

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

LD 683 **An Act to Allow Godparents as Intervenors in Child Custody Cases with the Department of Human Services** **ONTP**

<u>Sponsor(s)</u> SHERMAN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 683 proposed to extend intervenor status to godparents in any child protection proceeding.

See also LD 1793 and HP 1385.

LD 684 **An Act to Require Courts to Take Federal Disability Payments into Account when Determining Child Support Awards** **ONTP**

<u>Sponsor(s)</u> PINKHAM		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 684 was a concept draft pursuant to Joint Rule 208. LD 684 proposed to establish guidelines that a court must use in determining awards of child support that would take into account federal disability payments received by the individual against whom the award is made. At a minimum, these guidelines would prohibit an award against an individual who is 100% disabled for more money than allowed under current federal standards regarding disability benefits.

LD 698 **An Act to Prohibit Discrimination** **ONTP**

<u>Sponsor(s)</u> PERKINS LEMONT		<u>Committee Report</u> ONTP MAJ OTP-AM MIN		<u>Amendments Adopted</u>
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LD 698 proposed to repeal references to protected classes in portions of the Maine Human Rights Act and replace them with a general prohibition against discrimination in the areas specified in current law subject to certain exceptions.

Committee Amendment "A" (H-333) was the minority report. It proposed to add a fiscal note. (Not adopted)

LD 709 **An Act Regarding Ancient Execution Liens** **PUBLIC 275**

<u>Sponsor(s)</u> LAVERDIERE		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-411
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Joint Standing Committee on Judiciary

LD 709 proposed to provide for the creation of a lien that continues for a period of 20 years from date of recording. The lien proposed to protect the creditor by having available a renewal for a period of 20 years. The lien also had a transition renewal time period of two years from the date of enactment of this bill.

Committee Amendment "A" (H-411) proposed to provide that an execution lien continues for a period of 20 years from the date of the filing or recording of the writ of execution. Language would be added to clarify that the renewal writ of execution may also be designated an alias or pluries writ of execution. A change would be made to the Maine Revised Statutes, Title 14, section 4653 to clarify that such renewal writs may properly be issued within 10 years after the day of issuance of the preceding writ of execution.

Part B of the amendment proposed to update the laws that validate real estate titles despite the presence of certain technical defects in acknowledgement or content of documents.

Enacted law summary

Public Law 2001, chapter 275 provides that an execution lien continues for a period of 20 years from the date of the filing or recording of the writ of execution, as such writs may not only be recorded at the registry of deeds but may also be filed with the Secretary of State. The renewal writ of execution may also be designated an alias or pluries writ of execution. Such renewal writs may properly be issued within 10 years after the date of issuance of the preceding writ of execution.

Part B of chapter 275 updates the laws that validate real estate titles despite the presence of certain technical defects in acknowledgement or content of documents.

LD 721 **Resolve, Establishing a Panel for Repeal of Unnecessary or Archaic Laws** **ONTP**

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

LD 721 proposed to establish a panel for repeal of unnecessary or archaic laws.

Committee Amendment "A" (H-285) was the minority report of the Joint Standing Committee on Judiciary. This amendment proposed to add an appropriation section and a fiscal note to the resolve. (Not adopted)