

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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Sen. Sharon Anglin Treat

Sen. John W. Benoit

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Margaret J. Reinsch, Principal Analyst

Deborah C. Friedman, Legislative Analyst

Office of Policy and Legal Analysis

Room 101/107/135, 13 State House Station

Augusta, ME 04333

(207)287-1670



Maine State Legislature
OFFICE OF POLICY AND LEGAL ANALYSIS

13 State House Station, Augusta, Maine 04333-0013
Telephone: (207) 287-1670
Fax: (207) 287-1275

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.

<u>Sponsor(s)</u> DUDLEY DOUGLASS	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-563
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LD 1923 proposed to facilitate the establishment of trail easements by public agencies and nonprofit organizations such as land trusts by specifying that such easements for the use of the public are valid and enforceable even if they lack some characteristics required of easements under common law. It also proposed to define terms used in instruments creating trail easements and specify who may bring or intervene in actions affecting a trail easement.

Committee Amendment "A" (H-563) proposed to provide that trail easements may be created for pedestrian use, snowmobile use, all-terrain vehicle use or any combination of those uses if the instrument creating the easement so provides. It also proposed to delete the provision defining certain terms that may be used in an easement document and delete the provision allowing for application of the law to easements created before the effective date.

Enacted law summary

Public Law 1999, chapter 371 facilitates the establishment of trail easements by public agencies and nonprofit organizations such as land trusts by specifying that such easements for the use of the public are valid and enforceable even if they lack some characteristics required of easements under common law. It provides that trail easements may be created for pedestrian use, snowmobile use, all-terrain vehicle use or any combination of those uses if the instrument creating the easement so provides. It also specifies who may bring or intervene in a court action relating to the easement.

LD 1941

An Act Regarding Involuntary Commitment for Substance Abuse

CARRIED OVER

<u>Sponsor(s)</u> DAGGETT	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 1941 proposes a process for the involuntary commitment of persons in need of treatment for substance abuse or substance addiction.

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

LD 1949

An Act to Require a Waiting Period After the Completion of Certain Forensic Evaluations

ONTP

<u>Sponsor(s)</u> MACDOUGALL MACKINNON	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1949 proposed to require a waiting period of 60 days after a permissive mental examination is reported to a court before the defendant who is the subject of the report may be tried. The bill proposed to require a waiting period of 30 days after a post-conviction examination is reported to the court before the defendant may be sentenced.