

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

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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.

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)

Two Committees of Conference failed to agree.

LD 1978 **An Act to Extend Legal Counsel in Child Protection Cases** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GAGNE FERGUSON	ONTP	

LD 1978 proposed to extend the appointment of counsel to represent an indigent parent or custodian in child protection proceedings to areas of divorce and actions for parental rights and responsibilities.

LD 1988 **An Act to Amend the Laws Governing Liability Associated with Juvenile Offenders Who Participate in Community Service Programs** **PUBLIC 619**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PIEH PINGREE	OTP-AM	H-863

LD 1988 proposed to provide coverage under the Maine Tort Claims Act for juveniles performing community service or restitution.

Committee Amendment "A" (H-863) proposed to replace the bill. It proposed to eliminate reference to the Maine Tort Claims Act and limit the liability of charitable organizations for claims arising from death or injury to a person or damage to property caused by a juvenile participating in a community service program. The amendment proposed to define "charitable organization" and clarify that juveniles participating in community service programs would not be covered by the Workers' Compensation Act.

Enacted law summary

Public Law 1997, chapter 619 limits the liability of charitable organizations for claims arising from death or injury to a person or damage to property caused by a juvenile participating in a community service program. Juveniles participating in community service programs are not covered under the Workers' Compensation Act.

LD 2036 **An Act to Amend the Act to Implement the Maine Indian Claims Settlement** **PUBLIC 595**

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

LD 2036 proposed to amend the Act to Implement the Maine Indian Claims Settlement by defining the jurisdiction of the Penobscot Nation over certain crimes committed on their reservation. An omission of legislative language in Public Law 1995, chapter 388 created the need to restore the original intent of Public Law 1991, chapter 766.