

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

*State Of Maine
120th Legislature*

First Regular Session

Bill Summaries

*Joint Standing Committee
on
Judiciary*

August 2001

Members:

Sen. Anne M. Rand, Chair

Sen. Michael J. McAlevey

Sen. Norman K. Ferguson, Jr.

Rep. Charles C. LaVerdiere, Chair

Rep. Thomas D. Bull

Rep. Patricia T. Jacobs

Rep. Charles E. Mitchell

Rep. Christopher T. Muse

Rep. Deborah L. Simpson

Rep. David R. Madore

Rep. G. Paul Waterhouse

Rep. Stavros J. Mendros

Rep. Roger L. Sherman

Rep. Donna M. Loring

Staff:

Margaret J. Reinsch, Principal Analyst

Deborah C. Friedman, Senior Analyst

Office of Policy and Legal Analysis

13 State House Station

Augusta, ME 04333

(207) 287-1670



**Maine State Legislature
OFFICE OF POLICY AND LEGAL ANALYSIS**

13 State House Station, Augusta, Maine 04333-0013
Telephone: (207) 287-1670
Fax: (207) 287-1275

**120th Legislature
First Regular Session**

**Summary Of Legislation Before The Joint Standing Committees
August 2001**

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing 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 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:

CARRIED OVER..... *Bill Carried Over to Second Regular Session*
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 First Regular Session (unless otherwise specified in a particular law) is **September 21, 2001**.

David E. Boulter, Director
Offices Located in the State House, Rooms 101/107/135

Joint Standing Committee on Judiciary

LD 30

An Act to Correct Errors and Inconsistencies in the Laws of Maine

PUBLIC 471
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-749 H-750 LAVERDIERE

LD 30 proposed to make technical corrections to Maine Laws.

Committee Amendment "A" (H-749) proposed to make both technical corrections and substantive changes.

House Amendment "A" to Committee Amendment "A" (H-750) proposed additional technical and substantive changes.

Enacted law summary

Public Law 2001, chapter 471 makes technical and substantive corrections and changes to the laws of Maine. Parts A, B and F make technical corrections. Changes contained in Parts C, D, E and G make changes that may be considered or are substantive changes.

Public Law 2001, chapter 471 was enacted as an emergency measure effective June 29, 2001.

LD 56

An Act to Provide the Right to a Jury Trial in Civil Actions for
Civil Rights Violations

PUBLIC 50

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVAGE W	OTP-AM	H-73

LD 56 proposed to provide the right to a trial by jury in civil actions for violations of constitutional rights under the Maine Civil Rights Act.

Committee Amendment "A" (H-73) proposed to replace the bill. It proposed to restructure the sections of the Maine Civil Rights Act relating to actions by the Attorney General and private citizens to make the sections easier to read. It also proposed to incorporate changes made by the bill to specify where private actions must be brought and to provide for a right to a jury trial in actions under the Act. Finally, it proposed to amend the language of the bill to provide that the right to a jury trial does not apply to a hearing on an application for a temporary restraining order or a preliminary injunction.

Enacted law summary

Joint Standing Committee on Judiciary

Public Law 2001, chapter 50 provides that a person has a right to a jury trial in a civil action by the Attorney General or by an aggrieved person under the Maine Civil Rights Act. The right to a jury trial does not apply to a hearing on an application for a temporary restraining order or a preliminary injunction. The law also specifies where actions by aggrieved persons must be brought and restructures the sections of the Act relating to civil actions to make the law easier to read.

LD 85 **An Act Requiring Compensation for Loss of Property Value Due to State or Local Regulation** **ONTP**

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

LD 85 proposed to require the State and its political subdivisions to pay property owners when state or local regulations lower the owner's property value by more than 50%.

Committee Amendment "A" (H-462) is the minority report of the Joint Standing Committee on Judiciary. This amendment proposed to add a mandate preamble and a fiscal note to the bill. (Not adopted)

LD 119 **An Act to Ban Partial Birth Abortion in the 3rd Trimester Except to Save the Life of the Mother** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS G DAVIS P	ONTP MAJ OTP MIN	

LD 119 proposed to prohibit a physician from performing a partial birth abortion during a mother's 3rd trimester of pregnancy unless it is necessary to preserve the life of the mother. Partial birth abortion was defined and a civil penalty of up to \$5,000 was specified.

See also LD 135.

LD 128 **An Act to Amend the State Autopsy Law** **ONTP**

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

LD 128 proposed to require a medical examiner to perform an autopsy when the family of a deceased person suspects that the person did not die of natural causes and requests the autopsy. The bill proposed to require the expenses of such an autopsy to be paid from the Victims' Compensation Fund.