

MAINE STATE LEGISLATURE

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*State Of Maine
120th Legislature*

Second Regular Session

Bill Summaries

*Joint Standing Committee
on
Judiciary*

May 2002

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
Second Regular Session

Summary Of Legislation Before The Joint Standing Committees
May 2002

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 organized for convenient reference to information on bills considered by the committees. It is arranged alphabetically by committee name and within committees by bill (LD) number.

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:

- 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
PASSED..... Joint Order passed in both bodies
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 Second Regular Session (unless otherwise specified in a particular law) is July 25, 2002.

Patrick T. Norton, Interim Director
Offices located in Room 215 of the Cross Office Building

Joint Standing Committee on Judiciary

LD 2083

An Act to Correct Errors and Inconsistencies in the Laws of Maine

**PUBLIC 667
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-1071 H-1097 LAVERDIERE S-567 RAND S-585 GOLDTHWAIT

LD 2083 proposed to make technical corrections of errors in the laws of Maine.

Committee Amendment "A" (H-1071) proposed to make technical and substantive corrections

House Amendment "A" to Committee Amendment "A" (H-1097) proposed to remove from the bill a duplicative section that appears both in the bill and Committee Amendment "A." This amendment also proposed to correct a conflict between Public Law 2001, chapter 578 and Public Law 2001, chapter 592 relating to the ability of a municipality to transfer development rights.

Senate Amendment "A" to Committee Amendment "A" (S-567) proposed to delete corrections contained in the bill that have been corrected in other bills.

Senate Amendment "B" to Committee Amendment "A" (S-572) proposed to strike the provisions that amend Private and Special Law 2001, chapter 45, section 1 concerning the sale and transmission of electricity generated by the hydropower facilities formerly owned by Great Northern Paper, Inc. (Not adopted)

Senate Amendment "C" to Committee Amendment "A" (S-585) proposed to correct an entry in Public Law 2001, chapter 559, Part B, section 3 that inadvertently de-appropriated funds in excess of the program's appropriation.

Senate Amendment "D" to Committee Amendment "A" (S-588) proposed to correct a conflict between Public Law 2001, chapter 578 and Public Law 2001, chapter 592 relating to the ability of a municipality to transfer development rights. (Covered by House Amendment "A" to Committee Amendment "A") (Not adopted)

Enacted law summary

Public Law 2001, chapter 667, An Act to Correct Errors and Inconsistencies in the Laws of Maine, made technical corrections and several substantive corrections. Substantive corrections are contained in Parts C, E and G. The substantive changes made by chapter 667 are as follows.

1. It corrects the effective date concerning repair and maintenance of bridges as provided in Public Law 2001, chapter 314.
2. It includes Judges of the District Court in the list of officials to be sworn in by the Governor.
3. It amends the laws governing the Baxter Compensation Authority concerning the Compensation Panel, the timing of compensation decisions, the communication of the decision and the signing of a release before payment of compensation.

Joint Standing Committee on Judiciary

4. It revises the application of the smelt laws.
5. It revises the laws concerning ice fishing in recognition of the recent adoption of separate ice fishing rules.
6. It decriminalizes certain violations concerning keeping wild animals in captivity.
7. It corrects the language concerning school bus leases.
8. It corrects references to federally qualified health centers.
9. It updates the membership of the TANF Advisory Council to reflect the replacement of the Job Training Partnership Act.
10. It corrects the provision of death benefits to certain members of the State Fire Marshal's Office.
11. It corrects provisions governing the flags and flag holders at the graves of certain public servants.
12. It corrects the application of penalties for E-911 violations.
13. It corrects a conflict concerning the regulation of scooters.
14. It corrects language concerning certain funding of the Maine Health Access Fund.
15. It revises the recording requirements at the registries of deeds to accept sealed or embossed documents.
16. It revises provisions concerning retired teachers who become legislative employees.
17. It provides for PUC review of an exception to limitations on the provision of electricity from certain hydropower facilities.
18. It corrects an appropriation to the Ombudsman Program in the Executive Department.

See also LD 2216, Public Law 2001, chapter 710.

Public Law 2001, chapter 667 was enacted as an emergency measure effective April 30, 2002.

LD 2100

**An Act to Provide for Notice of Termination, Nonrenewal or
Change in Terms of Certain Leases**

PUBLIC 612

Sponsor(s)

Committee Report
OTP-AM MAJ
ONTP MIN

Amendments Adopted
H-974

LD 2100 proposed to enact the majority recommendations of the Committee to Study Issues Concerning Changes to the Traditional Uses of Maine Forests and Lands. It proposed to regulate the relationship between landowners