

# 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*

**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 & LEGAL ANALYSIS

13 State House Station, Room 215 Cross State Office Building
Augusta, Maine 04333-0013
Telephone: (207) 287-1670
Fax: (207) 287-1275

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.

## Joint Standing Committee on Judiciary

**LD 539**                      **An Act Authorizing Municipalities To Establish Walking Trails**                      **DIED BETWEEN HOUSES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GAGNON	ONTP      MAJ	
MARLEY	OTP-AM    MIN	

LD 539 proposed to authorize municipalities to establish walking trails and provide a private landowner limited liability for injury occurring on the municipal walking trail on that landowner's property.

**Committee Amendment "A" (S-338)**, the minority report of the Joint Standing Committee on Judiciary, proposed to replace the bill. It proposed to establish a simplified optional framework for the public, nonprofit organizations and municipal government to establish trails. It did not propose to affect the liability of municipalities or private landowners already established under current law. (Not adopted)

**LD 549**                      **An Act To Expedite the Forcible Entry and Detainer Process in Nonpayment Cases**                      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS J	ONTP	

LD 549 proposed to require a tenant with a written lease who receives a notice to quit for nonpayment of rent and has no defense for nonpayment to place the amount of rent owed in escrow with the District Court in order to receive a hearing on the notice. It proposed that if a tenant who receives a notice to quit for nonpayment does not place the amount of rent owned in escrow within three days after the expiration of the notice to quit, the court would be required to issue a writ of possession.

**LD 570**                      **An Act To Require the Fair Application of the Mechanic's Lien Law**                      **PUBLIC 287**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER SMITH N	OTP-AM	S-230

LD 570 proposed to protect nonresidential owners from mechanics liens filed by a supplier of goods and services when the supplier does not have a contract with the owner.

**Committee Amendment "A" (S-230)** proposed to replace the bill. It proposed to rewrite the provisions concerning the requirements for avoiding the dissolution of a mechanics lien to include providing notice of the lien filing to the owner or owners if the lien claimant does not have a contract with the owner or owners.

### Enacted law summary

## *Joint Standing Committee on Judiciary*

Public Law 2005, chapter 287 rewrites the provisions concerning the requirements for avoiding the dissolution of a mechanics lien to include providing notice to the owner or owners of the lien filing if the lien claimant does not have a contract with the owner or owners. Chapter 287 establishes a period during which the lien claimant and the contractor have the opportunity to work out the claim for payment underlying the lien before the lien claimant must provide notice of the filing of the complaint in court. The lien claimant must wait 30 days after filing the complaint against the contractor, the owner and other responsible parties to notify the owner of the property. The deadline for filing the return of service for serving the complaint on the owner, as provided in the Maine Rules of Civil Procedure, is tolled for 30 days, which is consistent with not serving the owner of the suit for 30 days.

**LD 591**                      **An Act To Clarify the Provisions for Child Support Orders  
Providing Health Insurance for Children**                      **ONTP**

<u>Sponsor(s)</u> TARDY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 591 proposed to allow the court to order either parent, or both, to provide health insurance coverage for the child.

See also LD 1502.

**LD 592**                      **An Act To Allow Case Management Officers To Conduct Hearings  
in Divorce Court**                      **PUBLIC 385**

<u>Sponsor(s)</u> TARDY		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 592 proposed to authorize the Chief Justice of the Supreme Judicial Court to establish a pilot project in which one or more family case management officers have jurisdiction to hear and dispose of all elements of a divorce action when both parties to the divorce consent.

### *Enacted law summary*

Public Law 2005, chapter 385 authorizes the Chief Justice of the Supreme Judicial Court to establish a pilot project in which one or more family case management officers have jurisdiction to hear and dispose of all elements of a divorce action when both parties to the divorce consent. By January 15, 2007, the State Court Administrator is required to report the results of any pilot project to the joint standing committee of the Legislature having jurisdiction over judiciary matters.