

MAINE STATE LEGISLATURE

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STATE OF MAINE
118TH LEGISLATURE

SECOND REGULAR SESSION
AND
SECOND SPECIAL SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
STATE AND LOCAL GOVERNMENT

MAY 1998

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ONE HUNDRED EIGHTEENTH LEGISLATURE
SECOND REGULAR AND SECOND SPECIAL SESSIONS

Summary Of Legislation Before The Joint Standing Committees
May 1998

We are pleased to provide this summary of bills that were considered by the Joint Standing Committees of the Maine Legislature. The document is a compilation of bill summaries which describe each bill and relevant amendments, as well as the final action taken. 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 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).

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:

- 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 Second Regular Session (unless otherwise specified in a particular law) is June 30, 1998 and July 9, 1998 for the Second Special Session. Second Special Session laws include Public Laws beginning with Chapter 718, Private and Special Laws beginning with Chapter 82 and Resolves beginning with Chapter 117.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
AHEARNE	ONTP MAJ	H-1031
PARADIS	OTP-AM MIN	H-1085 AHEARNE

LD 1974 proposed to require that the costs of construction and maintenance of a private road be shared equally by the landowners abutting that private road.

Committee Amendment "A" (H-1031) proposed to replace the bill. Current law provides a mechanism through which owners and occupants of a private way or bridge may meet to require all such owners and occupants to pay for maintenance of the private way or bridge. This amendment proposed to update that law to allow its use on most roads not maintained by the public. As amended, the law would provide that owners of three or more parcels of land benefited by a road may ask a notary public to call a meeting of all owners of parcels benefited by the road. At the meeting, owners will elect a commissioner and determine what repairs are needed and how to assess for the costs of repair. If any owner fails to pay, the unpaid assessments and court costs and attorney's fees may be collected from the owner through a civil action. This mechanism may not be used when maintenance responsibility is already assigned through a road association or through a contract, deed or other legally enforceable agreement, unless all involved elect to use this mechanism as an alternative. It also may not be used to pay for maintenance of a road or portion of a road used primarily for the removal of forest products.

House Amendment "C" to Committee Amendment "A" (H-1085) proposed to replace the bill and the committee amendment. It amends the current law regarding maintenance of private ways by deleting the requirement that the property owners hire a surveyor and allowing owners to recover court costs and attorney's fees from any person who fails to pay an assessment and must be taken to court by the other owners. The amendment does not change the terminology "private way," which describes the category of roads to which the law applies, but it provides that the law applies when four or more parcels of land are benefited by the private way, rather than referring to four or more people being benefited. It also provides that the process may be initiated only by persons who own parcels of land that are benefited by the private way or bridge as an appurtenant easement or by fee ownership of the private way or bridge. The amendment provides that the law does not apply to ways constructed or primarily used for commercial purposes or forest management activities. Finally, the amendment requires notice of a meeting to be provided by sending notice to property owners 30 days before the meeting as well as posting notice in a public place.

This amendment specifies that until July 1, 1999 only owners who are members of road associations incorporated as of March 1, 1998 may use the amended process.

Enacted law summary

Public Law 1997, chapter 682 amends the current law regarding maintenance of private ways. Current law allows three or more owners and occupants of a private way or bridge to ask a notary public to convene a meeting to determine the repairs needed and how to assess the owners for such repairs. The law requires the owners to choose a clerk and surveyor and provides for the collection of assessments against the owners and occupants of the private way or bridge. Public Law 1997, chapter 682 deletes from current law the requirement that the property owners hire a surveyor. It adds a provision allowing owners to recover court costs and attorney's fees from any person who fails to pay an assessment and must be taken to court by the other owners. Chapter 682 does not change the terminology "private way," which describes the category of roads to which the law applies, but it provides that the

law applies when four or more parcels of land are benefited by the private way, rather than referring to four or more people being benefited. It also provides that the process may be initiated only by persons who own parcels of land that are benefited by the private way or bridge as an appurtenant easement or by fee ownership of the private way or bridge. The law does not apply to ways constructed or primarily used for commercial purposes or forest management activities. Notice of a meeting must be sent to all affected property owners 30 days before the meeting and must be posted in a public place. Until July 1, 1999 only property owners who are members of road associations incorporated as of March 1, 1998 may make use of the amended process.

LD 1976 **An Act to Allow the York County Commissioners to Send Out Tax Bills to Towns Twice a Year** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHICK LIBBY	ONTP	

LD 1976 proposed to allow the York County Commissioners to fix the date for payment of the county tax prior to September 1st, and to authorize two dates for the payment of the tax.

LD 1984 **An Act to Amend the Laws Governing Secession** **PUBLIC 699**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUTREMBLE	OTP-AM MAJ ONTP MIN	H-1024

LD 1984 proposed to require that the entire municipality be allowed to vote on a proposed secession of any portion of that municipality and that the secession is effective only if approved by a majority of the votes cast.

Committee Amendment "A" (H-1024) proposed to require that proponents of secession seek a meeting with the municipal officers of the municipality from which they wish to secede, for the purpose of attempting to resolve the concerns that have caused them to consider secession. The proponents are required, prior to seeking legislation, to make a written request to the officers to add the issue to the agenda for a regular meeting of the officers. The officers are not required to place the item on the agenda, but the results of the request and of any meetings that take place must be reported to the committee of the Legislature considering the secession request by the secession proponents. The municipal officers are the selectmen or councilors of a town or the mayor and aldermen or councilors of a city. The amendment also changes the provision relating to information submitted to the Legislature to require that the listed information be provided, rather than requiring it to be provided if available.

Enacted law summary

Public Law 1997, chapter 699 requires proponents of secession to request a meeting with the municipal officers of the municipality from which they wish to secede, for the purpose of attempting to resolve the concerns that have caused them to consider secession. The proponents are required prior to seeking legislation, to make a written request to the officers to add the issue to the agenda for a regular meeting of the officers. The officers are not required to place the item on the agenda, but the results of the request and of any meetings that take place must be reported to the committee of the Legislature considering the secession request by the secession proponents. Chapter