

# 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***

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***Rep. William J. Schneider***

***Rep. Donna M. Loring***

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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>
CAMPBELL FERGUSON	OTP-AM	H-1000 H-1085 THOMPSON

LD 2582 proposed to restore a process for municipalities to follow when seeking to dispose of the abandoned personal property that is typically found in tax-acquired or condemned real estate. The process was inadvertently repealed when the Uniform Unclaimed Property Act was enacted as Public Law 1997, chapter 508.

**Committee Amendment "A" (H-1000)** proposed to clarify the requirements that apply to municipalities, counties and other political subdivisions relating to notifying the owner of abandoned property. The amendment also proposed that if the municipality, county or other political subdivision sells the abandoned property, after applying the proceeds to the costs of storage, notice and sale, the balance and the appropriate records must be turned over to the Treasurer of State in accordance with the Uniform Unclaimed Property Act.

**House Amendment "A" (H-1085)** proposed to establish the process by which municipalities and other political subdivisions must dispose of abandoned property.

***Enacted law summary***

Public Law 1999, chapter 667 provides municipalities, counties and other political subdivisions with a process by which to dispose of abandoned personal property that is typically found in tax-acquired or condemned real estate. The process includes specific notice requirements, and establishes the process by which municipalities, counties and other political subdivisions must dispose of abandoned property. If the property is sold, after applying the proceeds to the costs of storage, notice and sale, the political subdivision must turn over the balance and the appropriate records to the Treasurer of State in accordance with the Uniform Unclaimed Property Act.

Public Law 1999, chapter 667 was enacted as an emergency measure effective April 11, 2000.

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

LD 2607 proposed to effectuate Public Law 1991, chapter 720 to include certain lands in Albany Township as Passamaquoddy Indian territory. In response to Kimball v. LURC, 2000 ME 20, the bill proposed to remove the land in question from the provision that required certification by the Secretary of the Interior of the United States by January 31, 1991 and clarify that the land in question is within Passamaquoddy Indian territory. The bill proposed to apply retroactively to the effective date of Public

Law 1991, chapter 720, and provide that decisions of the Maine Land Use Regulation Commission affecting the property are effective.

**Committee Amendment "A" (H-1071)**, the minority report, proposed to amend the Implementing Act to extend the deadline by which the Secretary of the Interior must certify land acquired and held in trust for the Passamaquoddy Tribe to January 31, 2021. This would have the effect of making the Albany Township land acquired by the Passamaquoddy Tribe before January 1, 1991 Indian Territory. (Not adopted)

**Senate Amendment "A" to Committee Amendment "A" (S-667)** proposed to require, prior to transfer of any land in an unorganized township of at least 100 residents to the Passamaquoddy Tribe or the Penobscot Nation, approval of the residents of that unorganized township and of the State. The country commissioners would be required to hold the referendum. (Not adopted)

**Senate Amendment "B" to Committee Amendment "A" (S-673)** proposed to clarify that the Passamaquoddy Tribe would have to seek anew the rezoning and development permit from the Maine Land Use Regulation Commission. (Not adopted)

**LD 2682                      An Act to Provide Equal Treatment for State Employees under Certain Federal Employment Laws**

**VETO  
SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP      MAJ	S-765   MICHAUD
	ONTP    MIN	

LD 2682 proposed to give consent for State employees, former employees and employment applicants to sue the State under the following federal employment laws: the Fair Labor Standards Act, the Americans with Disabilities Act, the Age Discrimination in Employment Act, Title VII of the Civil Rights Act, and the Jones Act, which provides remedies for maritime employees injured on the job. The United States Supreme Court has recently ruled that individual employees may not sue the State in its capacity as employer for damages under the Fair Labor Standards Act or the Age Discrimination in Employment Act, unless the State has consented to be sued. The bill proposed to consent to suit under those laws and 3 others that may be the subject of future Supreme Court rulings.

LD 2682 addressed an issue originally proposed as part of LD 2530. The Judiciary Committee unanimously approved one part of LD 2530 and sent the bill to the floor for approval. The second part of LD 2530 was included in LD 2682, which was reported out of committee as a committee bill with a divided report.