

MAINE STATE LEGISLATURE

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*State Of Maine
121st Legislature*

*Second Regular Session and
Second Special Session*

Bill Summaries

*Joint Standing Committee
on
Judiciary*

May 2004

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. Philip R. Bennett, Jr.

Rep. Stan Gerzofsky

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:

Margaret J. Reinsch, Senior Analyst

Office of Policy and Legal Analysis

13 State House Station

Augusta, ME 04333

(207) 287-1670

Maine State Legislature



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

*121st Maine Legislature
Second Regular Session and
Second Special 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/billsumm.htm).

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
P&S XXX.....	Chapter # of enacted Private & Special Law
PASSED.....	Joint Order passed in both bodies
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 that the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is April 30, 2004; and non-emergency legislation enacted in the Second Special Session is July 30, 2004. Four bills (LD's 1572, 1629, 1636 and 1637) that were considered at the First Special Session in August 2003 are also included in these summaries.

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

Joint Standing Committee on Judiciary

LD 274

An Act to Correct Errors and Inconsistencies in the Laws of Maine

**PUBLIC 510
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-593 H-596 NORBERT

LD 274 proposed to correct technical errors and inconsistencies in Maine laws.

Committee Amendment "A" (H-593) proposed to make technical changes in Part A, Part B and Part E. The amendment proposed changes that would or could be interpreted as substantive changes in Part C and Part F. Part D proposed technical corrections of conflicts in the retirement benefit laws.

House Amendment "A" to Committee Amendment "A" (H-596) proposed to provide that a residential care facility with 4 beds whose residents have prompt evacuation capability must comply with the one-family and 2-family dwellings chapter of the Life Safety Code if the facility is licensed after September 30, 2002.

Senate Amendment "A" to Committee Amendment "A" (S-342) proposed to authorize the Commissioner of Inland Fisheries and Wildlife to restrict moose hunting to a particular section or sections within any moose hunting area. (Proposed in the Second Regular Session; not adopted.)

Senate Amendment "B" to Committee Amendment "A" (S-343) proposed to correct an erroneous repeal of the law prohibiting the buying and selling of moose. (Proposed in the Second Regular Session; not adopted.)

LD 274, as amended, was presented to the Governor for his signature on June 14, 2003, but was not signed. It became effective January 11, 2004 pursuant to the Maine Constitution, Article IV, Part Third, Sec. 2.

Enacted Law Summary

Public Law 2003, chapter 510, became law without the Governor's signature on January 11, 2004. It corrected technical errors and inconsistencies, and made several substantive corrections. See also LD 1897 for corrections to chapter 510.

LD 787

An Act To Clarify the Landowner Liability Law with Regard to Construction and Maintenance of Snowmobile and Other Trails for Recreational Use

**PUBLIC 509
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS P CARR	OTP-AM	S-356

LD 787 proposed to limit the liability of a snowmobile club to \$100,000 for damages resulting from an accident incident to the club's trail-grooming activities.

Joint Standing Committee on Judiciary

Committee Amendment "A" (S-356) proposed to replace the bill and amend the title. It proposed to add the definition of "occupant" to the current law that provides limited liability for recreational or harvesting activities.

The amendment proposed to define "occupant" to include an individual, corporation, partnership, association or other legal entity that constructs or maintains trails or other improvements for public recreational use.

The amendment proposed to add an emergency preamble and an emergency clause to make the bill take effect immediately to ensure that the clarification of the law applies to the current snowmobiling season.

Enacted Law Summary

Public Law 2003, chapter 509 amends the landowner liability law to provide protection to any legal entity that constructs or maintains trails or other improvements for public recreational use. The language is not limited to snowmobile trails and covers any type of recreational trail.

Public Law 2003, chapter 509 was enacted as an emergency measure effective January 9, 2004.

LD 921

An Act To Enact the Uniform Trust Code

PUBLIC 618

Sponsor(s)
MILLS P

Committee Report
OTP-AM

Amendments Adopted
H-795

LD 921 was a concept draft pursuant to Joint Rule 208.

Committee Amendment "A" (H-795) proposed to replace the bill.

Part A proposed to enact the Maine Uniform Trust Code, effective July 1, 2005.

Part B proposed to repeal superseded sections of the Probate Code and update cross-references, effective July 1, 2005.

Part C proposed to amend 3 sections of the Probate Code concerning different forms of health care powers of attorney to ensure that health care providers are not limited in the medical information they provide to the agent by the federal Health Insurance Portability and Accountability Act of 1996.

Enacted Law Summary

Public Law 2003, chapter 618 amends the State's trust laws adopting a slightly revised version of the Uniform Trust Code. Uniform Comments and Maine Comments are included.

The Maine Uniform Trust Code is effective July 1, 2005.

Chapter 618 also amends the Probate Code concerning different forms of health care powers of attorney to ensure that health care providers are not limited in the medical information they provide to the agent by the federal Health Insurance Portability and Accountability Act of 1996.