

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

LD 483 proposed to revise the law concerning sanitary district liens in 2 ways.

1. It proposed to provide that a sanitary district lien must be placed on a mobile home and not on the land when the mobile home is located on the land of another person and the owner of the mobile home is directly obligated to the district to pay the sewer rate.
2. It proposed to require the district to notify the owner of the real estate subject to a lien prior to foreclosure in the same manner as current law requires a municipality to notify prior to foreclosure the owner of real estate on which a tax lien has been placed.

Committee Amendment "A" (H-460) proposed to do the following.

1. Remove that portion of the bill that requires that a sanitary district lien be placed on a mobile home;
2. Add to the provision of the bill requiring a district to notify a person of the impending foreclosure of any lien placed the person's property by establishing the form of the notice; and
3. Add a mandate preamble to the bill.

Enacted law summary

Public Law 2001, chapter 319 revises the law concerning sanitary district liens. It requires a district to notify the owner of real estate subject to a lien prior to foreclosure in the same manner as a municipality must provide such notice prior to foreclosure of a tax lien.

LD 512

An Act to Encourage HIV Testing of Pregnant Patients

ONTP

Sponsor(s)
MARRACHE
MITCHELL B

Committee Report
ONTP

Amendments Adopted

LD 512 proposed to allow physicians to test pregnant women for HIV after obtaining oral consent to testing, rather than written consent as is required under current law, and after providing less extensive counseling about the test than is required under current law.

LD 559

An Act to Provide Uniformity and Consistency in the Appeals from the Trial Courts to the Law Court

PUBLIC 17

Sponsor(s)
LAVERDIERE

Committee Report
OTP

Amendments Adopted

Joint Standing Committee on Judiciary

LD 559 proposed to provide greater uniformity and consistency in the appeal process for civil cases by allowing the Supreme Judicial Court to set, by rule, the time periods and conditions for direct appeals from the District and Superior Courts to the Law Court. Statutes regarding appeals by criminal defendants already provide that time periods and manner of appeal are set by rule.

Enacted law summary

Public Law 2001, chapter 17 allows the Supreme Judicial Court to set, by rule, the time periods and conditions for direct appeals of civil cases from the District and Superior Courts to the Law Court. Statutes regarding appeals by criminal defendants already provide that time periods and manner of appeal are set by rule.

LD 561	An Act to Correct the Judicial Retirement Laws Regarding Administrative Court Judges	PUBLIC 12 EMERGENCY
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<u>Sponsor(s)</u> LAVERDIERE	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 561 proposed to correct inadvertent revisions to judicial retirement laws caused by the merging of the Administrative Court with the District Court. LD 561 would ensure that the judicial retirement laws continue to cover retired Administrative Court judges.

Enacted law summary

Public Law 2001, chapter 12 corrects inadvertent revisions to judicial retirement laws caused by the merging of the Administrative Court with the District Court. Public Law 2001, chapter 12 ensures that the judicial retirement laws continue to cover retired Administrative Court judges.

Public Law 2001, chapter 12 was enacted as an emergency measure effective April 6, 2001.

LD 614	An Act to Exempt Persons at Least 70 Years of Age from Jury Service at Their Discretion	ONTP
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<u>Sponsor(s)</u> STEDMAN	<u>Committee Report</u> ONTP MAJ OTP-AM MIN	<u>Amendments Adopted</u>
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LD 614 proposed to allow persons 70 years of age and older who do not wish to serve on a jury to be excused from jury service.