

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 2121 **An Act Regarding Regulations and Compensation to Property Owners** **CARRIED OVER**

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

LD 2121 proposes to allow a property owner to seek compensation from a unit of government in Maine when a regulation imposed by that unit of government reduces the fair market value of the property and there is destruction or damage to or trespass upon the property or a loss of the rightful use of the property.

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

LD 2123 **An Act to Require a 24-hour Waiting Period before an Abortion May Be Performed** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
AHEARNE DAVIS P	ONTP MAJ OTP-AM MIN	

LD 2123 proposed to repeal existing standards for informed consent to abortion and replace them with a provision modeled after the Pennsylvania statute held constitutional in Planned Parenthood of Southeastern Pennsylvania v. Casey, 505 U.S. 833, 112 S.Ct. 2791, 120 L.Ed.2d 674 (1992).

Committee Amendment "A" (H-628), the minority report of the committee, proposed to add an appropriation section and a fiscal note to the bill. (Not adopted)

LD 2166 **An Act to Enhance Communications Between the Department of Corrections, the Judiciary and Law Enforcement Agencies** **PUBLIC 451
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAXL M LONGLEY	OTP-AM	H-634

LD 2166 proposed to give responsibility to the current Maine Criminal Justice Information System Policy Board to implement a centralized, computerized criminal and civil justice information system by a date certain. The bill proposed to appropriate funds to the Judicial Department to employ an executive director to assist the board.

Committee Amendment "A" (H-634) proposed to replace the bill. It proposed to revise the duties and composition of the Maine Criminal Justice Information System (MCJUSTIS) Policy Board. It also proposed to carry out the interim recommendations of the MCJUSTIS Policy Board concerning the redrafting of criminal and civil violations pursuant to Resolve 1997, chapter 105 by extending that reporting date to December 15, 1999.

Enacted law summary

Public Law 1999, chapter 451 revises the duties and composition of the Maine Criminal Justice Information System (MCJUSTIS) Policy Board. The information to be shared among criminal justice agencies and authorized private users

is expanded to include conditions of release for persons on probation or parole or admitted to bail and information about protection orders, including the conditions established in protection orders. The MCJUSTIS Policy Board membership is revised to delete the Commissioner of Inland Fisheries and Wildlife and the Director of the Division of Probation and Parole, and add the Associate Commissioner for Adult Services of the Department of Corrections and a member, to be appointed by the Governor, who represents a nongovernmental agency providing services to victims of domestic violence. These changes keep the number of policy board members at 13. Chapter 451 requires the policy board to report annually to both the joint standing committees of the Legislature having jurisdiction over criminal justice matters and judiciary matters. The report must provide information about:

1. The ability of the Judicial Department, the Department of Public Safety and the Department of Corrections to maintain, furnish and disseminate the specified information in an automated manner; and
2. A project plan that delineates the date upon which each category of information will be available in an automated fashion and the date upon which planned enhancements will be available.

Chapter 451 deletes the authority of the Bureau of Information Systems to employ personnel to carry out the MCJUSTIS purposes.

Chapter 451 carries out the interim recommendations of the MCJUSTIS Policy Board concerning the redrafting of criminal and civil violations pursuant to Resolve 1997, chapter 105. To accommodate a broader range of participation and review, the report that was due on January 1, 1999 is termed an "interim report," and a final report is due to the legislative committees on December 15, 1999.

Chapter 451 was enacted as an emergency measure effective June 9, 1999.

LD 2173

An Act to Create the Maine Surrogacy Law

ONTP

Sponsor(s)
GERRY

Committee Report
ONTP

Amendments Adopted

LD 2173 proposed to establish procedures for surrogacy arrangements. It proposed to require medical and nonmedical evaluations of the parties, specify contract provisions and require approval of the contract by the Probate Court.

LD 2178

An Act to Amend the Act to Implement the Maine Indian Claims Settlement Concerning the Houlton Band of Maliseet Indians

CARRIED OVER

Sponsor(s)
SHERMAN

Committee Report

Amendments Adopted

LD 2178 is a concept draft pursuant to Joint Rule 208. The bill proposes to amend the Act to Implement the Maine Indian Claims Settlement to give the Houlton Band of Maliseet Indians the same municipal status as the Passamaquoddy Tribe and the Penobscot Indian Nation under that Act.

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