

# 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

LD 400

**An Act to Implement the Recommendations of the Judicial Compensation Commission Regarding Per Diem Compensation**

**DIED ON  
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	S-55
	ONTP MIN	

LD 400 proposed to implement certain recommendations of the Judicial Compensation Commission established by the Maine Revised Statutes, Title 4, chapter 35. The bill proposed to increase the direct compensation for the State's judges and justices as follows: (1) Chief Justice of the Supreme Judicial Court: from \$111,000 to \$124,840; (2) Associate Justices of the Supreme Judicial Court: from \$96,000 to \$108,556; (3) Chief Justice of the Superior Court and Chief Judge of the District Court: from \$94,000 to \$106,385; (4) Associate Justices and Judges: from \$90,000 to \$102,043; and (5) Deputy Chief Judge of the District Court: from 90,000 to \$104,214. It also proposed to increase the per diem rate for Active Retired Judges and Justices from \$200 to \$300 for a full day and from \$125 to \$175 for a half-day.

**Committee Amendment "A" (S-55)** proposed to delete the provisions of the bill to increase the salaries of Supreme Judicial Court and Superior Court Justices and District Court Judges. It proposed to retain provisions that increase the per diem compensation for active retired Superior Court Justices and District Court Judges.

Provisions to increase the per diem compensation for active retired Superior Court Justices and District Court Judges were enacted as Part DDD of the Part II budget bill, Public Law 2001, chapter 439.

**LD 423**

**An Act to Facilitate Implementation of Court Alcohol and Drug Treatment Programs**

**PUBLIC 318  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVAGE W DAGGETT	OTP-AM	H-500

LD 423 proposed to allow a court to order participation in a drug and alcohol treatment program as a condition of post-conviction bail. This bill also proposed to allow the court to impose sanctions if the defendant violates the condition.

**Committee Amendment "A" (H-500)** proposed to replace the bill. It proposed to allow the court to suspend an order of bail, resulting in a period of detention of up to 7 days, if the defendant violates the condition.

### *Enacted law summary*

Public Law 2001, chapter 318 allows a court to order participation in a drug and alcohol treatment program as a condition of post-conviction bail. It also allows the court to suspend an order of bail, resulting in a period of detention of up to 7 days, if the defendant violates the condition. The defendant will have an opportunity to

## Joint Standing Committee on Judiciary

personally address the court prior to any suspension of the order of bail, but will not have the right to a formal hearing. The period of suspension of bail is a period of detention under the Maine Revised Statutes, Title 17-A, section 1253, subsection 2.

Public Law 2001, chapter 318 was enacted as an emergency measure effective May 30, 2001.

**LD 459**                      **An Act to Expand the Authority of Maine Prosecutors to Coordinate the Prosecution of Drug Cases**                      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS P WINSOR	ONTP	

LD 459 proposed to repeal the requirement in current law that the Attorney General appoint one assistant attorney general to supervise drug prosecution.

**LD 472**                      **Resolve, to Establish a Fatherhood Issues Study Commission**                      **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TESSIER CLARK	OTP-AM	

LD 472 was a concept draft pursuant to Joint Rule 208. It proposed to establish a study commission to examine various issues associated with being a father in Maine.

**Committee Amendment “A” (H-87)**, the majority report of the Joint Standing Committee on Judiciary, proposed to replace the bill with a resolve to create the Commission on Fatherhood Issues consisting of 11 members appointed by the President of the Senate and the Speaker of the House of Representatives. The resolve proposed that the commission study issues concerning the barriers to being an involved father in Maine.

This bill has been carried over to the Second Regular Session by the Joint Standing Committee on Appropriations and Financial Affairs.

**LD 483**                      **An Act to Revise the Sewer Lien Laws**                      **PUBLIC 319**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WINSOR BENNETT	OTP-AM	H-460

LD 483 was jointly referred to the Utilities and Energy Committee and the Judiciary Committee. The Judiciary Committee reviewed the language proposed by the Utilities Committee and voted unanimously to support it.