

State Of Maine 122nd Legislature

First Regular Session and First Special Session

Bill Summaries

Joint Standing Committee on Judiciary

August 2005

<u>Members</u>: 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, <u>History and Final Disposition of Legislative Documents</u>, 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	Bill Carried Over to Second Regular Session
CONF CMTE UNABLE TO AGREE	
DIED BETWEEN BODIES	House & Senate disagree; bill died
DIED IN CONCURRENCE	One body accepts ONTP report; the other indefinitely postpones the bill
	Action incomplete when session ended; bill died
EMERGENCY	Enacted law takes effect sooner than 90 days
FAILED EMERGENCY ENACTMENT/FINAL PAS	SAGE Emergency bill failed to get 2/3 vote
FAILED ENACTMENT/FINAL PASSAGE	Bill failed to get majority vote
FAILED MANDATE ENACTMENT	
NOT PROPERLY BEFORE THE BODY	
INDEF PP	
ONTP	
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
	Chapter # of finally passed Resolve
	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*.

Joint Standing Committee on Judiciary

LD 415 Resolve, To Create the Committee To Study State Compliance with the Federal Indian Child Welfare Act of 1978

RESOLVE 118 EMERGENCY

Sponsor(s)	Committee Report	Amendments Adopted
ROTUNDO	OTP-AM	H-710 DUPLESSIE
PELLETIER-		S-138
SIMPSON		

LD 415 proposed to require the Department of Health and Human Services to comply with the federal Indian Child Welfare Act when dealing with a child who is a member of an Indian tribe recognized by the Federal Government or Maine.

Committee Amendment "A" (S-138) proposed to replace the bill with a resolve to create the Committee To Study State Compliance with the Federal Indian Child Welfare Act of 1978. The committee would consist of 12 members, including Legislators, representatives of the four tribes and bands recognized in this State, the Attorney General or the Attorney General's designee and the Commissioner of Health and Human Services or the commissioner's designee. The amendment proposed that the Chief Justice of the Supreme Judicial Court be asked to appoint a representative of the judicial branch to serve as a voting member of the committee. The amendment proposed that the committee study compliance by the State with the federal Indian Child Welfare Act of 1978 and report to the Joint Standing Committee on Judiciary by December 1, 2005. The Judiciary Committee would have authority to introduce legislation in the Second Regular Session of the 122nd Legislature.

House Amendment "A" to Committee Amendment "A" (H-710) proposed to: specify that a single public hearing may be held in Augusta; remove a provision of the resolve concerning compensation of public members; and bring the resolve into conformity with the Joint Rules and Standards for Legislative Studies adopted by the Legislative Council.

Enacted law summary

Resolve 2005, chapter 118 creates the Committee To Study State Compliance with the Federal Indian Child Welfare Act of 1978. The committee consists of 12 members, including Legislators, representatives of the four tribes and bands recognized in this State, the Attorney General or the Attorney General's designee and the Commissioner of Health and Human Services or the commissioner's designee. The Chief Justice of the Supreme Judicial Court is asked to appoint a representative of the judicial branch who will serve as a voting member of the committee. The committee will study compliance by the State with the federal Indian Child Welfare Act of 1978 and report to the Joint Standing Committee on Judiciary by December 1, 2005.

Resolve 2005, chapter 118 was finally passed as an emergency measure effective June 21, 2005.

LD 432

An Act To Increase from 90 to 120 Days the Time Frame To File Contractor Liens

<u>Sponsor(s)</u> MCKANE DOW Committee Report ONTP Amendments Adopted

ONTP

Joint Standing Committee on Judiciary

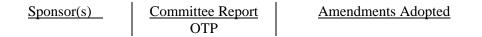
LD 432 proposed to extend the period of time from 90 days to 120 days during which a person may file a mechanics lien and avoid the dissolution of the lien.

LD 466 An Act To Implement the Recommendations of the Committee To ONTP Study Compliance with Maine's Freedom of Access Laws Concerning Attorney's Fees

Sponsor(s)	Committee Report	Amendments Adopted
	ONTP	

LD 466 is the recommendation of the majority of the Committee to Study Compliance with Maine's Freedom of Access Laws. It proposed to apply to actions filed in court to enforce access to public proceedings and records under the Maine freedom of access laws. It proposed to give the court discretion to award attorney's fees and litigation expenses to either party when certain circumstances exist.

LD 467 An Act To Implement the Recommendations of the Committee To PUBLIC 381 Study Compliance with Maine's Freedom of Access Laws Concerning Personal Contact Information



LD 467 is the recommendation of the majority of the Committee to Study Compliance with Maine's Freedom of Access Laws. It proposed to provide an exception to the definition of "public record" in Maine's freedom of access laws for the personal contact information of public employees.

The bill as amended was reviewed and evaluated by the Joint Standing Committee on Judiciary pursuant to the Maine Revised Statutes, Title 1, section 434, which requires review and evaluation of new exceptions to laws governing public records.

Enacted law summary

Public Law 2005, chapter 381 is the recommendation of the majority of the Committee to Study Compliance with Maine's Freedom of Access Laws. It provides an exception to the definition of "public record" in Maine's freedom of access laws for the personal contact information of public employees.

LD 469 An Act To Simplify the Real Estate Foreclosure Process

PUBLIC 291

Sponsor(s)	Committee Report	Amendments Adopted
CRESSEY	OTP-AM	H-466
DAMON		

LD 469 proposed to require a lender who sells a property at auction after foreclosure to deliver the writ of possession to the buyer along with the deed to the property.