

# 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:**

*Margaret J. Reinsch, Senior Analyst*

*Office of Policy and Legal Analysis*

*13 State House Station*

*Augusta, ME 04333*

*(207) 287-1670*



## *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](http://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
ONT P.....	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*

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>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STRIMLING	ONTP	

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>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS J	ONTP	

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>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CURLEY	OTP-AM	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*

## *Joint Standing Committee on Judiciary*

Public Law 2003, chapter 575 gives the Department of Human Services the authority to use the same basic procedure available to the Probate Court to conduct background checks earlier in the adoption process.

**LD 1756**

**An Act To Amend the Uniform Federal Lien Registration Act**

**PUBLIC 518**

Sponsor(s)  
SIMPSON

Committee Report  
OTP

Amendments Adopted  
S-375 PENDLETON

LD 1756 proposed to make the necessary changes to the Uniform Federal Lien Registration Act as requested by the Internal Revenue Service to update and clarify outdated language and to allow the Internal Revenue Service to file notices of federal tax liens electronically with the Secretary of State.

**Senate Amendment "A" (S-375)** proposed to incorporate a fiscal note.

### ***Enacted Law Summary***

Public Law 2003, chapter 518 makes the necessary changes to the Uniform Federal Lien Registration Act as requested by the Internal Revenue Service to update and clarify outdated language and to allow the Internal Revenue Service to file notices of federal tax liens electronically with the Secretary of State.

**LD 1761**

**An Act To Amend the Laws Relating to Nonprofit Corporations**

**PUBLIC 523**

Sponsor(s)  
BULL

Committee Report  
OTP

Amendments Adopted

LD 1761 proposed to eliminate duplicate filings with the Registry of Deeds for documents filed by nonprofit corporations formed under the Maine Revised Statutes, Title 13, chapters 81 and 93. This bill also proposed to streamline the filing requirements with the Secretary of State to be consistent with the filing requirements for other nonprofit corporations formed under Title 13-B.

### ***Enacted Law Summary***

Public Law 2003, chapter 523 eliminates duplicate filings with the Registry of Deeds for documents filed by nonprofit corporations formed under the Maine Revised Statutes, Title 13, chapters 81 and 93. Public Law 2003, chapter 523 also streamlines the filing requirements with the Secretary of State to be consistent with the filing requirements for other nonprofit corporations formed under Title 13-B.