

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:

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Sen. Sharon Anglin Treat

Sen. John W. Benoit

Rep. Richard H. Thompson, Chair

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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
- 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
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value may be found to be marital property. The determination of what constitutes "substantial and active" involvement by a spouse will depend upon the type of management, maintenance or improvement customarily associated with the type of property at issue. Chapter 665 also expands the exception to the marital property presumption to include nonmarital property acquired during the marriage. The predecessor provision applied to only the "increase in value of property acquired prior to the marriage." This change modifies this limiting language so that it now applies to all nonmarital property, whether acquired prior to marriage or during the marriage through gift, bequest, devise or descent or property excluded by agreement of the parties. Public Law 1999, chapter 790, Part I makes the changes in chapter 665 apply to pending cases.

LD 2268

An Act to Ensure that Reports Commissioned by the State are Submitted in Writing or Other Reproducible Format

PUBLIC 623

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHICK LIBBY	OTP-AM	H-953

LD 2268 proposed to require any report commissioned in whole or in part by the State or any of its political subdivisions to be reduced to writing and delivered to the State or political subdivision that commissioned the report. This bill also proposed to amend the definition of "public records" in freedom of access law to include reports.

Committee Amendment "A" (H-953) proposed to replace the bill. It proposed to apply to state contracts for \$10,000 or more that include a report back to the contracting agency, to require that the contract include a requirement that the report be in writing or in another reproducible nontransitory medium, to require that the report include the substantive conclusions disclosed to the agency contracting for the report, and to require that the report also either include a summary of the information and data on which the conclusions were based or identify the source of the information and data. The amendment proposed that the agency maintain a copy of the report in its custody.

Enacted law summary

Public Law 1999, chapter 623 requires that state contracts for \$10,000 or more require a report back to the contracting agency, and that the report must be in writing or in another reproducible nontransitory medium. Electronic or other media may be used as long as the report can be reproduced. The report must include the substantive conclusions disclosed to the agency contracting for the report. It must also either include a summary of the information and data on which the conclusions were based or identify the source of the information and data. The agency must maintain a copy of the report in its custody.

LD 2271

An Act to Clarify the Laws Governing Service of Protection from Harassment Orders in Court

**PUBLIC 542
EMERGENCY**

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