

MAINE STATE LEGISLATURE

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*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

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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 1646

An Act Regarding Buildings on Leased Lots

ONTP

<u>Sponsor(s)</u> CLARK DAVIS P	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1646 proposed to change the laws governing buildings on leased land in the following ways.

1. It proposed to provide that these laws apply to land in an organized area as well as to land in the unorganized territory.
2. It proposed to provide that a lessor may not terminate a lease without just cause and that a lessor would reimburse a lessee for the fair market value of all improvements on the leased real estate if the lessor terminates the lease.
3. It proposed to provide a lessee with a right of first refusal for the fair market value of the leased land with regard to the leased premises if the lessor intends to sell any real estate in this State. If a lessee does not elect to purchase the leased premises, the lease would continue with the same terms, except for annual rental fees, for no less than 50 years. The annual rental fee would be capped at 5% of the fair market value of the leased premises, excluding improvements.
4. It proposed to exempt certain transactions from capital gains taxation and certain land use laws.

See LD 162.

LD 1679

An Act To Amend the Procedures Used in Criminal Proceedings
Involving Victims with Developmental Disabilities

PUBLIC 557

<u>Sponsor(s)</u> TUTTLE HOBBINS	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-845
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LD 1679 proposed to allow into evidence certain out-of-court statements describing sexual contact when the statements are made by persons with mental retardation.

Committee Amendment “A” (H-845) proposed to revise the extension of admissibility of certain out-of-court statements by victims to include certain statements by persons with developmental disabilities as defined in current law.

Enacted law summary

Current law allows into evidence certain out-of-court statements made by minors describing sexual contact. Public Law 2005, chapter 557 extends the admissibility into evidence of such statements to those made by persons with developmental disabilities.