

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

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> |
|--------------------------------|--|---|--|---------------------------|

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> |
|--------------------------------------|--|---------------------------------|--|---------------------------|

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**

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

Joint Standing Committee on Judiciary

LD 1204 proposed to prohibit abortions of pregnancies that have progressed at least 20 weeks since the pregnant woman's last menstrual period. It proposed to require the pregnant woman's physician to carefully determine the age of the fetus and request the opinion of a 2nd physician if necessary. If the pregnant woman had a life-threatening physical condition if the pregnancy progressed and the fetus was at least 20 weeks old, the physician could either induce labor or perform a caesarean to deliver the baby. A 2nd physician would be notified to attend the delivery and take medical care of the baby.

The bill proposed that a physician who knowingly performs an abortion when the fetus is at least 20 weeks old would commit a Class D crime.

LD 1222 **An Act Conforming Maine Digital Signature Law to Federal Law** **PUBLIC 121**

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|--|--|-----------------------------------|--|------------------------------------|
| <u>Sponsor(s)</u> NORBERT MCALEVEY | | <u>Committee Report</u> OTP-AM | | <u>Amendments Adopted</u> H-195 |
|--|--|-----------------------------------|--|------------------------------------|

LD 1222 proposed to repeal the provisions of law that exempt certain documents from the law validating electronic or digital signatures. It proposed to repeal the exemptions for durable powers of attorney or deeds, mortgages or other documents affecting title to real property in order to allow for the use of electronic or digital signatures on those documents.

Committee Amendment "A" (H-195) proposed to delete the section of the bill that would have validated electronic signatures on durable powers of attorney.

Enacted law summary

Public Law 2001, chapter 121 repeals the law that exempts deeds, mortgages and other documents affecting title to real property from the law validating electronic or digital signatures, in order to bring Maine law into conformity with federal law.

LD 1238 **An Act to Allow the Filing of a Declaration of Homestead** **ONTP**

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|------------------------------|--|---------------------------------|--|---------------------------|
| <u>Sponsor(s)</u> ANDREWS | | <u>Committee Report</u> ONTP | | <u>Amendments Adopted</u> |
|------------------------------|--|---------------------------------|--|---------------------------|

LD 1238 proposed to create the homestead estate, which would protect a home, including real property and buildings, from most attachments and seizures of up to \$100,000, or up to \$200,000 if the estate holder is an elderly or disabled person.