

MAINE STATE LEGISLATURE

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*State Of Maine
121st Legislature*

First Regular Session

Bill Summaries

*Joint Standing Committee
on
Judiciary*

July 2003

Members:

Sen. Peggy A. Pendleton, Chair

Sen. Mary R. Cathcart

Sen. Chandler E. Woodcock

Rep. William S. Norbert, Chair

Rep. Thomas D. Bull

Rep. Deborah L. Simpson

Rep. Stan Gerzofsky

Rep. Philip R. Bennett, Jr.

Rep. Janet T. Mills

Rep. Roger L. Sherman

Rep. Roderick W. Carr

Rep. Brian M. Duprey

Rep. Joan Bryant-Deschenes

Rep. Donna M. Loring

Staff:

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Maine State Legislature



Office Of Policy And Legal Analysis Office Of Fiscal And Program Review

121st Maine Legislature First Regular Session

Summary Of Legislation Before The Joint Standing Committees

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing and joint 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 committees.

The document is organized for convenient reference to information on bills considered by the committees. It is arranged alphabetically by committee name 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>CARRIED OVER PURSUANT TO HP 1212</i>	<i>Bills carried over to the 2nd Regular Session</i>
<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>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>PASSED</i>	<i>Joint Order passed in both bodies</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 that the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is September 13, 2003.

David C. Elliott, Director
Offices located in Room 215 of the Cross Office Building

Joint Standing Committee on Judiciary

medical expenses and health insurance premiums are not included in the calculations, but are shared by the parties in proportion to their incomes.

Committee Amendment "B" (H-500) was the minority report of the committee. It differed from the majority report in that the enhanced basic support obligation, after being divided in proportion to the obligors' gross income, was divided so that each parent would end up with 1/2 of the enhanced amount in that parent's home. The higher income party's payment would be the enhanced support entitlement multiplied by the difference between that party's percentage of income and 50%. The obligation, however, would never be greater than it would be under the basic support obligation. (Not adopted)

Enacted Law Summary

Public Law 2003, chapter 415 provides a standard calculation for determining child support for the courts and the parties in cases in which the parents provide substantially equal parenting for the child but have unequal incomes.

LD 235 An Act Concerning the Treatment of Gross Income in Cases in PUBLIC 123 **Which Both Child Support and Spousal Support Are Considered**

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

LD 235 proposed to clarify that spousal support is not considered as part of the gross income of the recipient of child support in the computation of child support for the children of the marriage in an initial child support order and in any subsequent child support computation on an ensuing motion for children of that marriage.

Enacted Law Summary

Public Law 2003, chapter 123 clarifies that spousal support is not considered as part of the gross income of the recipient of child support in the computation of child support for the children of the marriage in an initial child support order and in any subsequent child support computation on an ensuing motion for children of that marriage.

LD 247 An Act To Increase the Value of Real and Personal Property PUBLIC 47 **Exempt from Attachment**

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
SMITH W		OTP-AM		H-81
EDMONDS				

LD 247 proposed to increase the value of a debtor's residence or burial plot that is exempt from attachment in a civil proceeding to \$50,000, and to \$100,000 if the debtor's minor dependent resides with the debtor.

Committee Amendment "A" (H-81) proposed to replace the homestead exemption increases proposed by the bill by smaller increases.

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Under this amendment, \$35,000 of a debtor's residence or burial plot would be exempt from attachment in a civil proceeding. The value of the residence that would be exempt would be \$70,000 if the debtor's minor dependents reside there as well. If the property is owned jointly, the value of property exempt would be the lesser of \$35,000 or the product of the debtor's fractional share of the interest times \$70,000.

This amendment proposed to make similar changes to the homestead exemption for a residence or burial plot of debtors or debtors who have a dependent who is at least 60 years old or physically or mentally disabled. In these cases, the residence or burial exemption from attachment would be increased to \$70,000. If the property is owned jointly, the value of property exempt would be the lesser of \$70,000 or the product of the debtor's fractional share of the interest times \$140,000.

Enacted Law Summary

Public Law 2003, chapter 47 increases the value of a debtor's residence or burial plot that is exempt from attachment in a civil proceeding to \$35,000, and to \$70,000 if the debtor's minor dependent resides with the debtor.

The homestead exemption is \$70,000 if the debtor or the debtor's dependent is at least 60 years old or physically or mentally disabled.

LD 273

**An Act To Modify Certain Criminal Appeal Statutes in View of the
New Maine Rules of Appellate Procedure**

PUBLIC 17

Sponsor(s)

Committee Report
OTP

Amendments Adopted

LD 273 proposed to make changes in criminal appeal statutes in response to the Supreme Judicial Court's adoption of the Maine Rules of Appellate Procedure, effective January 1, 2001, and in response to Public Law 2001, chapter 17, effective September 2001.

Enacted Law Summary

Public Law 2003, chapter 17 makes changes in criminal appeal statutes in response to the Supreme Judicial Court's adoption of the Maine Rules of Appellate Procedure, effective January 1, 2001, and in response to Public Law 2001, chapter 17, effective September 2001. The changes include the hearing procedure and appellate review procedure for a petition contesting extradition, and the appellate review from a final judgment in a post-convictions review proceeding.