

MAINE STATE LEGISLATURE

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**STATE OF MAINE
119TH LEGISLATURE**

FIRST REGULAR SESSION

**BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
JUDICIARY**

JULY 1999

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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.

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>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MICHAUD	ONTP	

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>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WHEELER G LAWRENCE	ONTP	

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>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THOMPSON MILLS		

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.

This bill has been carried over to the Second Regular Session.

LD 289

**An Act to Amend the Uniform Unclaimed Property Act Concerning
Tangible Property Held by Landlords or by State Institutions**

PUBLIC 294

<u>Sponsor(s)</u> THOMPSON		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-463
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LD 289 proposed to restore the provisions of the abandoned property law governing property held by landlords or by state institutions that were repealed when the 1995 Uniform Unclaimed Property Act was adopted.

Committee Amendment "A" (H-463) proposed to revise the unclaimed property laws with regard to property left behind by a tenant to make the laws consistent with the landlord-tenant laws of the Maine Revised Statutes, Title 14.

The amendment also proposed to enact a section that was part of the unclaimed property laws repealed and replaced by Public Law 1997, chapter 508. The section focuses on the retention by the administrator of property of historical significance. It proposed to allow the Treasurer of State to retain such property and require its storage or display in appropriate locations, such as the State Museum and the State Library.

Enacted law summary

Public Law 1999, chapter 294 revises the unclaimed property laws to provide for the disposition of property left by tenants or left by patients or inmates in State institutions. It also returns to law a section on retention by the administrator of property of historical significance.

LD 303

An Act to Amend the Uniform Unclaimed Property Act

ONTP

<u>Sponsor(s)</u> MAYO LIBBY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 303 proposed to amend the Uniform Unclaimed Property Act to:

1. Reduce the general presumption of abandonment from five years to two years;
2. Reduce the presumption of abandonment for gift certificates and credit memos from five years to two years as well as require all issuers of gift certificates to keep records of purchasers and their addresses;
3. Require holders of abandoned property to report the names and addresses of last known owners whose property they retain with a value over \$200;
4. Raise the threshold for the ability to report, in the aggregate, held property with individual values of under \$200 rather than the current \$50;
5. Require the administrator to prove that unclaimed property is being held by a holder before the administrator may fine the holder or business for not reporting; and
6. Reduce from 10 years to six years the length of time a business must maintain records.