

# 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*

*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:**

*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 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

LD 1155

An Act To Include Alternates as Regular Jurors

PUBLIC 299

|                              |  |                                   |  |                                    |
|------------------------------|--|-----------------------------------|--|------------------------------------|
| <u>Sponsor(s)</u><br>MILLS P |  | <u>Committee Report</u><br>OTP-AM |  | <u>Amendments Adopted</u><br>H-325 |
|------------------------------|--|-----------------------------------|--|------------------------------------|

LD 1155 proposed to eliminate the need for choosing alternate jurors who are dismissed at the end of civil trials. All jurors chosen would participate in the verdict so long as the panel contained at least 7 members. The bill proposed to direct the court to appoint a foreperson to oversee deliberations and to speak for the jury.

**Committee Amendment "A" (H-325)** proposed to ensure that all jurors who have heard the evidence in a civil trial participate in determining the verdict unless excused for good cause. It proposed to clarify that the court must seat a jury consisting of 8 or 9 jurors. A verdict must be decided by the unanimous vote of at least 3/4 of the jurors participating in the verdict, unless the parties stipulate otherwise. A jury reduced to 6 or fewer members would not be permitted to render a verdict.

This amendment was modeled on the Federal Rules of Civil Procedure, Rule 48. The Maine Rules of Civil Procedure, Rule 48 currently provides that a verdict must have the agreement of at least 3/4 of the jurors.

### *Enacted Law Summary*

Public Law 2003, chapter 299 ensures that all jurors who have heard the evidence in a civil trial participate in determining the verdict unless excused for good cause. It clarifies that the court must seat a jury consisting of 8 or 9 jurors. A verdict must be decided by the unanimous vote of at least 3/4 of the jurors participating in the verdict, unless the parties stipulate otherwise. A jury reduced to 6 or fewer members is not permitted to render a verdict.

**LD 1183**

An Act Regarding Abandoned Rights-of-way

ONTP

|                           |  |                                 |  |                           |
|---------------------------|--|---------------------------------|--|---------------------------|
| <u>Sponsor(s)</u><br>HALL |  | <u>Committee Report</u><br>ONTP |  | <u>Amendments Adopted</u> |
|---------------------------|--|---------------------------------|--|---------------------------|

LD 1183 proposed to remove the provision of law that allows the legislative body of a municipality to vote to have an easement for recreational use over a town or county way that has been discontinued by abandonment because the town or county did not keep that town or county way passable for the use of motor vehicles for a period of 30 or more consecutive years. See also LD 1473.