

MAINE STATE LEGISLATURE

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*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

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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).

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 2nd 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 & 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&S XXX</i>	<i>Chapter # of enacted Private & 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

LD 299

An Act To Amend the Abortion Reporting Laws To Eliminate Immunity for a Physician Who Reports Data on an Abortion

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GLYNN	ONTP MAJ OTP MIN	

LD 299 proposed to eliminate the provision that provides immunity from criminal liability for an abortion to a physician who reports data on that abortion.

LD 309

An Act To Require Church Officials To Report Suspected Abuse

PUBLIC 210

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BULL	OTP-AM	H-197

LD 309 proposed to amend the child and adult protective laws to require officials of a church or other religious institution or association to report the suspected abuse, neglect or exploitation.

LD 309 also proposed to add clergy to the list of mandated reporters of adult abuse, neglect or exploitation.

Committee Amendment "A" (H-197) proposed to revise the bill to include as a mandatory reporter any person affiliated with a church or religious institution who serves in an administrative capacity or has otherwise assumed a position of trust or responsibility to the members of that church or religious institution. Such a person would be required to report if that person obtains the information of suspected abuse, neglect or exploitation while acting in that administrative capacity. The obligation would apply regardless of whether the person receives compensation.

Enacted Law Summary

Public Law 2003, chapter 210 amends the adult protective and child protective laws to require certain persons affiliated with a church or other religious institution to report suspected abuse, neglect or exploitation. It also adds clergy to the list of mandated reporters of adult abuse, neglect or exploitation.

LD 328

An Act to Increase Courthouse Security

PUBLIC 400

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STRIMLING BUNKER	OTP-AM	S-215

LD 328 was a concept draft pursuant to Joint Rule 208. It proposed to increase courthouse security.

Joint Standing Committee on Judiciary

Committee Amendment "A" (S-215) proposed to replace the bill. It proposed to provide training requirements for court security officers. Current law authorizes the State Court Administrator to employ court security officers who have valid certification as law enforcement officers as well as specific training in court security functions.

This amendment proposed to define "court security officer" in the context of law enforcement training.

This amendment proposed to require the Maine Criminal Justice Academy to establish certification standards and a training program for court security officers.

Enacted Law Summary

Public Law 2003, chapter 400 provides training requirements for court security officers, defines "court security officer" in the context of law enforcement training, and requires the Maine Criminal Justice Academy to establish certification standards and a training program for court security officers. The program must include 100 hours of preservice training for law enforcement officers, a 40-hour training course on court security and continuing education requirements to maintain certification. Completion of basic law enforcement training satisfies the preservice training requirement.

LD 340

An Act To Amend Certain Aspects of Post-conviction Review Procedure

PUBLIC 29

Sponsor(s)

Committee Report

Amendments Adopted

OTP

H-28 TWOMEY

LD 340 proposed to amend the laws with regard to post-conviction review.

House Amendment "A" (H-28) was offered on behalf of the Committee on Engrossed Bills to correct a technical error in the bill.

Enacted Law Summary

Public Law 2003, chapter 29 amends the laws concerning post-conviction review.

It broadens the definition of "assigned justice" to include a judge of the District Court who has been given authorization to sit in the Superior Court on post-conviction review cases; allows a judge of the District Court who has been given authorization to sit in the Superior Court on post-conviction review cases to exercise the same jurisdiction as the Superior Court Justice relative to post-conviction review proceedings; replaces a reference to the Attorney General with a reference to the prosecutorial office that earlier represented the State in the underlying criminal or juvenile proceeding; provides that representation of the respondent can be either the office of the Attorney General or the office of a district attorney; and repeals the requirement that the procedure for the assignment of a post-conviction review case be addressed pursuant to an administrative order by the Chief Justice of the Supreme Judicial Court. With its repeal, the assignment of petitions for post-conviction review becomes a matter to be addressed by the Supreme Judicial Court by rule.