

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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

Rep. Thomas Bull

Rep. Charles C. LaVerdiere

Rep. Patricia T. Jacobs

Rep. Charles E. Mitchell

Rep. William S. Norbert

Rep. Debra D. Plowman

Rep. David R. Madore

Rep. G. Paul Waterhouse

Rep. William J. Schneider

Rep. Donna M. Loring

Staff:

Margaret J. Reinsch, Esq., Principal Analyst

Deborah C. Friedman, Esq., Senior Legislative Analyst

Office of Policy and Legal Analysis

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
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
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 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 2213

An Act to Create and Regulate the Profession of Legal Document Technician

ONTP

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

LD 2213 proposed to create and regulate the profession of legal document technician. The bill proposed to define a legal document technician as a person who, for compensation, provides a legal form to a client or fills in, files or serves a legal form pursuant to a specific request by a client. The bill proposed to prohibit a legal document technician from providing advice, explanation, opinion or recommendation to a client concerning legal rights, remedies, defenses, options, strategies or selection of forms or any other service that the legal document technician is not specifically authorized to provide. In addition to specifying the types of services that legal document technicians may provide, the bill proposed penalties for legal document technicians who provide unauthorized services.

LD 2226

An Act Relating to Remedies for Unlawful Housing Discrimination

ONTP

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

LD 2226 proposed to amend the Maine Human Rights Act by removing limitations of attorney's fees and damages for civil actions based upon discrimination in housing.

LD 2239

An Act to Ensure Civil Rights and Prevent Discrimination

PUBLIC 629

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ABROMSON	OTP-AM A	S-624
SAXL M	ONTP B	
	OTP-AM C	

LD 2239 proposed to amend the Maine Human Rights Act to add “sexual orientation” to the list of prohibited bases for discrimination in employment, housing, public accommodations and credit. The bill proposed to exempt from the prohibition religious organizations that receive no public funding. The bill proposed to make clear that the change in the law does not confer legislative approval of or special rights to anyone or any group. The bill also proposed to require that it be submitted to the voters and approved at the next general election before it takes effect.

Committee Amendment "A" (S-624), the majority report of the committee, proposed to further define the term "sexual orientation" and to expand the exemption to all religious entities, including educational institutions and charitable nonprofit organizations that are wholly or substantially funded, controlled, managed or owned by a religious corporation, association or society. It also proposed to add 3 provisions to the construction section of the Maine Human Rights Act to clarify that, notwithstanding the exemption

for religious entities, a state contract, including a contract with religious entities, may require nondiscrimination as a condition of the contract. It also proposed to clarify that the bill does not require schools to incorporate sexual orientation in curricula; does not require affirmative action based on sexual orientation; and does not require or prohibit the provision of employee benefits to an individual for the benefit of the individual's partner. Finally, the amendment proposed to change the wording of the referendum question to clarify it.

Committee Amendment "B" (S-625), one of the minority reports of the committee, proposed to further define the term "sexual orientation." It also proposed to clarify that the bill does not require schools to incorporate sexual orientation in their curricula, does not require affirmative action based on sexual orientation and does not require nor prohibit the provision of employee benefits to an individual for the benefit of the individual's partner. Finally, the amendment proposed to remove the section requiring approval of the voters at a referendum election.

Enacted law summary

Public Law 1999, chapter 629 proposes to amend the Maine Human Rights Act to prohibit discrimination on the basis of sexual orientation in employment, housing, public accommodation and credit. The law will become effective if approved by voters at a November 2000 referendum.

Religious entities, including certain nonprofit organizations and educational institutions, are exempt from the prohibition against discrimination on the basis of sexual orientation. However, a state agency may include nondiscrimination requirements in any contract with a religious entity. The law does not require schools to include sexuality or sexual orientation in their curricula, nor does it create affirmative action requirements or requirements for employers to provide domestic partner benefits.

LD 2245

An Act to Adopt the Model Revised Article 9 Secured Transactions

PUBLIC 699

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THOMPSON LONGLEY	OTP-AM	H-1109

LD 2245 proposed to adopt Revised Article 9 of the Uniform Commercial Code, adopted by the National Conference of Commissioners on Uniform State Laws. Part A of the bill proposed to repeal the Maine Revised Statutes, Title 11, Article 9 and enact a new Title 11, Article 9-A. Part B of the bill proposed to make necessary conforming amendments and recommended changes to the other articles of Uniform Commercial Code to provide consistency with the new Article 9-A. The bill proposed that Parts A and B take effect July 1, 2001. Part C proposed to give the Secretary of State rulemaking authority to adopt rules prior to July 1, 2001 to carry out Article 9-A as soon as it is in effect.

Committee Amendment "A" (H-1109) proposed to incorporate recommended changes to Revised Article 9 of the Uniform Commercial Code made by the Office of the Secretary of State and the Maine State Bar Association's Bar Committee Report on Revised Article 9. It also proposed many technical corrections to the original bill, as well as technical and some minor substantive changes to the Uniform Act recommended by the National Conference of Commissioners on Uniform State Laws after the original bill was printed.