

# 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*

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*Rep. Stavros J. Mendros*

*Rep. Roger L. Sherman*

*Rep. Donna M. Loring*

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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:

*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

Public Law 2001, chapter 163 gives the Probate Court Judge the authority to limit the amount of notice that is required before the judge orders a change in a person's name when the purpose is to protect the person's safety. The person must first show by a preponderance of the evidence that the person is a victim of abuse and that the person is currently in fear of his or her safety. The Probate Court Judge will determine the appropriate amount of notice that must be given based on the facts of the case. If the judge limits the notice that must be given, the judge may seal the records of the name change. The fee for filing the name change petition is not changed.

**LD 364**

**Resolve, Recognizing the Phi Eta Kappa Building Association as a Nonprofit Corporation**

**RESOLVE 32**

| <u>Sponsor(s)</u>  | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|--------------------|-------------------------|---------------------------|
| THOMAS<br>CATHCART | OTP-AM                  | H-342                     |

LD 364 proposed to give nonprofit corporation status to the Phi Eta Kappa Building Association and allow the board of directors of the corporation to amend the bylaws to conform to the Maine Nonprofit Corporation Act.

**Committee Amendment "A" (H-342)** proposed to require the Phi Eta Kappa Building Association to file its restated Articles of Incorporation with the Secretary of State by December 31, 2001. It also proposed to add a fiscal note to the resolve.

### *Enacted law summary*

Resolve 2001, chapter 32 gives nonprofit corporation status to the Phi Eta Kappa Building Association and allows the board of directors of the corporation to amend the bylaws to conform to the Maine Nonprofit Corporation Act. It also requires the Phi Eta Kappa Building Association to file its restated Articles of Incorporation with the Secretary of State by December 31, 2001. This creates the appropriate paper trail for public disclosure of the conversion of the association from a for-profit corporation to a nonprofit corporation made by this resolve.

**LD 396**

**An Act to Update the Abandoned Property Laws**

**DIED BETWEEN BODIES**

| <u>Sponsor(s)</u>   | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|---------------------|-------------------------|---------------------------|
| DOUGLASS<br>CHIZMAR |                         |                           |

The Maine Revised Statutes, Title 14, section 6013 establishes the procedure for disposal of property with a value of less than \$500 that is abandoned by a tenant. LD 396 proposed to extend application of this procedure to property with a value of less than \$750.

This bill was not referred to a committee.