

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

Staff:

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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 1397 **An Act To Amend the Procedure for Maine Human Rights Commission Hearings** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BENNETT P PENDLETON	ONTP	

LD 1397 proposed to require the complainant in a Maine Human Rights Commission action to appear at all fact-finding conferences or the complaint would be dismissed. It also proposed to give the commission additional time to complete its investigation.

LD 1399 **An Act To Allow District Attorneys To Approve Immunity Requests** **PUBLIC 162**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NORBERT PENDLETON	OTP	

LD 1399 proposed to change current law by expressly allowing a district attorney as well as the Attorney General to provide the necessary written approval for granting immunity when the criminal proceeding before a court or grand jury, or the juvenile proceeding before a court, is being prosecuted by the office of the district attorney rather than the Office of the Attorney General or by a person not of either office but authorized by law to act as a representative of the State in a criminal proceeding. LD 1399 also proposed to make clerical and gender-specific language changes.

Enacted Law Summary

Public Law 2003, chapter 162 changes current law by expressly allowing a district attorney as well as the Attorney General to provide the necessary written approval to provide immunity when the criminal proceeding before a court or grand jury, or the juvenile proceeding before a court, is being prosecuted by the office of the district attorney rather than the Office of the Attorney General or by a person not of either office but authorized by law to act as a representative of the State in a criminal proceeding.

LD 1404 **An Act Concerning Representation of the State in Disclosure Hearings** **PUBLIC 278
EMERGENCY**

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

LD 1404 proposed to add employees of the Department of the Attorney General to the list of those who may serve civil process and represent the State in District Court in disclosure proceedings, along with the Department

Joint Standing Committee on Judiciary

of Labor, Bureau of Unemployment Compensation and the Department of Administrative and Financial Services, Bureau of Revenue Services employees.

Enacted Law Summary

Public Law 2003, chapter 278 adds non-attorney employees of the Department of the Attorney General to the list of those who may serve civil process and represent the State in District Court in disclosure proceedings, along with the Department of Labor, Bureau of Unemployment Compensation and the Department of Administrative and Financial Services, Bureau of Revenue Services employees.

Public Law 2003, chapter 278 was enacted as an emergency measure effective May 23, 2003.

LD 1419 **An Act To Protect Campers by Making Personal Information Confidential** **PUBLIC 409**

<u>Sponsor(s)</u> BRYANT		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-216
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LD 1419 proposed to protect campers by making confidential camper names, other identifying information and reservation dates during the calendar year for which the reservation is made. The purpose of this bill was to prevent situations involving possible domestic and child custody problems and potential unwanted contacts.

Committee Amendment "A" (S-216) proposed to provide that the Department of Conservation, Bureau of Parks and Lands campsite reservation system may disclose the information concerning campers and campsite reservations to law enforcement upon request.

Enacted Law Summary

Public Law 2003, chapter 409 protects campers in state campgrounds by making confidential camper names, other identifying information and reservation dates during the calendar year for which the reservation is made. It provides that the Department of Conservation, Bureau of Parks and Lands campsite reservation system may disclose the information concerning campers and campsite reservations to law enforcement upon request.

LD 1424 **An Act Relating to the Award of Attorneys' Fees and Damages under the Maine Human Rights Act** **PUBLIC 279**

<u>Sponsor(s)</u> NORBERT PENDLETON		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-332
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LD 1424 proposed to make clear that if a plaintiff establishes that prior to filing a complaint in court, the plaintiff filed a charge of discrimination with the Maine Human Rights Commission and the commission dismissed the case for any reason, the court may award attorneys' fees and damages if the plaintiff prevails at trial.

Committee Amendment "A" (H-332) proposed to replace the bill. It proposed to authorize a court to award attorneys' fees and damages to a plaintiff who prevails at trial on a discrimination complaint if the plaintiff