

MAINE STATE LEGISLATURE

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**STATE OF MAINE
119TH LEGISLATURE**

SECOND REGULAR SESSION

**BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
JUDICIARY**

JULY 2000

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Sen. Sharon Anglin Treat

Sen. John W. Benoit

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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
Offices Located in the State House, Rooms 101 & 107

of the records to ensure that confidential records and information are not disclosed beyond the committee, its nonpartisan staff and the Office of the Attorney General.

Committee Amendment "A" (H-784) proposed to clarify that the confidential information that is subject to review by the Joint Standing Committee on Judiciary is information, including records, relating to previous investigations of abuse at the school, as well as information relating to allegations of abuse at the school. The amendment proposed that the Governor Baxter School for the Deaf, any department and any agency having information relating to previous investigations or allegations of abuse at the school must notify the committee that the information exists and make the information available for review by the committee. The amendment proposed that any employee of the State or the Governor Baxter School for the Deaf who provides information pursuant to this Act is immune from civil and criminal liability for providing that information to the committee.

Enacted law summary

Private and Special Law 1999, chapter 62 gives the Joint Standing Committee on Judiciary access to information, including records, relating to any allegations and investigation of abuse that occurred at the Governor Baxter School for the Deaf, notwithstanding applicable confidentiality laws. It establishes the basic process of review of the records to ensure that confidential records and information are not disclosed beyond the committee, its nonpartisan staff and the Office of the Attorney General. Chapter 62 extends immunity from civil and criminal liability to any employee of the State or the Governor Baxter School for the Deaf who provides the information to the committee. It requires review of the information to be completed by the end of the Second Regular Session.

Private and Special Law 1999, chapter 62 was enacted as an emergency measure effective February 14, 2000.

LD 2418

An Act Concerning Offensive Names

PUBLIC 613

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SOCTOMAH PARADIS	OTP-AM MAJ ONTP MIN	H-873

LD 2418 proposed to expand the law prohibiting the use of offensive names to designate places to also prohibit the use of the word "squaw."

Committee Amendment "A" (H-873), the majority report, proposed to replace the bill. It proposed to clarify that use of "squaw" or "squa" as a separate word in the name of a place is offensive, and to require that the name of that place must be changed. Current law provides that the municipal officers, if the place is within a municipality, or the county commissioners, if the place is located in unorganized territory, must take reasonable steps to complete a change in the name. The amendment proposed to allow them to hold public hearings on selecting a new name. Current law provides for a court to order a name change within 90 days if there is no agreement reached between the Maine Human Rights Commission and the municipal officers or the county commissioners, as applicable. The amendment proposed to require the notification about the new name to take place within 6 months of the determination that a place name is offensive if there is no court order specifying a different deadline.

Enacted law summary

Public Law 1999, chapter 613 provides that the use of "squaw" or "squa" as a separate word in the name of a place is offensive, and requires that the name of that place must be changed. The municipal officers, if the place is within a municipality, or the county commissioners, if the place is located in unorganized territory, must take reasonable steps to complete a change in the name. Public hearings may be held on selecting a new name. Current law concerning offensive place names provides for a court to order a name change within 90 days if there is no agreement reached between the Maine Human Rights Commission and the municipal officers or the county commissioners, as applicable. Chapter 613 requires the public notification about the new name to take place within 6 months of the determination that a place name is offensive if there is no court order specifying a different deadline.

**LD 2436 An Act to Permit the Attorney General, a Deputy Attorney General PUBLIC 686
or a District Attorney to Request Records of Internet Service
Providers and Mobile Telecommunications Service Providers**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SCHNEIDER	OTP-AM MAJ ONTP MIN	H-1026 CAMERON H-982

LD 2436 proposed to allow the Attorney General, a deputy attorney general or a district attorney to request records of Internet service providers and mobile telecommunications service providers in the same way other utility records are requested.

Committee Amendment "A" (H-982), the majority report, proposed to replace the bill. It proposed to rewrite the section of the statutes establishing the procedure for a prosecutor to demand certain records from providers of services to cover a wider range of services. Current law authorizes the procedure for certain public utility records. The amendment proposed to cover the same public utility services plus mobile telecommunications service providers, even if they are not within the jurisdiction of the Public Utilities Commission, and Internet service providers, which are not currently within the jurisdiction of the Public Utilities Commission. The amendment proposed to use the federal definition of "Internet service provider" and to limit records of utility services to subscriber information: name, address, local and long-distance telephone billing records, telephone number or other subscriber number or identity and the length of time the services have been provided to the subscriber or customer. Content of electronic mail and other transmissions would not be included. The amendment proposed to define "utility services" subject to a demand for records.

The amendment proposed to keep the current process the prosecutor must follow, with the addition of a notice requirement. As proposed, within 60 days of the approval of the demand for utility service records, the prosecutor must notify the person who is the subject of the records. The prosecutor may ask the court to extend that period, which the court may do upon a showing of reasonable cause. The period of the extension may not be indefinite but must be to a certain time. Additional extensions could be requested.

House Amendment "A" to Committee Amendment "A" (H-1026) was presented on behalf of the Committee on Bills in the Second Reading to prevent a conflict by incorporating changes made to the Maine Revised Statutes, Title 5, section 200-B, subsection 1 in Public Law 1999, chapter 579.