

MAINE STATE LEGISLATURE

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**STATE OF MAINE
119TH LEGISLATURE**

SECOND REGULAR SESSION

**BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
JUDICIARY**

JULY 2000

MEMBERS:

Sen. Susan W. Longley, Chair

Sen. Sharon Anglin Treat

Sen. John W. Benoit

Rep. Richard H. Thompson, Chair

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Rep. Charles C. LaVerdiere

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ONE HUNDRED NINETEENTH LEGISLATURE
SECOND REGULAR SESSION

Summary Of Legislation Before The Joint Standing Committees
July 2000

We are pleased to provide this summary of 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:

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
FAILED EMERGENCY ENACTMENT/FINAL PASSAGE..... Emergency bill failed to get 2/3 vote
FAILED ENACTMENT/FINAL PASSAGE..... Bill failed to get majority vote
FAILED MANDATE ENACTMENT..... Bill imposing local mandate failed to get 2/3 vote
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
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 Second Regular Session (unless otherwise specified in a particular law) is August 11, 2000.

David E. Boulter, Director
Offices Located in the State House, Rooms 101 & 107

LD 1971**An Act Regarding Property Tax Liens****ONTP**

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

LD 1971 proposed 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 proposed 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.

LD 1990**An Act to Require Economic and Taking Impact Analyses to Protect Individual Rights****ONTP**

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

LD 1990 proposed to create the Private Property and Individual Rights Protection Act, which would have required 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. The bill also proposed to require the State and its political subdivisions to comply with the constitutional takings principles espoused in several state and federal court cases. See also LD 470 and 2121.

LD 2014**An Act to Provide for the Establishment of Alcohol and Drug Treatment Programs in Maine Courts****PUBLIC 780**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVAGE W AMERO	OTP-AM	H-1047 S-748 MICHAUD

LD 2014 proposed enabling legislation for the creation of substance abuse treatment courts, also known as "drug courts," throughout the State. The bill also proposed to provide continuing financial support for Cumberland County's "Project Exodus," the one existing substance abuse treatment court in the State.

Committee Amendment "A" (H-1047) proposed to replace the bill. It proposed to authorize the Judicial Department to establish alcohol and drug court treatment programs in the Superior Courts and District Courts. The amendment proposed that the Judicial Department establish a Drug Court Committee to plan for and implement the alcohol and drug treatment programs. The plan would have to include at least the specified subjects, including locating an alcohol and drug treatment program in each prosecutorial district. The amendment proposed that the Drug Court Committee report to the 120th Legislature and the joint standing committee of the Legislature having jurisdiction over judiciary matters by January 15, 2001. The amendment proposed to add an appropriation section and a fiscal note to the bill.

Senate Amendment "A" to Committee Amendment "A" (S-748) proposed to strike the appropriation section and replace it with a one-time funding of \$20,000 for judicial training.

Enacted law summary

Public Law 1999, chapter 780 authorizes the Judicial Department to establish alcohol and drug court treatment programs in the Superior Courts and District Courts. The Judicial Department is required to establish a Drug Court Committee to plan for and implement the alcohol and drug treatment programs. The plan must include at least the specified subjects, including locating an alcohol and drug treatment program in each prosecutorial district. The Drug Court Committee shall report to the 120th Legislature and the joint standing committee of the Legislature having jurisdiction over judiciary matters by January 15, 2001. The report must include the plan and any legislative recommendations. The joint standing committee of the Legislature having jurisdiction over judiciary matters may report out legislation based on the recommendations. Funding for judicial training is included in chapter 780; funding for the judicial Department's Drug Court Coordinator is included in the Budget Bill, Public Law 1999, chapter 731, Part VV.

LD 2051

An Act to Clarify the Immunity of Law Enforcement Officers in Enforcing Protective Orders

ONTP

Sponsor(s)
DUDLEY
RAND

Committee Report
ONTP

Amendments Adopted

LD 2051 proposed to clarify that the immunity from civil liability provided under the Maine Tort Claims Act applies to law enforcement officers enforcing protective orders regardless of where those orders were issued.

LD 2067

An Act to Expand Pretrial Services for the Bail and Supervision of Criminal Defendants Statewide

INDEF PP

Sponsor(s)
FRECHETTE
MURRAY

Committee Report
OTP-AM MAJ
ONTP MIN

Amendments Adopted
H-1070

LD 2067 proposed to direct the State Court Administrator of the Administrative Office of the Courts to establish guidelines for and award contracts to providers of pretrial services. The bill proposed to ensure that alternatives to bail are provided for indigent defendants throughout the State.

Committee Amendment "A" (H-1070) proposed to replace the bill by establishing the Pretrial Services Fund within the Judicial Department. The amendment proposed that the State Court Administrator would award grants from the fund in amounts not exceeding \$20,000 to counties that apply and meet the criteria established by rules adopted by the State Court Administrator. The grants would have to be used to provide pretrial services. The State Court Administrator would have adopted rules to govern the program. The amendment proposed that the Fund would be repealed on July 1, 2002. The amendment proposed an appropriation of \$100,000 to fund the grants.