

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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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:

<i>CARRIED OVER</i>	<i>Bill carried over to Second Regular Session</i>
<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i>	<i>House & Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i>	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>ENACTMENT FAILED</i>	<i>Bill failed to get vote required for enactment or final passage</i>
<i>NOT PROPERLY BEFORE THE BODY</i>	<i>Ruled out of order by the presiding officers; bill died</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed</i>
<i>ONTP</i>	<i>Ought Not To Pass report accepted</i>
<i>OTP ND</i>	<i>Committee report Ought To Pass In New Draft</i>
<i>OTP ND/NT</i>	<i>Committee report Ought To Pass In New Draft/New Title</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i>	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>

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 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)