

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

MEMBERS:

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Sen. Lloyd P. LaFountain III

Sen. John W. Benoit

Rep. Richard H. Thompson, Chair

Rep. Elizabeth Watson

Rep. David Etnier

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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 974

An Act Concerning the Review of Certain Sentences Imposed on Defendants

PUBLIC 354

<u>Sponsor(s)</u> JABAR	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-487
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LD 974 proposed to allow the State, when a defendant files an appeal of a judgment of conviction or a sentence imposed, to seek a full review of the sentence imposed and a more severe sentence than that imposed by the lower court.

Committee Amendment "A" (H-487) proposed to bar sentence review in any case in which the disposition reflects the acceptance of a plea agreement between the parties.

Enacted law summary

Public Law 1997, chapter 354 bars sentence review in any case in which the disposition reflects the acceptance of a plea agreement between the parties as provided in Maine Criminal Rules of Procedure, Rule 11, subsection (a)(2) or (a)(4).

LD 995

An Act to Provide for Accomplice Liability with Respect to Civil Violations

ONTP

<u>Sponsor(s)</u> JONES SL HALL	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 995 proposed to provide for accomplice liability with respect to civil violations. See LD 397.

LD 1003

An Act to Amend the Maine Civil Legal Services Fund

PUBLIC 173

<u>Sponsor(s)</u> THOMPSON LONGLEY	<u>Committee Report</u> OTP-AM MAJ ONTP MIN	<u>Amendments Adopted</u> H-295
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LD 1003 proposed to create a mechanism for funding the existing Maine Civil Legal Services Fund, established by the Legislature in 1991, and for distributing those funds among the providers of civil legal services to low-income Maine people and to needy elderly in Maine. The bill proposed to create a commission to determine the allocation of funds to providers, and to fund the Maine Civil Legal Services Fund from increases in civil filing fees in addition to a \$5 surcharge in civil fines.

Committee Amendment "A" (H-295) proposed to prohibit any money disbursed from the Maine Civil Legal Services Fund from being used for lobbying purposes, except when the recipient organization is responding to a request by a Legislator or a member of the Executive Department. It proposed to allow the Judicial Department to

draw necessary start-up costs from the fund. The amendment proposed to change the date that triggers the funding mechanism from January 1, 1997 to September 1, 1997, and to exempt small claims fees from deposits in the fund. It proposed to require the Civil Legal Services Fund Commission to report to the joint standing committee of the Legislature having jurisdiction over judiciary matters by February 1, 1999 on the types of cases handled by recipients and how the commission has allocated money distributed from the fund.

Enacted law summary

Public Law 1997, chapter 173 creates a mechanism for funding the existing Maine Civil Legal Services Fund and for distributing those funds among the providers of civil legal services to low-income Maine people and to needy elderly in Maine. It creates a commission to determine the allocation of funds to providers, and to fund the Maine Civil Legal Services Fund from increases in civil filing fees in addition to a \$5 surcharge in civil fines. Money disbursed from the Fund may not be used for lobbying purposes, except when the recipient organization is responding to a request by a Legislator or a member of the Executive Department. The commission must report to the Legislature by February 1, 1999 on how the fund is being used.

LD 1017 An Act to Protect Traditional Marriage and Prohibit Same Sex Marriages PUBLIC 65

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ ONTP MIN	H-104

LD 1017, an initiated bill, proposed to prohibit persons of the same sex from contracting marriage.

Committee Amendment "A" (H-104) proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 1997, chapter 65 prohibits persons of the same sex from contracting marriage.

LD 1028 An Act to Amend the Maine Probate Code PUBLIC 191

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THOMPSON	OTP	

LD 1028 proposed to allow trustees to divide a single trust into two or more identical trusts.

Enacted law summary

Public Law 1997, chapter 191 allows trustees to divide a single trust two or more identical trusts. This change will assist in situations when the federal generation-skipping transfer tax applies so as to permit fiduciaries flexibility to administer trusts in a way that maximizes the use of any exemption against the generation-skipping transfer tax in order to reduce or avoid the imposition of that tax.