

# 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:***

***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:***

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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](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

**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  
or a District Attorney to Request Records of Internet Service  
Providers and Mobile Telecommunications Service Providers**

**PUBLIC 686**

<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.

***Enacted law summary***

Public Law 1999, chapter 686 allows 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. It incorporates the federal definition of "Internet service provider" and limits 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 is excluded. The procedure a prosecutor must follow to demand and receive the records is not changed, except that a notice requirement is added. 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 may be requested.

**LD 2453**

**An Act Regarding the Statute of Limitations for Sexual Misconduct with a Minor**

**PUBLIC 639**

Sponsor(s)  
DUDLEY  
RAND

Committee Report  
OTP-AM

Amendments Adopted  
H-914

LD 2453 proposed to apply the removal of the criminal statute of limitations for the crimes of unlawful sexual contact and sexual abuse of a minor, enacted by Public Law 1999, chapter 438, retroactively to any crime of unlawful sexual contact or sexual abuse of a minor regardless of when the crime occurred. The bill also proposed to remove the current 12-year statute of limitations for civil actions based on the crimes of unlawful sexual contact and sexual abuse of a minor.

**Committee Amendment "A" (H-914)** proposed to replace the bill. It proposed to repeal and replace the current law limiting civil actions for sexual acts toward minors. The amendment proposed to provide that there is no statute of limitations for civil actions based on sexual acts toward minors that are based on sexual acts or sexual contact that either occurred after the effective date of this bill, or occurred prior to the effective date but for which the existing statute of limitations had not yet expired on the effective date of this bill. The amendment would not have revived any case for which the period under the statute of limitations has already expired. The amendment proposed to define "sexual acts toward minors" to include both "sexual act" and "sexual contact" as defined in the Maine Criminal Code.

***Enacted law summary***

Public Law 1999, chapter 639 repeals and replaces the current law limiting civil actions for sexual acts toward minors. It provides that there is no statute of limitations for such civil actions that are based on sexual acts or sexual contact that either occurred after the effective date of this law, or occurred prior to the effective date but for which the existing statute of limitations had not yet expired on the effective date of this law. This change does not revive any case for which the period under the statute of limitations has