

# 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. G. Paul Waterhouse*

*Rep. William J. Schneider*

*Rep. Donna M. Loring*

**Staff:**

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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.

<u>Sponsor(s)</u> AHEARNE		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-691
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LD 1148 proposed to amend the Maine Tort Claims Act to clarify that governmental entities are immune from liability for claims arising out of failures or malfunctions of computers caused by the failure to properly recognize or otherwise process dates or times.

This bill was submitted on behalf of the Department of Administrative and Financial Services.

**Committee Amendment "A" (H-691)** proposed to more clearly define the computer problems for which immunity is provided. Immunity would be provided for failures or malfunctions related to the "Year 2000 problem," which is defined as those complications associated with using a 2-digit field to represent a year. The amendment also proposed to make the immunity provision applicable only to problems occurring before January 2, 2001.

#### *Enacted law summary*

Public Law 1999, chapter 456 clarifies that governmental entities covered by the Maine Tort Claims Act are immune from liability for claims arising out of computer malfunctions or failures related to "the Year 2000 problem." The Year 2000 problem is defined as complications associated with using a 2-digit field to represent a year and its result on the year change from 1999 to 2000. The immunity provision applies only to failures or malfunctions occurring before January 2, 2001.

<u>Sponsor(s)</u> MAYO ABROMSON		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-461
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LD 1155 proposed to amend the State's Uniform Unclaimed Property Act as it applies to automatically renewable deposit accounts. The bill also proposed to clarify that deposit accounts that are IRAs or part of benefit plans are deemed abandoned according to the rules specifically related to IRAs or benefit plans. In addition, the bill proposed to clarify that fees properly assessed before the date of abandonment are not required to be refunded upon escheat to the State.

**Committee Amendment "A" (H-461)** proposed to makes the following changes to the bill:

1. Replace the provisions concerning the time period since a holder of property last received an indication of interest by an owner, after which deposits are presumed abandoned by the owner;
2. Clarify what constitutes "indication of interest" by an owner when the apparent owner has more than one relationship or account with the holder, such as a bank;
3. Clarify that certain inactivity fees assessed against an account prior to the time it is presumed abandoned may be deducted from the property escheated to the State; and
4. Add a fiscal note to the bill.

#### *Enacted law summary*