

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 568 proposed to require a person claiming an interest in real estate based on the omission of technical wording in a deed issued prior to the Short Form Deeds Act to file notice in the registry of deeds within two years of the effective date of this Act in order to preserve that interest.

Committee Amendment "A" (H-101) proposed to require a person to file a civil action by December 31, 2002 in order to preserve the interest in property.

Enacted law summary

Public Law 1999, chapter 69 requires a person to file a civil action in court by December 31, 2002 in order to preserve a claim of interest in property due to the absence of an habendum clause or technical words of inheritance in a deed issued prior to the Short Form Deeds Act. After December 31, 2002, a person may not bring an action or enter upon property under a claim of right based on the lack of an habendum or technical words of inheritance in a deed.

LD 571 **An Act to Prohibit Partial-birth Abortion** **ONTP**

<u>Sponsor(s)</u> MACK MICHAUD		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 571 proposed to prohibit partial-birth abortions except when necessary to save the life of the mother. Performance of a partial-birth abortion in violation of the provisions of this bill would be a Class D crime. In addition, the bill proposed that the physician performing the abortion be subject to damages in a civil suit. As proposed, the mother may not be prosecuted. See also LD 917, LD 1593.

LD 596 **An Act to Allow Citizens 70 Years of Age or Older the Option of Serving Jury Duty** **ONTP**

<u>Sponsor(s)</u> SMALL MAYO		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 596 proposed to give a person 70 years of age or older the option of declining jury duty.

LD 605 **An Act to Clarify the Probate Code Regarding Durable Financial Powers of Attorney** **PUBLIC 66**

<u>Sponsor(s)</u> THOMPSON		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 605 proposed to clarify the effective date of certain corrections made to powers of attorney laws that were enacted as emergency legislation during the Second Special Session of the 118th Legislature.

Enacted law summary

Public Law 1999, chapter 66 acknowledges that the enactment of the Maine Revised Statutes, Title 18-A, section 5-508 represented a modification of existing law and delays the effective date of the modification until December 31, 1998.

LD 658 **An Act to Require Notification of a Lien on Property to Be Done by Certified Mail** **ONTP**

<u>Sponsor(s)</u> BENNETT		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 658 proposed to require a person, municipality or the State to notify the property owner by certified mail that a lien has been filed against the owner's property in three instances: when a person has not been paid for providing materials, labor or services on land or a building of another; when an animal owner is in violation of the rabies statutes; and when a taxpayer has not paid state taxes.

LD 687 **An Act Regarding Wrongful Death Actions** **CARRIED OVER**

<u>Sponsor(s)</u> SCHNEIDER DOUGLASS		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 687 proposes to amend the Wrongful Death Act to remove the existing cap of \$150,000 on the amount of damages that may be awarded to the family of the deceased to compensate for the loss of comfort, society and companionship of the deceased.

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

LD 697 **An Act to Require Courts to Reimburse Jurors for Parking Expenses** **INDEF PP**

<u>Sponsor(s)</u> MACK RAND		<u>Committee Report</u> OTP-AM MAJ ONTP MIN		<u>Amendments Adopted</u>
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LD 697 proposed to require a court to reimburse jurors for the jurors' parking expenses.

Committee Amendment "A" (H-133) proposed to allow only reasonable parking expenses of jurors to be paid by the courts and to add an appropriation section and fiscal note to the bill.

LD 699 **An Act Concerning Minors' Consent for Services** **PUBLIC 90**

<u>Sponsor(s)</u> THOMPSON		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 699 proposed to authorize a minor to consent to a sexual assault forensic examination by a physician or in a hospital to collect evidence after an alleged sexual assault.