

# 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:**

*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*

*Rep. Patricia T. Jacobs*

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*Rep. William J. Schneider*

*Rep. Donna M. Loring*

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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](http://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.

reimbursement of expenses, which all members receive. The bill proposed to allow the members to annually elect a chair and vice-chair rather than having the governor designate them.

**Committee Amendment "A" (H-371)** proposed to remove the sections providing for per diem payments to certain members of the commission and to remove a section relating to acceptance of outside funding, since current law already includes such a provision.

**Senate Amendment "A" (S-295)** proposed to make a technical correction to the bill.

*Enacted law summary*

Public Law 1999, chapter 390 creates a new membership structure for the Maine HIV Advisory Committee. It decreases the number of members from 36 to 21 and creates a membership committee within the Advisory Committee to appoint members, other than legislative members, from lists of nominations provided by specified groups of interested parties. It also allows the members to annually elect a chair and vice-chair rather than having the governor designate them.

**LD 1137**                      **An Act to Allow Police Officers to Prosecute Their Own Traffic Infractions in District Court**                      **PUBLIC 139**

<u>Sponsor(s)</u> SCHNEIDER DAVIS P	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-136
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LD 1137 proposed to allow police officers to prosecute their own traffic infraction cases in District Court without the representation being considered an unauthorized practice of law.

**Committee Amendment "A" (H-136)** proposed to delete language requiring that representation by a law enforcement officer be approved by the District Court Judge presiding at the trial. It also proposed to clarify that representation by a law enforcement officer must be approved by the prosecuting attorney in each matter.

*Enacted law summary*

Public Law 1999, chapter 139 authorizes police officers to prosecute their own traffic infraction cases in District Court if that representation is approved by the prosecuting attorney in each matter.

**LD 1142**                      **An Act to Provide for Suit Against Certain State Employees**                      **ONTP**

<u>Sponsor(s)</u> PLOWMAN	<u>Committee Report</u> ONTP      MAJ OTP-AM    MIN	<u>Amendments Adopted</u>
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LD 1142 proposed to provide that an employee of the Department of Human Services who, for inappropriate personal motives, seeks to deprive a person of rights in a child protection action is not entitled to absolute immunity from tort liability.

**Committee Amendment "A" (H-611)**, the minority report, proposed to add an appropriation section and a fiscal note to the bill. (Not adopted)