

MAINE STATE LEGISLATURE

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STATE OF MAINE
118TH LEGISLATURE

SECOND REGULAR SESSION
AND
SECOND SPECIAL SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
JUDICIARY

MAY 1998

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

**Summary Of Legislation Before The Joint Standing Committees
May 1998**

We are pleased to provide this summary of bills that were considered by the Joint Standing Committees of the Maine Legislature. 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 handled by the joint standing 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).

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
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 Second Regular Session (unless otherwise specified in a particular law) is June 30, 1998 and July 9, 1998 for the Second Special Session. Second Special Session laws include Public Laws beginning with Chapter 718, Private and Special Laws beginning with Chapter 82 and Resolves beginning with Chapter 117.

LD 2079 proposed to resolve a conflict between a definition in the Maine Human Rights Act and professional licensing laws of the Maine Revised Statutes, Title 32. The bill proposed to add certified interior designers and landscape architects who are registered and regulated pursuant to Title 32 to the definition of "design professional" in the public accommodations provisions of the Maine Human Rights Act in order to increase the number of professionals available to review and approve plans for building renovations for compliance with the Maine Human Rights Act and the federal Americans with Disabilities Act.

Committee Amendment "A" (H-855) proposed to replace the bill. It proposed to delete the definition of "design professional" and replace the term in the text of the statute with a listing of the specific professions of architect, professional engineer, certified interior designer and landscape architect as appropriate. The amendment proposed that each of these professionals must be licensed, certified or registered under the Maine Revised Statutes, Title 32 and practicing within the scope of that individual's profession in order to certify that a plan is in compliance with accessibility requirements. The amendment proposed to clarify that services of an architect or professional engineer would still be required for all mandatory plan review.

Enacted law summary

Public Law 1997, chapter 630 amends the Maine Human Rights Act to make voluntary plan review for accessibility requirements easier by allowing the reviews to be done by additional categories of design professionals. It removes the definition of "design professional" and replaces the term in the text of the statute with a listing of the specific professions of architect, professional engineer, certified interior designer and landscape architect as appropriate. Each of these professionals must be licensed, certified or registered under the Maine Revised Statutes, Title 32 and practicing within the scope of that individual's profession in order to certify that a plan is in compliance with accessibility requirements. The services of an architect or professional engineer are still required for all mandatory plan review.

LD 2081 **An Act to Amend the Charter of the State Young Men's Christian Association of Maine** **ONTP**

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

LD 2081 proposed to amend the law under which the State Young Men's Christian Association of Maine was formed to allow the organization to change its name, to add to the law the organization's mission statement and to repeal the provision limiting its assets to \$500,000 in value. The YMCA of Maine may undertake those changes without legislative action.

LD 2090 **An Act to Protect Victims of Domestic Abuse from Eviction** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAXL M KILKELLY	ONTP	

LD 2090 proposed to prohibit the eviction of a tenant due solely to the fact that the person is or may become a victim of domestic abuse. The bill also proposed to give victims of domestic abuse access to the Victims' Compensation Fund, on a loan basis, to be used by those victims to avoid eviction due to economic circumstances.

LD 2097 An Act to Simplify Corporate Filings PUBLIC 633

<u>Sponsor(s)</u> THOMPSON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-854
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LD 2097 proposed changes concerning the use of a mark by a corporation, limited partnership, limited liability company or limited liability partnership, the required fee for changing the name or address of a contact partner, the minimum number of members to create a limited liability company and statements of authority for limited liability companies.

Committee Amendment "A" (H-854) proposed to remove a section from the bill concerning the assignment of marks.

Enacted law summary

Public Law 1997, chapter 633 revises the laws concerning business entities in several ways. It allows the use of certain marks by a corporation, limited partnership, limited liability company or limited liability partnership; it establishes different fees for changing the name or address of a contact partner of a limited liability partnership; it clarifies the minimum number of members required to create a limited liability company; and it repeals the requirement of statements of authority for limited liability companies.

LD 2132 An Act to Repeal the Sunsets on Certain Child Support Enforcement Remedies PUBLIC 669 EMERGENCY

<u>Sponsor(s)</u> NASS	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-865 H-916 THOMPSON
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LD 2132 proposed to repeal the sunset provisions on several child support collection provisions.

Committee Amendment "A" (H-865) proposed to incorporate all changes necessary to comply with the Uniform Interstate Family Support Act, as mandated in 42 United States Code, Section 666(f). The amendment also proposed to add an emergency to the bill because of federally imposed deadlines.

House Amendment "A" to Committee Amendment "A" (H-916) proposed to change the time period within which payors must send withheld income to the Department of Human Services to be consistent with the rest of the bill and the Committee Amendment.

Enacted law summary