

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

*State Of Maine
122nd Legislature*

Second Regular Session

Bill Summaries

*Joint Standing Committee
on
Judiciary*

July 2006

Members:

Sen. Barry J. Hobbins, Chair

Sen. Lynn Bromley

Sen. David R. Hastings III

Rep. Deborah L. 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

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 and Legal Analysis Office of Fiscal and Program Review

122nd Maine Legislature Second Regular Session

Summary of Legislation Before The Joint Standing Committees

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing 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 arranged alphabetically by committee name 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. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located 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/billsumm.htm).

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:

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
P&S XXX.....	Chapter # of enacted Private & Special Law
PASSED.....	Joint Order passed in both bodies
PUBLIC XXX.....	Chapter # of enacted Public Law
RESOLVE XXX.....	Chapter # of finally passed Resolve
UNSIGNED (Pocket Veto).....	Bill held by Governor
VETO SUSTAINED.....	Legislature failed to override Governor's Veto

Please note that the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is August 23, 2006.

Joint Standing Committee on Judiciary

LD 1229 **An Act To Strengthen the Enforcement of Divorce Decrees** **ONTP**

<u>Sponsor(s)</u> MCKENNEY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
-------------------------------	--	---------------------------------	--	---------------------------

LD 1229 proposed to enhance the sanctions available for violations of parental rights and responsibilities orders, particularly concerning contact between the child and the parent who does not provide the primary residence of the child. The bill also proposed to direct the Governor to designate an appropriate state agency to develop a parenting time enforcement program. The agency would be authorized to seek other funding, including federal grants, to develop, implement, monitor and evaluate the program. The bill is modeled on a similar program in Colorado.

LD 1288 **An Act To Reduce Costs and Improve Efficiency of the Maine Criminal Justice System** **ONTP**

<u>Sponsor(s)</u> BURNS CLUKEY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
--------------------------------------	--	---------------------------------	--	---------------------------

LD 1288 proposed to require the State Court Administrator to provide for the transposition of all criminal records of Maine courts to electronic format by July 1, 2006. Thereafter, a criminal record made by a court would be transposed to electronic format within one week of the making of the record. The administrator would be required to make these electronic court records available to the public.

LD 1296 **Resolve, To Create the Human Trafficking Task Force** **RESOLVE 200 EMERGENCY**

<u>Sponsor(s)</u> MARRACHE		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-864 S-534 HOBBS
-------------------------------	--	-----------------------------------	--	---

LD 1296 was a concept draft pursuant to Joint Rule 208. It proposed to enact 2 types of legislative initiatives to combat the trafficking of human beings across borders and into the State for sexual and labor exploitation. It proposed criminal statutes and a study commission.

Committee Amendment “A” (H-864) proposed to replace the bill with a resolve. It proposed to create the Human Trafficking Task Force, with the direction to propose criminal statutes. The amendment, based on the concept draft description of the bill, proposed that the task force also review current programs and services for victims of human trafficking, collect research and information on trafficking victims and evaluate approaches to increasing public awareness, review legislation concerning “bride trafficking” and “international matchmaking organizations,” address the reduction of barriers faced by victims of trafficking who may seek assistance and make recommendations on methods to provide a coordinated system of support to persons who are victims of trafficking.

Joint Standing Committee on Judiciary

Senate Amendment “A” to Committee Amendment “A” (S-534) proposed to expand the membership of the task force from 11 to 12 members. It proposed to provide that one member will represent providers of services and support for survivors of domestic violence, and another member will represent providers of services and support for survivors of sexual assault. The amendment also proposed a change in the appropriations and allocations section.

Enacted law summary

Resolve 2005, chapter 200 creates the Human Trafficking Task Force and directs it to propose criminal statutes. The task force will also review current programs and services for victims of human trafficking, collect research and information on trafficking victims and evaluate approaches to increasing public awareness, review legislation concerning “bride trafficking” and “international matchmaking organizations,” address the reduction of barriers faced by victims of trafficking who may seek assistance and make recommendations on methods to provide a coordinated system of support to persons who are victims of trafficking. The task force must seek outside funding. The task force shall report no later than November 30, 2006 and may submit legislation.

Resolve 2005, chapter 200 was passed as an emergency measure effective April 28, 2006.

LD 1297 **An Act To Provide Just Compensation for Established Businesses
During Eminent Domain Proceedings** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT-DESCHENE	ONTP	

LD 1297 proposed to provide that in certain eminent domain proceedings, established businesses are entitled to compensation for the loss of business profits and income resulting from the taking of the land that is the subject of the eminent domain proceedings.

See also LD 1203, LD 1870 and LD 1904.

LD 1372 **RESOLUTION, Proposing an Amendment to the Constitution of
Maine To Establish a Victims' Bill of Rights** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLETT HASTINGS	ONTP	

LD 1372 proposed to amend the Constitution of Maine to enact a Victims' Bill of Rights, designed to ensure specific rights for victims of crime.