads for the winter, to follow the same public notice and hearing procedures as required of municipal officers when they close municipal roads. The amendment also established an appeal process from a decision of the county commissioners to close roads during winter. Finally, the amendment removed that emergency clause and preamble from the bill.

***Enacted law summary***

Public Law 1997, chapter 327 clarifies that county commissioners have the authority to close county roads in unorganized territories during the winter. In doing so, the county commissioners must follow the same public notice and hearing procedures required of municipal officers when they close municipal roads. A decision of the commissioners may be appealed to Superior Court.