

# MAINE STATE LEGISLATURE

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**STATE OF MAINE  
119TH LEGISLATURE**

**FIRST REGULAR SESSION**

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

**JULY 1999**

**MEMBERS:**

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Sen. Jill M. Goldthwait  
Sen. Paul T. Davis*

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**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](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  
*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  
*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 September 18, 1999.

**LD 2013**

**An Act to Allow the East Side of Machiasport to Annex with East Machias**

**ONTP**

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

LD 2013 proposed to authorize the separation of the territory consisting of the east side of Machiasport from the Town of Machiasport and the annexation of that territory to the Town of East Machias, subject to approval by the voters in the east side of Machiasport and the Town of East Machias.

**LD 2034**

**RESOLUTION, Proposing an Amendment to the Constitution of Maine to Set a Date for Submission of Legislation by the Governor**

**ONTP**

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

LD 2034 proposed to require the Governor to submit legislation on or before the date by which Legislators must submit legislation.

**LD 2056**

**An Act to Amend the Laws Governing Secession**

**PUBLIC 381**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BUMPS GOLDTHWAIT	OTP-AM MAJ ONTP MIN	H-410 H-608 AHEARNE

LD 2056 proposed to establish a process that must be followed by residents of a territory seeking to secede from a municipality. The municipal officers would be required to call a special meeting of the municipality if at least 50% of the residents of a territory proposing to secede file a petition with the officers. At the special meeting, persons in attendance would discuss the reasons for seeking secession, potential alternative solutions and the impact of secession on the municipality and the secession territory. Following the meeting, an advisory referendum would be held to determine secession territory support for secession. Municipal officers also would vote on whether to support secession. If all parties support secession, the proposal would be brought to the Legislature. In the case of conflict, the parties would be required to meet to attempt to resolve the conflict, using a mediator if needed. The Legislature would make the final decision on secession only after the local community has exhausted efforts to resolve the conflict locally.

**Committee Amendment "A" (H-410)** proposed to change all references in the bill from a "special meeting" to a "public hearing." It also proposed to add requirements that the public hearing be conducted by an elected moderator. The amendment also would require verification of petition signatures by the registrar of voters and required that the advisory referendum be conducted pursuant to the provisions of the Maine Revised Statutes, Title 21-A. It further proposed to require that both a majority of the municipal officers and more than 50% of the registered voters of the secession territory voting at the advisory referendum support secession if secession legislation is to be introduced. In instances where municipal officers and secession territory voters are in conflict, the amendment proposed to establish a process for mediation of the dispute.

**House Amendment "A" to Committee Amendment "A" (H-608)** proposed to add a requirement to the bill that secession petitioners submit a written report to the public hearing on the secession proposal detailing the impact of the proposed secession on local property taxes.

**Enacted law summary**

Public Law 1999, chapter 381 amends current secession law by establishing a process that must be followed by those residents of a territory seeking to secede from the municipality. Among other changes, Public Law 1999, chapter 381 requires that:

1. A petition that requests a municipal public hearing on secession, signed by at least 50% of the registered voters within a secession territory, must be submitted to the municipal officers;
2. After the registrar of voters has verified the petition signatures, the municipal officers must call and hold a public hearing on the secession request. The hearing must be conducted by a moderator, elected in the manner provided for in MRSA, Title 30-A, §2524, but no other official vote may be taken at the public hearing. The law also specifies the manner in which the public hearing must be advertised and conducted;
3. Persons initiating the petition must submit a written report at the public hearing that describes the impact of the proposed secession on property taxes in the secession territory and in the municipality;
4. An advisory referendum within the secession territory must be held between 30 and 120 days after the initial public hearing on secession. The municipal officers may also hold a separate advisory referendum in the portion of the municipality outside of the secession territory;
5. Following the advisory referendum, the municipal officers must vote on whether to support the secession request. If a majority of the municipal officers approve the request and more than 50% of voters in the secession territory favor secession, legislation requesting secession may be submitted to the Legislature;
6. Should those votes be in conflict, the municipal officers and the secession territory representatives must meet to attempt to resolve issues related to secession. If such efforts do not result in an agreement on all issues within a reasonable amount of time, a third party mediator must be retained. The law sets out the process for selecting a mediator and the delineates the duties of the mediator;
7. Upon completion of the mediation effort, the mediator must file a detailed, written report with the joint standing committee of the Legislature having jurisdiction over state and local government matters; and
8. The parties may submit the matter to the Legislature if agreement on all issues has not been reached within six weeks after commencing efforts to resolve issues.

**LD 2068**

**An Act to Create a State House Citizen Participation and Lobby Center**

**ONTP**

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

LD 2068 proposed to create a citizen participation and lobby center to be located in the State House. The center would contain a citizen lobby station to assist visitors to act as citizen lobbyists. The center would be completed by January 1, 2001.

**Committee Amendment "A" (H-489)**, which was not adopted, was the minority report and proposed to remove from the original bill all references to "lobby," including in the title. In some instances, the amendment would have substituted the word "participation" for the word "lobby." The amendment also proposed to add an appropriation section.