

# 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  
120th Legislature*

*Second Regular Session*

*Bill Summaries*

*Joint Standing Committee  
on  
State and Local Government*

*May 2002*

**Members:**

*Sen. Peggy A. Pendleton, Chair  
Sen. Edward M. Youngblood  
Sen. Margaret Rotundo*

*Rep. Martha A. Bagley, Chair  
Rep. John F. McDonough  
Rep. Paul R. Hatch  
Rep. Paul J. Lessard  
Rep. Janet L. McLaughlin  
Rep. Susan L. Kasprzak  
Rep. Eleanor M. Murphy  
Rep. Peter D. Chase  
Rep. Anita P. Haskell  
Rep. Philip Cressey, Jr.*

**Staff:**

*Christopher J. Spruce, Legislative Analyst  
David C. Elliott, Principal Analyst*

*Office of Policy and Legal Analysis  
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

**120th Legislature**  
**Second Regular Session**

**Summary Of Legislation Before The Joint Standing Committees**  
**May 2002**

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing 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 committees.

The document is organized for convenient reference to information on bills considered by the committees. It is arranged alphabetically by committee name 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:

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
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
PASSED	Joint Order passed in both bodies
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 July 25, 2002.

**Patrick T. Norton, Interim Director**  
**Offices located in Room 215 of the Cross Office Building**

## Joint Standing Committee on State and Local Government

**LD 1853**

**An Act to Authorize the Formation of Regional County Corrections Authorities**

**PUBLIC 489  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCALEVEY	OTP-AM MAJ	S-410
JODREY	ONTP MIN	

LD 1853 proposed to authorize groups of 2 or more counties to plan, finance, construct and operate regional correctional facilities.

**Committee Amendment "A" (S-410)** proposed to clarify the process by which counties would plan, finance, construct and operate regional correctional facilities. The amendment proposed to authorize the commissioners of 2 or more counties to jointly plan, finance, construct and operate regional correctional facilities. It proposed to require that county commissions acting jointly under this Act adhere to the provisions of Title 30-A governing interlocal cooperation to the extent those provisions are applicable.

### *Enacted law summary*

Public Law 2001, chapter 489 authorizes the commissioners of 2 or more counties to jointly plan, finance, construct and operate regional correctional facilities. The law requires that county commissions acting jointly under this Act adhere to the provisions of Title 30-A governing interlocal cooperation to the extent those provisions are applicable.

Public Law 2001, chapter 489 was enacted as an emergency measure effective February 21, 2002.

**LD 1854**

**Resolve, to Validate the Assessment, Commitment and Tax Collection of the Town of Wells for the Fiscal Year 2001**

**RESOLVE 70  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARPENTER	OTP	
COLLINS		

LD 1854 proposed to correct an oversight that occurred in the Town of Wells involving the timely swearing in of two municipal officials. The Maine Revised Statutes, Title 30-A, section 2526, subsection 9 requires all town officials to be sworn by the moderator in open town meeting, by the clerk, by a notary or by any other person authorized by law to administer an oath before assuming the duties of office. The tax assessor and the tax collector for the Town of Wells were appointed on April 18, 2000. Subsequent to their appointment, the town failed to swear these municipal officials in a timely manner, placing the tax commitment in jeopardy of challenge. This resolve proposed to remedy any failure to comply with the statutory requirement governing the timing of the administration of the oaths of office to these two municipal officials.

### *Enacted law summary*

Resolve 2001, chapter 70 corrects an oversight that occurred in the Town of Wells involving the timely swearing in of two municipal officials and remedies any failure to comply with the statutory requirement governing oaths of office. The Maine Revised Statutes, Title 30-A, section 2526, subsection 9 requires all town officials to be sworn

## Joint Standing Committee on State and Local Government

by the moderator in open town meeting, by the clerk, by a notary or by any other person authorized by law to administer an oath before assuming the duties of office. The tax assessor and the tax collector for the Town of Wells were appointed on April 18, 2000. Subsequent to their appointment, the town failed to swear these municipal officials in a timely manner, placing the tax commitment in jeopardy of challenge.

Resolve 2001, chapter 70 was finally passed as an emergency measure effective January 15, 2002.

### **LD 1856                      An Act to Amend the Definition of "Governmental Unit" as It                      PUBLIC 484** **Relates to the Maine Municipal Bond Bank Act**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHERMAN FERGUSON	OTP	

LD 1856 proposed to amend the Maine Municipal Bond Bank Act by amending the definition of "governmental unit" to include a municipally owned corporation as an eligible borrower for electric, water and sewer projects. Specifically, the proposed change to the bond bank law would make the Houlton Water Company, a municipally-owned corporation, eligible to fund its infrastructure projects through the Maine Municipal Bond Bank.

#### ***Enacted law summary***

Public Law 2001, chapter 484 amends the Maine Municipal Bond Bank Act by amending the definition of "governmental unit" to include a municipally owned corporation as an eligible borrower for electric, water and sewer projects.

### **LD 1860                      An Act to Dissolve the Ministerial Accounts in the Town of                      P & S 69** **Readfield's Trust Fund**

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

LD 1860 proposed to authorize the municipal officers of the Town of Readfield to dissolve the ministerial accounts in the town's trust fund and to use the money in these accounts for the purchase and installation of a Readfield veterans' memorial monument. This proposed use of the funds was approved by the voters of the Town of Readfield at the annual town meeting in June 2001. The town was required to seek legislative approval of the use of the funds because current state law does not authorize the use of ministerial funds for purchasing and installing a veterans memorial monument.

#### ***Enacted law summary***

Private and Special Law 2001, chapter 69 authorizes the municipal officers of the Town of Readfield to dissolve the ministerial accounts in the town's trust fund and to use the money in these accounts for the purchase and installation of a Readfield veterans' memorial monument. The use of the funds for this purpose was approved by the voters of the Town of Readfield at the annual town meeting in June 2001.