

# 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 scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

FIRST SPECIAL SESSION

ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 2197

H. P. 1997 House of Representatives, February 4, 1976  
Reported by Mr. Cooney from Committee on State Government pursuant  
to H. P. 1781. Sent up for concurrence and 1,200 copies ordered printed.  
EDWIN H. PERT, Clerk  
Filed under Joint Rule 3 pursuant to H. P. 1781.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-SIX

AN ACT Redistributing the Powers of the Executive Council.

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. 1 MRSA § 12, first sentence, is amended to read:

The Governor ~~with the advice and consent of the Council~~ reserving such jurisdiction, may cede to the United States for purposes named in its Constitution any territory not exceeding 10 acres, but not including any highway; nor any public or private burying ground, dwelling house or meetinghouse, without consent of the owner.

Sec. 2. 1 MRSA § 13, first ¶, is amended to read:

Whenever the public exigencies require it, the Governor ~~with the advice and consent of the Council~~ may take in the name of the State, by purchase and deed, or in the manner denoted, any lands or ~~right of ways~~ rights-of-way, for the purpose of erecting, using or maintaining any fort, fortification, arsenal, military connection, way, railroad, lighthouse, beacon or other aid to navigation, with all necessary rights, powers and privileges incident to their use, and may deliver possession and cede the jurisdiction thereof to the United States, on such terms as are deemed expedient.

Sec. 3. 1 MRSA § 14, is amended to read:

§ 14. Survey of land to be taken; filing and recording

When the Governor ~~and Council determine~~ determines that a public exigency requires the taking of any land or rights as provided for in section

jurisdiction of the commission and the Interstate Commerce Commission, in accord with the Act to regulate commerce and applicable amendments.

**Sec. 395. 35 MRSA § 1191, last sentence**, is amended to read:

Upon proper proof of any such payment, the Governor ~~and Council~~ shall cause  $\frac{1}{2}$  thereof to be paid by the State to such municipality.

**Sec. 396. 35 MRSA § 1554, 12th sentence**, as enacted by PL 1973, c. 475, § 3, is amended to read:

The commission may, with the consent of the Governor ~~and Council~~, hold joint hearings with the Interstate Commerce Commission with respect to the relationship between rate structures and practices of carriers subject to the jurisdiction of the commission and the Interstate Commerce Commission, in accord with the Act to Regulate Commerce, and applicable amendments.

**Sec. 397. 36 MRSA § 54**, as amended, is further amended to read:

**§ 54. Annual report to Governor**

The State Tax Assessor shall annually, before the first day of January, make a report to the Governor ~~and Council~~ of the proceedings of the Bureau of Taxation, and shall include therein summaries showing the taxes assessed against corporations, and such statistics and other information concerning revenue and taxation as may be deemed of public interest.

**Sec. 398. 36 MRSA § 101, 1st sentence** is amended to read:

The State Tax Assessor may, subject to the approval of the Governor ~~and Council~~, within 3 years from the assessment, if justice requires, make an abatement of any state, county or forestry district taxes.

**Sec. 399. 36 MRSA § 291, 2nd ¶, 1st sentence**, as repealed and replaced by PL 1969, c. 502, § 3, is amended to read:

Municipal Valuation Appeals Board shall consist of 5 members appointed by the Governor ~~with the consent of the Executive Council~~.

**Sec. 400. 36 MRSA § 584, 1st sentence**, as amended by PL 1973, c. 460, § 18, is further amended to read:

There is established a Forest Land Valuation Advisory Council, hereinafter called the "Advisory Council", which shall consist of the State Director of the Bureau of Forestry ex officio and 3 members, serving staggered 4-year terms, to be appointed by the Governor ~~with the advice and consent of the Council~~.

**Sec. 401. 36 MRSA § 584, 4th sentence**, as enacted by PL 1971, c. 616, § 8, is amended to read:

Thereafter, said appointees shall be appointed to serve 4-year terms and, in the event of death or resignation of such an appointee, the Governor shall

make an appointment to the Advisory Council ~~with the advice and consent of the Council~~ for the unexpired term.

