

# 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.*

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*Rep. Roger L. Sherman*

*Rep. Roderick W. Carr*

*Rep. Brian M. Duprey*

*Rep. Joan Bryant-Deschenes*

*Rep. Donna M. Loring*

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*13 State House Station*

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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](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*

abuse or elder abuse; and when needed to determine certain matters in a child protection proceeding. The bill also proposed to specify when the privilege is considered to be waived and set forth procedures for courts in handling claims of privilege.

**LD 1218**                      **An Act To Enact the Revised Uniform Arbitration Act**                      **ONTP**

<u>Sponsor(s)</u> DAVIS G	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1218 proposed to replace the Uniform Arbitration Act with the Revised Uniform Arbitration Act, approved by the National Conference of Commissioners on Uniform State Laws in 2000.

**LD 1246**                      **Resolve, Regarding Searches of Curtilage by Certain State Agencies**                      **ONTP**

<u>Sponsor(s)</u> SNOWE-MELLO SAWYER	<u>Committee Report</u> ONTP      MAJ OTP-AM    MIN	<u>Amendments Adopted</u>
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LD 1246 proposed to require the Department of Environmental Protection, the Department of Conservation and the Department of Inland Fisheries and Wildlife to review their policies and procedures governing searches of private property, including curtilage, and to conform those policies and procedures to those followed by the Department of Public Safety, Bureau of State Police.

**Committee Amendment "A" (H-489)** was the minority report. It proposed to replace the resolve to require the Department of Environmental Protection, the Department of Conservation and the Department of Inland Fisheries and Wildlife to adopt written policies and procedures for searches of private property, including curtilage, that are approved by the Attorney General and that conform to the prohibition on unreasonable searches and seizures in the United States Constitution Amendment IV. It also proposed to require the Executive Department, State Planning Office to include written policies and procedures approved by the Attorney General for searches and seizures in the training that the State Planning Office establishes for municipal code enforcement officers.

This amendment proposed to require the Attorney General to report during the First Regular Session of the 122nd Legislature to the joint standing committee of the Legislature having jurisdiction over judiciary matters on the written policies and procedures required pursuant to this resolve. (Not adopted)

**LD 1262**                      **An Act To Implement the Maine Assistance Program for Lawyers**                      **PUBLIC 148**

<u>Sponsor(s)</u> NORBERT PENDLETON	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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The purpose of LD 1262 was to provide immunity from civil liability for persons or organizations involved with the Maine Assistance Program for Lawyers, which was established by a court order dated September 1, 2002.

## Joint Standing Committee on Judiciary

LD 1262 also proposed to provide that all proceedings, communications and records connected with the Maine Assistance Program for Lawyers are confidential.

### *Enacted Law Summary*

Public Law 2003, chapter 148 provides immunity from civil liability for persons or organizations involved with the Maine Assistance Program for Lawyers, which was established by a court order dated September 1, 2002. Public Law 2003, chapter 148 also provides that all proceedings, communications and records connected with the Maine Assistance Program for Lawyers are confidential.

**LD 1265**                      **An Act To Allow a Judge to Grant Visitation Rights to a Parent of a Child in Foster Care**                      **ONTP**

<u>Sponsor(s)</u> THOMAS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1265 proposed to give a court discretion to provide continuing contact between a parent and child when the parent's parental rights are terminated if the court finds that visitation with the parent is in the best interests of the child. The bill proposed to allow the court to order that the parent be given notice of adoption proceedings and an opportunity to participate in those proceedings if notice to the parent and the parent's participation are in the best interests of the child.

**LD 1275**                      **An Act To Amend the Laws Governing Improvident Transfers of Title**                      **PUBLIC 236**

<u>Sponsor(s)</u> NORBERT GILMAN		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 1275 proposed to extend the protections of the laws governing improvident transfers of title to a guaranty made by an elderly dependent person. It also proposed to extend the protections of the laws governing improvident transfers of title to the personal representative of the estate of an elderly dependent person.

### *Enacted Law Summary*

Public Law 2003, chapter 236 extends the protections of the laws governing improvident transfers of title to a guaranty made by an elderly dependent person. It also extends the protections of the laws governing improvident transfers of title to the personal representative of the estate of an elderly dependent person.