

MAINE STATE LEGISLATURE

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**STATE OF MAINE
118TH LEGISLATURE**

**FIRST REGULAR SESSION
AND
FIRST SPECIAL SESSION**

**BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
JUDICIARY**

JULY 1997

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Sen. Lloyd P. LaFountain III

Sen. John W. Benoit

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ONE HUNDRED EIGHTEENTH LEGISLATURE
FIRST REGULAR AND FIRST SPECIAL SESSIONS

Summary Of Legislation Before The Joint Standing Committees
August 1997

We are pleased to provide this summary of bills that were considered by the 15 Joint Standing Committees of the Maine Legislature staffed by this office. The document is a compilation of bill summaries which describe each bill, committee amendments and other relevant amendments, as well as the final action taken on the bill. 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 handled by the joint standing committees. It is organized alphabetically 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. 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).

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:

<i>CARRIED OVER</i>	<i>Bill carried over to Second Regular Session</i>
<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i>	<i>House & Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i>	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i>	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed</i>
<i>ONTP</i>	<i>Ought Not To Pass report accepted</i>
<i>OTP ND</i>	<i>Committee report Ought To Pass In New Draft</i>
<i>OTP ND/NT</i>	<i>Committee report Ought To Pass In New Draft/New Title</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i>	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>

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 26, 1997 and September 19, 1997 for the First Special Session.

David E. Boulter, Director
 Offices Located in the State House, Rooms 101/107/135

LD 763

An Act to Amend the Procedure for Foreclosure by Publication

PUBLIC 62

<u>Sponsor(s)</u> LAVERDIERE		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 763 proposed to give certificates of publication of foreclosure made by an officer or employee of the newspaper that published the notice of foreclosure the same force and effect as if it were a certificate made by a register of deeds.

Enacted law summary

Public Law 1997, chapter 62 gives certificates of publication of foreclosure made by an officer or employee of the newspaper that published the notice of foreclosure the same force and effect as if it were a certificate made by a register of deeds.

LD 769

An Act to Limit Landowner Liability for Injuries to Independent Contractors Engaged in Harvesting Activities

ONTP

<u>Sponsor(s)</u> WATERHOUSE CAREY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 769 proposed to extend the current limitation of landowner liability for recreational and harvesting activities to landowners who hire independent contractors to perform timber harvesting activities on the landowner's property, regardless of who causes the injury.

LD 795

An Act to Expand Asset Forfeiture Provisions

ONTP

<u>Sponsor(s)</u> MURRAY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 795 proposed to expand the types of criminal assets that may be forfeited by including all property used in, intended for use in or acquired with the profits of any crime not already specified in the Maine Revised Statutes, Title 15, section 5821.

LD 818

An Act to Amend the Small Claims Court Laws

PUBLIC 23

<u>Sponsor(s)</u> HARRIMAN		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 818 proposed to increase the maximum dollar amount of debt or damages that may be heard in small claims court from \$3,000 to \$4,500.

Enacted law summary

Public Law 1997, chapter 23 increases the maximum dollar amount of debt or damages that may be heard in small claims court from \$3,000 to \$4,500.

LD 826 An Act to Amend the Adoption Laws Relating to Consent and PUBLIC 239
Forms for Surrender and Release

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS	OTP-AM	S-170

LD 826 proposed changes to the adoption laws concerning filing a consent before filing a petition, executing a consent in the presence of the Probate Judge, the number of required copies of specific documents and adoption studies.

Committee Amendment "A" (S-170) proposed to clarify and revise the law on the investigations, studies and reports that must be completed before the Probate Court finalizes adoptions.

Enacted law summary

Public Law 1997, chapter 239 revised the adoption laws by prohibiting the filing of a consent to adoption prior to the filing of a petition to adopt, by requiring an adoptee over 13 years of age who is consenting to the adoption to execute that consent in the presence of the Probate Court Judge, by requiring the execution of only one original consent or surrender and release form, and by clarifying when an investigation and adoption study are required.

LD 827 An Act to Authorize Corporate Officers to Represent Their PUBLIC 238
Corporation in Certain Civil Actions in District Court

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BODWELL HARRIMAN	OTP-AM	H-296

LD 827 proposed to allow an officer or authorized employee of a corporation who is not an attorney to represent that corporation in court.

Committee Amendment "A" (H-296) proposed to replace the bill by authorizing an officer of a Maine corporation with five or fewer shareholders to represent the corporation in court to defend a civil action.

Enacted law summary

Public Law 1997, chapter 238 authorizes an officer of a Maine corporation with five or fewer shareholders to represent the corporation in court to defend a civil action.