

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 849

An Act Regarding Social Security Numbers Used for Identification Purposes

ONTP

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

LD 849 proposed to prohibit all businesses, organizations, governmental entities and all other entities operating in the State from requesting a person's social security number, unless necessary to disperse social security funds or federal law requires the Federal Government to obtain a person's social security number from the business. Employers would be permitted to request an employee's social security number without these limitations. The Attorney General would have authority to enforce the prohibition.

LD 851

An Act to Prohibit the Recording of Private Telephone Conversations Without Consent

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BELANGER KNEELAND	ONTP	

LD 851 proposed to amend laws governing the interception and recording of wire and oral communications. With certain narrow exceptions, current law prohibits a person from intercepting or recording communications between others. This bill proposed to amend the law to prohibit any person who is a sender or receiver of a telephony communication from intentionally or knowingly recording or procuring another person to record the communication without the consent of all parties to the communication. It also proposed to create an exception for calls made to emergency services providers and to clarify current law with respect to an exception provided to law enforcement agencies conducting investigations.

LD 862

An Act to Prohibit Appointment of Referees in Protection from Abuse and Protection from Harassment Actions

PUBLIC 243

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLANCHETTE SAWYER	OTP-AM MAJ ONTP MIN	H-334

LD 862 proposed to require that protection from harassment proceedings and protection from abuse proceedings may be referred to a referee only if all the parties agree and the court provides the equivalent of court security for the proceedings conducted by the referee.

Committee Amendment "A" (H-334) proposed to replace the bill. It proposed to clarify that a court does not have the authority to refer the issues of abuse and harassment in protection from abuse and protection from harassment actions to a referee.

Joint Standing Committee on Judiciary

The amendment proposed that if the protection from harassment action is joined with any other proceeding, the court may refer issues, other than harassment, that are part of the other proceeding to a referee.

The amendment proposed that if the protection from abuse action is joined with a proceeding for divorce, dissolution of marriage, legal separation or separate maintenance, the court may refer issues, other than abuse, that are part of the other proceeding to mediation or a referee.

Enacted law summary

Public Law 2001, chapter 243 provides that a court does not have the authority to refer the issues of abuse and harassment in protection from abuse and protection from harassment actions to a referee. If the protection from harassment action is joined with any other proceeding, the court may refer issues, other than harassment, that are part of the other proceeding to a referee. If the protection from abuse action is joined with a proceeding for divorce, dissolution of marriage, legal separation or separate maintenance, the court may refer issues, other than abuse, that are part of the other proceeding to mediation or a referee.

LD 872

Resolve, to Create the Commission to Study Privacy Laws

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVAGE W MARTIN	OTP-AM MAJ ONTP MIN	H-606

LD 872 proposed to establish the Commission to Study Privacy Laws to review privacy laws nationwide and consult with the InforME Board regarding current policy and practices involving Internet use.

Committee Amendment "A" (H-606) proposed to change the membership and expand the duties of the proposed Commission to Study Privacy Laws. It proposed to create a commission with seven members: two Senators and five members of the House of Representatives. It proposed to expand the duties of the commission to include the study of issues recommended by the Blue Ribbon Commission to Establish a Comprehensive Internet Policy, such as development of a comprehensive information practices law for state and local governments.

LD 876

An Act to Require the Department of Human Services to Provide Automatic Discovery to Opposing Attorneys

ONTP

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

LD 876 proposed to require the Department of Human Services to disclose relevant information in its records to the parent of a child who is the subject of a child protective investigation or proceeding or to the parent's attorney.