

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

*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](http://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 999**                      **An Act To Ensure Fairness in Payment of Superior Court Witness Fees by Counties**                      **ONTP**

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

LD 999 proposed to require the Law Enforcement Agency Reimbursement Fund to reimburse the employer of a law enforcement officer a flat fee of \$50 per day or part of a day for an officer who testifies at a pretrial hearing in Superior Court for a Class D or Class E crime. See also LD 1070.

**LD 1039**                      **An Act Concerning Passamaquoddy Indian Territory in Washington County**                      **ONTP**

<u>Sponsor(s)</u> MOORE F	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
------------------------------	---------------------------------	---------------------------

LD 1039 proposed to extend the date from January 1, 2001 to January 1, 2020, by which the Secretary of the Interior of the United States may acquire land in Washington County for the benefit of the Passamaquoddy Tribe.

**LD 1070**                      **An Act To Increase Traffic Fines and Apportion a Part of the Increase to the Issuing Jurisdiction**                      **ONTP**

<u>Sponsor(s)</u> SUSLOVIC STRIMLING	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
--	---------------------------------	---------------------------

LD 1070 proposed to increase traffic fines by 5% every 2 years from January 1, 2004 through January 1, 2012. The bill also proposed to remit a percentage of the fines collected for traffic infractions to the law enforcement agency that issued the summons and complaint. Beginning January 1, 2004, the percentage remitted to the law enforcement agency would increase by 10% every 2 years with the last increase on January 1, 2012.

**Committee Amendment "A" (H-646)** was the minority report of the Joint Standing Committee on Transportation.

This amendment proposed to rename and replace the bill and increase the amount reimbursed to a municipality from the Law Enforcement Agency Reimbursement Fund from \$50 to \$75 per day or part of a day for any officer employed by that municipality who is physically present for a scheduled trial in District Court. The amendment also proposed to require the Law Enforcement Agency Reimbursement Fund to be used to reimburse a municipality a flat fee of \$75 per day or part of a day for any officer employed by that municipality who is physically present for a scheduled pretrial hearing for a Class D or Class E crime in Superior Court.

LD 1070 was carried over by the Transportation Committee from the First Regular Session. It was then re-referred to the Judiciary Committee. See also LD 999.