

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:

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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 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>
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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>
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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>
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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.