

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

*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:

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).

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 2216

An Act to Correct Recently Enacted Legislation

**PUBLIC 710
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAVERDIERE RAND		H-1118 LAVERDIERE S-625 GOLDTHWAIT

LD 2216 proposed to make both substantive and technical corrections to recently enacted legislation. It was not referred to committee.

House Amendment “A” (H-1118) proposed to apply the provisions of the Maine Certificate of Need Act of 2002 regarding the ability of the Commissioner of Human Services to review an application for a certificate of need to any application filed or approved on or after January 1, 1999.

Senate Amendment “A” (S-625) proposed to change the law concerning dental amalgam fillings and alternatives.

Enacted law summary

Public Law 2001, c. 710 makes several substantive and technical changes necessitated by recently enacted legislation. The Judiciary Committee reviewed the contents of the bill, although it was not referred to committee. Chapter 710 makes the following changes.

1. It clarifies that any errors in the numbering of subchapters or articles in the law, such as occurred in Public Law 2001, chapter 640, may be taken care of administratively and will ensure greater consistency in the future by allowing Roman numerals to be cited by their Arabic number equivalents.
2. It resolves a technical conflict concerning economic development incentives created by the enactment of two subparagraphs with the same number designation by Public Law 2001, chapter 642 and chapter 652, corrects a cross-reference to the subparagraphs being renumbered and provides an appropriate effective date.
3. It corrects an error in Public Law 2001, chapter 617 that imposed surcharges, fines and forfeitures for violations of the animal welfare laws.
4. It corrects language added by Public Law 2001, chapter 545 concerning service credit purchases by employees of the Maine Technical College System by taking out the reference to electing to purchase service credits. That deletion is consistent with other provisions in chapter 545.
5. It corrects a conflict created by Public Law 2001, chapter 559, Part KK, chapter 604, and chapter 697, Part B, relating to law enforcement training for Capitol Security officers.
6. It corrects a conflict created by Public Law 2001, chapters 671 and 687 that amended the same section of law with different wording concerning who may accompany a person holding a motor vehicle instruction permit.
7. It clarifies the language in the definition of "employee" in the workers' compensation laws concerning family members of members of limited liability companies who are also employed by that LLC.

Joint Standing Committee on Judiciary

8. It clarifies the law concerning seat belts and child safety seats to ensure that children who are 8 years of age are required to be properly secured in a seat belt.
9. It corrects a reference to the Bureau of Elder and Adult Services within the Department of Human Services as the agency that administers the consumer-directed personal care assistance services program.
10. It corrects the description of funds to be provided to shelters in Bangor, Lewiston and Portland as appropriated in Public Law 2001, chapter 559.
11. It corrects an error in listing the qualifying year for sea urchin draggers who were inadvertently excluded from obtaining a 2002 sea urchin dragging license under Resolve 2001, chapter 112.
12. It applies the provisions of the Maine Certificate of Need Act of 2002 regarding the ability of the Commissioner of Human Services to review an application for a certificate of need to any application filed or approved on or after January 1, 1999.
13. It requires the Department of Human Services to display a copy of the dental amalgam brochure on its Internet site and deletes language requiring that copies of the poster and brochure be provided to dentists at cost. It also amends the statutes to be consistent with the rules adopted by the Department of Human Services concerning dental amalgam and alternatives.

Public Law 2001, chapter 710 was enacted as an emergency measure effective April 30, 2002, although some provisions have later effective dates.