

# 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](http://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

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-1121 H-1124 THOMPSON H-1161 THOMPSON H-1169 THOMPSON H-1170 THOMPSON H-1171 THOMPSON H-1172 THOMPSON H-1179 THOMPSON H-1182 THOMPSON H-1183 THOMPSON H-1186 THOMPSON H-1188 THOMPSON S – 810 LONGLEY

LD 2334 proposed to make technical corrections of errors and inconsistencies in the laws.

**Committee Amendment "A" (H-1121)** proposed to make additional technical corrections as well as a few substantive changes.

**House Amendment "A" to Committee Amendment "A" (H-1124)** proposed to amend the biweekly pay law.

**House Amendment "B" to Committee Amendment "A" (H-1161)** proposed to make certain corrections in the bill and the Committee Amendment effective 90 days after adjournment of the Legislature to coincide with the effective date of changes made by other public laws enacted by the 119th Legislature.

**House Amendment "C" to Committee Amendment "A" (H-1169)** proposed to amend the restrictions on a proposed transfer of state land to the Town of Carrabassett Valley to allow up to 25 acres of the 1,203 acres transferred to be used for municipal facilities.

**House Amendment "D" to Committee Amendment "A" (H-1170)** proposed to resolve an inconsistency in the adoption laws between the definition of "parent" in Title 18-A, section 9-102, subsection (h) and the provisions concerning consent of a putative or legal father with regard to children born in other jurisdictions.

**House Amendment "E" to Committee Amendment "A" (H-1171)** proposed to revise effective dates in newly enacted laws.

**House Amendment "F" to Committee Amendment "A" (H-1172)** proposed to amend the new law defining marital property by providing an application section that would apply the changes to all cases in which there is a determination of what property is marital property, including cases pending on the effective date of the new law.

**House Amendment "G" to Committee Amendment "A" (H-1179)** proposed to amend the laws governing the powers of game wardens to ensure they are consistent with LD 2691, Public Law 1999, chapter 738. It also proposed to correct the spelling of the name of the Native American organization mentioned in Public Law 1999, chapter 558, amend the Maine guide licensing statutes and amend the law concerning shooting from a motor vehicle.

**House Amendment "H" to Committee Amendment "A" (H-1182)** proposed that only 3 changes implemented by Public Law 1999, chapter 744 governing designation of beneficiaries take effect immediately.

**House Amendment "I" to Committee Amendment "A" (H-1183)** proposed to correct a potential inconsistency in the submission of the budget for the Governor Baxter School for the Deaf. It also proposed to resolve inconsistencies in Resolve 1999, chapter 130 establishing a study on the recruitment and retention of teachers.

**House Amendment "J" to Committee Amendment "A" (H-1186)** proposed to postpone certain statutory requirements for local school administrative units in the areas of maximum student-teacher ratios, guidance and counseling services, gifted and talented services and school accreditation until these requirements are integrated into Maine's system of learning results.

**House Amendment "K" to Committee Amendment "A" (H-1188)** proposed to add Pickerel Pond in the Town of Wayne to the areas where the operation of a watercraft at greater than headway speed is prohibited.

**House Amendment "L" to Committee Amendment "A" (H-1189)** proposed to make technical corrections to Public Law 1999, chapters 776 and 777. (Not adopted) See also Senate Amendment "A" to Committee Amendment "A" (S-810).

**Senate Amendment "A" to Committee Amendment "A" (S-810)** proposed to make corrections to Public Law 1999, chapter 776 by repealing duplicative language and repealing sections appropriating General Fund resources in error. It also proposed to make corrections in Public Law 1999, chapter 777 by amending the General Fund appropriation.

#### ***Enacted law summary***

Public Law 1999, chapter 790 corrects several technical errors and inconsistencies in the laws of Maine. In addition, it makes the following substantive changes.

1. Chapter 790, Part D amends the quorum and voting requirements for the boards of trustees of the Maine Legislative Retirement System and the Maine Judicial Retirement System to be consistent with the statutes governing the board of trustees for the Maine State Retirement System.
2. Chapter 790, Part D amends the Governmental Evaluation Act to delete the Maine Court Facilities Authority from the list of agencies under the review of the Judiciary Committee and to add the Maine Governmental Facilities Authority to the list of agencies under the review of the State and Local Government Committee.
3. Chapter 790, Part D reestablishes the Board of Counseling Professionals Licensure, which was inadvertently repealed.

4. Chapter 790, Part D repeals the section of the Maine Criminal Code dealing with collection and disbursement of court-ordered restitution, which was replaced but inadvertently not repealed.
5. Chapter 790, Part D corrects a reference to the appropriate part of Medicare for individual health insurance policies.
6. Chapter 790, Part D corrects a conflict governing prosecution protocol for the Maine Drug Enforcement Agency.
7. Chapter 790, Part D makes the driver's license reinstatement fee consistent throughout the statutes.
8. Chapter 790, Part D corrects a conflict in the eligibility criteria for burial in the Veterans' Memorial Cemetery.
9. Chapter 790, Part D extends the reporting deadline and makes other reporting modifications to the work of the MCJUSTIS Policy Board to make criminal and civil violations compatible with computerized data bases.
10. Chapter 790, Part E deletes the words "from the coastal waters" in the section of the lobster harvesting laws that establishes closed periods. A recent Superior Court decision ruled that "coastal waters" in a particular rule is limited to the waters up to 3 miles offshore. "Coastal waters" has been used and interpreted to mean any waters off the coast. Chapter 790, Part E amends Title 12, section 6440 to ensure that the restrictions on lobster harvesting at night and on Sunday stay intact.
11. Chapter 790, Part F corrects a deadline for the Maine Science and Technology Foundation to submit a plan for the comprehensive evaluation of state investments in research and development.
12. Chapter 790, Part G resolves an inconsistency in the adoption laws between the definition of "parent" in Title 18-A, section 9-102, subsection (h) and the provisions concerning consent of a putative or legal father with regard to children born in other jurisdictions.
13. Chapter 790, Part H corrects dates within non-emergency legislation enacted during the Second Regular Session.
14. Chapter 790, Part I amends the new law defining marital property (Public Law 1999, chapter 665) by providing an application section. The new law applies to all cases in which there is a determination of what property is marital property, including cases pending on the effective date of the new law.
15. Chapter 790, Part J amends the laws governing the powers of game wardens to ensure they are consistent with Public Law 1999, chapter 738. Chapter 790, Part J provides that the current authority to do anything otherwise prohibited by the fish and wildlife laws if necessary to carry out their duties does not authorize game wardens to stop any person, motor vehicle or watercraft except as specifically provided in the Maine Revised Statutes, Title 12, section 7053, which includes the new language added by Public Law 1999, chapter 738.

