

MAINE STATE LEGISLATURE

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**STATE OF MAINE
118TH LEGISLATURE**

**FIRST REGULAR SESSION
AND
FIRST SPECIAL SESSION**

**BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
JUDICIARY**

JULY 1997

MEMBERS:

Sen. Susan W. Longley, Chair

Sen. Lloyd P. LaFountain III

Sen. John W. Benoit

Rep. Richard H. Thompson, Chair

Rep. Elizabeth Watson

Rep. David Etnier

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Maine State Legislature

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**ONE HUNDRED EIGHTEENTH LEGISLATURE
FIRST REGULAR AND FIRST SPECIAL SESSIONS**

**Summary Of Legislation Before The Joint Standing Committees
August 1997**

We are pleased to provide this summary of bills that were considered by the 15 Joint Standing Committees of the Maine Legislature staffed by this office. The document is a compilation of bill summaries which describe each bill, committee amendments and other relevant amendments, as well as the final action taken on the bill. 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 alphabetically 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*
- 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 First Regular Session (unless otherwise specified in a particular law) is June 26, 1997 and September 19, 1997 for the First Special Session.

David E. Boulter, Director

Offices Located in the State House, Rooms 101/107/135

LD 944

Resolve, Establishing a Commission to Study the Funding and Distribution of Teletypewriters and Other Telecommunications Equipment for People with Disabilities

RESOLVE 72

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT JONES K	OTP-AM	S-152 S-409 MICHAUD

LD 944, a resolve, proposed to establish the Commission to Study the Funding and Distribution of Teletypewriters and Other Telecommunications Equipment for People with Disabilities.

Committee Amendment "A" (S-152) proposed to add an appropriation section and a fiscal note to the resolve.

Senate Amendment "A" to Committee Amendment "A" (S-409) proposed to increase the number of commission members, change the reporting date and provide per diem and expenses for legislative members.

Enacted law summary

Resolves 1997, chapter 72 creates the Commission to Study the Funding and Distribution of Teletypewriters and Other Telecommunications Equipment for People with Disabilities. The commission will review the current system of distribution and funding of the equipment and explore alternatives, including programs in other states and distribution through telecommunications companies. The commission will also explore alternative funding mechanisms for expansion of the current loaner program that will include the use of additional equipment

LD 955

An Act to Permit the Joint Tribal Council of the Passamaquoddy Tribe to Change the Names of Geographical Locations within Passamaquoddy Territory

ONTP

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

LD 955 proposed to authorize the Joint Tribal Council of the Passamaquoddy Tribe to change the names of geographic features such as lakes, hills, streams, ponds, etc., within Passamaquoddy territory from offensive names, usually assigned before the enactment of the Act to Implement the Maine Indian Claims Settlement, the Maine Revised Statutes, Title 30, chapter 601, to appropriate pre-discovery or original names. See also LD 1269.

LD 956

An Act to Repeal the Law Providing that State Laws Apply to Indian Lands

ONTP

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

LD 956 proposed to repeal the provision of the Act to Implement the Maine Indian Claims Settlement that provides that all Indians, Indian nations and tribes and bands of Indians in the State and their lands are subject to the laws of the State. See also LD 1269.

LD 957 **An Act to Require Full Faith and Credit for Decisions of the Tribal Court** **ONTP**

<u>Sponsor(s)</u> MOORE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 957 proposed to require that the proceedings, findings, orders and decisions of the Passamaquoddy Tribal Court and the Penobscot Nation Tribal Court be given the same weight and force as proceedings, findings, orders and decisions of the courts of the State. See also LD 1269.

LD 964 **An Act to Transfer Certain Tribal Holdings into a Trust** **CARRIED OVER**

<u>Sponsor(s)</u> MOORE		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 964 proposes to allow lands in Albany Township that are contiguous to the land that is currently held in trust for the Passamaquoddy Tribe to be included in Passamaquoddy Indian Territory. Under the terms of the Act to Implement the Maine Indian Claims Settlement Act of 1980, the Maine Revised Statutes, Title 30, section 6205, subsection 5, this conversion needs the express consent of the Maine Legislature and the Maine Indian Tribal-State Commission. The bill also proposes to extend the deadline for the United States Secretary of the Interior to acquire lands to be included as trust lands for the Passamaquoddy Tribe. This bill has been carried over to the Second Regular Session.

LD 966 **An Act to Make All Persons within Passamaquoddy Indian Territory Subject to Tribal Court Jurisdiction** **ONTP**

<u>Sponsor(s)</u> MOORE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 966 proposed to expand the jurisdiction of the Passamaquoddy Tribal Court to include Class D and Class E crimes and many civil actions arising within the Passamaquoddy Indian territory, and including any person who is within the Passamaquoddy Indian territory, not just those who are members of a federally recognized tribe.