

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
ONT P.....	Ought Not To Pass report accepted
OT P ND.....	Committee report Ought To Pass In New Draft
OT P 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 1961**An Act to Amend the Right of Entry Clauses****CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SNOWE-MELLO		

LD 1961 proposes to amend the right of entry clauses for the Maine Land Use Regulation Commission, the Bureau of Parks and Lands and the Department of Environmental Protection, and under the forest practices laws. The bill proposes that entry upon private land by an agent or employee of the agencies or department is a trespass unless certain circumstances exist.

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

LD 1969**An Act to Revise Certain Provisions of the Medical Examiner Act****ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCALEVEY O'GARA	ONTP	

LD 1969 proposed to amend the Medical Examiner Act to address the confidentiality of records and information, address testing for HIV, clarify the procedures for investigating by law enforcement officers, and procedures for the proper disposition of dead bodies.

LD 1971**An Act Regarding Property Tax Liens****CARRIED OVER**

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

LD 1971 proposes to require the former owner of real property to notify the State Tax Assessor and the local tax assessor of the transfer of the property within 10 days of the transfer. It also proposes to require a lien on real estate to be placed in the name of the new owner if the assessor has written notice of the change in ownership.

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

LD 1972**Resolve, to Establish a Commission to Encourage Incorporations in Maine****RESOLVE 67
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BENNETT	OTP-AM	H-549 O'NEAL S-215

LD 1972 proposed to create the Commission to Encourage Incorporations in Maine. It proposed that the commission make recommendations on how to encourage corporations to incorporate in Maine initially, and how to encourage existing corporations incorporated elsewhere to reincorporate in Maine.

Committee Amendment "A" (S-215) proposed to revise the membership of the commission to limit it to 8 legislative members, consisting of 3 Senators and 5 Representatives. It also proposed to expand the duties to include looking for creative incentives to broaden Maine's economic base.

House Amendment "A" (H-549) proposed to change the convening date to the last business day in July 1999.

Enacted law summary

Resolve 1999, chapter 67 creates the Commission to Encourage Incorporations in Maine. The commission, made up of eight legislators, will make recommendations on how to encourage corporations to incorporate in Maine initially, and how to encourage existing corporations incorporated elsewhere to reincorporate in Maine. The report is due December 15, 1999.

Chapter 67 was enacted as an emergency measure effective June 10, 1999.

LD 1990

An Act to Require Economic and Taking Impact Analyses to Protect Individual Rights

CARRIED OVER

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

LD 1990 proposes to create the Private Property and Individual Rights Protection Act, which requires economic impact analyses and takings impact analyses to be conducted prior to the adoption or enactment of all laws, policies, regulatory actions or local ordinances. This bill also proposes to require the State and its political subdivisions to comply with the constitutional takings principles espoused in several state and federal court cases.

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

LD 1994

An Act to Amend the Laws Regarding Unlawful Cutting of Trees

PUBLIC 339

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FOSTER KIEFFER	OTP-AM	H-459

LD 1994 proposed to require the court to decide whether damages awarded in a civil suit for unlawful cutting of trees are to be based upon market value or the forfeiture amount in the Maine Revised Statutes, Title 17.

Committee Amendment "A" (H-459) proposed to give the court the authority to reduce the damages awarded for good cause shown when trees were cut either negligently or without fault.

Enacted law summary

Public Law 1999, chapter 339 gives the court, in a civil suit for unlawful cutting of trees, the authority to reduce the damages awarded for good cause shown, but only when the trees were cut either negligently or without fault.