

# MAINE STATE LEGISLATURE

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*State Of Maine  
120th Legislature*

*Second Regular Session*

*Bill Summaries*

*Joint Standing Committee  
on  
Legal and Veterans' Affairs*

*May 2002*

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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 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 Legal and Veterans' Affairs

provides that an agency liquor license may be transferred to the spouse or heir of a deceased licensee as long as the spouse or heir meets all of the criteria applied to a traditional license applicant.

**LD 2165**                      **Resolve, to Allow Julie Harrington to Sue the State**                      **FINAL PASSAGE  
FAILED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASKELL YOUNGBLOOD	OTP-AM	H-1045 S-613 DOUGLASS

LD 2165 is a resolve authorizing Julie Harrington to bring a civil action against the State for damages resulting from the alleged use by the State of computer software created by Julie Harrington in violation of her alleged copyrights in that software.

**Committee Amendment "A" (H-1045)** replaced the resolve. It proposed to authorize Julie Harrington to bring a civil action against the State for damages resulting from the alleged use by the State of a computer software program in violation of her alleged copyrights in that software. The amendment also proposed to waive any defense of immunity the State may have pursuant to the Eleventh Amendment of the United States Constitution. The amendment would have limited any recovery to \$400,000. The amendment also added a fiscal note to the resolve.

**Senate Amendment "B" to Committee Amendment "A" (S-613)** proposed to authorize the transfer by the Commissioner of Administrative and Financial Services of up to \$30,000 from the self-insurance fund to the Department of Corrections to offset the costs of outside counsel fees.

**Senate Amendment "A" to Committee Amendment "A" (S-612)** proposed to require the Department of Corrections to defend the lawsuit brought by Julie Harrington within the Department's existing resources. Senate Amendment "A" to Committee Amendment "A" was not adopted.

**LD 2169**                      **An Act to Ensure Proper Disbursement of Matching Funds under the Maine Clean Election Act**                      **PUBLIC 589**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUTTLE	OTP-AM    MAJ ONTP        MIN	H-971

LD 2169 proposed to require that traditionally funded candidates who have received or spent 101% of the amount disbursed to their opponents who are financed by the Maine Clean Elections Act file a report within 48 hours of making significant single expenditures. This reporting requirement would begin on the 28<sup>th</sup> day prior to an election.

**Committee Amendment "A" (H-971)** proposed to amend the accelerated reporting schedule for traditionally funded candidates who have received or spent 101% of the amount disbursed to their opponents who are financed by the Maine Clean Election Act. As proposed, the 42nd day report would reflect activity through the 44th day prior to election day, the 21st day report would reflect activity through

## Joint Standing Committee on Legal and Veterans' Affairs

the 23rd day prior to election day and the 12th day report would reflect activity through the 14th day prior to election day.

### *Enacted law summary*

Public Law 2001, chapter 589 amends the accelerated reporting schedule for traditionally funded candidates who have received or spent 101% of the amount disbursed to their opponents who are financed by the Maine Clean Election Act. The 42nd day report will reflect activity through the 44th day prior to election day, the 21st day report will reflect activity through the 23rd day prior to election day and the 12th day report will reflect activity through the 14th day prior to election day. Under this law, the requirement for filing 48 hour single expenditure reports begins the 14<sup>th</sup> day prior to election day.

**LD 2174**                      **Resolve, Authorizing Michelle Booker to Sue the State**

**VETO  
SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY SAWYER	OTP-AM	H-1044

LD 2174 proposed to authorize Michelle Booker, in her capacity as personal representative of the estate of Donna Leen, to sue the State for damages as a result of the State's negligence in the death of Donna Leen.

**Committee Amendment "A" (H-1044)** replaces the resolve. It proposed to authorize Michelle Booker, in her capacity as personal representative of the estate of Donna Leen, to sue the Department of Corrections for wrongful death as a result of the Department's alleged negligence in the death of Donna Leen. Under the amendment, monetary recovery is limited to the maximum amounts authorized under the wrongful death provision, Maine Revised Statutes, Title 18-A, section 2-804. The amendment also added a fiscal note to the resolve.

**Senate Amendment "A" to Committee Amendment "A" (S-568)** proposed to cap the damages that may be recovered under a lawsuit brought by Michelle Booker to \$400,000, the limit specified in the Maine Tort Claims Act. Senate Amendment "A" to Committee Amendment "A" was not adopted.

LD 2174 was enacted in the House and Senate, but vetoed by the Governor.

**LD 2182**                      **An Act to Establish a Centralized Voter Registration System for the State**

**PUBLIC 637**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 2182 is a committee bill pursuant to Joint Order, House Paper 1622. It proposed to define "centralized voter registration system" and authorize the Secretary of State to apply for and receive funds for the establishment of a centralized voter registration system. The bill would establish the Centralized Voter Registration Advisory Committee to assist the Secretary of State and requires the Secretary of State to