

# MAINE STATE LEGISLATURE

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*State Of Maine  
120th Legislature*

*First Regular Session*

*Bill Summaries*

*Joint Standing Committee  
on  
Legal and Veterans' Affairs*

*August 2001*

**Staff:**

*Danielle D. Fox, Legislative Analyst  
Colleen McCarthy Reid, Legislative Analyst*

*Office of Policy and Legal Analysis  
13 State House Station  
Augusta, ME 04333  
(207) 287-1670*

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**Maine State Legislature  
OFFICE OF POLICY AND LEGAL ANALYSIS**

13 State House Station, Augusta, Maine 04333-0013  
Telephone: (207) 287-1670  
Fax: (207) 287-1275

**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](http://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 Legal and Veterans' Affairs

### *Enacted law summary*

Public Law 2001, chapter 416 defines "push poll" and requires anyone who conducts a push poll to register with the Commission on Governmental Ethics and Elections Practices and disclose who has sponsored the push poll and the entity conducting it. An entity already lawfully registered to conduct business in the state is not required to register with the commission but is required to disclose a valid, current, publicly listed telephone number and address of the person sponsoring or authorizing the call. An entity that fails to comply with either the disclosure or registration requirements of this law may be assessed a forfeiture of \$500 by the Commission on Governmental Ethics and Election Practices.

**LD 1058**                      **RESOLUTION, Proposing an Amendment to the Constitution of Maine to Revoke Voting Rights of Convicted Felons while in Prison**                      **DIED BETWEEN BODIES**

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

LD 1058 proposed an amendment to the Constitution of Maine that would have revoked the right of a person convicted of murder or a Class A, B or C crime to vote while that felon is imprisoned.

**LD 1076**                      **Resolve, Authorizing Arnold Smith to Sue the State**                      **DIED BETWEEN BODIES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'BRIEN J	OTP-AM    MAJ	
	ONTP        MIN	

LD 1076 proposed to authorize Arthur Smith as personal representative of the estate of Kristen Smith to sue the State for damages resulting from the murder of Kristen Smith by an individual under the supervision of the Department of Mental Health, Mental Retardation and Substance Abuse Services and the Department of Corrections. The resolve would have allowed the State to be sued for up to \$200,000.

**Committee Amendment "A" (H-388)** was the majority report of the committee. The amendment proposed to remove the Department of Mental Health, Mental Retardation and Substance Abuse Services as a party to the lawsuit and prohibit any recovery of punitive damages. The amendment also proposed to clarify how the amount of any recovery would be distributed and would have required that the action be heard by a Justice of the Superior Court. The amendment also would have added a fiscal note to the resolve.

Committee Amendment "A" was adopted in the House, but was not adopted in the Senate. The resolve died between the bodies.