

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

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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

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**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAVERDIERE	OTP	

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

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

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.

Joint Standing Committee on Judiciary

Committee Amendment "A" (H-37) proposed to require a court to excuse a person 70 years of age or older from jury service if that person does not wish to serve on a jury, rather than giving the court an option to excuse such a person. (Not adopted)

LD 629 **An Act to Allow a Mortgagor to Select a Land Title Company to Perform the Title Search** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHERMAN DAVIS P	ONTP MAJ OTP-AM MIN	

LD 629 proposed to require that a financial institution or credit union that accepts an application for a residential mortgage for one to four residential units and require a title search on the property subject to the mortgage must permit the prospective mortgagor to select a land title company to perform the title search.

Committee Amendment "A" (H-276) was the minority report of the Joint Standing Committee on Judiciary. It proposed to amend the Maine Consumer Credit Code to be consistent with the bill concerning the right of a mortgagor to select a land title company.

This amendment also proposed to correct a reference to closing services provided to a financial institution. It also proposed to add a fiscal note to the bill. (Not adopted)

LD 651 **An Act to Restore the Maine Court Facilities Authority** **DIED BETWEEN BODIES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCKENNEY BENNETT		

LD 651 proposed to replace the Maine Governmental Facilities Authority with the Maine Court Facilities Authority and limit the projects for which the authority may issue securities to the acquisition, construction, improvement, reconstruction or equipping of court facilities. The bill proposed to place a limit of \$25,000,000 on the amount of securities that may be issued by the authority of \$25,000,000 to provide that the amount may be changed only by a 2/3 vote of each House of the Legislature.

This bill was not referred to a committee.