

# MAINE STATE LEGISLATURE

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*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*

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**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](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:

<i>CARRIED OVER</i> .....	<i>Bill Carried Over to Second Regular Session</i>
<i>CON RES XXX</i> .....	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i> .....	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i> .....	<i>House &amp; Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i> .....	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i> .....	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i> .....	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i> .....	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i> .....	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i> .....	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>NOT PROPERLY BEFORE THE BODY</i> .....	<i>Ruled out of order by the presiding officers; bill died</i>
<i>INDEF PP</i> .....	<i>Bill Indefinitely Postponed</i>
<i>ONTP</i> .....	<i>Ought Not To Pass report accepted</i>
<i>OTP ND</i> .....	<i>Committee report Ought To Pass In New Draft</i>
<i>OTP ND/NT</i> .....	<i>Committee report Ought To Pass In New Draft/New Title</i>
<i>P&amp;S XXX</i> .....	<i>Chapter # of enacted Private &amp; Special Law</i>
<i>PUBLIC XXX</i> .....	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i> .....	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i> .....	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i> .....	<i>Legislature failed to override Governor's Veto</i>

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 221

An Act to Improve Allowances for Jury Duty

DIED ON  
ADJOURNMENT

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS	OTP-AM MAJ ONTP MIN	S-22

LD 221 proposed to require courts to reimburse jurors for parking expenses and to give jurors an allowance of \$10 a day for meals.

**Committee Amendment "A" (S-22)** proposed to add an appropriation section to fund the meal allowance for jurors. An appropriation was not needed for parking expenses because funding for parking expenses was included in the Part I budget bill, LD 300, Public Law 2001, chapter 358.

LD 242

An Act to Amend the Freedom of Access Laws

ONTP

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

LD 242 proposed to allow a person other than the Attorney General or a district attorney to bring an action to enforce the freedom of access laws if the Attorney General fails to bring an action within 30 days after receiving a complaint of a violation.

**LD 264**

An Act Regarding the State's Land Use Mediation Program

PUBLIC 184

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT COWGER	OTP-AM	S-130

LD 264 proposed to remove sunset provisions that, effective October 1, 2001, repeal the State's Land Use Mediation Program, administered by the Judicial Department's Court Alternative Dispute Resolution Service. The bill also proposed to provide for a biennial report from the Land and Water Resources Council to the Legislature, Governor and Judicial Department on the program's effectiveness.

**Committee Amendment "A" (S-130)** proposed to repeal the whole paragraph pertaining to the repeal of the land use mediation program. It also proposed to add a fiscal note to the bill.

### *Enacted law summary*

Public Law 2001, chapter 184 removes sunset provisions that, effective October 1, 2001, repeal the State's Land Use Mediation Program, administered by the Judicial Department's Court Alternative Dispute Resolution Service.

## Joint Standing Committee on Judiciary

The bill also provides for a biennial report from the Land and Water Resources Council to the Legislature, Governor and Judicial Department on the program's effectiveness.

**LD 270**                      **An Act to Create a Resource within State Government to Protect the Privacy of Personal Information**                      **INDEF PP**

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 270 was a concept draft proposing to create a resource, e.g., an ombudsman, within state government to protect the privacy of personal data. The bill was a recommendation of the Blue Ribbon Commission to Establish a Comprehensive Internet Policy. LD 270 was indefinitely postponed prior to being referred to a committee. See also LD 298, 299, 872 and 1681.

**LD 271**                      **An Act to Establish the Baxter Compensation Program**                      **ONTP**

<u>Sponsor(s)</u>		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 271 is a recommendation of the Committee to Develop a Compensation Program for Victims of Abuse at the Governor Baxter School for the Deaf, created by Resolve 1999, chapter 127, Part B. The committee's final report was submitted in December 2000.

The bill proposed to create the Baxter Compensation Authority, which would establish the Baxter Compensation Program to pay compensation to the former students who were sexually or physically abused while attending the Governor Baxter School for the Deaf or its predecessor, the Maine School for the Deaf.

The bill, along with changes recommended by the Judiciary Committee, was incorporated into the Part II Budget, LD 855, Public Law 2001, chapter 439 as Part T. Funding for the program, proposed in LD 293, is also included in Part T.

**LD 273**                      **An Act to Clarify that Polluters Who Violate the Environmental Laws on Private Land are Liable for Their Actions**                      **PUBLIC 365**

<u>Sponsor(s)</u> LAVERDIERE MARTIN		<u>Committee Report</u> OTP-AM    MAJ ONTP        MIN		<u>Amendments Adopted</u> H-560
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LD 273 proposed to provide that a person who accesses property to pursue recreational or harvesting activities is liable for any violations or infractions of state environmental laws. State agencies would be required to exercise due diligence in finding and prosecuting these violators.