

MAINE STATE LEGISLATURE

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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

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Rep. David R. Madore

Rep. Richard A. Nass

Rep. G. Paul Waterhouse

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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 1930

An Act to Protect the Privacy of Alternative Dispute Resolution Participants

ONTP

Sponsor(s)
LONGLEY

Committee Report
ONTP

Amendments Adopted

LD 1930 proposed to protect communications and acts that occur during alternative dispute resolutions from disclosure in any subsequent adjudication between the parties.

LD 1938

Resolve, Directing the Preparation of a Bill to Make Technical Changes to the State's Criminal Statutes

**RESOLVE 105
EMERGENCY**

Sponsor(s)
THOMPSON

Committee Report
OTP-AM

Amendments Adopted
H-943

LD 1938 proposed to authorize the Maine Criminal Justice Information System Policy Board to convene a task force to prepare a revision to the State's statutes to create a one-to-one relationship between each crime or civil violation contained in the Maine Revised Statutes and a unique statutory citation. The bill proposed that the board submit a nonsubstantive revision of the Maine Revised Statutes to the joint standing committee of the Legislature having jurisdiction over judiciary matters by January 1, 1999.

Committee Amendment "A" (H-943) proposed to change the bill into a Resolve, clarify the role of Legislative Council staff and provide for the involvement of the joint standing committee having jurisdiction over criminal justice matters.

Enacted law summary

Resolve 1997, chapter 105 authorizes the Maine Criminal Justice Information System Policy Board to convene a task force to prepare a revision to the State's statutes to create a one-to-one relationship between each crime or civil violation contained in the Maine Revised Statutes and a unique statutory citation. The board shall submit a nonsubstantive revision of the Maine Revised Statutes to the joint standing committee of the Legislature having jurisdiction over judiciary matters and criminal justice matters by January 1, 1999.

LD 1953

An Act to Implement the Recommendations of the Maine Indian Tribal-State Commission Relating to the Names of Geographic Features in Passamaquoddy Territory

PUBLIC 650

Sponsor(s)

Committee Report
OTP-AM

Amendments Adopted
H-944

LD 1953 is a recommendation of the Maine Indian Tribal-State Commission pursuant to Resolve 1997, chapter 45. It proposed to recognize the right of the Passamaquoddy Tribe to change the names of geographic features within its territory, require the tribe to notify entities responsible for changing names of places and require the State to employ its good efforts to assist the tribe in notifying the necessary entities to accomplish the name changes in official maps and documents. The bill proposed to direct the Maine Indian Tribal-State Commission to review

tribal concerns about offensive names of geographic features outside Indian territory and to report back to the Legislature with recommendations for name changes.

Committee Amendment "A" (H-944) proposed to replace the bill. It proposed the state policy concerning the naming of geographic features within Passamaquoddy Indian territory.

Enacted law summary

Public Law 1997, chapter 650 establishes the state policy concerning the naming of geographic features within Indian territory. When the Joint Tribal Council of the Passamaquoddy Tribe changes the name of a geographic feature within its Indian territory, the State shall assist in notifying the appropriate entities, including the United States Board on Geographic Names, to ensure that the new name is included in official maps and documents.

LD 1961 **An Act to Implement the Recommendations of the Maine Indian Tribal-State Commission Relating to Tribal Land Use Regulation** **DIED IN CONCURRENCE**

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

LD 1961 was submitted by the Maine Indian Tribal-State Commission pursuant to Resolve 1997, chapter 45. The bill proposed to establish, consistent with the Act to Implement the Maine Indian Claims Settlement, the process by which the Passamaquoddy Tribe and the Penobscot Nation may control land use and development and protect natural resources within their respective Indian territory acquired from within the unorganized and deorganized areas of the State.

Committee Amendment "A" (H-997) (Majority Report) proposed to replace the bill. The amendment proposed to establish, consistent with the Act to Implement the Maine Indian Claims Settlement, the process by which the Passamaquoddy Tribe and the Penobscot Nation may control land use and development and protect natural resources within their respective Indian territory acquired from within the unorganized and deorganized areas of the State. It proposed to apply to blocks of contiguous lands that contain at least 500 acres. The tribal reservations and any Indian territory not included in contiguous blocks of land of at least 500 acres would remain subject to State laws and regulations. The amendment proposed that the Passamaquoddy Tribe and the Penobscot Nation each may submit a comprehensive land use plan and implementing ordinances to the Maine Indian Tribal-State Commission. Upon receipt of a plan, the Maine Indian Tribal-State Commission would have been required to solicit public review and comment, including the comments of the Maine Land Use Regulation Commission, to hold a public hearing if the proposal is of public interest and to determine whether the plan satisfies planning and land use management criteria set forth in this amendment. Land covered by an approved plan and ordinances would not be within the jurisdiction of the Maine Land Use Regulation Commission. The amendment proposed that the application of other state environmental and land use laws to Indian territory would not be affected. The amendment also proposed that, in considering zoning changes or development permits elsewhere in the unorganized and deorganized areas of the State, the Maine Land Use Regulation Commission must provide notice to the tribe or nation when the action is located in the same or an adjacent township as the Indian territory. The amendment proposed that the new provisions be repealed January 1, 2004. The amendment proposed that it would not apply to the Passamaquoddy Tribe unless the Passamaquoddy Tribe agrees to its provisions, and that it would not apply to the Penobscot Nation unless the Penobscot Nation agrees to its provisions. (Not adopted)