

MAINE STATE LEGISLATURE

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*State Of Maine
121st Legislature*

*Second Regular Session and
Second Special Session*

Bill Summaries

*Joint Standing Committee
on
Judiciary*

May 2004

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. Philip R. Bennett, Jr.

Rep. Stan Gerzofsky

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:

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Maine State Legislature



*Office Of Policy And Legal Analysis
Office Of Fiscal And Program Review*

*121st Maine Legislature
Second Regular Session and
Second Special 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/billsumm.htm).

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
- 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 that the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is April 30, 2004; and non-emergency legislation enacted in the Second Special Session is July 30, 2004. Four bills (LD's 1572, 1629, 1636 and 1637) that were considered at the First Special Session in August 2003 are also included in these summaries.

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

Joint Standing Committee on Judiciary

Committee Amendment "A" (S-356) proposed to replace the bill and amend the title. It proposed to add the definition of "occupant" to the current law that provides limited liability for recreational or harvesting activities.

The amendment proposed to define "occupant" to include an individual, corporation, partnership, association or other legal entity that constructs or maintains trails or other improvements for public recreational use.

The amendment proposed to add an emergency preamble and an emergency clause to make the bill take effect immediately to ensure that the clarification of the law applies to the current snowmobiling season.

Enacted Law Summary

Public Law 2003, chapter 509 amends the landowner liability law to provide protection to any legal entity that constructs or maintains trails or other improvements for public recreational use. The language is not limited to snowmobile trails and covers any type of recreational trail.

Public Law 2003, chapter 509 was enacted as an emergency measure effective January 9, 2004.

LD 921

An Act To Enact the Uniform Trust Code

PUBLIC 618

<u>Sponsor(s)</u> MILLS P		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-795
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LD 921 was a concept draft pursuant to Joint Rule 208.

Committee Amendment "A" (H-795) proposed to replace the bill.

Part A proposed to enact the Maine Uniform Trust Code, effective July 1, 2005.

Part B proposed to repeal superseded sections of the Probate Code and update cross-references, effective July 1, 2005.

Part C proposed to amend 3 sections of the Probate Code concerning different forms of health care powers of attorney to ensure that health care providers are not limited in the medical information they provide to the agent by the federal Health Insurance Portability and Accountability Act of 1996.

Enacted Law Summary

Public Law 2003, chapter 618 amends the State's trust laws adopting a slightly revised version of the Uniform Trust Code. Uniform Comments and Maine Comments are included.

The Maine Uniform Trust Code is effective July 1, 2005.

Chapter 618 also amends the Probate Code concerning different forms of health care powers of attorney to ensure that health care providers are not limited in the medical information they provide to the agent by the federal Health Insurance Portability and Accountability Act of 1996.