

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 electronic originals
(may include minor formatting differences from printed original)

**STATE OF MAINE
119TH LEGISLATURE**

FIRST REGULAR SESSION

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

JULY 1999

MEMBERS:

*Sen. Peggy A. Pendleton, Chair
Sen. Jill M. Goldthwait
Sen. Paul T. Davis*

*Rep. Douglas J. Ahearne, Chair
Rep. Martha A. Bagley
Rep. Benjamin L. Rines, Jr.
Rep. John F. McDonough
Rep. Joanne T. Twomey
Rep. Randall L. Bumps
Rep. Susan Kasprzak
Rep. Arlan R. Jodrey
Rep. Earl E. Richardson
Rep. Belinda A. Gerry
Rep. Donald G. Soctomah*

Staff:

*Christopher J. Spruce, Legislative Analyst
Danielle D. Fox, Legislative Analyst*

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



Maine State Legislature
OFFICE OF POLICY AND LEGAL ANALYSIS

13 State House Station, Augusta, Maine 04333-0013
Telephone: (207) 287-1670
Fax: (207) 287-1275

ONE HUNDRED NINETEENTH LEGISLATURE
FIRST REGULAR SESSION

Summary Of Legislation Before The Joint Standing and Select Committees
August 1999

We are pleased to provide this summary of all bills that were considered by the Joint Standing and Select Committees of the Maine Legislature this past session. 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 and select committees.

The document is organized for convenient reference to information on bills considered by the 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:

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
ENACTMENT FAILED.....	Bill failed to get vote required for enactment or final passage
NOT PROPERLY BEFORE THE BODY.....	Ruled out of order by the presiding officers; bill died
INDEF PP.....	Bill Indefinitely Postponed
ONT P.....	Ought Not To Pass report accepted
OT P ND.....	Committee report Ought To Pass In New Draft
OT P 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 September 18, 1999.

LD 1741**An Act to Increase Fees for Civil Process of Filing State Papers****INDEF PP**

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

LD 1741 proposed to increase the amount from \$8 to \$16 that a process server is paid to serve official state papers in the civil process.

Committee Amendment "A" (H-291), which was not adopted, proposed to add an appropriation section and a fiscal note to the original bill. The amendment included appropriations from the General Fund to cover the additional cost of fees for service of civil documents for both the Judicial Department and the Department of Human Services, totaling \$15,525 in fiscal year 1999-00 and \$20,700 in fiscal year 2000-01.

LD 1769**An Act to Require State Departments and Agencies to Comply with Certain Laws Applied to the Public****ONTP**

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

LD 1769 proposed to require State Government to comply with all state and local laws for which compliance by the public and private industry is required.

LD 1785**Resolve, Regarding the Conveyance of a Right-of-way Across the Elizabeth Levinson Center in Bangor****RESOLVE 57**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MURRAY	OTP-AM	H-556 AHEARNE S-160

LD 1785 proposed to amend an existing resolve that authorized the conveyance of a right-of-way across the Elizabeth Levinson Center in Bangor. The proposed resolve would widen the easement to be conveyed from 25 feet to 50 feet.

Committee Amendment "A" (S-160) proposed to amend the original resolve by making several changes to Resolve 1983, chapter 23. In addition to proposing to delete several sections of the original law, the amendment proposed to remove a requirement that John Burke pay for an appraisal of an easement over the property of the Elizabeth Levinson Center in Bangor. It also proposed to require that Burke pay only for a survey of the property conducted by a surveyor mutually agreeable to John Burke and the Director of the Bureau of General Services. The amendment also proposed to repeal the resolve effective October 1, 2000.

House Amendment "A" to Committee Amendment "A" (H-556) proposed to clarify the intent of the committee amendment, which was to repeal the resolve in the event that the parties fail to reach agreement by October 1, 2000.

Enacted law summary

Resolve 1999, chapter 57 amends Resolve 1983, chapter 23 by expanding from 25 feet to 50 feet the width of the easement across the Elizabeth Levinson Center property in Bangor to be granted to John Burke. It also allows John Burke to use the easement to provide public utilities to property that he owns that abuts the Levinson Center property.

The new resolve authorizes the Director of the Levinson Center to review the proposed easement to ensure the safety of the users of the Center and to consult with the Director of the Bureau of General Services and John Burke with regard to any changes needed to ensure the safety of Center users. The new resolve requires that the easement not be granted to John Burke until a survey of the property over which the easement is to be granted has been completed. The resolve also requires John Burke to pay for the survey. Several sections of the 1983 resolve were repealed by the new resolve. Finally, the resolve is repealed in the event that parties fail to reach agreement by October 1, 2000.

LD 1800 An Act Concerning Standards for Operation and Maintenance of Radio PUBLIC 269
Antenna Towers

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAWRENCE	OTP-AM MAJ	S-180
WHEELER G	ONTP MIN	

LD 1800 proposed to prohibit municipalities from adopting ordinances regulating amateur radio antennas that are in conflict with Federal Communications Commission regulations. The bill proposed to allow ordinances to regulate the placement, screening or height of such radio antennas based on health, safety or aesthetic considerations as long as the ordinances reasonably accommodate amateur radio communications and represent the minimal practicable regulation to accomplish the town's or city's legitimate purpose.

Committee Amendment "A" (S-180) proposed to delete a reference to a specific Federal Communications Commission policy and to replace it with a general reference to Federal Communications Commission regulations.

Enacted law summary

Public Law 1999, chapter 269 codifies a federal preemption against municipal regulation of amateur radio antennas that exceeds what is permissible under Federal Communications Commission regulation. The law allows municipalities to adopt ordinances to regulate the placement, screening or height of amateur radio antennas if the ordinances are based on health, safety or aesthetic considerations and represent the minimum practicable regulation to accomplish the municipality's legitimate purpose.

LD 1843 An Act to Require That Local Officials Take On-the-record Stands ONTP
When They Are Responsible for Laws That Decrease Property Taxes

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

LD 1843 proposed to require a municipal official to make a public and on-the-record statement of the official's position if the municipal official votes for or positively participates in the enactment of an ordinance or regulation that decreases property taxes or the tax base of the municipality.