

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

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

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.

Joint Standing Committee on Judiciary

Committee Amendment "A" (H-560), the majority report of the committee, proposed to replace the bill. It proposed to provide that an owner, lessee, manager, easement holder or occupant of premises is not subject to criminal penalties or civil penalties or forfeitures for violation of laws or rules enforced by the Maine Land Use Regulation Commission or the Department of Environmental Protection if that person provides substantial, credible evidence that the violation was committed by a 3rd party who is not an employee, contractor or agent of the owner, lessee, manager, easement holder or occupant. The amendment proposed to require the department and the commission to investigate substantiated allegations that a 3rd party committed the violation. It also proposed to clarify that this does not exempt the owner, lessee, manager, easement holder or occupant from the obligation to remediate or abate the environmental hazard or damage caused by the violation. Finally, the amendment proposed to provide that the exemption does not apply to a person who is designated a "responsible party" under the laws relating to oil discharge, tire stockpiles and uncontrolled hazardous substance sites.

Enacted law summary

Public Law 2001, chapter 365 provides that an owner, lessee, manager, easement holder or occupant of premises is not subject to criminal penalties or civil penalties or forfeitures for violation of laws or rules enforced by the Maine Land Use Regulation Commission or the Department of Environmental Protection if that person provides substantial, credible evidence that the violation was committed by a 3rd party who is not an employee, contractor or agent of the owner, lessee, manager, easement holder or occupant. The department and the commission are required to investigate substantiated allegations that a 3rd party committed the violation. Chapter 365 does not exempt the owner, lessee, manager, easement holder or occupant from the obligation to remediate or abate the environmental hazard or damage caused by the violation. Finally, the exemption in chapter 365 does not apply to a person who is designated a "responsible party" under the laws relating to oil discharge, tire stockpiles and uncontrolled hazardous substance sites.

LD 293

An Act to Implement the Funding Recommendations of the Committee to Develop a Compensation Program for Victims of Abuse at the Governor Baxter School for the Deaf

**DIED ON
ADJOURNMENT**

Sponsor(s)

Committee Report
OTP-AM

Amendments Adopted
H-413

LD 293 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.

This bill proposed to provide an additional \$5,000,000 to the Governor Baxter School for the Deaf Student Trust Fund to be used to pay compensation and to cover the costs of the operation of the Baxter Compensation Program.

Committee Amendment "A" (H-413) proposed to replace the bill. It proposed to require the State Controller to transfer \$5,000,000 from the Maine Rainy Day Fund into the Governor Baxter School for the Deaf Student Trust Fund. The trust fund would be used to pay compensation to former students of the Maine School for the Deaf and the Governor Baxter School for the Deaf for abuse they suffered while students at either school.