

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

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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
ONT P..... 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 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

already expired. "Sexual acts toward minors" is defined to include both "sexual act" and "sexual contact" as defined in the Maine Criminal Code.

LD 2474

**An Act to Allow the Court Discretion in Providing Information to
Parents or Custodians of a Child Removed from Their Home by the
Department of Human Services**

ONTP

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

Under current law, when the Department of Human Services removes a child from parents or custodians, the parents have the right to know where the child has been placed in foster care. When the foster parents are interested in attempting to adopt that child, the provision of such information dictates an open adoption. LD 2474 proposed to allow the court discretion in providing such information.

LD 2487

An Act to Amend the Jurisdiction of the District Court

**PUBLIC 547
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THOMPSON	OTP-AM	H-861

LD 2487 proposed to amend the jurisdiction of the District Court in 2 ways. First, it proposed to give the District Court the equitable jurisdiction to order the partition of property by sale. Second, it proposed to give the District Court all the jurisdiction, powers and responsibilities of the Administrative Court and eliminate the Administrative Court. The 2 sitting Administrative Court judges would have become District Court judges, serving the remainder of their terms without reappointment or reconfirmation.

Committee Amendment "A" (H-861) proposed to eliminate the vacant Administrative Court Associate Judge immediately. The amendment proposed to create a District Court Judge position immediately. The amendment proposed to eliminate the position of Administrative Court Chief Judge as of March 15, 2001 and create a new District Court Judge position at that time. No loss in total judge positions results. The amendment proposed that the 2 new District Court positions must be filled in the usual way: by nomination by the Governor and confirmation by the Legislature.

The amendment proposed that an expedited hearing on the emergency suspension or revocation of a license must be scheduled, but that such hearings would not take precedence over any other items on the District Court's docket.

Enacted law summary

Public Law 1999, chapter 547 amends the jurisdiction of the District Court in 2 ways. First, it gives the District Court the equitable jurisdiction to order the partition of property by sale. Both the Superior Court and the probate courts currently have this equity jurisdiction in the situation where a life tenancy is followed by a contingent remainder.