

# 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*

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*13 State House Station*

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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](http://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 2<sup>nd</sup> 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 &amp; 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&amp;S XXX</i> .....	<i>Chapter # of enacted Private &amp; 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

This bill proposed to provide that the right to a trial by jury includes the right to inform the jury about the jury's power to judge the law as well as all the evidence. Failure to provide the defendant with the opportunity to inform the jury would be grounds for a mistrial or a new trial.

**LD 736**                      **An Act To Specify Information Required in a Divorce Decree**                      **PUBLIC 18**

<u>Sponsor(s)</u> NORBERT PENDLETON		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 736 proposed to clarify that a decree of divorce or an abstract of a decree for divorce involving rights to real property must be filed in the registry of deeds for the county or the district where the real property is located for the decree to have any effect. This bill also proposed to expand the information that is required to be contained in the abstract or decree.

### *Enacted Law Summary*

Public Law 2003, chapter 18 clarifies that a decree of divorce or an abstract of a decree for divorce involving rights to real property must be filed in the registry of deeds for the county or the district where the real property is located for the decree to have any effect. This bill also expands the information that is required to be contained in the abstract or decree.

**LD 741**                      **An Act To Expand the Powers and Authority of Case Management Officers in the Family Division**                      **PUBLIC 84**

<u>Sponsor(s)</u> TARDY		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-82
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LD 741 proposed to make several changes to the law governing the Family Division of the District Court.

It proposed to revise the title of family case management officers to family law magistrates.

LD 741 also proposed to authorize family law magistrates to grant requests for access to confidential child protective records held by the Department of Human Services. Under such a "Clifford order," the family law magistrate could review the records in camera to determine which records, if any, may be inspected.

LD 741 proposed to authorize the family law magistrates to issue habeas corpus writs when a party is incarcerated in order to secure the presence of that party to a proceeding, and to return the party to the place of incarceration after the proceeding.

LD 741 also proposed to give the family law magistrates jurisdiction to hear and issue final orders in divorces covering any issues to which the parties have consented that the family law magistrate decide.

## *Joint Standing Committee on Judiciary*

LD 741 proposed to allow the Chief Judge of the District Court to authorize the family law magistrates to wear robes when presiding over any proceeding. Family law magistrates would be given the power of contempt that judges and justices currently have.

**Committee Amendment "A" (H-82)** proposed to replace the bill, but retain 3 of the central proposals of the bill:

1. Give the family case management officers the power to issue writs of habeas corpus for the attendance at proceedings by parties that are incarcerated;
2. Give the family case management officers the authority to issue orders to provide access to confidential information in the custody of the Department of Human Services; and
3. Give family case management officers the power to respond to contempt occurring in the presence of the family case management officer, which the family case management officer either saw or heard.

### *Enacted Law Summary*

Public Law 2003, chapter 84 makes several changes to the law governing the Family Division of the District Court.

It gives the family case management officers the power to issue writs of habeas corpus for the attendance at proceedings by parties that are incarcerated.

It gives the family case management officers the authority to issue orders to provide access to confidential information in the custody of the Department of Human Services.

It also gives family case management officers the power to respond to contempt occurring in the presence of the family case management officer, which the family case management officer either saw or heard.

**LD 760**

**An Act To Protect the Rights of Leaseholders and Ensure Their Continued Access to Land**

**ONTP**

Sponsor(s)  
CLARK  
STANLEY

Committee Report  
ONTP

Amendments Adopted

LD 760 proposed to allow a lessee the right of first refusal to continue leasing a parcel of land when the land is transferred to a different owner and the new owner intends to continue leasing the land.