

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.

Joint Standing Committee on Judiciary

LD 986 **An Act To Amend the Maine Revised Uniform Limited Partnership Act** **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HOBBINS PELLETIER- SIMPSON		

LD 986 is a concept draft pursuant to Joint Rule 208. It proposed to make changes to the Maine Revised Uniform Limited Partnership Act of the Maine Revised Statutes, Title 31, chapter 11.

See also LD 1609.

This bill was carried over by H.P. 1203 to any special or regular session of the 122nd Legislature.

LD 1006 **An Act To Modify Joint and Several Liability** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NASS R	ONTP	

LD 1006 proposed to modify joint and several liability among defendants.

LD 1025 **An Act To Expedite the Divorce Process in Instances of Domestic Violence** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPLESSIE DIAMOND	ONTP	

LD 1025 is a concept draft pursuant to Joint Rule 208. It proposed to amend the laws concerning divorce actions to require the District Court to adopt a scheduling process that provides for expedited hearings in divorce actions in cases involving domestic violence.

LD 1045 **An Act Regarding Contract Indemnification** **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HOBBINS		

LD 1045 proposed to prohibit certain indemnification agreements by which a contracting party indemnifies itself from its own negligence or willful misconduct.

Joint Standing Committee on Judiciary

This bill was carried over by H.P. 1203 to any special or regular session of the 122nd Legislature.

LD 1053 **An Act To Protect Maine Harness Racing from Illegal Wagering** **PUBLIC 304**

<u>Sponsor(s)</u> MARTIN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-246
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LD 1053 proposed to make it illegal to accept or solicit a bet concerning harness racing in the State by any means without a license from the State Harness Racing Commission. It proposed to allow a private right of action to any licensed commercial racetrack in the State against anyone conducting illegal wagering on harness racing in the State, with damages set at 20% of the monetary amount of the illegal wagering proved plus reasonable costs of collection and attorney's fees.

Committee Amendment "A" (S-246) proposed to replace the bill and build on the current law under which accepting harness racing wagers from anyone located in Maine is illegal unless the person accepting the wager is licensed by the Maine Harness Racing Commission. It proposed to create a private right of action to enforce the law with any damages, after the reasonable costs of suit, to be divided among the State's funds to provide for Maine's extended meets, harness racing purses, Maine's commercial tracks and Maine's off-track betting facilities. The damages are proposed to make up for the lost revenues experienced in Maine's harness racing industry because of electronic wagering that is not subject to the taxes placed on wagers legally placed in Maine. The amendment proposed to authorize damages for violations after written notice of the provisions of law.

Enacted law summary

Public Law 2005, chapter 304 creates a private right of action to enforce the unauthorized wagering law. Any damages, after the reasonable costs of suit, are to be divided among the State's funds to provide for Maine's extended meets, harness racing purses, Maine's commercial tracks and Maine's off-track betting facilities. The damages are intended to make up for the lost revenues experienced in Maine's harness racing industry because of electronic wagering that is not subject to the taxes placed on wagers legally placed in Maine. Punitive damages are authorized for violations after written notice of the provisions of this section.

LD 1063 **An Act To Improve the Guardian ad Litem System** **PUBLIC 360**

<u>Sponsor(s)</u> BRENNAN TARDY		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-298
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LD 1063 proposed to amend the laws concerning guardians ad litem. It proposed to add a section to the Probate Code to provide for appointment, qualifications, access to information, application of the best interest of the child standard, requirement of a report, immunity, requirement of notice and waiver of fees for guardians ad litem serving the Probate Court. This bill also proposed to authorize appointment of a guardian ad litem in an action in which a grandparent is seeking contact with a child. This bill proposed to provide that guardians ad litem are not required to pay certain court filing fees and fees for driving records and criminal record checks concerning persons involved in the action.