

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).

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 1781 **An Act To Amend the Laws Governing Mechanics' Liens** **ONTP**

<u>Sponsor(s)</u> PELLON STANLEY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1781 proposed to amend the laws governing mechanics' liens regarding when such a lien dissolves and when such a lien may be preserved and enforced by action against the debtor and owner of the property affected.

LD 1786 **An Act Making Amendments to the Uniform Commercial Code
Covering Provisions Dealing with Negotiable Instruments and Bank
Deposits and Collections** **PUBLIC 594**

<u>Sponsor(s)</u> O'NEIL MAYO		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-772
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LD 1786 proposed to amend Articles 3-A and 4 of the Maine Uniform Commercial Code to include warranties concerning the responsibility for unauthorized telephone-generated checks. The warranties would be limited to items that are drawn on a consumer account and would not bear a manual signature. The language has been adopted by the National Conference of Commissioners on Uniform State Laws (NCCUSL).

Committee Amendment "A" (H-772) proposed to replace the bill by defining a new class of payment instrument, drawn on a bank customer's account without an authorized signature, and shifting the risk of loss for processing this instrument to the depository-collecting bank, which is in the best position to prevent its introduction into the check collection system.

Enacted Law Summary

Public Law 2003, chapter 594 amends Articles 3-A and 4 of the Maine Uniform Commercial Code to include warranties concerning "telephonic" and other checks that do not bear the consumer's signature. Chapter 594 shifts the risk of loss for processing this instrument to the depository-collecting bank, which is in the best position to prevent introduction into the check collection system.

LD 1797 **An Act To Clarify the Standards for Granting a Name Change** **PUBLIC 538**

<u>Sponsor(s)</u> MILLS J		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-682
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Joint Standing Committee on Judiciary

LD 1797 proposed to allow a judge to require a criminal history record check, motor vehicle record check or credit check for any person who seeks a name change and to assess the cost of any such check against the person. The bill also proposed to prohibit a name change if the judge has reason to believe the change is for fraudulent purposes or against the public interest.

Committee Amendment "A" (H-682) proposed to clarify that the Probate Court judge has authority to require certain background checks of any person seeking a name change.

Enacted Law Summary

Public Law 2003, chapter 538 allows a probate judge to require a criminal history record check, motor vehicle record check or credit check for any person who seeks a name change and to assess the cost of any such check against the person. It also prohibits a name change if the judge has reason to believe the change is for fraudulent purposes or against the public interest.

Chapter 538 is consistent with In re Reben, 342 A.2d 688 (Me. 1975) and is not intended to restrict the authority of the Probate Court.

LD 1800 **An Act To Discourage Misuse of Protection-from-abuse Proceedings** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMITH W EDMONDS	ONTP	

LD 1800 proposed to remove the requirement that evidence of a parent's prior willful misuse of the protection-from-abuse process may only be considered if the willful misuse tends to show that the acting parent will in the future have a lessened ability and willingness to cooperate with the other parent in their shared responsibility for their child.

LD 1822 **An Act To Increase Access of Domestic Violence Victim Support Agencies to Certain Information** **ONTP**

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

LD 1822 proposed to permit a criminal justice agency to disclose criminal history record information to an agency that provides services to victims of domestic violence in order to assist that agency in providing those services.