

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

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.

Joint Standing Committee on Judiciary

See also LD 1793 and HP 1385.

LD 922 **An Act Requiring the Court System to Notify Credit Rating Companies of Debt Clearances** **ONTP**

<u>Sponsor(s)</u> WATSON		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 922 was a concept draft that proposed to require state courts to notify credit rating companies that debts have been cleared when certain cases involving debt or bankruptcy are resolved.

LD 928 **An Act to Reform the Selection of Probate Judges** **ONTP**

<u>Sponsor(s)</u> SCHNEIDER		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 928 proposed to repeal the current law that permits judges of probate to be elected. Instead, this bill proposed to require that the Governor appoint at least one probate judge for each county, subject to review by the joint standing committee of the Legislature having jurisdiction over judiciary matters and to confirmation by the Legislature.

LD 952 **An Act to Correct Errors in the Laws Regarding Court Unification** **PUBLIC 69
EMERGENCY**

<u>Sponsor(s)</u> LAVERDIERE		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-95
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Public Law 1999, chapter 731, Part ZZZ, section 3, concerning court unification, repealed and replaced the Maine Revised Statutes, Title 4, section 105, providing for the civil jurisdiction of the Superior Court. That legislation eliminated the jurisdiction of a single Justice of the Supreme Judicial Court to sit in the Superior Court. This bill proposed to add to Title 4, section 2-A the authority of the Chief Justice of the Supreme Judicial Court to appoint a single Justice of the Supreme Judicial Court to sit in the Superior Court.

Committee Amendment "A" (H-95) proposed to strike out 2 unnecessary sections of the bill. They would have been necessary only if the bill had been passed and effective prior to March 15, 2001, the effective date of the law concerning the transfer of the duties of the Administrative Court.

Enacted law summary