

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

*State Of Maine  
122nd Legislature*

*Second Regular Session*

*Bill Summaries*

*Joint Standing Committee  
on  
Judiciary*

*July 2006*

**Members:**

*Sen. Barry J. Hobbins, Chair*

*Sen. Lynn Bromley*

*Sen. David R. Hastings III*

*Rep. Deborah L. Simpson, Chair*

*Rep. Sean Faircloth*

*Rep. Stan Gerzofsky*

*Rep. Marilyn E. Canavan*

*Rep. Mark E. Bryant*

*Rep. Michael Edward Dunn*

*Rep. Roger L. Sherman*

*Rep. Roderick W. Carr*

*Rep. Joan Bryant-Deschenes*

*Rep. Joan M. Nass*

**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

### 122nd Maine Legislature Second 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 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
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 (Pocket Veto).....	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 August 23, 2006.

*Joint Standing Committee on Judiciary*

LD 2111

**An Act To Implement the Recommendations of the Freedom of Access Advisory Committee**

**PUBLIC 631**

Sponsor(s)

Committee Report  
OTP

Amendments Adopted

LD 2111 proposed to enact certain recommendations of the Freedom of Access Advisory Committee, established by Resolve 2005, chapter 123, and recommendations of the Joint Standing Committee on Judiciary pursuant to the Maine Revised Statutes, Title 1, section 432. The bill proposed to establish the Right To Know Advisory Committee, a permanent advisory council representing all levels and branches of government. It proposed to revise the public records exception review processes.

**Senate Amendment “A” (S-627)** proposed to repeal the authority for the Right to Know Advisory Committee 90 days after adjournment of the Second Regular Session of the 123rd Legislature. The amendment proposed to require that the first year funding come from the preexisting legislative study budget for fiscal year 2006-07 only. The amendment proposed to require that for the next fiscal year the advisory committee fully fund its activities through outside funding sources. (Not adopted)

***Enacted law summary***

Public Law 2005, chapter 631 includes recommendations of the Freedom of Access Advisory Committee, established by Resolve 2005, chapter 123, and recommendations of the Joint Standing Committee on Judiciary pursuant to the Maine Revised Statutes, Title 1, section 432. Chapter 631 establishes the Right To Know Advisory Committee, a permanent advisory council representing all levels and branches of government as well as the media and the public. The advisory committee has oversight authority and responsibility for a broad range of activities associated with the purposes and principles underlying the freedom of access laws. The responsibility for reviewing existing public records exceptions, currently a task assigned to the Joint Standing Committee on Judiciary, is shifted to the advisory committee. Flexibility for review of exceptions outside of the listed schedule is provided. The advisory committee may make recommendations for changes in the statute to improve the laws and may make recommendations to the Governor, the Legislature, the Chief Justice of the Supreme Judicial Court and local and regional governmental entities with regard to best practices in providing the public access to records and proceedings and to maintain the integrity of the freedom of access laws and their underlying principles. The joint standing committee of the Legislature having jurisdiction over judiciary matters may report out legislation based on the advisory committee's recommendations. This bill revises the schedule for review of existing public records exceptions and includes in the review the question of whether there is a publicly accountable entity with authority to review the activities of the agency or official that collects, maintains and uses confidential information.

**HP 1502**

**Commission To Study Access to Birth Certificates and Medical Records for Adult Adoptees**

**DIED BETWEEN BODIES**

Sponsor(s)

Committee Report

Amendments Adopted

HP 1502 proposed to create the Commission to Study Access to Birth Certificates and Medical Records for Adult Adoptees, made up of three members of the Senate and four members of the House of Representatives. See also LD 1805.