

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

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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

Enacted law summary

Public Law 1999, chapter 638 allows corporations, partnerships and other business entities to merge or consolidate with each other and to convert to a different legal form. It sets forth the process that must be followed to accomplish the merger, consolidation or conversion and the effect of such changes on the powers, duties and property rights of the resulting business entity. The law exempts deeds made pursuant to mergers or consolidations from the real estate transfer tax if the transfer meets certain criteria. The law also changes the fees for filing of business entity documents with the Secretary of State. It increases the fee for filing Articles of Incorporation for domestic corporations from \$105 to \$125, reduces the fees for filing documents relating to limited partnerships, limited liability companies and limited liability corporations to make them equal to the fees for filing comparable business corporation documents, and provides that foreign entity filing fees are twice the amount of the comparable domestic entity fees.

LD 2307 An Act to Protect the Health and Well-being of a Nursing Infant of Separated or Divorcing Parents PUBLIC 702

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CATHCART	OTP-AM MAJ ONTP MIN	S-661

LD 2307 proposed to add the fact of whether the mother is breast-feeding an infant as an additional factor in the list of several factors a judge must consider in deciding parental rights and responsibilities.

Committee Amendment "A" (S-661) proposed to clarify that when a court is awarding parental rights and responsibilities and is considering the factors to determine the best interest of the child, the factor of whether a child is being breast-fed must be considered, but only if the child is under one year of age.

Enacted law summary

Public Law 1999, chapter 702 provides that when a court is awarding parental rights and responsibilities and is considering the factors to determine the best interest of the child, the factor of whether a child is being breast-fed must be considered if the child is less than one year of age.

LD 2314 An Act to Clarify the Maine Human Rights Act Concerning Compensatory and Punitive Damages ONTP

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

Current law specifies that, in cases of intentional employment discrimination, a person may recover punitive and compensatory damages under the Maine Human Rights Act only if the person cannot recover those damages under federal human rights legislation governing race. LD 2314 proposed that such recovery be permissible only if the person is unable to recover under the federal human rights legislation governing race or general federal human rights laws governing intentional employment discrimination.