

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 1143

An Act to Allow Members, Managers and Authorized Employees to Appear in Court for a Limited Liability Company

PUBLIC 119

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAGGETT TUTTLE	OTP-AM	S-56

LD 1143 proposed to give managers, members and authorized employees of limited liability companies who are not lawyers the same power to represent their companies in certain court actions as is currently provided for officers and authorized employees of corporations, partnerships and other business entities who are not lawyers. It also proposed to expand the list of court actions in which those persons may represent their organizations to include forcible entry and detainer actions.

Committee Amendment "A" (S-56) proposed to delete the proposed addition of forcible entry and detainer actions to the list of court actions in which a person who is not an attorney may appear on behalf of the person's organization.

Enacted law summary

Public Law 2001, chapter 119 gives managers, members and authorized employees of limited liability companies who are not lawyers the same power to represent their companies in certain court actions as is currently provided for officers and authorized employees of corporations, partnerships and other business entities who are not lawyers.

LD 1171

An Act to Authorize the Maine Indian Tribal-State Commission to Organize Assemblies of State and Tribal Leaders

PUBLIC 173

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ ONTP MIN	H-284 H-311 LAVERDIERE

Resolve 1997, chapter 45 authorized the Maine Indian Tribal-State Commission to submit legislation as part of its reporting to the Legislature about the impact of Maine's civil laws on the Wabanaki. This bill proposed to authorize the commission to introduce legislation on an ongoing basis.

Resolve 1997, chapter 45 also required the commission to organize an Assembly of Governors and Chiefs. This bill proposed to require the commission to organize an assembly of governors and chiefs on an annual basis and require the commission to organize a tribal-state legislative assembly on a biennial basis.

Committee Amendment "A" (H-284) was the majority report of the Joint Standing Committee on Judiciary. It proposed to add a ratification provision as required when amending the Act to Implement the Maine Indian Claims Settlement. Both the Passamaquoddy Tribe and the Penobscot Nation must approve of the changes included in the bill in order for the changes to be effective.

Joint Standing Committee on Judiciary

House Amendment "A" (H-311) proposed to remove language from the bill that authorizes the Maine Indian Tribal-State Commission to introduce legislation.

Enacted law summary

Public Law 2001, chapter 173 requires the Maine Indian Tribal-State Commission to organize an assembly of governors and chiefs on an annual basis and requires the commission to organize a tribal-state legislative assembly on a biennial basis.

LD 1181 **An Act to Reduce Frivolous Protection from Harassment Actions** **ONTP**

<u>Sponsor(s)</u> MCDONOUGH		<u>Committee Report</u> ONTP MAJ OTP-AM MIN		<u>Amendments Adopted</u>
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LD 1181 proposed to allow a court that dismisses a petition for a protective order to require the plaintiff to pay court fees or reasonable attorney's fees.

Committee Amendment "A" (H-331) was the minority report of the Joint Standing Committee on Judiciary. It proposed to replace the bill. It proposed to authorize the court in a protection from harassment action to order the plaintiff to pay reasonable attorney's fees if the court determines that the petition was frivolous or dilatory. (Not adopted)

LD 1195 **An Act to Strengthen Penalties for Minors Displaying False Identification** **ONTP**

<u>Sponsor(s)</u> PERRY O'GARA		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1195 proposed to add motor vehicle license suspension as a penalty option for minors who use false identification to obtain tobacco or alcohol. A court could impose a one-month to 3-month suspension for a first offense, a 3-month to 6-month suspension for a 2nd offense and a one-year suspension for any subsequent offense.

LD 1204 **An Act to Preserve the Life and Health of Women** **ONTP**

<u>Sponsor(s)</u> KNEELAND		<u>Committee Report</u> ONTP MAJ OTP MIN		<u>Amendments Adopted</u>
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