

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 1851 **An Act To Implement the Recommendations of the Family Law
Advisory Commission with Regard to the Uniform Parentage Act** **ONTP**

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

LD 1851 proposed to enact the Uniform Parentage Act with changes recommended by the Family Law Advisory Commission.

LD 1897 **An Act To Make Emergency Changes to Recent Law** **PUBLIC 599
EMERGENCY**

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

LD 1897 proposed to make corrections to recent Maine laws in the nature of an Errors Bill.

Senate Amendment "A" (S-416) proposed to amend the new pharmacy benefits management law concerning confidentiality of PBM information and the application of the law. (Not adopted) See LD 1916, Committee Amendment.

Enacted law summary

Public Law 2003, chapter 599 corrects errors and inconsistencies in the laws of Maine, some of which were created by the delayed effective date of the First Regular Session Errors Bill, LD 274, now Public Law 2003, Chapter 510. Although the bill was not referred to a committee, the Judiciary Committee reviewed it's content.

Non-technical changes include amendments to the CNA laws.

Public Law 2003, chapter 599 was enacted as an emergency measure effective April 6, 2004.

LD 1906 **An Act To Amend the Protection from Harassment Laws** **PUBLIC 658**

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
MILLS J PENDLETON		OTP-AM MAJ ONTP MIN		H-840 H-889 MILLS J

LD 1906 proposed to amend the Protection from Harassment laws to rename the petition a "complaint", require the plaintiff to file a report with the appropriate law enforcement agency and to present evidence of that report when filing a complaint for protection from harassment, and to remove the requirement that the hearing on the complaint

Joint Standing Committee on Judiciary

for protection from harassment be held within 21 days of the filing of the complaint. It proposed to allow the judge to require the parties to engage in alternative dispute resolution.

Finally, the bill proposed to allow a court to require a plaintiff to pay court costs and attorney's fees if the complaint is dismissed.

Committee Amendment "A" (H-840) proposed to delete from the bill the requirement that a plaintiff first report the harassment to a law enforcement agency before seeking a protection from harassment order, language concerning case management conferences and alternative dispute resolution and the authorization to charge the plaintiff for court costs and attorney's fees.

House Amendment "A" (H-889) proposed to remove the emergency preamble and the emergency clause.

Enacted Law Summary

Public Law 2003, chapter 658 amends the Protection From Harassment laws to remove the requirement that the hearing on the complaint be held within 21 days.

LD 1916

An Act To Correct Errors and Inconsistencies in the Laws of Maine

**PUBLIC 688
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-907 H-923 NORBERT H-946 NORBERT H-947 NORBERT H-950 NORBERT H-952 NORBERT H-953 NORBERT S-552 PENDLETON S-555 PENDLETON S-559 PENDLETON

LD 1916 proposed to correct technical errors and inconsistencies in the laws of Maine.

Committee Amendment "A" (H-907) proposed to label the sections of the bill as Part A, and add Part B, consisting of technical changes, Part C, consisting of changes that are or may be considered substantive, Part D, correcting a conflict involving the Pine Tree Development Zones, Part E amending the bottle redemption law to refer to vintners, and Part F, amending the law governing prosecution of civil and criminal inland fisheries and wildlife violations.

House Amendment "A" to Committee Amendment "A" (H-923) proposed to require the Department of Human Services to start the rule-making process for the Community Health Access Program no later than January 1, 2007.

House Amendment "B" to Committee Amendment "A" (H-946) proposed to correct cross-references to the laws governing Pine Tree Development Zones.