

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 1079

An Act To Require Publicly Funded Entities To Report Undocumented Illegal Aliens

ONTP

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

LD 1079 proposed to require a member of an organization that receives state funds to notify the United States Department of Homeland Security, United States Citizenship and Immigration Services if the member has contact with a person the member believes to be an undocumented illegal alien.

Committee Amendment "A" (H-581), the minority report of the Joint Standing Committee on Judiciary, proposed to revise the bill to require a member of an organization that receives state funds to notify the United States Department of Homeland Security, United States Citizenship and Immigration Services if the member has contact with a person the member knows to be an undocumented illegal alien. The contact with the known undocumented illegal alien must arise in the course of the official duties of the member of that organization. The notification would not be required if the member's knowledge is based on information that is privileged. (Not adopted)

LD 1084

An Act Concerning Gift Obligations, Stored-value Cards and Prefunded Bank Cards

PUBLIC 357

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VALENTINO GAGNON	OTP-AM	H-624

LD 1084 proposed to do the following:

1. Prohibit an issuer from placing an expiration date on a gift obligation;
2. Prohibit an issuer from charging dormancy charges or other fees, either before or after the start of the presumptive abandonment period; and
3. Establish that the abandoned amount is the face value of the gift obligation, requiring the issuer to turn that amount over to the Treasurer of State as abandoned property.

Committee Amendment "A" (H-624) proposed to replace the bill. It proposed to update definitions and prohibit any fees for gift obligations such as gift cards. It proposed to authorize prefunded bank cards be treated differently from gift obligations.

Enacted law summary

Public Law 2005, chapter 357 updates the definitions in the unclaimed property laws of "face value" and "property" to include "gift obligation," "prefunded bank card" and "stored-value card" where appropriate. It also revises the definition of "face value" to limit the deduction of service charges, fees and dormancy charges, when not prohibited, to be consistent with the other provisions of this amendment.

Joint Standing Committee on Judiciary

Chapter 357 creates a definition of "prefunded bank card," and establishes the presumptive abandonment period as three years. The amount abandoned is 100% of the face value or balance of the prefunded bank card. The financial organization that issued the prefunded bank card may impose dormancy fees consistent with the Maine Revised Statutes, Title 33, section 1956. The terms and conditions must be disclosed in a separate writing prior to the initial issuance and must be referenced on the prefunded bank card.

Chapter 357 revises the presumptive abandonment period for gift obligations and stored-value cards to clarify that the presumptive abandonment period begins to run from the last date that activity was recorded for that gift obligation or stored-value card. It also prohibits the issuer from imposing any fees or charges on the gift obligation or stored-value card, except that the issuer may charge a transaction fee for the initial issuance and for adding value to the gift obligation or stored-value card. The transaction fees must be disclosed in a separate writing prior to the initial issuance or must be noted on the gift obligation or stored-value card. Although current law authorizes dormancy charges for other unclaimed property, dormancy charges and inactivity fees are prohibited for gift obligations and stored-value cards. The unclaimed amount of a gift obligation or stored-value card when it is turned over to the state unclaimed property account is 60% of the face value, allowing the issuer to retain the remaining 40%.

LD 1115 **An Act To Facilitate Voting by Participants in the Address Confidentiality Program** **PUBLIC 364**

<u>Sponsor(s)</u> CANAVAN STRIMLING	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-625
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LD 1115 proposed to facilitate voting by individuals who are participating in the Address Confidentiality Program established pursuant to the Maine Revised Statutes, Title 5, section 90-B by allowing them to use their designated addresses when registering to vote and by ensuring that their names would not appear on any voting list made available to the public.

Committee Amendment "A" (H-625) proposed to clarify that the addresses of voters certified as participants in the Address Confidentiality Program contained in files or lists pertaining to registered voters are kept under seal and protected from public inspection. The amendment proposed to include a mandate preamble.

Enacted law summary

Public Law 2005, chapter 364 facilitates voting by individuals who are participating in the Address Confidentiality Program established pursuant to the Maine Revised Statutes, Title 5, section 90-B by allowing them to use their designated addresses when registering to vote and by ensuring that their names will not appear on any voting list made available to the public. All voter registration records pertaining to such voters are confidential and maintained by registrars of voters under seal. These voters are entitled to receive absentee ballots in the mail for every election during the period of their participation in the Address Confidentiality Program. They will be allowed to place their Address Confidentiality Program voter codes on the absentee ballot envelopes in lieu of their names and addresses to protect the confidentiality of their places of residence.