

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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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

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).

Recommendations IV, V, VII and VIII are not appropriately addressed through legislation, but by the Judicial Department directly.

Committee Amendment "A" (H-1081), the majority report proposed to do the following:

1. Make technical changes concerning the wording of the District Court's civil jurisdiction;
2. Authorize an appeal from the Superior Court to the Law Court for a specific set of facts;
3. Make corrections consistent with Public Law 1999, chapter 547; and
4. Establish the Court Unification Oversight Committee. The Court Unification Oversight Committee would be charged with overseeing the implementation of the recommendations of the court unification task force. As proposed, it would also be required to review and report on specific issues annually to the joint standing committee of the Legislature having jurisdiction over judiciary matters. The amendment proposed that in the first annual report, the Court Unification Oversight Committee must make assessments and recommendations on workload, an abbreviated and expedited appeal process from the District Court to the Law Court and the shared docket.

The amendment proposed that provisions concerning the Court Unification Oversight Committee and the appropriation section take effect 90 days after adjournment of the Second Regular Session of the 119th Legislature. The rest of the changes in the bill as amended would take effect January 1, 2001.

Committee Amendment "B" (H-1082), the minority report, proposed to make the same changes as the majority report except that the provisions carrying out Recommendation I (shifting family law jurisdiction exclusively to the District Court) not be included. (Not adopted)

The provisions of the bill as amended by Committee Amendment "A" were incorporated into the Budget Bill, Public Law 1999, chapter 731, Part ZZZ.

**LD 2564 An Act Regarding the Payment of Child Support in Cases of
Delayed Parental Notification**

ONTP

<u>Sponsor(s)</u> BERUBE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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Under current law, a father is responsible for liabilities for past education and support retroactively up to 6 years even if the father did not know he was the father. LD 2564 proposed to limit a father's liabilities for past education and support for only the portion of the retroactive 6-year period after he receives knowledge or notice of paternity.

The bill also proposed to provide relief to Richard Bell for child support arrearage he had incurred under current law for a child he did not know existed.