**Sec. 402.** 36 MRSA § 652, sub-§ 1, ¶ I is amended to read:

I. Any college in this State authorized to confer the degree of bachelor of arts or of bachelor of science and having real estate liable to taxation shall, on the payment of such tax and proof of the same to the satisfaction of the Governor ~~and Council~~, be reimbursed from the State Treasury to the amount of the tax so paid, provided the aggregate amount reimbursed to any college in any one year shall not exceed \$1,500 and this right of reimbursement shall not apply to real estate bought after April 12, 1889;

**Sec. 403.** 36 MRSA § 1332 is amended to read:

**§ 1332. Abatement where double tax**

Whenever it appears to the State Tax Assessor that any parcel of property in the State has been doubly taxed in any year, and it appears by the records that a moiety of such tax has been paid, the State Tax Assessor may, subject to the approval of the Governor ~~and Council~~, abate the balance remaining unpaid, and said tax or taxes shall be canceled upon the books of the State.

**Sec. 404.** 37-A MRSA § 15, 2nd ¶, 1st and 2nd sentences, as enacted by PL 1971, c. 580, § 1, is amended to read:

The Director of the Bureau is authorized and empowered, with the consent of the Governor ~~and Council~~, to take and acquire by eminent domain on behalf of the State of Maine real estate or any interest therein, with or without improvements, for the purpose of carrying into effect the provisions for a Veterans Memorial Cemetery. The consent of the Governor ~~and Council~~ shall be given according to Title 1, chapter 21.

**Sec. 405.** 37-A MRSA § 41, 1st ¶, 2nd and 4th sentences, as enacted by PL 1973, c. 600, § 1, are amended to read:

The loan authority board shall consist of 9 members, including the Director of Veterans Services and 8 members at large appointed by the Governor ~~with the advice and consent of the Council~~ for a period of 4 years provided that of the members first appointed, 2 shall be appointed for a term of one year, 2 for a term of 2 years, 2 for a term of 3 years and 2 for a term of 4 years.

Appointive members may be removed by the Governor ~~with the advice and consent of the Council~~ for cause.

**Sec. 406.** 37-A MRSA § 47, as enacted by PL 1973, c. 600, § 1, is amended to read:

**47. Additions to**

If from time to time in the opinion of the loan authority board the addition of moneys to the fund may be required to meet obligations, the loan authority board shall, in writing, request the Governor ~~and Council~~ to provide moneys in such amounts as may be necessary for the purpose. The Gover-

be appointed for one year and one for 2 years; one director shall be appointed by the city council of Portland; and one director shall be appointed by the city council of South Portland.

**Sec. 428.** P&SL 1941, c. 37, § 1, 2nd ¶, 1st and 3rd sentences, as repealed and replaced by P&SL 1967, c. 177, § 1, are amended to read:

The affairs of the school shall be controlled by a board of 12 trustees, as heretofore appointed, all residents of the State of Maine, who, together with their successors, shall be appointed by the Governor, ~~with the advice and consent of the Council~~ **subject to review by the Joint Standing Committee on Education and to confirmation by the Legislature.**

Any vacancy on the board shall be filled by appointment by the Governor ~~with the advice and consent of the Council~~, **subject to review by the Joint Standing Committee on Education and to confirmation by the Legislature**, for the remainder of the unexpired term, but the majority of the board shall carry on business during the ~~the~~ existence of any vacancy on the board.

**Sec. 429.** P&SL 1941, c. 69, § 4, (b), 2nd sentence, is amended to read:

The ~~four~~ 4 members shall be appointed by the Governor ~~by and with the advice and consent of the Council~~ and shall be residents of the State of Maine at the time of their appointment and qualification and shall also at such time have been qualified electors therein for a period of at least one year next preceding their appointment.

**Sec. 430.** **Effective date.** This Act shall take effect on January 4, 1977.

#### STATEMENT OF FACT

This bill is the result of the State Government Committee's study of the Maine Revised Statutes "for the purpose of amending such statutes to conform with the proposed amendment to the Constitution abolishing the Executive Council" pursuant to a study order, H. P. 1781. The bill represents proposed changes to the statutes for all references to the Executive Council and proposes the elimination or redistribution of all the powers and duties of the Council. It includes a new procedure, in accordance with the constitutional amendment, for the legislative confirmation of major appointments. The bill would take effect at the same time as the constitutional amendments, January 4, 1977.

The State Government Committee's report, dated February 2, 1976, available from the committee's office, includes an analysis of the committee's major recommendations and a section-by-section analysis of the statutes to be amended.