

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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**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

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

Joint Standing Committee on Judiciary

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. Title 4, section 2-A currently provides for the Chief Justice of the Supreme Judicial Court to assign a justice or active retired justice to sit in the District Court and the Administrative Court until March 15, 2001, and the District Court effective March 15, 2001. Instead of amending Title 4, section 105 to correct the inadvertent error in the court unification legislation, Public Law 2001, chapter 69 places in 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.

Public Law 2001, chapter 69 was enacted as an emergency measure effective May 2, 2001.

LD 953

An Act Relating to Discovery Procedures under the Maine Unfair Trade Practices Act

PUBLIC 370

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAVERDIERE RAND	OTP-AM MAJ ONTP MIN	H-335

LD 953 proposed to amend the Attorney General's civil investigative and discovery (CID) procedures under the Maine Unfair Trade Practices Act. It proposed to repeal language exempting trade secrets from the requirement to provide information requested by the Attorney General, but it proposed to allow the Superior Court to grant a protective order with respect to trade secrets or any other matter consistent with court rules. The bill proposed to allow the Attorney General to disclose information in court filings. LD 953 also proposed to repeal the provision of law requiring a person to provide information even if it would incriminate that person, but prohibiting the Attorney General from using the information in a criminal proceeding other than a proceeding for perjury, false testimony or failure to comply with a notice under the Act. Instead, it proposed to prohibit use of information obtained through the CID procedure in a criminal prosecution for substantially identical transactions.

Committee Amendment "A" (H-335) proposed to delete the provisions expanding the Attorney General's authority to use in a criminal proceeding information acquired during a civil investigation under the Unfair Trade Practices Act. Under current law, information obtained by the Attorney General under the criminal investigative demand process may not be used in any criminal proceeding, other than a prosecution for perjury, giving a false statement or failing to comply with the investigative demand. The bill would have allowed use of the information in any criminal prosecution other than one for a transaction substantially identical to the one at issue in the Unfair Trade Practices investigation. The amendment proposed to return the language to its original form, allowing use only for perjury, false statements and failure to comply with the demand. It also proposed to return the language prohibiting a person from refusing to give information on the grounds that it may incriminate the person or subject the person to a penalty or forfeiture.

Enacted law summary

Public Law 2001, chapter 370 amends the Attorney General's civil investigative and discovery procedures under the Maine Unfair Trade Practices Act. It repeals the provision allowing a person to refuse to disclose trade secrets to the Attorney General, but allows the Superior Court to grant a protective order with respect to that information or