

MAINE STATE LEGISLATURE

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*State Of Maine
122nd Legislature*

*First Regular Session and
First Special Session*

Bill Summaries

*Joint Standing Committee
on
Judiciary*

August 2005

Members:

Sen. Barry J. Hobbins, Chair

Sen. Lynn Bromley

Sen. David R. Hastings III

*Rep. Deborah L. Pelletier-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

Rep. Donna M. Loring

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Maine State Legislature

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122nd Legislature
First Regular Session and First Special Session

Summary of Legislation Considered by the Joint Standing Committees
August 2005

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing 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 organized by committees 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. A subject index for each committee is included immediately before the bill summaries for that committee, and a numerical index by LD number is included 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).

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:

- CARRIED OVER Bill Carried Over to Second Regular Session
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
OTP ND/NT..... Committee report Ought To Pass In New Draft/New Title
P&S XXX..... Chapter # of enacted Private & Special Law
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 the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is June 29, 2005; and for non-emergency legislation enacted in the First Special Session is September 17, 2005.

Joint Standing Committee on Judiciary

LD 301

Resolve, To Implement the Recommendations of the Committee To Study Compliance with Maine's Freedom of Access Laws **RESOLVE 123**

| | | |
|-------------------|-------------------------|---------------------------|
| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
| | OTP-AM | H-713 DUPLESSIE |

LD 301 is a unanimous recommendation of the Committee to Study Compliance with Maine's Freedom of Access Laws. It proposed to establish the permanent Freedom of Access Advisory Committee to maintain the integrity of Maine's freedom of access laws. The bill also proposed to establish the Public Access Ombudsman within the Department of the Attorney General. It also proposed to establish legislative staff services for the legislative committees that are required to conduct the review of exceptions to public records laws.

Committee Amendment "A" (H-632) proposed to delete the Public Access Ombudsman from the bill and shift some of the responsibilities to the Freedom of Access Advisory Committee. (Not adopted)

House Amendment "A" (H-713) proposed to convert the bill to a resolve, make the Freedom of Access Advisory Committee temporary rather than permanent, adjust the duties of the advisory committee and make changes to conform to the drafting standards for studies approved by the Legislative Council and the Joint Rules.

Enacted law summary

Resolve 2005, chapter 123 establishes the Freedom of Access Advisory Committee as a one-year study commission to provide information and advice to the Joint Standing Committee on Judiciary as it reviews public record exceptions and to review the public's access to public proceedings and records. The committee is also directed to make recommendations to the Governor, the Legislature and the Chief Justice of the Maine Supreme Judicial Court, as well as local and regional governmental activities, for changes in law and practice that are appropriate to maintain the integrity of the freedom of access laws and their underlying principles.

LD 321

Resolve, To Review the Housing Discrimination Laws

**DIED IN
CONCURRENCE**

| | | |
|-------------------|-------------------------|---------------------------|
| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
| | OTP-AM MAJ ONTP MIN | |

LD 321 proposed to provide the same protections against housing discrimination to recipients of public assistance as to all other protected classes.

Committee Amendment "A" (S-136), the majority report of the Joint Standing Committee on Judiciary, proposed to replace the bill with a resolve directing the Maine Human Rights Commission to convene a study group to review the housing discrimination laws as they protect recipients of public assistance. The amendment proposed that the commission submit a report to the Joint Standing Committee on Judiciary by January 31, 2006. (Not adopted)