

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:

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Maine State Legislature
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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).

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 funding for the Baxter Compensation Program is included in Part T of the Part II Budget, LD 855, Public Law 2001, chapter 439.

LD 298 **An Act to Include Analysis and Review of Information Practices in the State Government Evaluation Act Process** **INDEF PP**

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 298 proposed to require state agencies to include a review of agency information practices and implementation of information technology as part of their self-evaluation under the Governmental Evaluation Act. LD 298 was a recommendation of the Blue Ribbon Commission to Establish a Comprehensive Internet Policy. LD 298 was indefinitely postponed prior to being referred to a committee, but the substance of LD 298 was included in LD 1681 and enacted as Public Law 2001, chapter 321. See also LD 270 and 299.

LD 299 **An Act to Implement the Recommendations of the Blue Ribbon Commission to Establish a Comprehensive Internet Policy** **INDEF PP**

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 299 proposed to require state and local agencies that maintain Internet web sites to develop policies regarding the collection, maintenance and use of personal information and to post those information practices policies on their web sites. It also proposed to create a commission to study Internet and information policy issues, including development of a comprehensive information practices law. LD 299 was a recommendation of the Blue Ribbon Commission to Establish a Comprehensive Internet Policy. LD 299 was indefinitely postponed prior to being referred to a committee, but the requirement that state and local agencies post information practices policies on their web sites was included in LD 1681 and enacted as Public Law 2001, chapter 321. See also LD 270, 298, 872 and 1681.

LD 301 **An Act to Implement the Recommendations of the Judicial Compensation Commission Regarding Retirement Benefits** **DIED ON ADJOURNMENT**

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
		OTP-AM MAJ		S-40
		ONTP MIN		

LD 301 proposed to implement certain recommendations of the Judicial Compensation Commission established by the Maine Revised Statutes, Title 4, chapter 35. LD 301 proposed that the maximum retirement benefit of all judges appointed on or after December 1, 1984 be 70% of average final compensation. Current law provides a

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formula for determining the maximum benefit percentage that results in judges with significant service prior to 1998 having a lower maximum benefit percentage than judges whose service began after 1997. This bill proposed to bring the maximum level for all judges appointed after December 1, 1984 to the 70% level. The substance of LD 301 was enacted as Part VV of the Part II budget bill, Public Law 2001, chapter 439.

LD 307

An Act to Clarify Arrest Powers under Certain Bench Warrants

ONTP

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

LD 307 proposed to require police officers to verify within 24 hours of the execution of a bench warrant issued for reason of an unpaid fine for an underlying Class D or Class E offense that the fine is still unpaid or the arrestee must be released.

See also LD 1073.

LD 309

An Act Regarding Statute of Limitations for Attorneys

PUBLIC 115

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAVERDIERE	OTP-AM	H-196

LD 309 proposed to provide a 20-year statute of limitations for actions alleging professional negligence of attorneys in the rendering of real estate title opinions. The 20-year statute of limitations would begin to run the date an opinion is rendered.

Committee Amendment "A" (H-196) proposed to replace the bill. It proposed to clarify current law setting forth the time when the statute of limitations begins to run for claims of professional malpractice, negligence or breach of contract against attorneys. Under current law and the amendment, the statute of limitations for actions against attorneys begins to run when the negligence, breach of contract or malpractice occurs, except that, in actions relating to wills and rendering of title opinions, the statute of limitations begins to run when the negligence or malpractice is discovered. This amendment proposed to change current law by setting an outside limit on when a cause of action for negligence in rendering a title opinion may be brought. Such an action must be brought within six years of discovery, but not more than 20 years from the rendering of the title opinion.

The amendment proposed to provide that a cause of action relating to a title opinion that was rendered more than 20 years before the effective date of the law change, which would otherwise be barred by the law change, could be brought within two years from the effective date of the law change or within the statute of limitations already applicable, whichever is earlier.

Enacted law summary