

MAINE STATE LEGISLATURE

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**STATE OF MAINE
119TH LEGISLATURE**

SECOND REGULAR SESSION

**BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
JUDICIARY**

JULY 2000

MEMBERS:

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Sen. Sharon Anglin Treat

Sen. John W. Benoit

Rep. Richard H. Thompson, Chair

Rep. Thomas Bull

Rep. Charles C. LaVerdiere

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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:

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
NOT PROPERLY BEFORE THE BODY..... Ruled out of order by the presiding officers; bill died
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 August 11, 2000.

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

<u>Sponsor(s)</u> DAGGETT		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1941 proposed a process for the involuntary commitment of persons in need of treatment for substance abuse or substance addiction.

<u>Sponsor(s)</u> SNOWE-MELLO		<u>Committee Report</u> ONTP MAJ OTP-AM MIN		<u>Amendments Adopted</u>
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LD 1961 proposed to amend the right of entry clauses for the Maine Land Use Regulation Commission, the Bureau of Parks and Lands and the Department of Environmental Protection, and under the forest practices laws. The bill proposed that entry upon private land by an agent or employee of the agencies or department is a trespass unless:

1. The owner or occupant of the land provides express permission;
2. The entry is pursuant to a warrant specifying the scope of the search to be undertaken; or
3. The agent or employee has a good and sufficient reason to suspect a violation, supported by oath or affirmation, and specifying the law violated.

The bill proposed an exception for responding to an emergency in which human life is threatened.

Committee Amendment "A" (H-981), the minority report, it proposed to replace the bill to change the prerequisites that apply to entry on private land by Maine Land Use Regulation Commission staff, forest rangers, employees and agents of the Bureau of Parks and Lands, employees and agents of the Bureau of Forestry and employees and agents of the Department of Environmental Protection. The amendment proposed that entry on property posted for limited entry may be made only if the person has a warrant issued by a court of competent jurisdiction or if the owner has given consent to the entry. If the landowner has been issued a permit by one of these state agencies, then the owner is deemed to have given consent for the entry. The amendment proposed that land is conspicuously posted for limited entry if the posting meets the requirements of the criminal trespass laws in the Maine Revised Statutes, Title 17-A, section 402, subsection 4. Signs meeting the requirements of Title 17-A, section 402, subsection 4 would have been permitted to indicate that access by state employees or consultants for the purposes of making inspections, surveys, examinations and evaluations and otherwise ensuring compliance is prohibited without obtaining a warrant or the consent of the owner. Entry onto private land or waters in violation of these requirements would have been a trespass, unless the entry is part of that agency's emergency response.