

MAINE STATE LEGISLATURE

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*State Of Maine
122nd Legislature*

*First Regular Session and
First Special Session*

Bill Summaries

*Joint Standing Committee
on
Judiciary*

August 2005

Members:

Sen. Barry J. Hobbins, Chair

Sen. Lynn Bromley

Sen. David R. Hastings III

*Rep. Deborah L. Pelletier-Simpson,
Chair*

Rep. Sean Faircloth

Rep. Stan Gerzofsky

Rep. Marilyn E. Canavan

Rep. Mark E. Bryant

Rep. Michael Edward Dunn

Rep. Roger L. Sherman

Rep. Roderick W. Carr

Rep. Joan Bryant-Deschenes

Rep. Joan M. Nass

Rep. Donna M. Loring

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Maine State Legislature

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122nd Legislature
First Regular Session and First Special Session

Summary of Legislation Considered by the Joint Standing Committees
August 2005

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing 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 organized by committees 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. A subject index for each committee is included immediately before the bill summaries for that committee, and a numerical index by LD number is included 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).

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:

- CARRIED OVER Bill Carried Over to Second Regular Session
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
OTP ND/NT..... Committee report Ought To Pass In New Draft/New Title
P&S XXX..... Chapter # of enacted Private & Special Law
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 the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is June 29, 2005; and for non-emergency legislation enacted in the First Special Session is September 17, 2005.

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LD 256 **An Act To Ensure Compliance with Court-ordered Child Support** **ONTP**

<u>Sponsor(s)</u> MOODY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 256 proposed to require a court to issue summary process and find a person in contempt when the person has defaulted on a child support order.

LD 260 **An Act To Amend the Laws Governing Mechanics Liens** **PUBLIC 311**

<u>Sponsor(s)</u> BERUBE		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-540
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LD 260 proposed to amend the laws governing mechanics liens to require a lien claimant who has preserved a lien by filing an action in court to file a certificate or copy of the complaint in the registry of deeds within 30 days of bringing the action.

Committee Amendment "A" (H-540) proposed to replace the bill. It proposed to require mechanics lien claimants to file a notice in the registry of deeds within 60 days of filing a complaint in court to perfect the lien.

Enacted law summary

Public Law 2005, chapter 311 amends the mechanics lien laws to require lien claimants to file a notice in the registry of deeds within 60 days of filing a complaint in court to perfect the lien. This notice will inform potential purchasers of the property that the lien claim has been perfected and that the property is subject to the lien. Failure to file the notice before a bona fide purchaser takes title to property will defeat the lien claim.

LD 262 **An Act To Protect Pregnant Women from Acts of Violence** **PUBLIC 408**

<u>Sponsor(s)</u> DUPREY MARTIN		<u>Committee Report</u> ONTP MAJ OTP-AM MIN		<u>Amendments Adopted</u> H-682 PELLETIER- SIMPSON
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LD 262 proposed to create the new crimes of murder, felony murder, assault, aggravated assault and elevated aggravated assault against an unborn child. The proposed punishment for these crimes is consistent with penalties for the same offenses committed against persons as defined in the Maine Revised Statutes, Title 17-A, chapter 9.

The proposed crimes against unborn children would not apply to an abortion to which the pregnant woman has consented, nor to acts committed pursuant to usual and customary standards of medical practice during diagnostic or therapeutic treatment. The proposed crimes would not apply to the pregnant woman.

Committee Amendment "A" (H-647) proposed to include a purpose and intent section to make clear that the purpose of the new chapter creating crimes in which an unborn child's death results is to provide appropriate

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criminal justice consequences for crimes committed against an unborn child, not to provide status as a person to an unborn child. The proposed language provided that the chapter may not be construed to affect the State's policy concerning abortion or affect the rights of a pregnant woman concerning abortion as provided in the Maine Revised Statutes, Title 22, chapter 263-B.

The amendment proposed to remove from the bill those provisions creating the crimes of assault, aggravated assault and elevated aggravated assault on an unborn child, and from the new crime of manslaughter of an unborn child criminal liability of an employer who violates an occupational health and safety standard that causes the death of an unborn child. (Not adopted)

House Amendment "A" (H-682) proposed to replace the bill and provide for the crime of elevated aggravated assault on a pregnant person for a person who intentionally or knowingly causes serious bodily injury to a person the offender knows or has reason to know is pregnant.

Enacted law summary

Public Law 2005, chapter 408 creates the new crime of elevated aggravated assault on a pregnant person for a person who intentionally or knowingly causes serious bodily injury to a person the offender knows or has reason to know is pregnant. The crime is a Class A crime.

LD 272 **An Act To Provide an Exemption from Discrimination Laws to Fitness Centers** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SNOWE-MELLO DAVIS P	ONTP MAJ OTP-AM MIN	

LD 272 proposed to provide an exception to the law prohibiting discrimination in places of public accommodation to permit a fitness center to provide facilities and services exclusively to persons of one sex.

Committee Amendment "A" (S-137), the minority report of the Joint Standing Committee on Judiciary, proposed to correct the bill to exempt fitness centers from the law that prohibits discrimination in public accommodations to allow fitness centers to provide facilities and services to exclusively one sex. (Not adopted)

LD 281 **An Act Authorizing Property Managers To Bring Eviction Actions on Behalf of Landlords** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERUBE SNOWE-MELLO	ONTP	

LD 281 proposed to give a property manager the authority to file an eviction action on behalf of a landlord.