

# 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***

***Rep. Thomas Bull***

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***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

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'GARA JABAR	OTP	

LD 2514 proposed to create the Maine Coordinate System of 2000, which would accommodate global positioning system technological advances and which would be uniformly used for survey work provided to or by state or federal governmental agencies.

#### *Enacted law summary*

Public Law 1999, chapter 689 creates the Maine Coordinate System of 2000, which accommodates global positioning system technological advances and which must be uniformly used for survey work provided to or by state or federal governmental agencies.

#### **LD 2530**

#### **An Act to Provide Payment for Overtime Amounts Due and to Reimburse for Costs Incurred in an Action to Recover those Amounts**

**P & S 87**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAXL M	OTP-AM	H-1076 S-752 MICHAUD

LD 2530 proposed to allow state employees to sue the State in state or federal court to seek enforcement of the rights and remedies provided to them as employees by federal employment-related laws. Recent decisions of the United States Supreme Court ruled that state employees may not sue the State as their employer under certain federal employment laws, unless the State consents to be sued. This bill proposed to give consent to be sued under all federal employment-related laws. The bill also proposed to state the Legislature's intent that the plaintiffs in the cases of Alden v. Maine and Mills v. Maine be able to have their claims for overtime pay due adjudicated after the bill becomes law, notwithstanding their dismissal from state and federal courts prior to the State's giving its consent to be sued.

**Committee Amendment "A" (H-1076)** proposed to replace the bill. It proposed to strike the provision of the bill in which the State consents to be sued under federal employment laws. The issue of State consent to be sued was dealt with in a separate bill, LD 2682, which was enacted but vetoed by the Governor.

The committee amendment proposed to pay the plaintiffs in the Mills and Alden cases the amounts due them as overtime pay, rather than allowing them to re-initiate their suits. The amounts proposed to be paid under the bill were the amounts found by the Special Master to be due in the Mills case before the case was dismissed from federal District Court. The amendment also proposed to require the State to reimburse representatives of the plaintiffs for the cost of the Special Master and for certain transcription and printing costs.

**Senate Amendment "A" to Committee Amendment "A" (S-752)** proposed to make a technical correction to the committee amendment.

***Enacted law summary***

Private and Special Law 1999, chapter 87 directs the Department of Administrative and Financial Services to make payments to the 96 employees and former employees who sued the State in the cases of Mills v. Maine and Alden v. Maine, alleging payment due for overtime. Those cases were dismissed from state and federal court on the grounds of sovereign immunity. In the federal court, a Special Master had made preliminary findings of amounts due before the case was dismissed. The sums required to be paid by chapter 87 are the sums found by the Special Master to be due, excluding liquidated damages. The law also requires the State to reimburse representatives of the plaintiffs for the cost of the Special Master and for certain transcription and printing costs.

**LD 2563**

**An Act to Implement the Recommendations of the Court Unification Task Force**

**INDEF PP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM    MAJ	
	OTP-AM    MIN	

LD 2563 contains the legislative recommendations of the court unification task force as submitted to the Chief Justice of the Supreme Judicial Court, as provided in Resolve 1997, chapter 107. The task force's final report was transmitted to the Honorable Daniel E. Wathen, Chief Justice of the Maine Supreme Judicial Court, on December 8, 1999.

The bill proposed to carry out Recommendation I of the task force's report, vesting divorce and other family-law related jurisdiction in the District Court with direct appeal to the Law Court. After the effective date of this bill, all actions concerning paternity, divorce and judicial separation, grandparents visitation and child support, including actions under the Uniform Interstate Family Support Act, would be pursued in the District Court. The Superior Court would continue to have jurisdiction over actions properly filed in the Superior Court prior to the effective date.

The bill proposed to carry out Recommendation II of the task force's report, substantially eliminating the appellate review by the Superior Court of District Court judgments and orders. The Superior Court's appellate jurisdiction would continue to include administrative appeals and appeals from the District Court in forcible entry and detainer actions, small claims cases and certain criminal appeals and petitions.

The bill proposed to address one piece of Recommendation III of the task force's report, removing the \$30,000 damages limitation from District Court actions, which would treat civil nonjury actions equally in the District Court and the Superior Court. Other components of Recommendation III are not appropriately addressed through legislation, but by the Judicial Department directly.

The bill proposed to carry out Recommendation VI, vesting the District Court with jurisdiction, concurrent with the Superior Court, to partition real property by sale. This addresses a discrepancy identified in Boyer v. Boyer, 1999 ME 128 (August 5, 1999).