

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 1453

An Act to Amend the Laws that Govern Property that is Exempt from Attachment and Execution

PUBLIC 306

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

LD 1453 proposed to double the amount of property value of a residence or a motor vehicle that is exempt from attachment and execution and exempt for purposes of a bankruptcy proceeding. It proposed to provide that a payment or account under an individual retirement account or similar plan or contract is generally exempt to the sum of \$15,000 or to the extent reasonably necessary for the support of the debtor and any dependent of the debtor, whichever is greater.

Enacted law summary

Public Law 2001, chapter 306 amends the laws that govern what property is exempt from attachment and execution and exempt for purposes of a bankruptcy proceeding. It increases the exemption for a residence from \$12,500 to \$25,000 and from \$25,000 to \$50,000 if minor dependents live with the debtor. It increases the exemption for a motor vehicle from \$2,500 to \$5,000. It provides that a payment or account under an individual retirement account or similar plan or contract is generally exempt to the sum of \$15,000 or to the extent reasonably necessary for the support of the debtor and any dependent of the debtor, whichever is greater. Current law provides that such a payment or account is exempt to the extent reasonably necessary for the support of the debtor and any dependent of the debtor.

LD 1455

An Act to Implement the Recommendations of the Committee to Study Further Decriminalization of the Criminal Laws of Maine

PUBLIC 421

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-604

LD 1455 is the legislative recommendations of the Committee to Study the Further Decriminalization of the Criminal Laws of Maine, created by 1999 Joint Order H.P. 1914.

Committee Amendment "A" (H-604) proposed to revise the statute of limitations language and the provisions governing the prosecution of civil violations. It proposed to revise the general license suspension provisions, as well. It also proposed changes with regard to the decriminalization of marine resources and fisheries and wildlife violations.

Enacted law summary

Public Law 2001, chapter 421 is the legislative recommendations of the Committee to Study the Further Decriminalization of the Criminal Laws of Maine, created by 1999 Joint Order H.P. 1914.

Joint Standing Committee on Judiciary

Public Law 2001, chapter 421 creates general statutes applicable to all civil violations. These include:

A three-year statute of limitations for bringing a prosecution for certain civil violations;

Specifically providing the district attorneys with the responsibility for prosecuting certain civil violations;

Providing for restitution as a possible result of a civil violation; and

Establishing general authority for each department and agency to suspend or revoke licenses, permits and certifications issued by the department or agency based on a crime or civil violation.

This bill also revises many offenses that are currently crimes, and makes them civil violations. These offenses are within the jurisdictions of the Department of Marine Resources, the Department of Inland Fisheries and Wildlife, the Department of Professional and Financial Regulation and the Department of Agriculture, Food and Rural Resources. Additional fish and game offenses were decriminalized in the Errors and Inconsistencies bill, LD 30, Public Law 2001, chapter 471.

Public Law 2001, chapter 421 takes effect January 1, 2002.

LD 1457 An Act to Exclude Credit Balances Between Business Associations DIED BETWEEN
from Unclaimed Property BODIES

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

LD 1457 proposed to exclude from unclaimed property credit balances, uncashed checks, advance payments, overpayments, refunds and credit memoranda arising in the ordinary course of business between business associations. Credit balances owed to individuals would remain under the definition of property subject to abandonment.

Committee Amendment "A" (H-605) is the majority report of the Joint Standing Committee on Judiciary. It proposed to replace the bill and amend the definition of "property" in the abandoned property laws to exclude credit balances issued to a commercial customer account by a business association in the ordinary course of business. Credit balances that fall under the description of demand, savings or time deposits would still be subject to the application of the unclaimed property laws.