

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.

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1. This bill proposed amend the criminal laws to enact a comprehensive antitrafficking law that would criminalize certain activity and hold responsible landowners and employers who knew or should have known that trafficking was occurring on premises over which the landowner or employer exerted control.
2. This bill proposed to establish a task force of experts to determine the nature and extent of trafficking in the State and make recommendations for legislative, policy and programmatic initiatives.

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

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

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

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

**LD 1320 An Act To Amend the Child and Family Services and Protection PUBLIC 374
Act**

<u>Sponsor(s)</u> VAUGHAN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-611 H-656 PELLETIER- SIMPSON
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LD 1320 proposed to amend the Child and Family Services and Child Protection Act in the following ways:

1. It proposed to list the priorities of the Department of Health and Human Services in child protection matters as preservation of the family first, placement of the child with the closest appropriate next of kin second and placement in foster care only as a last resort;
2. It proposed to make child protection records open to the public except in cases when a court determines the records should be sealed due to sexually explicit content;
3. It proposed to make people liable for the crime of false public report for reports of suspected child abuse or neglect to the Department of Health and Human Services if the reports, including the identification of the people, are inaccurate and malicious; and

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4. It proposed to make Department of Health and Human Services employees in child protective matters civilly and criminally liable for conduct with malicious intent or for severe dereliction of duty. It also proposed to create a commission to study the standard for when the termination of parental rights is appropriate.

Committee Amendment "A" (H-611) proposed to replace the bill. It proposed to amend the purposes of the Child and Family Services and Protection Act to include placement of a child with an adult relative when possible when the child has been removed from the custody of the child's parents. It also proposed to provide that a person making an oral report regarding abuse or neglect of a child who does not believe the report to be true commits a Class E crime

House Amendment "A" to Committee Amendment "A" (H-656) proposed to remove the provision that provides that a person making an oral report regarding abuse or neglect of a child who does not believe the report to be true commits a Class E crime.

Enacted law summary

Public Law 2005, chapter 374 amends the purposes of the Child and Family Services and Protection Act to include placement of a child with an adult relative when possible when the child has been removed from the custody of the child's parents.

LD 1365

An Act To End Discrimination

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN PERCY	ONTP	

LD 1365 proposed to provide that all citizens, regardless of their sexual orientation, have the same civil rights protections now guaranteed in employment, housing, public accommodations and credit to citizens on the basis of race, color, religion, sex, age, national origin and physical or mental handicap. The bill proposed that a religious organization that does not receive public funds would be exempt from the prohibition against discrimination based on sexual orientation. The bill proposed language stating that this change in the Maine Human Rights Act does not confer legislative approval of or special rights to anyone or any group.

See also LD 1196.

LD 1372

**RESOLUTION, Proposing an Amendment to the Constitution of
Maine To Establish a Victims' Bill of Rights** **CARRIED OVER**

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

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.