

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
118TH LEGISLATURE

SECOND REGULAR SESSION
AND
SECOND SPECIAL SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
JUDICIARY

MAY 1998

MEMBERS:

Sen. Susan W. Longley, Chair

Sen. Lloyd P. LaFountain III

Sen. John W. Benoit

Rep. Richard H. Thompson, Chair

Rep. Elizabeth Watson

Rep. David Etnier

Rep. Joseph M. Jabar, Sr.

Rep. Richard H. Mailhot

Rep. Judith A. Powers

Rep. Debra D. Plowman

Rep. David R. Madore

Rep. Richard A. Nass

Rep. G. Paul Waterhouse

Staff:

Margaret J. Reinsch, Principal Analyst

Heather Henderson, Legislative Analyst

Office of Policy and Legal Analysis

Room 101/107/135, 13 State House Station

Augusta, ME 04333

(207)287-1670



**Maine State Legislature
OFFICE OF POLICY AND LEGAL ANALYSIS**

13 State House Station, Augusta, Maine 04333-0013
Telephone: (207) 287-1670
Fax: (207) 287-1275

**ONE HUNDRED EIGHTEENTH LEGISLATURE
SECOND REGULAR AND SECOND SPECIAL SESSIONS**

**Summary Of Legislation Before The Joint Standing Committees
May 1998**

We are pleased to provide this summary of bills that were considered by the Joint Standing Committees of the Maine Legislature. 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 handled by the joint standing 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. 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:

- 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
- 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 Second Regular Session (unless otherwise specified in a particular law) is June 30, 1998 and July 9, 1998 for the Second Special Session. Second Special Session laws include Public Laws beginning with Chapter 718, Private and Special Laws beginning with Chapter 82 and Resolves beginning with Chapter 117.

LD 1062

An Act to Implement the Recommendations of the Judicial Compensation Commission

INDEF PP

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

LD 1062 proposed to implement the recommendations of the Judicial Compensation Commission established by the Maine Revised Statutes, Title 4, chapter 35. The bill proposed to increase the direct compensation for the State's judges and justices, equalize the salaries of District Court Judges and Superior Court Justices, increase the per diem rate for Active Retired Judges and improve the retirement benefit under the Maine Judicial Retirement System. The bill proposed to remove the provision repealing the Judicial Compensation Commission in 1999.

After the Judiciary Committee reported out the bill in 1997, the House and Senate recommitted the bill to the Joint Standing Committee on Appropriations and Financial Affairs, which carried over the bill. During the Second Regular Session, LD 1062 was recommitted to the Judiciary Committee, which reported out the bill as Ought to Pass as Amended by Committee Amendment "B" (Majority Report). The bill was eventually indefinitely postponed because the recommendations contained in Committee Amendment "B" were incorporated as Part M of Public Law 1997, chapter 643 (Supplemental Budget).

Committee Amendment "A" (S-286) (Majority Report) proposed to increase judicial salaries, but at a lower rate than proposed in the bill. It also proposed to revise the retirement benefits to include a blended cap. (First Regular and First Special Sessions) (Not adopted)

Committee Amendment "B" (S-542) (Majority Report) proposed to increase judicial salaries, but at a lower rate than proposed in the bill. It also proposed to revise the retirement benefits to include a blended cap. It differs from Committee Amendment "A" by proposing that the cost of living adjustment not take effect until 1999. (Second Regular and Second Special Sessions) (Not adopted)

LD 1181

An Act to Change the Comparative Negligence Laws

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL J	ONTP	

LD 1181 proposed to repeal the provision of law that provides that when any person suffers death or damage as a result partly of that person's own fault and partly of the fault of any other person and that person is found by the jury to be equally at fault, that person may not recover damages.

LD 1193

An Act to Permit a Suit Against an Employer Who Knowingly Places a Worker at Risk of Serious Bodily Injury or Death

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BOLDUC RAND	ONTP	

LD 1193 proposed to allow the heirs or the estate of an employee to bring an action for wrongful death against an employer who intentionally required that employee to work when the employer knew that there was a risk of serious bodily injury or death. This bill was referred to the Judiciary Committee from the Labor Committee. See also LD 30.

LD 1208 **An Act to Allow the Courts to Suspend the Drivers' Licenses of Individuals Convicted of Civil Offenses Who Fail to Pay Their Fines within the Time Limits Ordered by the Court** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOOLEY BENOIT	ONTP	

LD 1208 proposed to require the court and the court clerk to suspend the driver's license of any person who does not pay the fine imposed for a civil violation within the time directed by the court. The bill proposed license suspension if the person does not appear in court as directed by the court after having been adjudicated as having committed the civil violation. See also LD 1481(First Regular Session) and LD 1482.

LD 1328 **An Act to Enact the Uniform Transfer on Death Security Registration Act** **PUBLIC 627**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NASS LIBBY	OTP-AM	H-860

LD 1328 proposed to establish the Uniform Transfer on Death Security Registration Act.

Committee Amendment "A" (H-860) proposed several changes to the Uniform Transfer on Death Security Registration Act, including technical changes consistent with the Maine Probate Code. It proposed language to ensure that registration of securities in beneficiary form does not defeat the elective share and statutory allowances. It proposed language governing the cancellation of registrations by references in a testator's will.

Enacted law summary

Public Law 1997, chapter 627 establishes the Uniform Transfer on Death Security Registration Act with some modifications consistent with the Maine Probate Code. The Act allows the owners of securities to ensure that the securities will be transferred to the designated beneficiaries upon the owners' deaths, without going through the probate process. Chapter 627 differs from the Uniform Act by allowing the cancellation by will of a beneficiary designation.