

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
LEGAL AND VETERANS' AFFAIRS**

JULY 1997

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Sen. Richard J. Carey
Sen. Norman K. Ferguson, Jr.***

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Rep. Duane J. Belanger***



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

<u>Sponsor(s)</u> DAGGETT		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-212
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LD 1683 proposed to require the court in any forcible entry and detainer action with regard to leasehold tenancies and tenancies at will to issue a writ of possession, when judgment is for the plaintiff, to be effective seven days after the judgment is rendered. The bill also proposed that the appeal period run from the day after the judgment is rendered. When the ground for termination of the tenancy was a rent arrearage, the appeal period would be three days and the appellant in such an appeal would be required to place the amount of rent arrearage in escrow.

Committee Amendment "A" (S-212) replaced the bill. It provided for issuance of the writ of possession seven calendar days after the judgment is entered. It clarified that the time for filing an appeal of a District Court judgment in a forcible entry and detainer action expires upon issuance of the writ of possession or 30 days from the time the judgment is entered, whichever occurs first. It also requires a defendant to pay the lesser of the rent arrearage or the unpaid portion of the current month's rent to the plaintiff or to the District Court at the time of an appeal to Superior Court and to pay rent that accrues during the appeal as a condition of maintaining the stay of the writ of possession.

Enacted law summary

Public Law 1997, chapter 336 provides for issuance of a writ of possession seven calendar days after the judgment is entered in a forcible entry and detainer action. It clarifies that the time for filing an appeal of a District Court judgment expires upon issuance of the writ of possession or 30 days from the time the judgment is entered, whichever occurs first. It also requires a defendant to pay the lesser of the rent arrearage or the unpaid portion of the current month's rent to the plaintiff or to the District Court at the time of an appeal to Superior Court and to pay rent that accrues during the appeal as a condition of maintaining the stay of the writ of possession.

<u>Sponsor(s)</u> DAGGETT TUTTLE		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-230
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LD 1731 proposed to make minor technical changes in the election laws to correct statutory references and maintain consistency with changes to other sections of law. It also makes a number of substantive changes in election laws, which are noted in the "Enacted law summary"

Committee Amendment "A" (S-230) proposed to:

Change the number of years that the registrar must maintain records for a voter whose name has been removed from the list from 10 years to five years;