

MAINE STATE LEGISLATURE

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**STATE OF MAINE
119TH LEGISLATURE**

FIRST REGULAR SESSION

**BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
JUDICIARY**

JULY 1999

MEMBERS:

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Sen. Sharon Anglin Treat

Sen. John W. Benoit

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**ONE HUNDRED NINETEENTH LEGISLATURE
FIRST REGULAR SESSION**

**Summary Of Legislation Before The Joint Standing and Select Committees
August 1999**

We are pleased to provide this summary of all bills that were considered by the Joint Standing and Select Committees of the Maine Legislature this past session. 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 and select committees.

The document is organized for convenient reference to information on bills considered by the 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:

- CARRIED OVER*..... *Bill carried over to Second Regular Session*
- 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*
- ENACTMENT FAILED*..... *Bill failed to get vote required for enactment or final passage*
- NOT PROPERLY BEFORE THE BODY*..... *Ruled out of order by the presiding officers; bill died*
- 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 First Regular Session (unless otherwise specified in a particular law) is September 18, 1999.

LD 205**An Act to Require a Written Record of the Subject Matters Discussed in Executive Sessions****ENACTMENT
FAILED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GLYNN CAREY	OTP-AM	H-635

LD 205 proposed to require each agency and public body to make an electronic recording of its executive sessions and to make the recording available to any person who had a right to be present during the executive session or to that person's legal representative. The recording would also be disclosed pursuant to court order or upon majority vote of the agency or body if the executive session was not required to be confidential.

Committee Amendment "A" (H-635) proposed to replace the bill. Instead of requiring the public agency or body to make an electronic recording of executive sessions, it proposed to require that a written, public record be kept of the subject matters discussed in executive sessions. The amendment also proposed to add a mandate preamble and a fiscal note to the bill.

LD 231**An Act to Initiate Covenant Marriage in the State****ONTP**

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

LD 231 proposed to establish covenant marriage status for new and existing marriages.

Committee Amendment "A" (H-100), the minority report, proposed to add a fiscal note to the bill. (Not adopted)

LD 233**An Act to Amend the Provisions Relating to Executive Sessions in Connection with the Transaction of Public or Government Business****PUBLIC 180**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BENNETT	OTP-AM	H-217 THOMPSON

LD 233 proposed to allow municipalities to conduct consultations in executive session with code enforcement officers who are certified in accordance with District Court Rule 80-K to represent the interests of the municipalities in District Court proceedings.

Committee Amendment "A" (S-55) proposed to replace the bill. It proposed to allow municipal officers to consult with their code enforcement officers in executive session when the consultation relates to an enforcement matter pending in the courts and the code enforcement officer is representing the municipality in that action. (Not adopted; substance of amendment adopted in House Amendment "A")

House Amendment "A" (H-217) proposed to incorporate the substantive changes contained in Committee Amendment "A" and proposed to incorporate a change made by Public Law 1999, chapter 40. (See LD 157 of the State and Local Government Committee.)

Senate Amendment "A" to Committee Amendment "A" (S-65), presented on behalf of the Committee on Bills in the Second Reading, proposed to prevent a conflict by incorporating a change made to the Maine Revised Statutes, Title 1, section 405, subsection 6 in Public Law 1999, chapter 40. (Not adopted)

Enacted law summary

Public Law 1999, chapter 180 allows municipal officers to consult with their code enforcement officers in executive session when the consultation relates to an enforcement matter pending in the courts and the code enforcement officer is representing the municipality in that action.

LD 242 An Act to Inform Traffic Violators in Court of Potential Parallel Administrative Sanctions ONTP

<u>Sponsor(s)</u> MICHAUD		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 242 proposed to require a court at sentencing to inform a person convicted under the motor vehicle laws if there is a potential pending companion administrative sanction and, if so, what that administrative sanction may be.

LD 252 An Act to Restrict Recreational Activities in Cemeteries ONTP

<u>Sponsor(s)</u> WHEELER G LAWRENCE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 252 proposed to prohibit engaging in recreational activities in cemeteries and to provide for a \$100 civil forfeiture for violation of the prohibition.

LD 260 An Act to Enhance the Enforcement of Civil and Criminal Violations CARRIED OVER

<u>Sponsor(s)</u> THOMPSON MILLS		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 260 is a concept draft pursuant to Joint Rule 208. LD 260 proposes to build on the work undertaken by the task force created by Resolve 1997, chapter 103 by doing at least the following:

1. Increase the collection of fines, forfeitures and costs imposed by courts for civil and criminal violations;
2. Expand the jurisdiction of the District Court Violations Bureau to include all civil violations;
3. Prohibit issuance and renewal of any license or other credential issued by the State if fines, penalties or forfeitures to the State remain unpaid; and
4. Decriminalize selected motor vehicle, marine resources and fish and wildlife violations.