

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.

LD 432 proposed to repeal the Uniform Child Custody Jurisdiction Act and replace it with an updated version, the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA), adopted by the national Conference of Commissioners on Uniform State Laws in 1998.

Committee Amendment "A" (H-464) proposed changes to the bill relating to the prevailing party standard, the legislative intent concerning the role of prosecutors and law enforcement in enforcing child custody orders and how the UCCJEA applies in protection from abuse actions.

Senate Amendment "A" to Committee Amendment "A" (S-390) proposed to delete the appropriation section.

Enacted law summary

Public Law 1999, chapter 486 repeals the Uniform Child Custody Jurisdiction Act (UCCJA) and replaces it with the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA), adopted by the National Conference of Commissioners on Uniform State Laws in 1998. The current protection from abuse laws are amended to take into account the UCCJEA. Maine changes to the Uniform Act are as follows.

1. The “prevailing party standard” provided in the Uniform Act is revised to require the court to award the prevailing party all expenses unless the court finds that to do so would be unjust.
2. A “Maine Comment” is included to explain the legislative intent that the prosecutor and law enforcement be involved in enforcement of child custody orders only as a last resort or to avoid a dangerous situation.

LD 437 **An Act to Clarify the Law Regarding Executive Sessions of Public Bodies** **PUBLIC 144**

<u>Sponsor(s)</u> GLYNN CAREY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-104
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LD 437 proposed to amend the law governing executive sessions of public proceedings. It proposed to require that the governmental entity name the parties to a labor contract it planned to discuss in executive session and to cite the case to be discussed if it planned to discuss pending litigation. It also proposed to limit the legal rights and duties that could be discussed in executive session.

Committee Amendment "A" (H-104) proposed to strike the section of the bill that limits the situations in which governmental bodies can consult with their attorneys in executive session to discuss legal rights and duties and that requires governmental bodies to cite the pending litigation to be discussed in executive session.

Enacted law summary

Public Law 1999, chapter 144 requires a public agency to name the parties to a labor contract that it intends to discuss before going into executive session.

LD 441 **An Act to Excuse Elections Staff from Jury Duty When Needed to Perform Election Functions** **PUBLIC 87**

<u>Sponsor(s)</u> THOMPSON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-103
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LD 441 proposed that for a 31-day period prior to an election, municipal and state election officials and employees are exempt from serving on juries. This bill was submitted on behalf of the Secretary of State.

Committee Amendment "A" (H-103) proposed to replace the bill. It proposed to restructure the section relating to excuses from jury service to make it easier to read. It also proposed to excuse election officials from jury duty during specific time periods when they are needed to perform election functions, rather than exempting them from jury service at all times.

Enacted law summary

Public Law 1999, chapter 87 restructures the law relating to excuses from jury service, and excuses state and municipal election officials during specific time periods when they are needed to perform election functions.

LD 470 An Act Requiring Compensation for Loss of Property Value Due to State CARRIED OVER or Local Regulation

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

LD 470 proposes to require the State and its political subdivisions to pay property owners when state or local regulations lower the owner's property value by more than 50%.

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

LD 488 An Act to Amend the Statute of Limitations for Land Surveyors ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STANLEY	ONTP A	
MICHAUD	OTP-AM B	
	OTP-AM C	

LD 488 proposed to make the statute of limitations for land surveyors consistent with Maine's general six-year statute of limitations. The bill also proposed to reduce the time period from four years to two years for an individual to sue a land surveyor after discovering a problem.

Committee Amendment "A" (H-214) proposed to replace the bill. It proposed to repeal the special statute of limitation that applies to land surveyors. As proposed, the general 6-year statute of limitations will apply, without a discovery rule, consistent with the holding in Johnston v. Dow & Coulombe, 686 A.2d 1064 (Me. 1996). (Not adopted)

Committee Amendment "B" (H-215) proposed to replace the bill. It proposed to reduce the statute of limitations for land surveyors to a maximum of 10 years. It proposed to retain the current discovery rule limitation period: an individual has a maximum of four years to sue a land surveyor after discovering a problem. (Not adopted)