

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

Rep. Richard H. Thompson, Chair

Rep. Thomas Bull

Rep. Charles C. Laverdiere

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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 1842**An Act to Require Disclosure of Vital Information When a Conservation Easement or Preservation Interest is Created****ONTP**

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

LD 1842 proposed to require that, at the time of the creation or conveyance of a conservation easement or preservation interest, the owner of a servient estate or subject property sign a consent form disclosing information about the physical restrictions and legal restraints the easement or interest places on the estate or property; the duration of the easement or interest; and the identity and description of the general activities and purpose of the holder of the easement or interest.

LD 1850**An Act to Amend the Laws Regarding Real Estate Transfers****ONTP**

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

LD 1850 proposed to prohibit a person from conveying a parcel of real estate unless the deed clearly delineates any right-of-way that is within the bounds of the deed and that provides access to the property described in the deed; lists the party responsible for the maintenance of a right-of-way delineated in the deed; and lists the purpose for the maintenance of a right-of-way delineated in the deed.

LD 1857**An Act to Amend the Freedom of Access Laws****INDEF PP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHICK MACKINNON	ONTP MAJ OTP-AM MIN	

LD 1857 proposed to amend the freedom of access laws to require 72 hours of notice prior to a public meeting, to require the notice to include an agenda listing items to be discussed at the meeting and to prohibit the agency from discussing items not included on that agenda. The bill also proposed to increase the penalties for a violation of the freedom of access laws and to void any government action taken at a meeting held in violation of the freedom of access laws unless the violation was acknowledged and the action was reconsidered.

Committee Amendment "A" (H-479) proposed to replace the bill. It proposed to allow a person other than the Attorney General or a district attorney to bring an action to enforce the freedom of access laws if the Attorney General failed to bring an action within 30 days after receiving a complaint of a violation. Any civil forfeiture recovered in the action would be paid to the State, not to the person bringing the action. (Not adopted)

House Amendment "A" to Committee Amendment "A" (H-668) proposed to replace the fiscal note on the committee amendment to classify the bill as a state mandate on municipalities. (Not adopted)

House Amendment "B" to Committee Amendment "A" (H-734) proposed to add a mandate preamble. (Not adopted)