

MAINE STATE LEGISLATURE

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**STATE OF MAINE
119TH LEGISLATURE**

SECOND REGULAR SESSION

**BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
JUDICIARY**

JULY 2000

MEMBERS:

Sen. Susan W. Longley, Chair

Sen. Sharon Anglin Treat

Sen. John W. Benoit

Rep. Richard H. Thompson, Chair

Rep. Thomas Bull

Rep. Charles C. LaVerdiere

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ONE HUNDRED NINETEENTH LEGISLATURE
SECOND REGULAR SESSION

Summary Of Legislation Before The Joint Standing Committees
July 2000

We are pleased to provide this summary of 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:

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
NOT PROPERLY BEFORE THE BODY..... Ruled out of order by the presiding officers; bill died
INDEF PP..... Bill Indefinitely Postponed
ONT P..... 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 August 11, 2000.

David E. Boulter, Director
Offices Located in the State House, Rooms 101 & 107

Joint Standing Committee on Judiciary

LD 260

An Act to Enhance the Enforcement of Civil and Criminal Violations

PUBLIC 771

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THOMPSON MILLS	OTP-AM	H-1056 S-741 MICHAUD

LD 260 was a concept draft pursuant to Joint Rule 208. The bill proposed 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.

Committee Amendment "A" (H-1056) proposed to replace the bill.

Part A proposed to expand the jurisdiction of the Violations Bureau of the District Court to include all civil violations, not just traffic infractions, except specific civil violations. Part B proposed to make certain crimes enforced by the Department of Inland Fisheries and Wildlife civil violations. Part C proposed to make certain marine resources crimes civil violations. Part D proposed to make certain motor vehicle crimes traffic infractions. It also proposed to revise the law governing permitting unlawful use.

Senate Amendment "A" to Committee Amendment "A" (S-741) proposed to strike Part A of Committee Amendment "A," which proposed to expand the jurisdiction of the violations bureau of the District Court, and Part E, which proposed to provide funds for costs associated with the expansion of the violations bureau.

Enacted law summary

Public Law 1999, chapter 771 enhances the enforcement of certain fish and game, marine resources, and motor vehicle laws by making certain crimes civil violations. Violations that are affected include:

1. For the Department of Inland Fisheries and Wildlife violations, certain water-skiing, motorboat, airmobile, snowmobile, all-terrain vehicle and field dog training violations;
2. For the Department of Marine Resources violations, violations relating to obstructing fishways, fish kills, lobster harvester logbooks, dumping dead marine animals or scaled fish, monofilament nets,

marking ice fishing shacks, herring measurement, sealing boats, taking Pacific salmon, diver's down flags, noncommercial scallop licenses, lobster shipping containers, shrimp labeling and cultchless American oysters; and

3. For motor vehicle violations, certain violations relating to odometers, dealers' licenses and dealers' plates, vehicle auction licenses and records, the time period for obtaining a driver's license, insurance for dealers and transporters, regrooved tires and railroad grade crossings. This Part also corrects language concerning contesting summonses. It also revises the law governing permitting unlawful use. This amendment makes it a traffic infraction for a vehicle owner to allow another person to use the vehicle when the driver commits a traffic infraction with the vehicle. Current law makes all permitted unlawful use a Class E crime.

Chapter 771 applies to violations committed on or after July 1, 2001.

LD 347

An Act to Amend the Installment Payment Order Capability of the Disclosure Court

PUBLIC 587

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GAGNE	OTP-AM MAJ	H-816
BENNETT	ONTP MIN	

LD 347 proposed to amend the law that determines the maximum amount that the Disclosure Court can order a judgment debtor to pay to a judgment creditor in installment payments to pay off a debt that the court has already determined to be due to the creditor. Under current law, a judgment debtor receiving money from sources exempt from attachment and execution may not be ordered to pay any of that money to judgment creditors. LD 347 proposed to allow a court to order installment payments where the money received is exempt from attachment and execution and is, either alone or in combination with nonexempt money, sufficient in quantity to allow the court to order an installment payment, under the calculation provided in current law. The bill does not propose to allow a court to order the garnishment, withholding or attachment of any exempt money. The bill also proposed to repeal an unused provision of current law that permits a court in a small claims action to order a judgment debtor to pay up to \$15 per month if the debtor is shown not to be indigent.

Committee Amendment "A" (H-816) proposed to replace the bill. It proposed to rewrite the section of law relating to installment payment orders to make it easier to read. It also proposed to make a substantive change in law by allowing the court, in determining a debtor's ability to make installment payments, to consider income that is exempt from attachment and execution, such as veterans' benefits and social security benefits. The exempt income would be used to calculate the maximum installment payment the court could order, but would not be subject to attachment. Only nonexempt income would be subject to the order and to potential attachment.

Enacted law summary

Public Law 1999, chapter 587 allows a court, in determining a debtor's ability to make installment payments to a creditor, to consider income that is exempt from attachment and execution, such as veterans' benefits and social security benefits. The exempt income would be used to calculate the maximum installment payment the court could order, but would not be subject to attachment.