

# 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  
121st Legislature*

*First Regular Session*

*Bill Summaries*

*Joint Standing Committee  
on  
Judiciary*

*July 2003*

**Members:**

*Sen. Peggy A. Pendleton, Chair*

*Sen. Mary R. Cathcart*

*Sen. Chandler E. Woodcock*

*Rep. William S. Norbert, Chair*

*Rep. Thomas D. Bull*

*Rep. Deborah L. Simpson*

*Rep. Stan Gerzofsky*

*Rep. Philip R. Bennett, Jr.*

*Rep. Janet T. Mills*

*Rep. Roger L. Sherman*

*Rep. Roderick W. Carr*

*Rep. Brian M. Duprey*

*Rep. Joan Bryant-Deschenes*

*Rep. Donna M. Loring*

**Staff:**

*Margaret J. Reinsch, 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 Office Of Fiscal And Program Review

### 121st Maine Legislature First Regular Session

#### Summary Of Legislation Before The Joint Standing Committees

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing and joint 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>CARRIED OVER PURSUANT TO HP 1212</i> .....	<i>Bills carried over to the 2<sup>nd</sup> Regular Session</i>
<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>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 that the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is September 13, 2003.

**David C. Elliott, Director**  
Offices located in Room 215 of the Cross Office Building

## *Joint Standing Committee on Judiciary*

also proposed to place the burden on the personal representative to show that the property should not have been included in the inventory.

**Committee Amendment "A" (H-469)** proposed to replace the bill. It proposed to provide that, if the personal representative does not file or furnish the required inventory of a decedent's estate and an interested person makes a prima facie case that property that should have been inventoried is now missing, the burden would be on the personal representative to show that the property would properly be excluded from the inventory.

### *Enacted Law Summary*

Public Law 2003, chapter 378 provides that if the personal representative does not file or furnish the required inventory of a decedent's estate and an interested person makes a prima facie case that property that should have been inventoried is now missing, the burden is on the personal representative to show that the property was properly excluded from the inventory.

### **LD 118                      An Act To Clarify the Powers of Guardians                      ONTP**

<u>Sponsor(s)</u> DOUGLASS SIMPSON		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
--	--	---------------------------------	--	---------------------------

LD 118 proposed to amend the law, under which an adult ward may be admitted on an informal voluntary basis for care and treatment of a mental illness, by deleting the words "and the ward makes no objection to the admission." It was proposed to bring the law into conformity with the law outlining general powers and duties of guardians under the Probate Code.

### **LD 144                      An Act To Limit Pretrial Discovery in Libel Actions                      ONTP**

<u>Sponsor(s)</u> SAVAGE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
-----------------------------	--	---------------------------------	--	---------------------------

LD 144 proposed to limit pretrial discovery in libel actions under the marine resources laws to the same extent as civil discovery is limited in forfeiture actions brought under the drug forfeiture statutes.

### **LD 166                      An Act to Amend the Maine Probate Code Regarding the Fee for a Copy of a Will Provided to a Beneficiary                      PUBLIC 14**

<u>Sponsor(s)</u> SIMPSON DOUGLASS		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
--	--	--------------------------------	--	---------------------------

LD 166 proposed to provide that a beneficiary in a will must, upon application to the register of probate, be furnished with a copy of the probated will upon payment of a fee of \$1 per page.

## Joint Standing Committee on Judiciary

### Enacted Law Summary

Public Law 2003, chapter 14 provides that a beneficiary in a will must, upon application to the register of probate, be furnished with a copy of the probated will upon payment of a fee of \$1 per page.

**LD 168**                      **An Act To Allow a Municipality To Dispose of Unclaimed Bicycles  
by Means in Addition to Public Auction**                      **PUBLIC 77**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FISCHER KNEELAND	OTP-AM	H-80

LD 168 proposed to allow a municipality to adopt an ordinance that allows for the donation of abandoned bicycles to a charitable organization rather than sending the proceeds from the sale of the property to the State Treasurer according to abandoned property law.

**Committee Amendment "A" (H-80)** proposed to replace the language of the bill to authorize a municipality to dispose of unclaimed bicycles in any manner that the legislative body of the municipality decides is appropriate. Current law authorizes sale at a public auction, and the bill would have allowed donations to charitable organizations.

This amendment proposed to provide that the municipality is exempt from the Uniform Unclaimed Property Act with respect to unclaimed bicycles.

### Enacted Law Summary

Public Law 2003, chapter 77 allows a municipality to dispose of unclaimed bicycles in any manner that the legislative body of the municipality decides is appropriate. It exempts municipalities from the Uniform Unclaimed Property Act with respect to unclaimed bicycles.

**LD 234**                      **An Act To Create a Uniform Approach to the Determination of  
Child Support When Parents Provide Substantially Equal Care for  
Children**                      **PUBLIC 415**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM    MAJ	H-499
	OTP-AM    MIN	

LD 234 proposed to provide a standard for the courts and the parties in cases in which the parents provide substantially equal parenting for the child but have unequal incomes.

**Committee Amendment "A" (H-499)** was the majority report of the committee. It proposed to add definitions for the terms used in the formula for calculating child support when the parents have unequal incomes but provide substantially equal care for the child. It also proposed to clarify that the child care costs, extraordinary