

MAINE STATE LEGISLATURE

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**STATE OF MAINE
119TH LEGISLATURE**

SECOND REGULAR SESSION

**BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
JUDICIARY**

JULY 2000

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Sen. Sharon Anglin Treat

Sen. John W. Benoit

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ONE HUNDRED NINETEENTH LEGISLATURE
SECOND REGULAR SESSION

Summary Of Legislation Before The Joint Standing Committees
July 2000

We are pleased to provide this summary of bills that were considered by the Joint Standing and 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 and select committees.

The document is organized for convenient reference to information on bills considered by the 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:

<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i>	<i>House & Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i>	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i>	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>NOT PROPERLY BEFORE THE BODY</i>	<i>Ruled out of order by the presiding officers; bill died</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed</i>
<i>ONTP</i>	<i>Ought Not To Pass report accepted</i>
<i>OTP ND</i>	<i>Committee report Ought To Pass In New Draft</i>
<i>OTP ND/NT</i>	<i>Committee report Ought To Pass In New Draft/New Title</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i>	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>

Please note the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is August 11, 2000.

David E. Boulter, Director
 Offices Located in the State House, Rooms 101 & 107

LD 2693

An Act to Establish Requirements for the Removal of Directors of Certain Maine Business Corporations before the Expiration of Their Established Terms

DIED BETWEEN BODIES

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HARRIMAN	OTP-AM MAJ	S-740
RICHARDSON J	ONTP MIN	S-807 AMERO

LD 2693 proposed to amend the Maine Business Corporation Act to require the approval of holders of at least 50% of the shares entitled to vote in order for the shareholders of a publicly traded company to call a special meeting for the purpose of removing a member of the board of directors within 90 days following a meeting at which a director was last elected. Under current law, the percent required to call a special meeting is determined by the corporation’s bylaws, but if the bylaws call for more than 10%, the holders of at least 10% of the shares may seek court permission to call a special meeting.

Committee Amendment "A" (S-740) proposed to rewrite the bill to clarify that the 50% shareholder vote is the only method by which shareholders may call a special meeting when the meeting is expressly called to remove a director within 90 days after a director or directors last stood for election. The amendment also proposed to repeal this provision 90 days after adjournment of the First Regular Session of the 120th Legislature.

Senate Amendment "A" to Committee Amendment "A" (S-807) proposed to lower the percentage of shares required to call a special meeting to remove a director within 90 days of director elections from 50% of the outstanding shares to 25% of the outstanding shares entitled to vote at such a meeting.

HP 1914

JOINT ORDER – Relative to the Committee to Study the Further Decriminalization of the Criminal Laws of Maine

PASSED

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

HP 1914, a Joint Order, proposed to establish the Committee to Study Further Decriminalization of the Criminal Laws of Maine, to be made up of 5 legislators. The Joint Order proposed that the committee study decriminalizing criminal laws, and proposed a reporting date of November 1, 2000. HP 1914 was passed without reference to any committee. See also LD 260.

Enacted law summary

Joint Order HP 1914 creates the Committee to Study Further Decriminalization of the Criminal Laws of Maine consisting of 5 legislators. The committee will review criminal laws and determine whether it is appropriate to classify the prohibited conduct as criminal. The committee’s reporting date is November 1, 2000. This Joint Order was passed without reference to a committee.

HP 1930

JOINT ORDER – Relative to the Commission on the Study and

PASSED

Prevention of Child Abuse

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRAHAN	OTP-AM	S-723 PINGREE

HP 1930, a Joint Order, proposed to create the Commission on the Study and Prevention of Child Abuse consisting of 15 members. The Joint Order proposed to direct the commission to investigate the mistreatment of children in its various manifestations, report on the occurrence and causes of the mistreatment and recommend feasible measures for the State to intervene.

Committee Amendment “A” (H-1135) proposed to replace the original Joint Order. It proposed to establish the Commission to Study Child Abuse, consisting of five legislators. The amendment proposed to direct the commission to examine the current policies and public and private programs and resources related to physical and sexual abuse of children, and to identify means to coordinate the available programs and resources to prevent and respond to child abuse. The commission would report by November 1, 2000.

Senate Amendment “A” (S-723) proposed to replace the joint order. The amendment proposed to clarify the appointment of members, that the first meeting must be called by June 30, 2000 and that members will be compensated for attendance only at authorized meetings of the commission.

Enacted law summary

Joint Order HP 1930 creates the Commission on Child Abuse consisting of five legislators. The commission will examine the current policies and public and private programs and resources related to physical and sexual abuse of children. The commission may accept public testimony. The commission may identify means to coordinate the available programs and resources to prevent and respond to child abuse. The commission’s reporting date is November 1, 2000.