Chapter 790, Part J also corrects the spelling of the name of the Native American organization mentioned in Public Law 1999, chapter 558.

Chapter 790, Part J amends the Maine guide licensing statutes to delete disqualifying language for a specialized hunting guide license.

Chapter 790, Part J amends the law concerning shooting from a motor vehicle. It clarifies that paraplegics and single or double amputees of the legs are authorized to shoot from motor vehicles that are not in motion.

16. Chapter 790, Part K clarifies that only 3 changes implemented by Public Law 1999, chapter 744, concerning one-time changes of beneficiaries of retirement benefits take effect immediately.
17. Chapter 790, Part L corrects a potential inconsistency in Public Law 1999, chapter 775 by amending the law to clarify that the school board of the Governor Baxter School for the Deaf must continue to comply with the Maine Revised Statutes, Title 5, sections 1665 and 1666, which require all agencies to submit budget estimates for each biennium to the State Budget Officer and which authorize the Governor to review and revise these budget estimates.
18. Chapter 790, Part M corrects inconsistencies in Resolve 1999, chapter 130. The original bill proposed the establishment of a legislative commission staffed and funded by the Legislative Council. The resolve, as finally passed, instead places the full responsibility for providing research and staffing assistance for the study commission with the Department of Education, and further requires the Commissioner of Education to absorb the costs of conducting the study within the Department of Education budget. Chapter 790, Part M amends the resolve to authorize the Commissioner of Education to select the chair of the study commission and to appoint additional members to the study commission to more adequately represent the interests of schools in different types of school administrative units and different geographic regions of the State.
19. Chapter 790, Part N postpones certain statutory requirements for local school administrative units in the areas of maximum student-teacher ratios, guidance and counseling services, gifted and talented services and school accreditation until these requirements are integrated into Maine's system of learning results.
20. Chapter 790, Part O corrects an inadvertent omission by the Joint Standing Committee on Inland Fisheries and Wildlife. It adds Pickerel Pond in the Town of Wayne to the areas where the operation of a watercraft at greater than headway speed is prohibited.
21. Chapter 790, Part P amends the biweekly pay law, which requires most employers to pay their employees at intervals not greater than 16 days. The provision would allow public sector employees to bank compensatory time and take it in a pay period other than the one in which it was earned, without violating the biweekly pay law. It also would allow school administrative units to spread the pay of school-year employees over 12 months without violating the biweekly pay law.
22. Chapter 790, Part Q amends the restrictions on a proposed transfer of state land to the Town of Carrabassett Valley to allow up to 25 acres of the 1,203 acres transferred to be used for municipal facilities.
23. Chapter 790, Part R corrects errors contained in Public Law 1999, chapter 776 by repealing duplicative language and repealing sections appropriating General Fund resources in error.

24. Chapter 790, Part S corrects an error contained in Public Law 1999, chapter 777 by amending the General Fund appropriation.

Public Law 1999, chapter 790 was enacted as an emergency measure effective May 18, 2000, although some sections have different effective dates.

**LD 2348**

**An Act to Enact the Maine Death with Dignity Act**

**ONTP**

Sponsor(s)

Committee Report

Amendments Adopted

ONTP

LD 2348 was an Initiated Bill. It proposed to create the Maine Death with Dignity Act. It proposed to allow a mentally competent adult who is suffering from a terminal illness to request and obtain medication from a physician to end that patient's own life in a humane and dignified manner, with safeguards to ensure that the patient's request is voluntary and based on an informed decision.

Because the bill was not enacted by the Legislature without change, pursuant to Article IV, Part Third, Section 18 of the Maine Constitution, the proposed language will appear as a referendum question submitted to the voters at the next statewide election.

**LD 2354**

**An Act to Increase the Pay for Jury Duty**

**DIED ON  
ADJOURNMENT**

Sponsor(s)

Committee Report

Amendments Adopted

DAVIS P  
MCALEVEY

OTP-AM

S-576

LD 2354 proposed to increase the rate of compensation for jurors from \$10 to \$25 for each day of required attendance at court.

**Committee Amendment "A" (S-576)** proposed to add an appropriation section and a fiscal note to the bill.

**LD 2394**

**An Act to Allow Limited Access to Information Relating to  
Investigation of Abuse at the Governor Baxter School for the Deaf**

**P & S 62  
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

THOMPSON

OTP-AM

H-784

LD 2394 proposed to give the Joint Standing Committee on Judiciary access to information, including records, relating to any investigation of abuse that occurred at the Governor Baxter School for the Deaf, notwithstanding applicable confidentiality laws. The bill proposed to establish the basic process of review