

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

LD 1652

An Act Regarding the Number of Jurors Required To Render a Verdict in a Civil Trial

**PUBLIC 525
EMERGENCY**

Sponsor(s)
MILLS P

Committee Report
OTP-AM

Amendments Adopted
H-673

LD 1652 proposed to require that at least 2/3 of the jurors participating must unanimously agree in the verdict.

Committee Amendment "A" (H-673) proposed to add an emergency preamble and emergency clause to make the bill take effect immediately.

Enacted Law Summary

Public Law 2003, chapter 525 requires that at least 2/3 of the jurors participating must unanimously agree in the verdict in a civil trial. Only in the event that the jury is reduced to 7 members would a verdict be decided by the unanimous votes of fewer than 6 jurors.

Public Law 2003, chapter 525 was enacted as an emergency measure effective March 3, 2004.

LD 1669

An Act To Abrogate the Hearsay Rule in Cases Involving Custody or Protection of Children

ONTP

Sponsor(s)
GOODWIN
SHOREY

Committee Report
ONTP MAJ
OTP-AM MIN

Amendments Adopted

LD 1669 proposed to allow the admission into evidence in certain civil actions of out-of-court statements by minors that would otherwise be excluded on the basis of hearsay. The cases in which the hearsay rule would be abrogated are those involving the custody or protection of children in any parental rights and responsibilities matter, protection from abuse and protection from harassment actions on behalf of the minor and guardianship actions under the Probate Code.

Committee Amendment "A" (H-688) is the minority report of the Joint Standing Committee on Judiciary. It proposed to add an appropriations and allocations section. (Not adopted.)

LD 1712

An Act To Promote Equity in Property Ownership

ONTP

Sponsor(s)
STANLEY

Committee Report
ONTP

Amendments Adopted

LD 1712 proposed to require a lease between a person who owns land in territory under the jurisdiction of the Maine Land Use Regulation Commission and a person who owns one or more buildings on that land to include

Joint Standing Committee on Judiciary

certain specific terms and conditions. The bill proposed that such a lease must contain, in clear and understandable language, agreed-to terms regarding the lease and other fees, road and maintenance responsibilities and the designated contact person for the lessor.

LD 1727 **An Act To Amend the "Freedom of Access Laws" To Exclude** **ONTP**
Public Employees' Home Addresses

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

LD 1727 proposed to exempt from the definition of public records subject to the so-called "freedom of access laws" the home addresses of employees of the State or a political subdivision, such as a town, city or county. The concept was incorporated in the extension of the Freedom of Access Study as included in the Committee Amendment to LD 1957.

LD 1737 **Resolve, Directing the Secretary of State To Review Model** **ONTP**
Legislation To Prevent Fraudulent Filings under the Uniform
Commercial Code

| | | |
|------------------------------|---------------------------------|---------------------------|
| <u>Sponsor(s)</u> MILLS J | <u>Committee Report</u> ONTP | <u>Amendments Adopted</u> |
|------------------------------|---------------------------------|---------------------------|

LD 1737 proposed to direct the Secretary of State to review model legislation designed to prevent fraudulent filings under the Uniform Commercial Code and submit recommendations to the joint standing committee of the Legislature having jurisdiction over judiciary matters.

LD 1754 **An Act To Permit Background Checks on Prospective Adoptive** **PUBLIC 575**
Parents

| | | |
|-----------------------------|-----------------------------------|------------------------------------|
| <u>Sponsor(s)</u> CURLEY | <u>Committee Report</u> OTP-AM | <u>Amendments Adopted</u> H-728 |
|-----------------------------|-----------------------------------|------------------------------------|

LD 1754 proposed to authorize the Department of Human Services to conduct background checks for each prospective adoptive parent at any time before the filing of a petition for adoption.

Committee Amendment "A" (H-728) proposed to replace the bill and give DHS the authority to request background checks, including a fingerprint-based national criminal history record check, earlier in the adoption process.

Enacted Law Summary