

# 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*

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**Staff:**

*Margaret J. Reinsch, Principal Analyst*

*Deborah C. Friedman, Senior Analyst*

*Office of Policy and Legal Analysis*

*13 State House Station*

*Augusta, ME 04333*

*(207) 287-1670*



**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**  
**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 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 arranged alphabetically by committee name 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:

<i>CON RES XXX</i> .....	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i> .....	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i> .....	<i>House &amp; Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i> .....	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i> .....	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i> .....	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i> .....	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i> .....	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i> .....	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>NOT PROPERLY BEFORE THE BODY</i> .....	<i>Ruled out of order by the presiding officers; bill died</i>
<i>INDEF PP</i> .....	<i>Bill Indefinitely Postponed</i>
<i>ONTP</i> .....	<i>Ought Not To Pass report accepted</i>
<i>OTP ND</i> .....	<i>Committee report Ought To Pass In New Draft</i>
<i>OTP ND/NT</i> .....	<i>Committee report Ought To Pass In New Draft/New Title</i>
<i>P&amp;S XXX</i> .....	<i>Chapter # of enacted Private &amp; Special Law</i>
<i>PASSED</i> .....	<i>Joint Order passed in both bodies</i>
<i>PUBLIC XXX</i> .....	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i> .....	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i> .....	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i> .....	<i>Legislature failed to override Governor's Veto</i>

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

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**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>				
	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="border-right: 1px solid black; padding: 2px;">OTP-AM</td> <td style="padding: 2px;">MAJ</td> </tr> <tr> <td style="border-right: 1px solid black; padding: 2px;">ONTP</td> <td style="padding: 2px;">MIN</td> </tr> </table>	OTP-AM	MAJ	ONTP	MIN	H-974
OTP-AM	MAJ					
ONTP	MIN					

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

## Joint Standing Committee on Judiciary

within jurisdiction of the Maine Land Use Regulation Commission and persons who have leases or other agreements with the landowners to occupy or construct residential, recreational or commercial structures on that land.

The bill proposed to require that such agreements be made in the form of written leases. It proposed to require the leases to provide a description of the boundaries of the leased land and to provide at least 90 days' notice of termination, nonrenewal or change in terms of the lease. It also proposed to require the landowner to give the structure owner at least one year to remove the structure from the property if the lease is terminated or not renewed, unless it is terminated or not renewed for cause.

The bill also proposed to give the lessees the right of first refusal to purchase the lot on which the structure sits, provided the lessor offers or intends to offer the lot for sale.

**Committee Amendment "A" (H-974)** proposed to replace the bill. It proposed to delete the provision of the bill giving certain lessees the right of first refusal to purchase the leased premises. The amendment also proposed to clarify that a survey or other formal description of the boundaries is not required.

The amendment proposed to change the advance notice period for a change in terms of a lease from 90 days to 30 days.

The amendment proposed to require lessors to give lessees at least one years' notice of the intent to terminate a lease, to enable the lessee to remove property or otherwise plan for termination. The terms of the lease would continue during the notice period, except that inconsistent termination provisions in the lease would be superseded by the statute, to the extent they are inconsistent. Also, the lessee could terminate the lease at any time during the notice period if, for example, the lessee is able to remove the structure prior to the end of the notice period and no longer wishes to occupy the property.

### *Enacted law summary*

Public Law 2001, chapter 612 is based on recommendations of the Committee to Study Issues Concerning Changes to the Traditional Uses of Maine Forests and Lands. Chapter 612 provides standards for leases between persons who own land within jurisdiction of the Maine Land Use Regulation Commission and persons who lease the land and occupy or construct residential, recreational or commercial structures on it. The new law requires that such agreements be made in the form of written leases, and that they contain at least a general description of the boundaries of the leased lot. It requires the lessor to provide at least 30 days' notice of change in terms of the lease. Chapter 612 also requires lessors to give lessees at least one years' notice of the intent to terminate a lease, to enable the lessee to remove property or otherwise plan for termination. The terms of the lease continue during the notice period, except that inconsistent termination provisions in the lease are superseded by the statute, to the extent they are inconsistent. Also, the lessee may terminate the lease at any time during the notice period if, for example, the lessee is able to remove the structure prior to the end of the notice period and no longer wishes to occupy the property.